

Standby Guardianship (Maryland)

What is standby guardianship?

Parents can appoint someone as a standby guardian to take care of their child in the event that the parents:

- Are subject to an adverse immigration action,
- Die or become mentally incapacitated, or
- Become debilitated by an illness or injury.

If possible, parents should designate a standby guardian before the guardian is needed. At least one parent must consent to the appointment. There is no requirement that the parents be imminently incapacitated.

How does standby guardianship affect a parent's rights?

Parents do not lose their parental rights by appointing a standby guardian. Standby guardianship also does not affect the custody of the child. A parent may revoke their consent to the standby guardianship at any time.

How can I designate a standby guardian?

Parents can designate a standby guardian by filling out a written designation form. This shows the parents' intent to have the standby guardian become the child's guardian if an adverse event occurs. The written form must include:

- The identity of the parent(s),
- The identity of the children for whom the standby guardian is being designated, and
- The duties of the standby guardian.

Both the parent(s) and the designated standby guardian must sign the designation form, along with two adults who witnessed the parent(s) and guardian sign the form. Neither of the adult witnesses may be designated as the standby guardian.

The designation form does not have to be in a specific format, but the Maryland Judiciary provides a standard form that can be used. You can find it by visiting our **Resources for Parents** page using the QR code to the right. The form is available in multiple languages on the Maryland Judiciary website.



When does the guardianship take effect, and for how long does it remain in effect?

The guardianship begins when a "triggering event" occurs, and the appointed guardian receives documentation related to the event.

Once the guardianship begins, the guardian will serve for up to six months (180 days). If an extension is needed, the guardian must seek judicial approval to continue the guardianship for an extended period.

Whom may I contact for more information about standby guardianship in Maryland?

For more information, contact Project HEAL (Health, Education, Advocacy, and Law) at Kennedy Krieger Institute.

Project HEAL intake line: **443-923-4414**

Website: **[KennedyKrieger.org/ProjectHEAL](https://www.kennedykrieger.org/ProjectHEAL)**

Email: **ProjectHEAL@KennedyKrieger.org**

Use the QR to the left to access the following standby guardianship sources and resources:

- The People's Law Library of Maryland
- Standby Guardianship Project
- Maryland Code, Estates & Trusts § 13-901-908
- Maryland Judiciary Standby Guardianship Form

Outside of Maryland? Please contact your state's judiciary website or probate courts for assistance.