



## Summary of Standby Guardianship Statutes by State

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Standby guardianship is a relatively new future care and custody-planning tool, implemented over the past decade largely in response to the HIV epidemic. The purpose of standby guardianship is to allow a parent to make care and custody plans for her or his children now that will become effective at some future date.

Standby guardianship was specifically designed to meet a number of limitations of the other future care and custody planning tools (e.g. will, guardianship, foster care). It is a flexible tool allowing for protection and care of children if the parent is temporarily unavailable, and for permanent transfers of care and custody to the caregiver if the parent dies.

Standby guardianship has garnered wide support from the legal, medical, and social service communities as a voluntary permanency-planning tool. The Adoption and Safe Families Act of 1997 (P.L. 105–89) includes a recommendation that all states pass standby guardianship legislation:

It is the sense of Congress that the States should have in effect laws and procedures that permit any parent who is chronically ill or near death, without surrendering parental rights, to designate a standby guardian for the parent's minor children, whose authority would take effect upon: 1) the death of the parent; 2) the mental incapacity of the parent; or 3) the physical debilitation and the consent of the parent. (Sec.403)

Standby guardianship legislation has been enacted in only 17 states and the District of Columbia: Arkansas, Colorado, Connecticut, Florida, Georgia, Illinois, Maryland, Massachusetts, Minnesota, Nebraska, New Jersey, New York, North Carolina, Pennsylvania, Virginia, West Virginia, and Wisconsin. Although they do not have specific standby guardianship laws, a few other states (Iowa, Ohio, Texas, and Wyoming) have legislation that incorporates important elements of this tool. Below is a chart of these laws, which explains:

- Who can nominate a standby guardian,
- How to establish a standby guardian,
- How the standby's authority becomes activated,
- Triggering events,
- Involvement of the non-custodial parent,
- Relationship between the parent's authority and standby's authority, and
- Withdrawing the guardianship.

The broader use and availability of standby guardianship will greatly improve the range of options available to parents in making future care plans for their children.

	<b>Arkansas</b>	<b>Colorado</b>	<b>Connecticut</b>
<b>Who can nominate a standby guardian</b>	Any parent chronically ill or near death may nominate a standby guardian.	Designation may be made anytime, how-ever, the parent must be likely to become unable to care for child within 2 years to petition court to confirm standby.	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.
<b>How to establish a standby guardian</b>	File petition with the court and court hearing to appoint.  Children 14 or older must be notified and the court will consider their preference.	Written designation in a will or other document, or  Petition and court hearing to appoint.  Children 12 or older must be notified and the court will consider their preference.	File written designation with the court. Designation must be witnessed and a copy provided to standby. Optional form in statute.  No court hearing specified, although court may call one.
<b>How the standby's authority becomes activated</b>	Upon triggering event, standby immediately notifies the court and assumes guardianship.	If petition approved, standby has 30 days from triggering event to petition for confirmation.  If only designation in effect, standby has 30 days to file confirming documents and 60 days to petition for confirmation.	Upon triggering event, standby must submit written affidavit to the court that specified event has occurred.  If the parent dies, standby has 90 days to petition for permanent guardianship.
<b>Triggering events</b>	Death, mental incapacity, or physical debilitation with parental consent.	Death, adjudged incapacity, or written certification by a physician that the parent is unable to care for the child.	As specified in designation; including, but not limited to death, mental incapacity, or physical debilitation.
<b>Involvement of the non-custodial parent</b>	A parent, "if qualified and suitable," is preferred over all others.  Reasonable diligence to locate and serve notice is required.	Notice of hearing and copy of petition is required to the non-custodial parent.  Consent is required unless either parental rights have been terminated, or the parent is unwilling or unable to exercise such rights.	If both parents are alive, both must consent, unless either has been removed as guardian or parental rights have been terminated.
<b>Relationship between the parent's and standby's authority</b>	Once activated, standby and parent, while living, have concurrent authority.	Does not specify.	Standby's authority ends when triggering event no longer exists or after 1 year whichever is sooner. Law does not specify if parent and standby have con-current authority or if standby assumes sole authority upon triggering event.
<b>Withdrawing the guardianship</b>	Does not specify.	Revoke designation anytime before it is confirmed by court.	Revoke anytime in writing to standby.

