

[(4)](IV) in an involuntary termination of parental rights, an individual who is the subject of the proceeding.

(2) IN ANY ACTION IN WHICH PAYMENT FOR THE SERVICES OF A COURT-APPOINTED ATTORNEY FOR A 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; 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.

(b) The public defender shall represent:

(1) in an involuntary termination of parental rights, an indigent parent; and

(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.

(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.

(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.

(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.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1995.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health and safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved May 9, 1995.