

Standby Guardianship (Part 1): What is Standby Guardianship?

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Hello. This video series will give you an overview of standby guardianship. **Standby guardianship** is a way for you to nominate another person, called a **standby guardian**, to take care of your kids in the event of your mental incapacitation, physical debilitation, or an adverse immigration action.

Before I keep going, let me define these terms.

CHAPTER HEADING: TERMS

In this context, **mental incapacitation** means that a doctor has determined that you have a chronic and serious mental condition. **Physical debilitation** means that a doctor has determined you have a chronic and serious physical illness or injury. For standby guardianship to be an option, the mental incapacitation or physical debilitation has to affect your ability to care for your children.

An **adverse immigration action** refers to any immigration event that affects your ability to take care of your kids. This could include getting arrested or detained by immigration authorities or being put in proceedings to remove you from the United States. It can also include leaving the U.S. due to an order of removal, deportation, or voluntary departure. Being denied admission to the United States or the denial, revocation, or delay in the issuing of a visa are also adverse immigration actions.

Standby guardianship is something you can put in place now if you are worried about one of these things happening to you later. Standby guardianship does not affect your parental rights. You get to pick the standby guardian, when they can step in to care for your kids, and what they are allowed to do. Watch part 2 of this series to learn more about choosing a standby guardian.

CHAPTER HEADING: PATHS TO STANDBY GUARDIANSHIP

There are two paths to standby guardianship. The first path starts with the filing of a **Petition by Parent**. This is an option if you might become mentally incapacitated or die **within two years**. Watch part 3 of this series to learn more about this path.

The second path starts when you create a document called a **Designation by a Parent**. This is an option if you're worried about becoming mentally incapacitated, physically debilitated, or subject to an adverse immigration action **at any point in the future**. I talk more about this path in Part 4 of this series.

If you were selected to be a standby guardian, check out part 5.

If you have questions about the process, 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.

One more thing before you go.

CHAPTER HEADING: BEFORE YOU GO

If you're watching this video, you're thinking ahead, and that's great. Standby guardianship is one of several arrangements you can put in place in case something happens to you. Visit mdcourts.gov/lifeplanning to learn more.

Thank you for watching.