

(2) THE PARTY IS INDIGENT; AND

~~(2)~~ (3) (I) THE PROCEEDING IS UNDER § 3-815, § 3-819, OR § 3-820 OF THIS SUBTITLE; OR AND

~~(3)~~ (4) (II) 1. THE PROCEEDING IS A REVIEW HEARING UNDER MARYLAND RULE 915D IN WHICH:

1. A. THE STATE ~~MOVES HAS MOVED~~ TO REMOVE THE CHILD FROM THE CUSTODY OF THE PARENT OR GUARDIAN; OR

2. B. THE PARENT OR GUARDIAN HAS MOVED TO REGAIN CUSTODY; AND

(H) 2. THE COURT ON ITS OWN MOTION, OR THAT OF ANY PARTY, DETERMINES THAT DUE TO THE PRESENCE OF COMPLEX FACTUAL OR LEGAL ISSUES THE ASSISTANCE OF COUNSEL IS NECESSARY TO ENSURE THAT THE PROCEEDING DOES NOT ENTAIL THE RISK OF ERRONEOUS DEPRIVATION OF CUSTODY; AND

~~(3)~~ (4) THE PARTY IS INDIGENT.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE OFFICE OF THE PUBLIC DEFENDER MAY NOT REPRESENT A PARTY IN A CHILD IN NEED OF ASSISTANCE PROCEEDING UNLESS:

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

(2) (II) THE PROCEEDING IS UNDER § 3-815, § 3-819, OR § 3-820 OF THIS SUBTITLE;

(3) (III) THE PARTY APPLIES TO THE OFFICE OF THE PUBLIC DEFENDER REQUESTING LEGAL REPRESENTATION BY THE PUBLIC DEFENDER IN THE PROCEEDING; AND

(4) (IV) THE PARTY IS FINANCIALLY ELIGIBLE FOR THE SERVICES OF THE PUBLIC DEFENDER.

(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT PROHIBIT THE PUBLIC DEFENDER FOR MONTGOMERY COUNTY FROM REPRESENTING A CHILD IN MONTGOMERY COUNTY WHO IS ALLEGED TO BE IN NEED OF ASSISTANCE.

(D) COMPENSATION FOR THE SERVICES OF AN ATTORNEY APPOINTED TO REPRESENT A CHILD IN AN ACTION UNDER THIS SUBTITLE MAY BE ASSESSED BY THE COURT AGAINST ANY PARTY OR AGAINST A PARENT OF THE CHILD.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1992. It shall remain effective for a period of 1 year and, at the end of June 30, 1993, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.