

(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. If the person is indigent or lacks the capacity to waive counsel, the court shall appoint counsel. Where the person is indigent, the State shall pay reasonable attorney's fees.

(3) The person may present evidence and cross-examine witnesses. This hearing shall be held no earlier than 24 hours after the notice required in subsection (e) above has been given, unless such notice has been waived by the court.

(g) The court shall issue for the record a statement of its findings in support of any order for emergency protective services.

(h) The person, the temporary guardian, or any interested person may petition the court to have the emergency order set aside or modified at any time, notwithstanding any prior findings by the court that the person is disabled.

(i) Where protective services are rendered on the basis of an emergency order, the temporary guardian shall submit a report describing the circumstances including the name, place, date, and nature of the services, and the use of forcible entry, if any, to the court and the director. This report shall become part of the court record.

(j) The person or the guardian of the person may appeal any findings of a court under § 13-709(b) of this subtitle. Such appeal shall be handled on an expedited basis by the appellate court.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1993.

Approved May 11, 1993.

CHAPTER 209

(Senate Bill 63)

AN ACT concerning

Vehicle Laws – Driver's Licenses – Issuance

FOR the purpose of prohibiting the Motor Vehicle Administration, except in certain circumstances, from issuing a driver's license to an individual during any period for which the individual's license has been revoked, suspended, refused, or canceled in another state.

BY repealing and reenacting, with amendments,