

Defined terms: "Abuse" § 5-901  
"Child" § 5-901 "Local department" § 5-901

5-912. SAME -- PROTECTION OF RIGHTS OF SUSPECTED CHILD ABUSERS.

(A) RULES AND REGULATIONS.

THE SECRETARY OF HUMAN RESOURCES SHALL ADOPT RULES AND REGULATIONS NECESSARY TO PROTECT THE RIGHTS OF PERSONS SUSPECTED OF CHILD ABUSE. THE RULES AND REGULATIONS SHALL INCLUDE THE PROVISIONS OF THIS SECTION.

(B) NOTICE.

BEFORE THE NAME OF A PERSON WHO IS SUSPECTED OF CHILD ABUSE IS ENTERED IN THE CHILD ABUSE CENTRAL REGISTRY, THE PERSON SHALL BE GIVEN NOTICE.

(C) HEARING REQUIRED; EXCEPTION.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, ON REQUEST BY A PERSON SUSPECTED OF CHILD ABUSE, THE DEPARTMENT SHALL HOLD AN ADMINISTRATIVE HEARING FOR THE PURPOSE OF ALLOWING THE PERSON TO APPEAL THE ENTRY OF THE PERSON'S NAME IN THE CENTRAL REGISTRY.

(2) THE HEARING SHALL BE HELD IN THE COUNTY IN WHICH THE PERSON SUSPECTED OF CHILD ABUSE RESIDES.

(3) THE NAME OF A PERSON ADJUDICATED A CHILD ABUSER MAY BE ENTERED IN THE CENTRAL REGISTRY WITHOUT AN OPPORTUNITY FOR A HEARING UNDER THIS SUBSECTION.

(D) REQUIREMENTS FOR ENTRY OF NAME IN CENTRAL REGISTRY.

THE DEPARTMENT MAY NOT ENTER THE NAME OF A PERSON IN THE CENTRAL REGISTRY UNLESS THE PERSON HAS:

(1) BEEN ADJUDICATED A CHILD ABUSER;

(2) UNSUCCESSFULLY APPEALED THE ENTRY OF THE PERSON'S NAME IN THE CENTRAL REGISTRY UNDER PROCEDURES ESTABLISHED BY THE DEPARTMENT AND THIS SECTION; OR

(3) FAILED TO RESPOND WITHIN 15 DAYS TO NOTICE BY THE DEPARTMENT OF THE DEPARTMENT'S INTENT TO ENTER THE PERSON'S NAME IN THE CENTRAL REGISTRY.

(E) REMOVAL OF NAME FROM CENTRAL REGISTRY.

ON REQUEST BY THE PERSON, THE DEPARTMENT SHALL REMOVE THE NAME OF A PERSON SUSPECTED OF CHILD ABUSE FROM THE CENTRAL REGISTRY IF NO ENTRY HAS BEEN MADE FOR THAT PERSON FOR 7 YEARS BEFORE THE DATE OF THE REQUEST.