

(H) (1) (I) A COURT EXERCISING OTHER THAN CRIMINAL JURISDICTION SHALL ORDER AN INDIVIDUAL REPRESENTED BY THE PUBLIC DEFENDER TO REIMBURSE THE STATE FOR THE REASONABLE VALUE OF SERVICES RENDERED TO THE INDIVIDUAL BY THE PUBLIC DEFENDER IN AN AMOUNT THAT THE INDIVIDUAL MAY REASONABLY BE ABLE TO PAY, UNLESS THE COURT AFFIRMATIVELY FINDS ONE OF THE FOLLOWING FACTORS:

1. THE INDIVIDUAL DOES NOT HAVE THE ABILITY TO MAKE REIMBURSEMENT; OR

2. THERE IS GOOD CAUSE FOR NOT ORDERING REIMBURSEMENT.

(II) IF THE INDIVIDUAL REPRESENTED BY AN INDIVIDUAL REPRESENTED BY THE PUBLIC DEFENDER IS IS A CHILD AS DEFINED UNDER § 3-801 OF THE COURTS ARTICLE REPRESENTS A MINOR, THE COURT SHALL ORDER THE PARENTS, GUARDIAN, OR CUSTODIAN OF THE MINOR SHALL PAY TO REIMBURSE THE STATE FOR THE REASONABLE VALUE OF SERVICES RENDERED TO THE INDIVIDUAL BY THE PUBLIC DEFENDER IN AN AMOUNT THAT THE PARENTS, GUARDIAN, OR CUSTODIAN MAY REASONABLY BE ABLE TO PAY, UNLESS THE COURT AFFIRMATIVELY FINDS ONE OF THE FOLLOWING FACTORS:

1. THE PARENTS, GUARDIAN, OR CUSTODIAN DO NOT HAVE THE ABILITY TO MAKE REIMBURSEMENT; OR

2. THERE IS GOOD CAUSE FOR NOT ORDERING REIMBURSEMENT.

(2) PRIOR TO ORDERING REIMBURSEMENT OR PAYMENT UNDER THIS SUBSECTION, THE COURT SHALL GRANT A HEARING TO TAKE EVIDENCE ON THE INDIVIDUAL'S OR THE CHILD'S PARENTS' ABILITY TO PAY.

(2) BEFORE ORDERING REIMBURSEMENT UNDER THIS SUBSECTION, A COURT SHALL GRANT AN OPPORTUNITY TO BE HEARD TO THE INDIVIDUAL OR THE PARENTS, GUARDIAN, OR CUSTODIAN OF A MINOR.

(3) THE COURT SHALL ESTABLISH THE AMOUNT TO BE PAID, THE METHOD OF PAYMENT, AND THE TIME THAT PAYMENT IS TO BE PAID.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1991.

Approved May 24, 1991.