

(B) (1) EXCEPT IN AN INDEPENDENT ADOPTION, IF THE COURT IS SATISFIED BY AFFIDAVIT OR TESTIMONY THAT THE PETITIONER IS UNABLE, AFTER REASONABLE EFFORTS IN GOOD FAITH, TO ASCERTAIN THE IDENTITY OR WHEREABOUTS OF A PARENT, NOTICE TO THE PARENT MAY BE WAIVED.

(2) IN AN INDEPENDENT ADOPTION, IF THE COURT IS SATISFIED BY AFFIDAVIT OR TESTIMONY THAT THE PETITIONER IS UNABLE, AFTER REASONABLE EFFORTS IN GOOD FAITH, TO ASCERTAIN THE IDENTITY OR WHEREABOUTS OF A PARENT, NOTICE TO THE PARENT MAY NOT BE WAIVED. THE COURT SHALL:

(I) ORDER NOTICE BY PUBLICATION UNDER THE MARYLAND RULES OF PROCEDURE; OR

(II) ORDER NOTICE BY POSTING UNDER THE MARYLAND RULES OF PROCEDURE, IF THE PETITIONER IS FOUND BY THE COURT TO BE INDIGENT.

(C) IF A PERSON IS NOTIFIED UNDER THIS SECTION AND FAILS TO INTERVENE WITHIN THE TIME STATED IN THE SHOW CAUSE ORDER, THE RIGHT TO CONSENT TO THE GUARDIANSHIP OR ADOPTION SHALL BE CONSIDERED BY THE COURT TO BE WAIVED.

77B.

(A) IN A GUARDIANSHIP OR ADOPTION PROCEEDING, THE COURT SHALL APPOINT SEPARATE COUNSEL TO REPRESENT THE FOLLOWING:

(1) WHEN THE PERSON'S CONSENT IS REQUIRED FOR ADOPTION, A PERSON TO BE ADOPTED WHO HAS A DISABILITY WHICH RENDERS THE PERSON INCAPABLE OF CONSENTING AND OTHERWISE EFFECTIVELY PARTICIPATING IN THE PROCEEDINGS;

(2) A PARENT WHO HAS A DISABILITY WHICH RENDERS THE PARENT INCAPABLE OF CONSENTING AND EFFECTIVELY PARTICIPATING IN THE PROCEEDINGS;

(3) ANY MINOR PARENT;

(4) IN AN INVOLUNTARY TERMINATION OF PARENTAL RIGHTS, THE PERSON WHO IS THE SUBJECT OF THE PROCEEDING AND AN INDIGENT PARENT; AND

(5) IN A HEARING UNDER § 75 OF THIS ARTICLE, AN INDIGENT PARENT WHO HAS NOT WAIVED THE RIGHT TO RECEIVE NOTIFICATION OF THE CHILD'S STATUS.

(B) THE COURT, ON ITS OWN MOTION OR ON MOTION OF A PARTY, MAY ORDER AN EXAMINATION OF A PERSON WHOSE CONSENT IS REQUIRED IN ORDER TO DETERMINE IF THE PERSON HAS A DISABILITY WHICH RENDERS THE PERSON INCAPABLE OF CONSENTING AND OTHERWISE EFFECTIVELY PARTICIPATING IN THE PROCEEDINGS.