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## Summary of Standby Guardianship Statutes by State October, 2000

State	Arkansas	Colorado (Effective January 1, 2001)	Connecticut
Who Can Nominate a Standby Guardian	<ul style="list-style-type: none"> <li>Any parent chronically ill or near death may nominate a standby guardian.</li> </ul>	<ul style="list-style-type: none"> <li>Designation may be made anytime, however, the parent must be likely to become unable to care for child within 2 years to petition court to confirm standby.</li> </ul>	<ul style="list-style-type: none"> <li>A parent or legal guardian may use statute regardless of health status, however the guardianship only lasts 1 year from activation or until triggering event ends.</li> </ul>
How to Establish a Standby Guardian	<ul style="list-style-type: none"> <li>File petition with the court &amp; court hearing to appoint.</li> <li>Children 14 or older must be notified and the court will consider their preference.</li> </ul>	<ul style="list-style-type: none"> <li>Written designation in a will or other document, or.</li> <li>Petition &amp; court hearing to appoint.</li> <li>Children 12 or older must be notified and the court will consider their preference.</li> </ul>	<ul style="list-style-type: none"> <li>File written designation with the court. Designation must be witnessed &amp; a copy provided to standby. Optional form in statute.</li> <li>No court hearing specified, although court may call one.</li> </ul>
How the Standby's Authority becomes Activated	<ul style="list-style-type: none"> <li>Upon triggering event, standby immediately notifies the court &amp; assumes guardianship.</li> </ul>	<ul style="list-style-type: none"> <li>If petition approved, standby has 30 days from triggering event to petition for confirmation.</li> <li>If only designation in effect, standby has 30 days to file confirming documents &amp; 60 days to petition for confirmation.</li> </ul>	<ul style="list-style-type: none"> <li>Upon triggering event, standby must submit written affidavit to the court that specified event has occurred.</li> <li>If the parent dies, standby has 90 days to petition for permanent guardianship.</li> </ul>
Triggering Events	<ul style="list-style-type: none"> <li>Death, mental incapacity, or physical debilitation with parental consent.</li> </ul>	<ul style="list-style-type: none"> <li>Death, adjudged incapacity or written certification by a physician that the parent is unable to care for the child.</li> </ul>	<ul style="list-style-type: none"> <li>As specified in designation; including, but not limited to death, mental incapacity, or physical debilitation.</li> </ul>
Involvement of the Non-Custodial Parent	<ul style="list-style-type: none"> <li>A parent, "if qualified and suitable," is preferred over all others.</li> <li>Reasonable diligence to locate &amp; serve notice is required.</li> </ul>	<ul style="list-style-type: none"> <li>Notice of hearing and copy of petition is required to the non-custodial parent.</li> <li>Consent is required unless either parental rights have been terminated, or the parent is unwilling or unable to exercise such rights.</li> </ul>	<ul style="list-style-type: none"> <li>If both parents are alive, both must consent, unless either has been removed as guardian or parental rights have been terminated.</li> </ul>
Relationship Between the Parent's & Standby's Authority	<ul style="list-style-type: none"> <li>Once activated, standby &amp; parent, while living, have concurrent authority.</li> </ul>	<ul style="list-style-type: none"> <li>Does not specify.</li> </ul>	<ul style="list-style-type: none"> <li>Standby's authority ends when triggering event no longer exists or after 1 year whichever is sooner. Law does not specify if parent &amp; standby have con-current authority or if standby assumes sole authority upon triggering event.</li> </ul>
Withdrawing the Guardianship	<ul style="list-style-type: none"> <li>Does not specify.</li> </ul>	<ul style="list-style-type: none"> <li>Revoke designation anytime before it is confirmed by court.</li> </ul>	<ul style="list-style-type: none"> <li>Revoke anytime in writing to standby.</li> </ul>