	Florida	Georgia	Illinois
<b>Who can nominate a standby guardian</b>	Both parents, natural or adoptive, if living, or the surviving parent, can nominate a standby regardless of health status.	A parent or legal guardian.	A biological, adoptive or adjudicated parent (whose parental rights have not been terminated), or a legal guardian can nominate a standby, regardless of health status.
<b>How to establish a standby guardian</b>	<p>Petition filed w/court and hearing held before triggering event, or</p> <p>Written designation before triggering event followed by petition and court hearing after. Designation must be witnessed and filed w/court.</p> <p>The court will consider preference of any children 14 or older.</p>	<p>A written designation of standby guardianship.</p> <p>Filed notice with Probate court.</p>	<p>Petition plus written designation and court hearing to appoint. Designation must be witnessed, optional form in statute.</p> <p>Children 14 and over must be notified of the hearing.</p> <p>Standby must take an oath upon appointment and may be required to file a bond once assumes duties.</p>
<b>How the standby's authority becomes activated</b>	<p>Upon incapacity, a petition for incapacity is filed with the court to judge incapacity. Afterward, standby assumes duties and petitions for confirmation w/in 20 days.</p> <p>If the parent dies, standby files confirming documents and petitions for permanent guardianship w/in 20 days.</p>	<p>Upon the triggering event, the standby shall assume all rights, duties, and responsibilities of guardianship.</p> <p>The standby must file a notice of guardianship and a copy of designation.</p> <p>Within four months of triggering event, standby must file a petition seeking guardianship with the court.</p>	<p>Upon triggering event, standby has 60 days to file confirming documents and petition for guardianship.</p>
<b>Triggering events</b>	Death or adjudication of incapacity of the last surviving parent.	Dated, written determination that the parent is unable to care for the child due to the parent's physical or mental condition.	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.
<b>Involvement of the non-custodial parent</b>	Both parents or the surviving parent must consent. The standby guardian statute does not specify search requirements, however general guardian statute requires diligent search.	Included in the designation will be information including non-custodial parent's living status, parental rights, location and whether they have consented to the designation.	Any living, adoptive or adjudicated parent, with parental rights, whose whereabouts are known must be served notice and given the opportunity to assume guardianship or object.
<b>Relationship between the parent's and standby's authority</b>	Once activated, standby assumes sole authority.	No provision for concurrent decision making.	Once activated, standby assumes sole authority.
<b>Withdrawing the guardianship</b>	Does not specify.	<p>Guardianship may be revoked at any time by the designating individual.</p> <p>The revocation must be communicated to the potential standby guardian.</p>	Does not specify.

	Iowa	Maryland	Massachusetts
<b>Who can nominate a standby guardian</b>	A parent or legal custodian can nominate a standby regardless of health status.	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.	A parent or legal custodian can nominate a standby regardless of health status.
<b>How to establish a standby guardian</b>	File a “verified” petition with the court.  Children must be served notice, and if 14 or older the court will consider their preference.	Petition plus attending physician’s statement of risk to the parent filed and court hearing before triggering event, or  Written attested designation before triggering event followed by petition and court hearing after.  Optional designation form in statute.	Petition plus written designation (must be witnessed and attested) and court hearing before triggering event.  An affidavit stating parent’s consent to designation, willingness and ability to make child care decisions, and future custodial wishes may be submitted w/petition.
<b>How the standby’s authority becomes activated</b>	Upon triggering event, confirming documents are filed with the court and hearing to appoint.	If petition approved, standby has 90 days from triggering event to file confirming documents.  If only designation in effect upon triggering event, standby has 180 days to petition for appointment.	Within 90 days of triggering event, standby must petition to confirm status and for appointment as guardian.
<b>Triggering events</b>	The petition specifies the event, or condition of physical or mental health, as well as how the triggering events are to be documented.	Designation: mental incapacity or physical debilitation w/parental consent.  Petition: death, mental incapacity, or written consent.	Death, incapacity as certified by licensed physician, or consent.
<b>Involvement of the non-custodial parent</b>	A parent, “if qualified and suitable,” is preferred over all others to serve as guardian.	Reasonable efforts to locate and serve notice to the non-custodial parent w/parental rights are required before the court will appoint a standby.  After reasonable efforts made, a petition can be filed without consent to designation.	The standby guardian statute does not specify that the consent of non-custodial parent is required; however related guardian laws require such consent.
<b>Relationship between the Parent’s and standby’s authority</b>	No provision for concurrent decision making.	Once activated, standby and parent, while living, have concurrent authority.	Once activated, standby and parent, while living, have concurrent authority.  If parent withdraws consent or regains capacity standby’s authority becomes inactive until the next triggering event.
<b>Withdrawing the guardianship</b>	Before petition filed, destroy the petition.  After petition, file written revocation w/court.	Before petition filed, notify standby verbally or in writing.  After petition, file written revocation w/court and notify standby.	Before appointment, notify standby in writing.  After petition, file written revocation w/court and notify all parties.

