

Article - Courts and Judicial Proceedings

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§3-813.

(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 local department and the child who is the subject of the petition, a party is not entitled to the assistance of counsel at State expense unless the party is:

- (1) Indigent; or
- (2) Otherwise not represented and:
 - (i) Under the age of 18 years; or
 - (ii) Incompetent by reason of mental disability.

(c) The Office of the Public Defender may not represent a party in a CINA proceeding unless the party:

- (1) Is the parent or guardian of the alleged CINA;
- (2) Applies to the Office of the Public Defender requesting legal representation by the Public Defender in the proceeding; and
- (3) Is financially eligible for the services of the Public Defender.

(d) (1) A child who is the subject of a CINA petition shall be represented by counsel.

(2) Unless the court finds that it would not be in the best interests of the child, the court shall:

(i) Appoint an attorney with whom the Department of Human Resources has contracted to provide those services, in accordance with the terms of the contract; and

(ii) If another attorney has previously been appointed, strike the appearance of that attorney.

(e) In addition to, but not instead of, the appointment of an attorney under this section, the court, in any action, may appoint an individual provided by a Court-Appointed Special Advocate Program created under § 3-830 of this subtitle.

(f) The court may assess against any party reasonable compensation for the

services of an attorney appointed to represent a child in an action under this subtitle.

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