### Summary of Standby Guardianship Statutes by State

State	Florida	Illinois	Iowa
Who Can Nominate a Standby Guardian	<ul style="list-style-type: none"> <li>Both parents, natural or adoptive, if living, or the surviving parent, can nominate a standby regardless of health status.</li> </ul>	<ul style="list-style-type: none"> <li>A biological, adoptive or adjudicated parent, (whose parental rights have not been terminated), or legal guardian can nominate a standby regardless of health status.</li> </ul>	<ul style="list-style-type: none"> <li>A parent or legal custodian can nominate a standby regardless of health status.</li> </ul>
How to Establish a Standby Guardian	<ul style="list-style-type: none"> <li>Petition filed w/court &amp; hearing held before triggering event, or</li> <li>Written designation before triggering event followed by petition &amp; court hearing after. Designation must be witnessed &amp; filed w/court.</li> <li>The court will consider preference of any children 14 or older.</li> </ul>	<ul style="list-style-type: none"> <li>Petition plus written designation &amp; court hearing to appoint. Designation must be witnessed; optional form in statute.</li> <li>Children 14 or older must be notified of hearing.</li> <li>Standby must take an oath upon appointment &amp; may be required to file a bond once assumes duties.</li> </ul>	<ul style="list-style-type: none"> <li>File a “verified” petition with the court.</li> <li>Children must be served notice, and if 14 or older the court will consider their preference.</li> </ul>
How the Standby’s Authority becomes Activated	<ul style="list-style-type: none"> <li>Upon incapacity, a petition for incapacity is filed with the court to judge incapacity. Afterward, standby assumes duties &amp; petitions for confirmation w/in 20 days.</li> <li>If the parent dies, standby files confirming documents &amp; petitions for permanent guardianship w/in 20 days.</li> </ul>	<ul style="list-style-type: none"> <li>Upon triggering event, standby has 60 days to file confirming documents &amp; petition for guardianship.</li> </ul>	<ul style="list-style-type: none"> <li>Upon triggering event, confirming documents are filed with the court &amp; hearing to appoint.</li> </ul>
Triggering Events	<ul style="list-style-type: none"> <li>Death or adjudication of incapacity of the last surviving parent.</li> </ul>	<ul style="list-style-type: none"> <li>Death, consent, or inability to carry out day-to-day child care decisions as admitted by the parent or by the attending physician’s written certification.</li> </ul>	<ul style="list-style-type: none"> <li>The petition specifies the event, or condition of physical or mental health, as well as how the triggering events are to be documented.</li> </ul>
Involvement of the Non-Custodial Parent	<ul style="list-style-type: none"> <li>Both parents or the surviving parent must consent. The standby guardian statute does not specify search requirements, however general guardian statute requires diligent search.</li> </ul>	<ul style="list-style-type: none"> <li>Any living, adoptive or adjudicated parent, with parental rights, whose whereabouts are known must be served notice &amp; given the opportunity to assume guardianship or object.</li> </ul>	<ul style="list-style-type: none"> <li>A parent, “if qualified and suitable,” is preferred over all others to serve as guardian.</li> </ul>
Relationship Between the Parent’s & Standby’s Authority	<ul style="list-style-type: none"> <li>Once activated, standby assumes sole authority.</li> </ul>	<ul style="list-style-type: none"> <li>Once activated, standby assumes sole authority.</li> </ul>	<ul style="list-style-type: none"> <li>No provision for concurrent decision making.</li> </ul>
Withdrawing the Guardianship	<ul style="list-style-type: none"> <li>Does not specify.</li> </ul>	<ul style="list-style-type: none"> <li>Does not specify.</li> </ul>	<ul style="list-style-type: none"> <li>Before petition filed, destroy the petition.</li> <li>After petition, file written revocation w/court.</li> </ul>