	Minnesota	Nebraska	New Jersey
<b>Who can nominate a standby guardian</b>	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.	A parent who is chronically ill or near death can nominate a standby guardian.	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.
<b>How to establish a standby guardian</b>	<p>Petition plus written designation filed and court hearing before triggering event, or</p> <p>Designation before triggering event followed by petition and court hearing after. Optional designation form in statute.</p> <p>Different guardians may be designated for different triggering events.</p>	<p>Petition and court hearing to appoint.</p> <p>Children 14 or older must be served notice and the court will consider their preference.</p>	<p>Written designation, petition, and court hearing to appoint.</p> <p>Designation must be witnessed and expires in six months unless petition is filed w/the court. Optional designation form in statute.</p> <p>Children 14 or older must be notified and the court will consider their preference.</p>
<b>How the standby's authority becomes activated</b>	<p>If petition approved, no further court action required.</p> <p>If only designation in effect, standby has 60 days from triggering event to file confirming documents and petition for approval.</p> <p>If parent dies, standby appointed permanent guardian w/out additional petition.</p>	<p>Statute doesn't specify, although it is likely that, upon triggering event, confirming documents would need to be filed with the court.</p>	<p>Upon triggering event, standby has 60 days to file confirming documents and petition for confirmation of guardianship.</p>
<b>Triggering events</b>	<p>Death, mental incapacity or physical debilitation plus consent.</p> <p>Attending physician must document incapacity or debilitation.</p>	<p>Death, mental incapacity, or physical debilitation w/consent of surviving parent whose parental rights have not been terminated.</p>	<p>Death, mental incapacity, or physical debilitation w/parental consent.</p> <p>Attending physician must certify incapacity or debilitation.</p>
<b>Involvement of the non-custodial parent</b>	<p>Must search and serve notice, along w/copy of petition and designation.</p> <p>Consent is required unless whereabouts unknown, parental rights terminated, or the parent is unwilling and unable to care for the child.</p>	<p>A parent is preferred as guardian.</p> <p>For a child born out-of-wedlock, the court also considers (1) wishes of the deceased parent stated in a will and (2) the surviving parent's acknowledgment of paternity, payment of child support, and if fit.</p> <p>Notice of the hearing must be attempted by mail, personal service, or newspaper.</p>	<p>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.</p> <p>The court can proceed after diligent search for the non-custodial parent.</p>
<b>Relationship between the parent's and standby's authority</b>	<p>Once activated, standby and parent, while living, have concurrent authority.</p> <p>Standby's authority becomes inactive upon attending physician's written certification that parent restored to health.</p>	<p>Once activated, standby and parent, while living, have concurrent authority.</p>	<p>Once activated, standby and parent, while living, have concurrent authority to the extent possible unless otherwise specified.</p>
<b>Withdrawing the guardianship</b>	<p>Before petition filed, destroy designation and notify standby.</p> <p>After petition, file written revocation w/court</p>	<p>No provision for parent to revoke.</p> <p>The court may revoke and must approve resignation.</p>	<p>Revoke verbally; in writing, or in another manner that shows intent.</p>

