

## (C) FAILURE TO RESPOND.

IF A PERSON IS NOTIFIED UNDER THIS SECTION AND FAILS TO INTERVENE WITHIN THE TIME STATED IN THE SHOW CAUSE ORDER, THE COURT SHALL CONSIDER THE REQUIREMENT OF CONSENT BY THAT PERSON TO THE ADOPTION OR TO THE GUARDIANSHIP TO BE WAIVED.

REVISOR'S NOTE: This section formerly appeared as Article 16, § 77A.

The only other changes are in style.

Defined terms: "Guardianship" § 5-301  
"Includes" § 1-101 "Independent adoption" § 5-301

## 5-323. COUNSEL.

## (A) IN GENERAL.

IN A PROCEEDING FOR AN ADOPTION OR GUARDIANSHIP, THE COURT SHALL APPOINT SEPARATE COUNSEL TO REPRESENT:

(1) THE INDIVIDUAL TO BE ADOPTED, IF THE CONSENT OF THE INDIVIDUAL TO BE ADOPTED IS REQUIRED AND THE INDIVIDUAL HAS A DISABILITY THAT RENDERS THE INDIVIDUAL INCAPABLE OF CONSENTING AND OTHERWISE EFFECTIVELY PARTICIPATING IN THE PROCEEDINGS;

(2) A NATURAL PARENT WHO HAS A DISABILITY THAT RENDERS THE NATURAL PARENT INCAPABLE OF CONSENTING AND EFFECTIVELY PARTICIPATING IN THE PROCEEDINGS;

(3) A MINOR PARENT;

(4) IN AN INVOLUNTARY TERMINATION OF PARENTAL RIGHTS, AN INDIVIDUAL WHO IS THE SUBJECT OF THE PROCEEDING AND IS AN INDIGENT PARENT; AND

(5) IN A HEARING UNDER § 5-319 OF THIS SUBTITLE, AN INDIGENT NATURAL PARENT WHO HAS NOT WAIVED THE RIGHT TO RECEIVE NOTICE OF THE CHILD'S STATUS.

## (B) DISABILITY.

TO DETERMINE WHETHER AN INDIVIDUAL WHOSE CONSENT IS REQUIRED HAS A DISABILITY THAT RENDERS THE INDIVIDUAL INCAPABLE OF CONSENTING AND OTHERWISE EFFECTIVELY PARTICIPATING IN THE PROCEEDINGS, THE COURT, ON ITS OWN MOTION OR ON MOTION OF A PARTY, MAY ORDER AN EXAMINATION OF THE INDIVIDUAL.

## (C) COUNSEL FEES AND COSTS.

COUNSEL APPOINTED UNDER THIS SECTION MAY BE COMPENSATED FOR REASONABLE FEES, AS APPROVED BY THE COURT. THE COURT MAY ASSIGN THE COSTS AMONG THE PARTIES AS THE COURT CONSIDERS APPROPRIATE.