

(3) HAS NOT BEEN FOUND GUILTY OF ANY CRIMINAL CHARGE ARISING OUT OF THE ALLEGED ABUSE OR NEGLECT.

[5-706.2.

(a) When there has been a finding of indicated or unsubstantiated child abuse or neglect under § 5-706 of this subtitle, and an administrative hearing to appeal has been requested before an administrative law judge under § 5-706.1 of this subtitle, the person who is the alleged abuser or the person who is suspected of child neglect may request an in camera review by the administrative law judge of the full report or record to determine the accuracy and sufficiency of the report or record.

(b) On notice to the Department by the Office of Administrative Hearings that there has been a request under this section or § 5-706.1 of this subtitle, the Department shall forward all reports and records concerning the case to the Office of Administrative Hearings.

(c) After the administrative law judge determines that the information contained in the report or record is sufficient and accurate for purposes of determining an issue in a proceeding, the administrative law judge may provide the full report or record to the person who is the subject of the report or record, provided that provisions are made for the protection of the identity of the person who provided the information in the report or record or any other person whose life or safety is likely to be endangered by the provision of the full report or record.

(d) (1) If a person contests the finding of the Department, after review of the reports and records and any additional written information submitted by the person, the administrative law judge shall make a determination as to the correctness of the finding.

(2) If the administrative law judge determines that the finding is incorrect, the administrative law judge shall order the Department to amend, modify, or expunge the finding, as appropriate.]

5-707.

(a) Subject to federal and State law, the Administration shall provide by regulation adopted in accordance with Title 10, Subtitle 1 of the State Government Article:

(1) procedures for protecting the confidentiality of reports and records made in accordance with this subtitle;

(2) conditions under which information may be released; [and]

(3) conditions for determining in cases whether abuse, neglect, or sexual abuse is indicated, ruled out, or unsubstantiated; AND

(4) PROCEDURES FOR THE APPEAL PROCESSES PROVIDED IN THIS SUBTITLE.

(b) The local department shall expunge a report of suspected abuse or neglect and all assessments and investigative findings: