
By: Delegate Cryor

Introduced and read first time: February 1, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Appointment of Counsel - Adoption and Guardianship Proceedings**

3 FOR the purpose of requiring appointment of counsel for an individual who is the subject
4 of any termination of parental rights proceeding; providing that the appointment of
5 counsel continues until a final adoption decree is entered; and generally relating to
6 appointment of counsel for an individual who is the subject of a termination of
7 parental rights proceeding.

8 BY repealing and reenacting, with amendments,
9 Article - Family Law
10 Section 5-323(a)
11 Annotated Code of Maryland
12 (1991 Replacement Volume and 1995 Supplement)

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

15 **Article - Family Law**

16 5-323.

17 (a) (1) Subject to paragraph [(2)] (3) of this subsection, in a proceeding for an
18 adoption or guardianship, unless the public defender is required to provide
19 representation, the court shall appoint separate counsel to represent:

20 (i) the individual to be adopted, if the consent of the individual to be
21 adopted is required and the individual has a disability that renders the individual
22 incapable of consenting and otherwise effectively participating in the proceedings;

23 (ii) a natural parent who has a disability that renders the natural
24 parent incapable of consenting and effectively participating in the proceedings;

25 (iii) a minor parent; and

26 (iv) in [an involuntary] A termination of parental rights, an individual
27 who is the subject of the proceeding.

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1 (2) REPRESENTATION BY COUNSEL APPOINTED UNDER PARAGRAPH
2 (1)(IV) OF THIS SUBSECTION SHALL CONTINUE UNTIL A FINAL JUDGMENT OF
3 ADOPTION IS ENTERED.

4 [(2)] (3) In any action in which payment for the services of a
5 court-appointed attorney for a child is the responsibility of the localdepartment of social
6 services, unless the court finds that it would not be in the best interests of the child, the
7 court shall:

8 (i) appoint an attorney who has contracted with the Department of
9 Human Resources to provide those services; and

10 (ii) in an action in which an attorney has previously beenappointed,
11 strike the appearance of the attorney previously appointed and appoint the attorney who
12 is currently under contract with the Department of Human Resources.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 1996.