### Summary of Standby Guardianship Statutes by State

State	Maryland	Massachusetts	Minnesota
Who Can Nominate a Standby Guardian	<ul style="list-style-type: none"> <li>The designation may be made anytime, however, the parent must be at significant risk of death or incapacity within 2 years in order to petition.</li> </ul>	<ul style="list-style-type: none"> <li>A parent or legal custodian can nominate a standby regardless of health status.</li> </ul>	<ul style="list-style-type: none"> <li>A standby can be nominated regardless of parent's health status. Before triggering event, only a custodial parent or legal guardian may file, after standby may also.</li> </ul>
How to Establish a Standby Guardian	<ul style="list-style-type: none"> <li>Petition plus attending physician's statement of risk to the parent filed and court hearing before triggering event, or</li> <li>Written attested designation before triggering event followed by petition and court hearing after.</li> <li>Optional designation form in statute.</li> </ul>	<ul style="list-style-type: none"> <li>Petition plus written designation (must be witnessed &amp; attested) &amp; court hearing before triggering event.</li> <li>An affidavit stating parent's consent to designation, willingness &amp; ability to make child care decisions, &amp; future custodial wishes may be submitted w/petition.</li> </ul>	<ul style="list-style-type: none"> <li>Petition plus written designation filed &amp; court hearing before triggering event, or</li> <li>Designation before triggering event followed by petition &amp; court hearing after.</li> <li>Optional designation form in statute.</li> <li>Different guardians may be designated for different triggering events.</li> </ul>
How the Standby's Authority becomes Activated	<ul style="list-style-type: none"> <li>If petition approved, standby has 90 days from triggering event to file confirming documents.</li> <li>If only designation in effect upon triggering event, standby has 180 days to petition for appointment.</li> </ul>	<ul style="list-style-type: none"> <li>Within 90 days of triggering event, standby must petition to confirm status &amp; for appointment as guardian.</li> </ul>	<ul style="list-style-type: none"> <li>If petition approved, no further court action required.</li> <li>If only designation in effect, standby has 60 days from triggering event to file confirming documents &amp; petition for approval.</li> <li>If parent dies, standby appointed permanent guardian w/out additional petition.</li> </ul>
Triggering Events	<ul style="list-style-type: none"> <li>Designation: mental incapacity or physical debilitation w/parental consent.</li> <li>Petition: death, mental incapacity, or written consent.</li> </ul>	<ul style="list-style-type: none"> <li>Death, incapacity as certified by licensed physician, or consent.</li> </ul>	<ul style="list-style-type: none"> <li>Death, mental incapacity or physical debilitation plus consent.</li> <li>Attending physician must document incapacity or debilitation.</li> </ul>
Involvement of the Non-Custodial Parent	<ul style="list-style-type: none"> <li>Reasonable efforts to locate &amp; serve notice to the non-custodial parent w/parental rights is required before the court will appoint a standby.</li> <li>After reasonable efforts made, a petition can be filed without consent to designation.</li> </ul>	<ul style="list-style-type: none"> <li>The standby guardian statute does not specify that the consent of non-custodial parent is required, however related guardian laws require such consent.</li> </ul>	<ul style="list-style-type: none"> <li>Must search &amp; serve notice, along w/copy of petition &amp; designation.</li> <li>Consent is required unless whereabouts unknown, parental rights terminated, or the parent is unwilling &amp; unable to care for the child.</li> </ul>
Relationship Between the Parent's & Standby's Authority	<ul style="list-style-type: none"> <li>Once activated, standby &amp; parent, while living, have concurrent authority.</li> </ul>	<ul style="list-style-type: none"> <li>Once activated, standby &amp; parent, while living, have concurrent authority.</li> <li>If parent withdraws consent or regains capacity standby's authority becomes inactive until the next triggering event.</li> </ul>	<ul style="list-style-type: none"> <li>Once activated, standby &amp; parent, while living, have concurrent authority.</li> <li>Standby's authority becomes inactive upon attending physician's written certification that parent restored to health.</li> </ul>
Withdrawing the Guardianship	<ul style="list-style-type: none"> <li>Before petition filed, notify standby verbally or in writing.</li> <li>After petition, file written revocation w/court &amp; notify standby.</li> </ul>	<ul style="list-style-type: none"> <li>Before appointment, notify standby in writing.</li> <li>After petition, file written revocation w/court &amp; notify all parties.</li> </ul>	<ul style="list-style-type: none"> <li>Before petition filed, destroy designation &amp; notify standby.</li> <li>After petition, file written revocation w/court &amp; notify standby in writing.</li> </ul>

