§ 407. Assignment of counsel for indigent persons

1. (a) Each of the persons described below in this subdivision has the right to the assistance of counsel. When such person first appears in court, the surrogate shall advise such person before proceeding that he has the right to be represented by counsel of his own choosing, of his right to have an adjournment to confer with counsel, and of his right to have counsel assigned by the court in any case where he is financially unable to obtain the same;

(i) the respondent in any proceeding under section three hundred eighty-four-b of the social services law;

(ii) the respondent in any proceeding for the approval of a surrender instrument under section three hundred eighty-four of the social services law;

(iii) the parent of a child in any adoption proceeding who opposes the adoption of such child;

(iv) the parent of any child seeking custody or contesting the substantial infringement of his or her right to custody of such child, in any proceeding before the court in which the court has jurisdiction to determine such custody;

(v) any of the above persons upon an appeal in any of the above proceedings.

(b) In addition to the cases listed in paragraph (a) of this subdivision, a judge may assign counsel to represent any adult in a proceeding under this act if he determines that such assignment of counsel is mandated by the constitution of this state or of the United States, and includes such determination in the order assigning counsel.

2. Any order for the assignment of counsel issued under this section shall be implemented as provided in article eighteen-B of the county law.