

### **Standby Guardianship Part 4: Designation by Parent**

In this video, I'll talk about the path to standby guardianship that starts with a Designation by a Parent. This is an option if you want someone else to care for your minor child or children if one day you are not able to because of a serious health condition or an adverse immigration action.

Let's start by talking about the designation.

#### **CHAPTER HEADING: THE DESIGNATION**

The designation is a written document that names a standby guardian to care for your kids if you become **mentally incapacitated**, **physically debilitated**, or subject to an **adverse immigration action**. I define these terms in Part 1 of this series and will refer to them as **triggering events**. A triggering event refers to when the standby guardian's authority goes into effect.

There is a form you can use for your designation. It's CC-GN-041. It needs to include information about you, anyone else with parental rights, and your child. You'll also list which triggering event or events must occur for the standby guardian's authority to kick in.

Your designation needs to name who you want to be standby guardian and what their role will be. Watch part 2 of this series for information about how to choose a standby guardian. They can serve as standby guardian of the person or guardian of the property. **Guardians of the person** can make decisions about your child's education, medical care, food, housing, and other personal needs. They may be able to receive benefits on behalf of your child and travel with them. **Guardians of the property** can manage money or apply for benefits on behalf of your child. If you want to designate both a standby guardian of the person and guardian of the property, you can pick one person to serve in both roles or different people. You can also name an alternate standby guardian as a backup in your designation.

Parents can designate a standby guardian together or separately. If you are the only person making a designation, other people with parental rights can consent to the designation in writing. They can use the last 2 pages of form CC-GN-041. They can also give their consent later, but it needs to be signed in front of two witnesses. If someone with parental rights is unknown or cannot be located, put any information you know about them in your designation.

Your designation needs to be signed by you, the person you want to be standby guardian, and any alternate standby guardian you named. It must be signed in front of two witnesses. Someone you named as standby guardian cannot be one of the witnesses.

Once your designation is complete and signed, everyone waits on standby. The standby guardian can step-in if, and only if, they receive documentation that one of the triggering events listed in your designation happened. Your designation expires when your child becomes an adult.

Make sure your standby guardian has copies of your designation, copies of your child's birth certificate, and other important documents. We talk more about how to set your standby guardian up for success in Part 2. If you are a standby guardian, watch part 5 of this series to learn more.

Let's talk about how long the standby guardian's authority lasts.

#### **CHAPTER HEADING: HOW LONG THE STANDBY GUARDIAN'S AUTHORITY LASTS**

Once the triggering event occurs, the standby guardian's authority lasts for 180 days. For them to have the authority to care for your children longer than that, they'll need to file a **Petition by Standby Guardian for Judicial Appointment**. If the court agrees that continuing the standby guardianship is in your child's best interest, it will issue an order appointing the standby guardian. I talk more about this in Part 5 of this series.

One last thing.

#### **CHAPTER HEADING: ONE LAST THING**

At any time, you can revoke or end the standby guardian's authority. How you end it depends on whether the standby guardian has filed a petition for judicial appointment or not. If they have not filed a petition, you can revoke their authority by telling them in writing, verbally, or by some other action that shows you no longer want them to care for your children. If a petition for judicial appointment has been filed, your revocation needs to be in writing and filed with the court. You can use form CC-GN-053.

I know this was a lot of information. If you have questions, talk to a lawyer. You can talk to one for free by calling the Maryland Court Help Center at 410-260-1392 or visiting [mdcourts.gov/helpcenter](http://mdcourts.gov/helpcenter).

I hope this has been helpful.