

(6) THE ISSUANCE OF AN EMERGENCY ORDER AND THE APPOINTMENT OF A TEMPORARY GUARDIAN SHALL NOT DEPRIVE THE PERSON OF ANY RIGHTS EXCEPT TO THE EXTENT PROVIDED FOR IN THE ORDER OR APPOINTMENT;

(7) TO IMPLEMENT AN EMERGENCY ORDER, THE COURT MAY AUTHORIZE FORCIBLE ENTRY OF THE PREMISES OF THE PERSON FOR THE PURPOSE OF RENDERING PROTECTIVE SERVICES OR TRANSPORTING THE PERSON TO ANOTHER LOCATION FOR THE PROVISION OF SUCH SERVICES ONLY AFTER A SHOWING TO THE COURT THAT ATTEMPTS TO GAIN VOLUNTARY ACCESS TO THE PREMISES HAVE FAILED AND FORCIBLE ENTRY IS NECESSARY. PERSONS MAKING AUTHORIZED FORCIBLE ENTRY SHALL BE ACCOMPANIED BY A LAW-ENFORCEMENT OFFICER, THE DIRECTOR OF HIS REPRESENTATIVE, AND IF APPROPRIATE, A REPRESENTATIVE OF THE LOCAL DEPARTMENT OF HEALTH.

(D) THE PETITION FOR AN EMERGENCY ORDER SHALL SET FORTH THE NAME, ADDRESS, AND INTEREST OF THE PETITIONER; THE NAME, AGE, AND ADDRESS OF THE PERSON IN NEED OF PROTECTIVE SERVICES; THE NATURE OF THE PERSON'S DISABILITY, IF DETERMINABLE; THE PROPOSED PROTECTIVE SERVICES; THE PETITIONER'S REASONABLE BELIEF, TOGETHER WITH FACTS SUPPORTIVE THEREOF, AS TO THE EXISTENCE OF THE FACTS STATED IN SUBSECTION (A) (1) THROUGH (3) ABOVE; AND FACTS SHOWING PETITIONER'S ATTEMPTS TO OBTAIN THE PERSON'S CONSENT TO THE SERVICES AND THE OUTCOMES OF SUCH ATTEMPTS.

(E) NOTICE OF THE FILING OF SUCH PETITION SHALL BE GIVEN AS REQUIRED IN THE MARYLAND RULES AND TO THE DIRECTOR. SUCH NOTICE SHALL BE GIVEN IN LANGUAGE REASONABLY UNDERSTANDABLE BY THE INTENDED RECIPIENTS AT LEAST 24 HOURS PRIOR TO THE HEARING FOR EMERGENCY INTERVENTION. THE COURT MAY WAIVE THE 24-HOUR NOTICE REQUIREMENT UPON A SHOWING THAT (1) IMMEDIATE AND REASONABLY FORESEEABLE PHYSICAL HARM TO THE PERSON OR OTHERS WILL RESULT FROM THE 24-HOUR DELAY, AND (2) REASONABLE ATTEMPTS HAVE BEEN MADE TO GIVE SUCH NOTICE. NOTICE OF THE COURT'S FINAL ORDER SHALL BE GIVEN TO THE SAME PARTIES.

(F) THE HEARING ON A PETITION FOR AN EMERGENCY ORDER FOR PROTECTIVE SERVICES SHALL BE HELD UNDER THE FOLLOWING CONDITIONS:

(1) THE PERSON SHALL BE PRESENT UNLESS HE HAS KNOWINGLY AND VOLUNTARILY WAIVED THE RIGHT TO BE PRESENT OR CANNOT BE PRESENT BECAUSE OF PHYSICAL OR MENTAL INCAPACITY. WAIVER OR INCAPACITY MAY NOT BE PRESUMED FROM NONAPPEARANCE BUT SHALL BE DETERMINED ON THE BASIS OF FACTUAL INFORMATION SUPPLIED TO THE COURT BY COUNSEL OR A REPRESENTATIVE APPOINTED BY THE COURT.

(2) THE PERSON HAS THE RIGHT TO COUNSEL WHETHER OR NOT HE IS PRESENT AT THE HEARING, ~~UNLESS HE INTELLIGENTLY AND VOLUNTARILY WAIVES THE RIGHT.~~ IF THE PERSON IS INDIGENT OR LACKS THE CAPACITY TO WAIVE