## Summary of Standby Guardianship Statutes by State

State	Nebraska	New Jersey	New York
Who Can Nominate a Standby Guardian	<ul style="list-style-type: none"> <li>A parent who is chronically ill or near death can nominate a standby guardian.</li> </ul>	<ul style="list-style-type: none"> <li>Parent or legal custodian at significant risk of death, incapacity or debilitation due to progressively chronic condition or fatal illness. Not required to document health status to initiate court process.</li> </ul>	<ul style="list-style-type: none"> <li>Parent or legal guardian must have a progressively chronic or irreversibly fatal illness to petition.</li> </ul>
How to Establish a Standby Guardian	<ul style="list-style-type: none"> <li>Petition &amp; court hearing to appoint.</li> <li>Children 14 or older must be served notice &amp; the court will consider their preference.</li> </ul>	<ul style="list-style-type: none"> <li>Written designation, petition &amp; court hearing to appoint.</li> <li>Designation must be witnessed &amp; expires in six months unless petition is filed w/the court. Optional designation form in statute.</li> <li>Children 14 or older must be notified &amp; the court will consider their preference.</li> </ul>	<ul style="list-style-type: none"> <li>Petition filed &amp; court hearing held before triggering event, or</li> <li>Written designation before triggering event followed by petition &amp; court hearing after. Optional designation form in statute.</li> <li>Children 14 or older must be notified &amp; the court will consider their preference.</li> </ul>
How the Standby's Authority becomes Activated	<ul style="list-style-type: none"> <li>Statute doesn't specify, although it is likely that, upon triggering event, confirming documents would need to be filed with the court.</li> </ul>	<ul style="list-style-type: none"> <li>Upon triggering event, standby has 60 days to file confirming documents &amp; petition for confirmation of guardianship.</li> </ul>	<ul style="list-style-type: none"> <li>Petition: Upon triggering event standby has 90 days to file confirming documents.</li> <li>Designation: Upon triggering event, standby has 60 days to file confirming documents &amp; petition for appointment.</li> </ul>
Triggering Events	<ul style="list-style-type: none"> <li>Death, mental incapacity or physical debilitation w/consent of surviving parent whose parental rights have not been terminated.</li> </ul>	<ul style="list-style-type: none"> <li>Death, mental incapacity, or physical debilitation w/parental consent.</li> <li>Attending physician must certify incapacity or debilitation.</li> </ul>	<ul style="list-style-type: none"> <li>Petition: death, mental incapacity, or consent.</li> <li>Designation: death, mental incapacity or physical debilitation w/consent.</li> <li>Attending physician must document incapacity or debilitation.</li> </ul>
Involvement of the Non-Custodial Parent	<ul style="list-style-type: none"> <li>A parent is preferred as guardian.</li> <li>For a child born out-of-wedlock, the court also considers (1) wishes of the deceased parent stated in a will &amp; (2) the surviving parent's acknowledgment of paternity, payment of child support, &amp; if fit.</li> <li>Notice of the hearing must be attempted by mail, personal service, or newspaper.</li> </ul>	<ul style="list-style-type: none"> <li>The non-custodial parent is not required to sign the designation. However, notice of hearing must be served to the non-custodial parent, with parental rights, within 30 days of filing the petition.</li> <li>The court can proceed after diligent search for the non-custodial parent.</li> </ul>	<ul style="list-style-type: none"> <li>The non-custodial parent is not required to sign the designation.</li> <li>Notice of hearing required to any parent living in a known residence in NY, unless the parent abandoned the child, is deprived of civil rights, divorced from the custodial parent, incompetent or otherwise judicially deprived of custody of the child.</li> </ul>
Relationship between the Parent's & Standby's Authority	<ul style="list-style-type: none"> <li>Once activated, standby &amp; parent, while living, have concurrent authority.</li> </ul>	<ul style="list-style-type: none"> <li>Once activated, standby &amp; parent, while living, have concurrent authority to the extent possible unless otherwise specified.</li> </ul>	<ul style="list-style-type: none"> <li>Once activated, standby &amp; parent, while living, have concurrent authority.</li> </ul>
Withdrawing the Guardianship	<ul style="list-style-type: none"> <li>No provision for parent to revoke</li> <li>The court may revoke &amp; must approve resignation.</li> </ul>	<ul style="list-style-type: none"> <li>Revoke verbally; in writing, or in another manner that shows intent.</li> </ul>	<ul style="list-style-type: none"> <li>After designation, notify verbally, in writing, or by other manner showing intent.</li> <li>After petition, file written revocation w/court &amp; notify standby.</li> </ul>

