

Approved May 26, 1992.

CHAPTER 631

(House Bill 1560)

AN ACT concerning

Juvenile Causes – Right to Counsel in Child in Need of Assistance Proceedings – Payment for Legal Services

FOR the purpose of providing that, in child in need of assistance proceedings, certain parties have the right to legal representation at State expense or by the Office of the Public Defender under certain circumstances; establishing the circumstances under which a parent or guardian of a child alleged to be in need of assistance is entitled to the assistance of counsel at State expense; requiring a custodial parent or guardian to apply to the Office of the Public Defender requesting the Public Defender to represent the parent or guardian; permitting the Public Defender for Montgomery County to represent a child who is alleged to be in need of assistance; permitting compensation for services of an attorney appointed to represent a child in a juvenile proceeding to be assessed by the court against certain individuals; providing for the effective date of this Act; providing for the termination of this Act; and generally relating to the right to counsel in child in need of assistance proceedings.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3-821
Annotated Code of Maryland
(1989 Replacement Volume and 1991 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

3-821.

(A) [A] EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, A party is entitled to the assistance of counsel at every stage of any proceeding under this subtitle.

(B) EXCEPT FOR THE PETITIONER AND THE CHILD WHO IS THE SUBJECT OF THE PETITION, A PARTY IN A CHILD IN NEED OF ASSISTANCE PROCEEDING IS NOT ENTITLED TO THE ASSISTANCE OF COUNSEL AT STATE EXPENSE UNLESS:

(1) THE PARTY IS THE CUSTODIAL PARENT OR GUARDIAN OF THE CHILD ALLEGED TO BE IN NEED OF ASSISTANCE;