

(2) IN ANY ACTION IN WHICH PAYMENT FOR THE SERVICES OF A COURT-APPOINTED ATTORNEY FOR THE CHILD IS THE RESPONSIBILITY OF THE LOCAL DEPARTMENT OF SOCIAL SERVICES, UNLESS THE COURT FINDS ~~BY CLEAR AND CONVINCING EVIDENCE~~ THAT IT WOULD NOT BE IN THE BEST INTERESTS OF THE CHILD, THE COURT SHALL:

(I) APPOINT AN ATTORNEY WHO HAS CONTRACTED WITH THE DEPARTMENT OF HUMAN RESOURCES TO PROVIDE THOSE SERVICES, IN ACCORDANCE WITH THE TERMS OF THE CONTRACT; AND

(II) IN AN ACTION IN WHICH AN ATTORNEY HAS PREVIOUSLY BEEN APPOINTED, STRIKE THE APPEARANCE OF THE ATTORNEY PREVIOUSLY APPOINTED, AND APPOINT THE ATTORNEY WHO IS CURRENTLY UNDER CONTRACT WITH THE DEPARTMENT OF HUMAN RESOURCES, IN ACCORDANCE WITH THE TERMS OF THE CONTRACT.

(b) The compensation for the services of the attorney may be assessed against any party or parties to the action.

(c) In addition to, but not instead of, the appointment of an attorney under subsection (a) of this section, the court, in any action, may appoint an individual provided by the Court-Appointed Special Advocate Program established under § 3-834.1 of this subtitle.

Article - Estates and Trusts

13-705.

(d) (1) [Unless] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, UNLESS the alleged disabled person has counsel of his own choice, the court shall appoint an attorney to represent him in the proceeding. If the person is indigent, the State shall pay a reasonable attorney's fee.

(2) IN ANY ACTION IN WHICH PAYMENT FOR THE SERVICES OF A COURT-APPOINTED ATTORNEY FOR THE ALLEGED DISABLED PERSON IS THE RESPONSIBILITY OF THE LOCAL DEPARTMENT OF SOCIAL SERVICES, UNLESS THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT IT WOULD NOT BE IN THE BEST INTERESTS OF THE ALLEGED DISABLED PERSON, THE COURT SHALL:

(I) APPOINT AN ATTORNEY WHO HAS CONTRACTED WITH THE DEPARTMENT OF HUMAN RESOURCES TO PROVIDE THOSE SERVICES, IN ACCORDANCE WITH THE TERMS OF THE CONTRACT; AND

(II) IN AN ACTION IN WHICH AN ATTORNEY HAS PREVIOUSLY BEEN APPOINTED, STRIKE THE APPEARANCE OF THE ATTORNEY PREVIOUSLY APPOINTED AND APPOINT THE ATTORNEY WHO IS CURRENTLY UNDER CONTRACT WITH THE DEPARTMENT OF HUMAN RESOURCES, IN ACCORDANCE WITH THE TERMS OF THE CONTRACT.