## Summary of Standby Guardianship Statutes by State

State	North Carolina	Ohio	Pennsylvania
Who Can Nominate a Standby Guardian	<ul style="list-style-type: none"> <li>• A parent or legal guardian must suffer from a progressive chronic or irreversibly fatal illness to petition for the appointment of a standby guardian.</li> </ul>	<ul style="list-style-type: none"> <li>• A parent may nominate a standby regardless of health status. Any interested party may petition, although a parent's designation carries preference with the court.</li> </ul>	<ul style="list-style-type: none"> <li>• A standby guardian may be established regardless of health status. Before triggering event, only a custodial parent or legal guardian may file, after standby may also.</li> </ul>
How to Establish a Standby Guardian	<ul style="list-style-type: none"> <li>• Petition filed and court hearing before triggering event, or</li> <li>• Written designation before triggering event followed by petition and court hearing after.</li> <li>• Evidence required at court hearing.</li> <li>• The court may order that children be notified.</li> </ul>	<ul style="list-style-type: none"> <li>• Durable Power of Attorney or other designating document plus petition &amp; court hearing. The designating document must be witnessed, attested &amp; notarized.</li> <li>• Standby must attend court hearing and, if appointed, take an oath to fulfill duties.</li> <li>• Children 14 or older must be notified and court will consider their preference.</li> </ul>	<ul style="list-style-type: none"> <li>• Petition plus written designation filed &amp; court hearing before triggering event, or</li> <li>• Designation before triggering event followed by petition &amp; court hearing after.</li> <li>• Optional designation form in statute.</li> <li>• Different standby guardians may be designated for different triggering events.</li> </ul>
How the Standby's Authority becomes Activated	<ul style="list-style-type: none"> <li>• Standby must file confirming documents within 90 days of triggering event.</li> <li>• If only designation in effect, standby must also petition for appointment.</li> </ul>	<ul style="list-style-type: none"> <li>• As specified in the court order.</li> </ul>	<ul style="list-style-type: none"> <li>• If petition approved, no further court action is required upon triggering event.</li> <li>• If only designation in effect, standby has 60 days from triggering event to file confirming documents &amp; petition.</li> </ul>
Triggering Events	<ul style="list-style-type: none"> <li>• Death, mental incapacity, physical debilitation plus consent, or consent alone.</li> <li>• Attending physician must document incapacity or debilitation.</li> </ul>	<ul style="list-style-type: none"> <li>• As specified in the designating document; not limited to disability, incapacity or adjudged incompetence.</li> <li>• Medical certification of condition is not required.</li> </ul>	<ul style="list-style-type: none"> <li>• Death, mental incapacity, or physical debilitation with consent.</li> <li>• Attending physician must document incapacity or debilitation.</li> </ul>
Involvement of the Non-Custodial Parent	<ul style="list-style-type: none"> <li>• The non-custodial parent is not required to sign the designation.</li> <li>• Notice to any biological or adoptive parent is required, along with a copy of the petition. The court can proceed if there is no complaint within 30 days.</li> </ul>	<ul style="list-style-type: none"> <li>• The standby guardianship law does not specify requirements for obtaining consent from or notifying the non-custodial parent, however other parts of Ohio law outline definite requirements so it is likely the court will require such efforts.</li> </ul>	<ul style="list-style-type: none"> <li>• Required to search &amp; serve notice to the non-custodial parent.</li> <li>• Consent is required unless whereabouts unknown, parental rights terminated/ relinquished, or the parent is unwilling &amp; unable to care for the child.</li> </ul>
Relationship between the Parent's & Standby's Authority	<ul style="list-style-type: none"> <li>• Once activated, standby &amp; parent, while living, have concurrent authority.</li> <li>• Upon recovery and documentation by attending physician, parent's full authority is restored.</li> </ul>	<ul style="list-style-type: none"> <li>• Does not specify.</li> </ul>	<ul style="list-style-type: none"> <li>• Once activated, standby &amp; parent, while living, have concurrent custody.</li> <li>• If a physician certifies the parent has regained capacity, standby's authority becomes inactive until next triggering event.</li> </ul>
Withdrawing the Guardianship	<ul style="list-style-type: none"> <li>• Revoke designation in writing to standby.</li> <li>• After petition, file written revocation w/court.</li> </ul>	<ul style="list-style-type: none"> <li>• Does not specify.</li> </ul>	<ul style="list-style-type: none"> <li>• Before petition filed, destroy designation &amp; notify standby.</li> <li>• After, file written revocation w/court &amp; notify standby.</li> <li>• Unwritten revocation may be considered by clear &amp; convincing evidence.</li> </ul>

