

Such petition for appointment of a guardian of the person shall be heard on an expedited basis no more than 60 days after the filing of the petition;

(d) The petition for an emergency order shall set forth the name, address, and interest of the petitioner; the name, age, and address of the person in need of protective services; the nature of the person's disability, if determinable; the proposed protective services; the petitioner's reasonable belief, together with facts supportive thereof, as to the existence of the facts stated in subsection (b)(1) through (3) [above] OF THIS SECTION; and facts showing petitioner's attempts to obtain the person's consent to the services and the outcomes of such attempts.

(f) (1) The hearing on a petition for an emergency order for protective services shall be held under the following conditions:

(i) 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.

(ii) The person has the right to counsel whether or not he is present at the hearing. Subject to paragraph (2) of this subsection, 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.

(iii) 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] OF THIS SECTION has been given, unless such notice has been waived by the court.

(2) In any action in which payment for the services of a court-appointed attorney for the person is the responsibility of the local department of social services, unless the court finds that it would not be in the best interests of the 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.

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

DRAFTER'S NOTE:

Error: Incomplete cross-references in § 13-709(a), (b)(1) and (2), (c)(5), (d), and (j) of the Estates and Trusts Article; incomplete cross-reference in