

(1) THIS STATE SHALL BE A PARTY IN EACH PROCEEDING UNDER THIS SUBTITLE.

(2) THE STATE'S ATTORNEY SHALL REPRESENT THIS STATE IN THE PROCEEDING.

(B) OTHER PARTIES.

IF AN INDIVIDUAL FOR WHOM COMMITMENT IS SOUGHT IS AN UNMARRIED MINOR IN THE LEGAL CUSTODY OF, OR DEPENDENT ON, A PARENT, NEXT OF KIN, OR GUARDIAN OF THE PERSON, THE COURT:

(1) SHALL HAVE SERVED ON THE PARENT, NEXT OF KIN, OR GUARDIAN A COPY OF EACH ORDER THAT IS SERVED ON THE INDIVIDUAL; AND

(2) MAY REQUIRE THE PARENT, NEXT OF KIN, OR GUARDIAN TO BE PRESENT AT ANY STAGE OF THE COMMITMENT PROCEEDING.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43B, § 9(m) and the fourth and fifth sentences of (d). It is revised to apply to all commitment proceedings under this subtitle. See revisor's note to § 9-601 of this subtitle.

In the introductory clause of subsection (b) of this section, the reference to a "guardian of the person" is substituted for "legal guardian", to conform to the terminology in the Estates and Trust Article.

9-605. RIGHT TO COUNSEL.

(A) IN GENERAL.

(1) THE INDIVIDUAL FOR WHOM COMMITMENT IS SOUGHT IS ENTITLED TO COUNSEL AT EACH STAGE OF THE PROCEEDING.

(2) IF THE INDIVIDUAL WANTS BUT CANNOT AFFORD COUNSEL, THE COURT SHALL ASSIGN COUNSEL.

(3) IF THE INDIVIDUAL WANTS COUNSEL, THE COURT SHALL ADJOURN THE PROCEEDING FOR A REASONABLE TIME TO ALLOW THE INDIVIDUAL TO OBTAIN COUNSEL.

(B) WAIVER.

IF THE INDIVIDUAL DOES NOT WANT COUNSEL, THE COURT SHALL DETERMINE WHETHER THE INDIVIDUAL KNOWS THE SIGNIFICANCE OF WAIVING COUNSEL. IF THE COURT IS NOT SATISFIED THAT THE INDIVIDUAL KNOWS THE SIGNIFICANCE, THE COURT SHALL ASSIGN COUNSEL.