

## PARENTS AFFECTED BY COVID-19

Parents and primary caregivers of children under the age of 18 who are healthcare workers or who are reasonably worried that they have been exposed to COVID-19 should consider making a plan now for the future care and custody of their children. Parents should consult with an attorney to discuss their need.

### Standby Guardianship for Future Care and Custody

A parent can choose a “standby guardian” to take care of a child if the parent reasonably believes that they have been exposed to COVID-19 and want to make future care and custody plans for their child(ren).

By naming a standby guardian, parents can feel secure that if they become ill and unable to care for their children, their children will be properly cared for by someone of their choosing. This reduces the risk that the child will go into foster care.

Choosing a standby guardian does not mean that a parent is giving up his or her parental rights. The guardianship goes into effect **only** upon the occurrence of a “triggering event”—in this case, a “serious health condition” which includes the parent’s death, a medical determination of mental incapacity, or physical incapacity accompanied by parental consent. Parents can revoke a standby designation at any time.



## How to Designate a Standby Guardian

A Standby Designation form allows the parents to name the person they want to be their children's standby guardian. The form is signed by the parent, and two witnesses. The person named by the parent to be the guardian has to sign as well but it does not have to be at the same time the parent signs. If the triggering event, known as a "serious health condition" occurs, the standby guardian can act as guardian. A serious health condition includes the parent's death, a medical determination of mental incapacity, or physical incapacity accompanied by parental consent. If the serious health condition occurs, the standby guardian may act as the child(ren) guardian for 60 days. After that period, they must go to Family or Surrogate's Court to be formally appointed.

## Designation of Person in Parental Relationship

For healthcare workers or others who are quarantining separately from their children, a "Designation of Person in Parental Relationship" can be used to name an adult authorized to make basic medical and educational decisions for their child. The form is signed by the parent and must be notarized. The designation is valid for a maximum period of one year. To extend the designation, the parent must be available to sign and notarize the form once it expires. Like standby guardianship, this document can be revoked at any time. This option gives more limited powers to the named adult than standby guardianship and does not require going to court.

Unlike standby guardianship, this document terminates upon the death or incapacity of the parent.

### How can I get help?

Individuals interested in standby guardianship and future care planning for their children should speak with an attorney.

For more information, parents can call NYLAG's information line:

**857-410-04051**



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