## Summary of Standby Guardianship Statutes by State

State	Virginia	West Virginia	Wisconsin
Who Can Nominate a Standby Guardian	<ul style="list-style-type: none"> <li>A parent may designate a standby any time regardless of health status. Anyone may petition for a parent diagnosed w/a progressive or chronic condition, as certified in writing by a licensed physician.</li> </ul>	<ul style="list-style-type: none"> <li>A parent may designate a standby anytime regardless of health status. Anyone may petition for a parent diagnosed w/a progressive or chronic condition, as certified in writing by a licensed physician.</li> </ul>	<ul style="list-style-type: none"> <li>A parent must be at significant risk of incapacity, debilitation or death within 2 years to petition.</li> <li>The designation may be made anytime.</li> </ul>
How to Establish a Standby Guardian	<ul style="list-style-type: none"> <li>Petition filed &amp; court hearing before triggering event, or</li> <li>Written designation before triggering event w/petition &amp; court hearing after.</li> <li>The designation doesn't have to be filed w/court before triggering event or to be witnessed, only delivered to standby.</li> <li>Children 12 or older must be notified of hearing.</li> </ul>	<ul style="list-style-type: none"> <li>Petition filed &amp; court hearing before triggering event, or</li> <li>Written designation before triggering event w/petition &amp; court hearing after.</li> <li>The designation doesn't have to be filed w/court before triggering event, but must be witnessed &amp; delivered to standby.</li> <li>Children 14 or older must be notified of hearing.</li> </ul>	<ul style="list-style-type: none"> <li>Petition &amp; court hearings before triggering event, or</li> <li>Written designation before triggering event w/petition &amp; court hearings after.</li> <li>Not required to file designation w/court before triggering event, although must be witnessed. Optional form in statute.</li> <li>Children 12 or older must be notified and court will consider their preference.</li> </ul>
How the Standby's Authority becomes Activated	<ul style="list-style-type: none"> <li>Upon triggering event, standby has 30 days to file confirming documents, &amp; if only designation in effect petition for approval.</li> <li>If parent dies, standby has 90 days to petition for permanent guardianship or initiate custody proceedings.</li> </ul>	<ul style="list-style-type: none"> <li>Upon triggering event, standby has 30 days to file confirming documents, &amp; if only designation in effect petition for approval.</li> <li>If parent dies, standby has 90 days to petition for permanent guardianship or initiate custody proceedings.</li> </ul>	<ul style="list-style-type: none"> <li>If petition approved, standby has 90 days from triggering event to file confirming documents.</li> <li>If only designation in effect, standby has 180 days from triggering event to file confirming documents &amp; petition for appointment.</li> </ul>
Triggering Events	<ul style="list-style-type: none"> <li>Designation: death, mental incapacity, or physical debilitation plus consent.</li> <li>Petition: death, mental incapacity, or written consent alone.</li> </ul>	<ul style="list-style-type: none"> <li>Designation: death, mental incapacity, or physical debilitation plus consent.</li> <li>Petition: death, mental incapacity, or written consent alone.</li> </ul>	<ul style="list-style-type: none"> <li>Death, mental incapacity, or physical debilitation plus parental consent.</li> <li>Attending physician must document incapacity or debilitation.</li> </ul>
Involvement of the Non-Custodial Parent	<ul style="list-style-type: none"> <li>The non-custodial parent is not required to sign the designation. Each parent whose identity &amp; whereabouts are known is notified of the petition and s/he has 10 days to request a hearing. Court can't proceed if a custody case is pending.</li> </ul>	<ul style="list-style-type: none"> <li>The non-custodial parent is not required to sign the designation. Each parent whose identity &amp; whereabouts are known must receive notice &amp; a copy of the petition &amp; s/he has 10 days to request a hearing. Court can't proceed if a custody case is pending.</li> </ul>	<ul style="list-style-type: none"> <li>Preference to a willing &amp; able non-custodial parent. Reasonable diligence to locate &amp; serve notice is required. Notice must be made by certified mail or personal service at least 7 days before hearing or by newspaper.</li> </ul>
Relationship Between the Parent's & Standby's Authority	<ul style="list-style-type: none"> <li>Once activated, standby &amp; parent, while living, have concurrent authority. If parent regains health, standby's authority continues unless specifically revoked.</li> </ul>	<ul style="list-style-type: none"> <li>Once activated, standby &amp; parent, while living, have concurrent authority. If parent regains health, standby's authority continues unless specifically revoked.</li> </ul>	<ul style="list-style-type: none"> <li>Once activated, standby &amp; parent, while living, have concurrent authority. Parental authority is restored upon written certification of attending physician or revocation.</li> </ul>
Withdrawing the Guardianship	<ul style="list-style-type: none"> <li>Revoke designation by written notice to standby. After court approval, file written revocation w/court &amp; notice to standby (and alternate who may be authorized to act).</li> </ul>	<ul style="list-style-type: none"> <li>Revoke designation by written notice to standby. After court approval, file written revocation w/court &amp; notice to standby (&amp; alternate who may be authorized to act).</li> </ul>	<ul style="list-style-type: none"> <li>Revoke designation verbally, in writing &amp; notify standby, or make a new designation.</li> <li>After petition filed, file written revocation w/court and standby.</li> </ul>