	and notify standby in writing.		
	<b>New York</b>	<b>North Carolina</b>	<b>Ohio</b>
<b>Who can nominate a standby guardian</b>	Parent or legal guardian must have a progressively chronic or irreversibly fatal illness to petition.	A parent or legal guardian must suffer from a progressive chronic or irreversibly fatal illness to petition for the appointment of a standby guardian.	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.
<b>How to establish a standby guardian</b>	<p>Petition filed and court hearing held before triggering event, or</p> <p>Written designation before triggering event followed by petition and court hearing after. Optional designation form in statute.</p> <p>Children 14 or older must be notified and the court will consider their preference.</p>	<p>Petition filed and court hearing before triggering event, or</p> <p>Written designation before triggering event followed by petition and court hearing after.</p> <p>Evidence required at court hearing. The court may order that children be notified.</p>	<p>Durable Power of Attorney or other designating document plus petition and court hearing. The designating document must be witnessed, attested, and notarized.</p> <p>Standby must attend court hearing and, if appointed, take an oath to fulfill duties.</p> <p>Children 14 or older must be notified and court will consider their preference.</p>
<b>How the standby's authority becomes activated</b>	<p>Petition: Upon triggering event standby has 90 days to file confirming documents.</p> <p>Designation: Upon triggering event standby has 60 days to file confirming documents and petition for appointment.</p>	<p>Standby must file confirming documents within 90 days of triggering event.</p> <p>If only designation in effect, standby must also petition for appointment.</p>	As specified in the court order.
<b>Triggering events</b>	<p>Petition: death, mental incapacity, or death.</p> <p>Designation: death, mental incapacity, or physical debilitation with consent. Attending physician must document incapacity or debilitation.</p>	<p>Death, mental incapacity, physical debilitation plus consent, or consent alone.</p> <p>Attending physician must document incapacity or debilitation.</p>	<p>As specified in the designating document; not limited to disability, incapacity or adjudged incompetence.</p> <p>Medical certification of condition is not required.</p>
<b>Involvement of the non-custodial parent</b>	<p>The non-custodial parent is not required to sign the designation.</p> <p>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.</p>	<p>The non-custodial parent is not required to sign the designation.</p> <p>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.</p>	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.
<b>Relationship between the parent's and standby's authority</b>	Once activated, standby and parent, while living, have concurrent authority.	<p>Once activated, standby and parent, while living, have concurrent authority.</p> <p>Upon recovery and documentation by attending physician, parent's full authority is restored.</p>	Does not specify.
<b>Withdrawing the guardianship</b>	<p>After designation, notify verbally, in writing, or by other manner showing intent.</p> <p>After petition, file written revocation w/court and notify standby.</p>	<p>Revoke designation in writing to standby.</p> <p>After petition, file written revocation w/court.</p>	Does not specify.



	<b>Pennsylvania</b>	<b>Texas</b>	<b>Virginia</b>
<b>Who can nominate a standby guardian</b>	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.	The surviving parent of a minor.	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.
<b>How to establish a standby guardian</b>	<p>Petition plus written designation filed and court hearing before triggering event, or</p> <p>Designation before triggering event followed by petition and court hearing after.</p> <p>Optional designation form in statute.</p> <p>Different standby guardians may be designated for different triggering events.</p>	<p>File the court with an application for appointment of a guardian.</p> <p>File the court with a written declaration and any self-proving affidavit.</p> <p>The court approves the declaration with a hearing and appoints the designated person as guardian.</p>	<p>Petition filed and court hearing before triggering event, or</p> <p>Written designation before triggering event w/petition and court hearing after.</p> <p>The designation doesn't have to be filed w/court before triggering event or to be witnessed, only delivered to standby.</p> <p>Children 12 or older must be notified of hearing.</p>
<b>How the standby's authority becomes activated</b>	<p>If petition approved, no further court action is required upon triggering event.</p> <p>If only designation in effect, standby has 60 days from triggering event to file confirming documents and petition.</p>	Upon the triggering event, the court shall appoint the person designated in the will or declaration to serve as guardian of the minor.	<p>Upon triggering event, standby has 30 days to file confirming documents, and if only designation in effect petition for approval.</p> <p>If parent dies, standby has 90 days to petition for permanent guardianship or initiate custody proceedings.</p>
<b>Triggering events</b>	<p>Death, mental incapacity, or physical debilitation with consent.</p> <p>Attending physician must document incapacity or debilitation.</p>	The parent's incapacity or death.	<p>Designation: death, mental incapacity, or physical debilitation plus consent.</p> <p>Petition: death, mental incapacity, or written consent alone.</p>
<b>Involvement of the non-custodial parent</b>	<p>Required to search and serve notice to the non-custodial parent.</p> <p>Consent is required unless whereabouts unknown, parental rights terminated/ relinquished, or the parent is unwilling and unable to care for the child.</p>	The rights of parents who do not live together are equal.	The non-custodial parent is not required to sign the designation. Each parent whose identity and 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.
<b>Relationship between the parent's and standby's authority</b>	<p>Once activated, standby and parent, while living, have concurrent custody.</p> <p>If a physician certifies the parent has regained capacity, standby's authority becomes inactive until next triggering event.</p>	Not specified	Once activated, standby and parent, while living, have concurrent authority. If parent regains health, standby's authority continues unless specifically revoked.
<b>Withdrawing the guardianship</b>	<p>Before petition filed, destroy designation and notify standby.</p> <p>After, file written revocation w/court and notify standby.</p>	<p>When a probate court enters an order finding the surviving parent is no longer an incapacitated person.</p> <p>The declarant may revoke a declaration in any manner provided for the revocation of a will.</p>	Revoke designation by written notice to standby. After court approval, file written revocation w/court and notice to standby (and alternate who may be authorized to act).

