

CHAPTER 599.

(House Bill 1309)

AN ACT concerning

Juvenile Causes – Right to Counsel – Payment for Legal Services

FOR the purpose of providing that in certain review hearings and proceedings involving a child in need of assistance that certain parties are not entitled to representation by the Office of the Public Defender under certain circumstances; eliminating a requirement that there be a motion before certain parties are entitled to representation by the Office of the Public Defender under certain circumstances; prohibiting the Office of the Public Defender from representing certain parties in child in need of assistance proceedings unless there are certain factors present; providing that in Montgomery County the Office of the Public Defender may represent a child who is found to be in need of assistance; eliminating the termination provision relating to eligibility for representation by the Office of the Public Defender in child in need of assistance cases; making stylistic changes; and generally relating to the right to representation by the Office of the Public Defender in child in need of assistance proceedings.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3-821
Annotated Code of Maryland
(1989 Replacement Volume and 1992 Supplement)

BY repealing and reenacting, with amendments,
Chapter 631 of the Acts of the General Assembly of 1992
Section 2

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

3-821.

(a) Except as provided in subsections (b) and (c) of this section, a party is entitled to the assistance of counsel at every stage of any proceeding under this subtitle.

(b) Except for the petitioner and the child who is the subject of the petition, a party in a child in need of assistance proceeding is not entitled to the assistance of counsel at State expense unless:

(1) The party is the custodial parent or guardian of the child alleged to be in need of assistance;

(2) The party is indigent; and