



STANDBY GUARDIANSHIP: Identifying Someone to Care for a Child When a Parent Can't

The [DC Standby Guardian Amendment Act of 2020](#) allows parents to designate a guardian (usually a relative or trusted friend) to care for their child(ren) if there is a triggering event that causes a parent to become incapable of doing so such as death, illness, including COVID-19, or immigration deportation or detention. When there is a possibility that a parent won't be able to care for their child, it's important to have a plan in place. The plan should be made with someone who can take care of and make decisions for the child. Standby guardianship is a way for parents to make care plans for their child without terminating or limiting their legal rights in any way. The parent can end the standby guardian designation at any time.

This tip sheet offers suggestions, information, and resources to help families develop a plan. A key part of the plan is to collect important documents, in advance, to ensure the child's care and well-being. Here are some suggested documents that parents or guardians should prepare and keep in a safe place and have accessible for their children's caregivers:

1. **A list of family members and close friends** – Create a list of alternative caregivers, along with their contact information, and designate the preferred order for who is to be contacted first. Having this list prepared in advance may prevent the child from being placed in foster care.
2. **Identification** – Organize hard copies of the child's documents such as a birth certificate, Social Security card, photo identification card, passport.
3. **Health information** – Collect the child's school health and dental forms, immunization records, and health insurance cards. Make a list of the child's allergies, medications, and health conditions. Include the contact information for the child's primary care provider.
4. **Consent to Treat form** – Complete and sign this form to give permission for medical providers to treat the child when they are in someone else's care.
5. **Custodial Power of Attorney letter** – Sign and provide a copy of this letter, which permits the identified caregiver to make legal decisions for the child.
6. **School Records** – Gather school enrollment documents, report cards, awards or certificates of achievement, and Individualized Education Plan (IEP) or 504 Plan, if applicable.
7. **Personal information** – Pull together pictures of the family with the child, personal notes to child from their parents. Write down the types of food the child is used to eating, the language the child spoke with the family, and list the child's favorite activities, hobbies, and interests (e.g., sports, glee club, reading, etc.).

The standby guardianship designation becomes effective as soon as the triggering event occurs. It will last for 90 days without court involvement. However, if standby guardianship is needed for more than 90 days, the person designated as the guardian must file a petition with the court on or before the 90th day requesting the court to enter an order approving the designation of the standby guardian.

This tip sheet is for informational purposes only. Parents who have questions about how to prepare a standby guardianship designation should seek legal advice.

FAMILY & GUARDIANSHIP RESOURCES	
<u>Children’s Law Center</u> – Provides civil legal services to low-income parents and caregivers including support with Custodial Power of Attorney	(202) 467-4900
<u>DC Kin Care Alliance</u> – Supports relative caregivers by providing education, legal representation, and advocacy resources and a Standby Guardianship Helpline	(202) 505-5803
IMMIGRATION RESOURCES	
<u>DC Immigrant Parents Rights Guide</u> – What if I’m picked up by Immigration and Customs Enforcement in the District of Columbia: making plans to keep your children safe and how to protect your rights as a parent	
<u>District of Columbia’s Immigration Resources</u> – Provides numerous resources and helpful links to assist immigrant families	
<u>Policies and Procedures Involving Detained Parents and Legal Guardians</u> – U.S. Immigration and Customs Enforcement’s (ICE) factsheet on detaining and removing parents and legal guardians of minor children.	
<u>Immigration Advocates Network</u> – Offers a directory of immigrants’ rights organizations to support families and their advocates	