

Department of Legislative Services  
Maryland General Assembly  
2001 Session

FISCAL NOTE

House Bill 1064 (Delegate Montague)  
Judiciary

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**Family Law - Adoption and Guardianship - Representation of Indigent Parents**

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This bill requires a court to appoint separate counsel to represent an indigent parent in an adoption or guardianship proceeding if requested by the indigent parent, and explicitly states that a Public Defender is only required to represent an indigent parent in an involuntary termination of parental rights case when the case is being brought by the local department of social services.

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**Fiscal Summary**

**State Effect:** The change would not directly affect governmental operations or finances.

**Local Effect:** None.

**Small Business Effect:** Minimal.

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**Analysis**

**Current Law:** Unless the Public Defender is required to provide representation, the court shall appoint separate counsel to represent: (1) the individual to be adopted, if the consent of the individual to be adopted is required and the individual has a disability that renders the individual incapable of consenting and otherwise participating in the proceeding; (2) a natural parent who has a disability that renders the natural parent incapable of consenting and effectively participating in the proceedings; (3) a minor parent; and (4) in an involuntary termination of parental rights, an individual who is the subject of the proceeding.

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## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Human Resources, Office of the Public Defender, Judiciary (Administrative Office of the Courts), Department of Legislative Services

**Fiscal Note History:** First Reader – March 5, 2001  
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