

(3) (i) The proceeding is under § 3-815, § 3-819, or § 3-820 of this subtitle; or

(ii) 1. The proceeding is a review hearing under Maryland Rule [915D] 915 OR MARYLAND RULE 916 in which:

A. The State has moved to remove the child from the custody of the parent or guardian; or

B. The parent or guardian has moved to regain custody; and

2. [The court on its own motion, or that of any party, determines that due] 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.

(c) [(1)] Except as provided in [paragraph (2) of this subsection] SUBSECTION (D) OF THIS SECTION, the Office of the Public Defender may not represent a party in a child in need of assistance proceeding unless:

[(i)] (1) The party is the custodial parent or legal guardian of the child alleged to be in need of assistance;

[(ii)] (2) (I) The proceeding is under § 3-815, § 3-819, or § 3-820 of this subtitle; OR

(II) THE PROCEEDING IS UNDER MARYLAND RULE 915 OR MARYLAND RULE 916 IN WHICH:

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

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

2. 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;

(iii) The party applies to the Office of the Public Defender requesting legal representation by the Public Defender in the proceeding; and

(iv) The party is financially eligible for the services of the Public Defender.

[(2)] (D) [Paragraph (1) of this subsection] SUBSECTION (C) OF THIS SECTION does not prohibit the OFFICE OF THE Public Defender [for Montgomery County] from representing a child in Montgomery County who is alleged OR FOUND to be in need of assistance.