	Unwritten revocation may be considered by clear and convincing evidence.		
	<b>West Virginia</b>	<b>Washington D.C.</b>	<b>Wisconsin</b>
<b>Who can nominate a standby guardian</b>	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.	A custodial parent who suffers from a chronic condition caused by physical illness, disease, or injury, and may not recover.	A parent must be at significant risk of incapacity, debilitation, or death within 2 years to petition.  The designation may be made anytime.
<b>How to establish a standby guardian</b>	Petition filed and court hearing before triggering event, or  Written designation before triggering event w/petition and court hearing after.  The designation doesn't have to be filed w/court before triggering event, but must be witnessed and delivered to standby.  Children 14 or older must be notified of hearing.	A petition plus a copy of the designation filed with the court for approval.  If after the triggering event, a petition should be filed no later than 90 days.  The court enters an order approving the standby guardianship w/ or without a hearing.	Petition and court hearings before triggering event, or  Written designation before triggering event w/petition and court hearings after.  Not required to file designation w/court before triggering event, although must be witnessed. Optional form in statute.  Children 12 or older must be notified and court will consider their preference.
<b>How the standby's authority becomes activated</b>	Upon triggering event, standby has 30 days to file confirming documents, and if only designation in effect petition for approval.  If parent dies, standby has 90 days to petition for permanent guardianship or initiate custody proceedings.	If petition is approved, the standby's authority will act automatically upon the triggering event.  If only designation is in effect, standby has temporary legal authority and should file a petition for approval in 90 days from triggering event.	If petition approved, standby has 90 days from triggering event to file confirming documents.  If only designation in effect, standby has 180 days from triggering event to file confirming documents and petition for appointment.
<b>Triggering events</b>	Designation: death, mental incapacity, or physical debilitation plus consent.  Petition: death, mental incapacity, or written consent alone.	Debilitation w/ written acknowledgement and consent to commencement; incapacity determined by an attending clinician; or death.	Death, mental incapacity, or physical debilitation plus parental consent.  Attending physician must document incapacity or debilitation.
<b>Involvement of the non-custodial parent</b>	The non-custodial parent is not required to sign the designation. Each parent whose identity and whereabouts are known must receive notice and a copy of the petition and s/he has 10 days to request a hearing. Court can't proceed if a custody case is pending.	A non-custodial parent should receive notice of the filing of the petition; and could request a hearing within 20 days of the notice. All parties should consent to entry of the approval order.	Preference to a willing and able non-custodial parent. Reasonable diligence to locate and serve notice is required. Notice must be made by certified mail or personal service at least 7 days before hearing or by newspaper.
<b>Relationship between the parent's and standby's authority</b>	Once activated, standby and parent, while living, have concurrent authority. If parent regains health, standby's authority continues unless specifically revoked.	Once activated, standby guardian has the authority over the child.  The designator retains concurrent authority if health permits.	Once activated, standby and parent, while living, have concurrent authority. Parental authority is restored upon written certification of attending physician or revocation.
<b>Withdrawing the guardianship</b>	Revoke designation by written notice to standby. After court approval, file written revocation w/court and notice to standby (and alternate who may be authorized to act).	Before petition filed, notify standby in writing.  After petition approved, file a notice of revocation w/court.	Revoke designation verbally, in writing and notify standby, or make a new designation.  After petition filed, file written revocation w/court and standby.

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	Wyoming	State Codes
<b>Who can nominate a standby guardian</b>	Any parent being of sound mind may nominate a standby and the court will decide if it is in the child's best interests.	<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>▪ DC: Official Code, Title 16, Sec.2, Chapter 48.</li> <li>▪ FL: Florida Statutes, Title XLIII, Chapter 744, Part III, 744.304, 744.3045-6.</li> <li>▪ GA: Standby Guardianship Act. Title 29, Chapter 4, Article 2</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>▪ TX: Texas Probate Code, Chapter 13, Section 676.</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>
<b>How to establish a standby guardian</b>	Designation by filing a petition with any person, firm, bank or trust company.	
<b>How the standby's authority becomes activated</b>	Upon triggering event, the standby or parent files the petition and confirming documents with court.  The court may appoint designated guardian or schedule hearing to review.	
<b>Triggering events</b>	A specified event or condition of physical or mental health, including how the triggering events are to be documented.	
<b>Involvement of the non-custodial parent</b>	Preference given to parent. Due diligence is required to serve notice of hearing to the non-custodial parent.	
<b>Relationship between the parent's and standby's authority</b>	Does not specify.	
<b>Withdrawing the Guardianship</b>	Before appointment, parent may revoke by destroying the petition or in writing and delivered to depository.	