## Summary of Standby Guardianship Statutes by State

State	Wyoming	State Codes
Who Can Nominate a Standby Guardian	<ul style="list-style-type: none"> <li>Any parent being of sound mind may nominate a standby &amp; the court will decide if it is in the child's best interests.</li> </ul>	<ul style="list-style-type: none"> <li>AR: Arkansas State Code, Title 28, Subtitle 5, Section 65, Subchapter 2, § 28-65-221.</li> <li>CO: Colorado General Assembly, HB 1375. (Effective January 1, 2001).</li> <li>CT: General Statutes of Connecticut, Volume XII, Title 45a, Chapter 802h*, Part II*, Sections 45a-624 to Sec. 45a-624g.</li> <li>FL: Florida Statutes, Title XLIII, Chapter 744, Part III, 744.304, 744.3045-6.</li> <li>IL: Illinois Compiled Statutes, Chapter 755, 1337.09, 55 ILCS 5/: Probate Act of 1975, Article XI: Section 11-5.3.</li> <li>IO: Code of Iowa, Chapter 633: Probate Code, Division XIII, Part 1, Section 633.560, and Part 4, Sections 633.591 to 633.597.</li> <li>MD: Maryland Statute Text, Estate and Trusts - (get), Sections 13.901 - 13.908.</li> <li>MA: General Laws of Massachusetts, Chapter 201, Sec. 2B.</li> <li>MN: Minnesota Session Laws 2000, Chapter 404.</li> <li>NE: Nebraska Statutes, Chapter 30, Section: 30-2608.</li> <li>NJ: New Jersey Permanent Statutes, Title 3B, 3B:12-69 - 3B:12-78.</li> <li>NY: New York State Consolidated Laws, Surrogate's Court Procedure, Article 17, Section 1726.</li> <li>NC: North Carolina State Code, Chapter 35A, Subchapter IV, Article 21, Sections 35A-1370 to 35A-1382.</li> <li>OH: Ohio Revised Code, Title [13] XIII, 1337.09.</li> <li>PA: Pennsylvania Consolidated Statutes, Title 23, Part V, Chapter 56, Sections 5601-5616.</li> <li>VA: Virginia State Code, Sections 16.1-349 - 16.1-355.</li> <li>WV: West Virginia State Code, Chapter 44A, Article 5, Sections 44A-5-1 to 44A-5-8.</li> <li>WI: Wisconsin Statutes, Chapter 48, Section 48.978 - 48.978(2)(c)1.f.</li> <li>WY: Wyoming Statutes, Title 3, Chapter 3, Article 3, Section 3-3-301.</li> </ul>
How to Establish a Standby Guardian	<ul style="list-style-type: none"> <li>Designation by filing a petition with any person, firm, bank or trust company.</li> </ul>	
How the Standby's Authority becomes Activated	<ul style="list-style-type: none"> <li>Upon triggering event, the standby or parent files the petition &amp; confirming documents with court.</li> <li>The court may appoint designated guardian or schedule hearing to review.</li> </ul>	
Triggering Events	<ul style="list-style-type: none"> <li>A specified event or condition of physical or mental health, including how the triggering events are to be documented.</li> </ul>	
Involvement of the Non-Custodial Parent	<ul style="list-style-type: none"> <li>Preference given to parent.</li> <li>Due diligence is required to serve notice of hearing to the non-custodial parent.</li> </ul>	
Relationship Between the Parent's & Standby's Authority	<ul style="list-style-type: none"> <li>Does not specify.</li> </ul>	
Withdrawing the Guardianship	<ul style="list-style-type: none"> <li>Before appointment, parent may revoke by destroying the petition or in writing &amp; delivered to depository.</li> </ul>	
<p><b>This chart provides a general summary. We suggest looking at the language and specifics of each state.</b></p> <p><b>Information adapted from NWAP: Building Bridges (no longer published).</b></p> <p><b>References: Larsen, J. (2000 August). Standby guardianship training and technical assistance project: A guide for legislators, lawyers and child welfare professionals. Circle Solutions, American Bar Association and the Children's Bureau: Washington, D.C.</b></p>		