

Article - Family Law

5-323.

(a) In a proceeding for an adoption or guardianship, UNLESS THE PUBLIC DEFENDER IS REQUIRED TO PROVIDE REPRESENTATION, 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; AND

(4) in an involuntary termination of parental rights, an individual who is the subject of the proceeding [and an indigent parent; and];

(B) ~~EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION,~~ THE PUBLIC DEFENDER SHALL REPRESENT:

(1) IN AN INVOLUNTARY TERMINATION OF PARENTAL RIGHTS, AN INDIGENT PARENT; AND

[(5)](2) 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)](C) 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)](D) 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.

[(d)](E) (1) An attorney or firm representing the adoptive parent or child placement agency may not represent the natural parent in the same adoption proceeding.

(2) An attorney or firm representing the natural parent may not represent the adoptive parent or child placement agency in the same adoption proceeding.

~~(F) THE PUBLIC DEFENDER MAY NOT REPRESENT AN INDIGENT PARENT IN AN INVOLUNTARY TERMINATION OF PARENTAL RIGHTS HEARING OR IN A HEARING UNDER § 5-319 OF THIS SUBTITLE, UNLESS THE PARENT AFFIRMS UNDER OATH THAT THE PARENT:~~

~~(i) HAS MAINTAINED CONTACT WITH THE CHILD AS MANIFESTED BY THE PARENT'S SUBSTANTIAL:~~

~~(i) VISITATION WITH THE CHILD;~~