



**IF I DON'T COMPLETE THE FORM  
AND I AM DETAINED OR DEPORTED,  
WHAT WILL HAPPEN TO MY CHILDREN?**

Children could be placed into Maryland's child welfare and foster care system or subject to informal placements without legal protections. Such placements could result in trauma to the child, undercut the parent child relationship and have long term effects on the child's future well-being and development. In cases where no one is given legal authority to care for the children, there could be problems enrolling the child in school or obtaining emergency or routine medical care.

**WHERE DO I GO IF I NEED HELP  
TO COMPLETE THE FORM?**

STANDBY GUARDIANSHIP PROJECT  
[www.standbyguardian.org](http://www.standbyguardian.org)

TESS COMMUNITY ACTION CENTER  
FREE CLINIC.....240-773-8260  
CASA.....1-866-765-2272  
COMMUNITY LEGAL AID.....240-391-6370  
ESPERANZA CENTER.....667-600-2900  
BUILDING HOPE DUNDALK  
SUPPORT CENTER.....667-600-2167



STANDBY GUARDIANSHIP PROJECT

[www.standbyguardian.org](http://www.standbyguardian.org)

# PROTECT YOUR CHILDREN

*if you are detained  
or deported*



*Learn about*  
**MARYLAND'S NEW  
STANDBY GUARDIANSHIP LAW**

## HOW DOES THE NEW STANDBY GUARDIANSHIP LAW HELP IMMIGRANT PARENTS AND CHILDREN IN MARYLAND?

It allows a parent to privately name a trusted adult to serve as a standby guardian to care for the parent's minor children for a period of 6 months after the parent is detained or deported. This new law expanded the old Maryland standby guardianship law which provides that a mentally incapacitated or physically debilitated parent can name an adult to care for minor children.

## HOW DOES A PARENT CREATE A STANDBY GUARDIANSHIP?

The parent fills out a form which names the standby guardian. The form must be completed and signed by the parent and witnessed by two individuals over 18 years of age who are not the standby guardian. The standby guardian must also sign the form.

## WHERE CAN I FIND THE STANDBY GUARDIANSHIP FORM?

The English and Spanish versions of the form are posted online on the Maryland Courts website at:

<https://mdcourts.gov/sites/default/files/court-forms/ccgn041.pdf> and at <https://mdcourts.gov/sites/default/files/court-forms/ccgn041bls.pdf>.

Also, you can go online to Maryland Courts Forms, Juvenile and Family Forms, Guardianship forms and find the English, French, Korean, Chinese, Brazilian Portuguese, Russian and Amharic translations of the form.



## WHEN DOES THE STANDBY GUARDIANSHIP BEGIN?

The standby guardianship begins only when the parent has completed the form and the parent experiences an adverse immigration action. The standby guardianship does not begin when the parent completes the form. There must be an adverse immigration action that happens that triggers the parent's consent to the beginning of the standby guardianship.

## WHAT IF THE PARENT NEEDS THE STANDBY GUARDIAN TO CARE FOR MINOR CHILDREN LONGER THAN 6 MONTHS AFTER THEY ARE DETAINED OR DEPORTED?

The standby guardianship automatically terminates 6 months after the parent's adverse immigration action. In order to extend the standby guardianship beyond the 6 months, the standby guardian must file a petition with the Court before the end of the 6 months in the county where the child is residing to request judicial appointment as standby guardian. By filing the petition, the standby guardianship is automatically extended until the court rules on the petition. If the Court appoints the standby guardian to care for the children, the standby guardianship can continue for as long as the child is a minor, or earlier, if revoked by the parent.

## DO PARENTS LOSE ANY PARENTAL RIGHTS IF THE STANDBY GUARDIAN CARES FOR THEIR CHILDREN?

No. Parents keep all of their parental rights.

## WHAT DUTIES AND POWERS DOES THE STANDBY GUARDIAN HAVE?

The parents choose the powers and duties that the parent wants the standby guardian to perform for the children by checking boxes in the form. They can choose to have the standby guardian provide for the physical and mental well-being of the children, enroll the children in school, make medical and educational decisions for the children, authorize the standby guardian to travel domestically or internationally with the children and apply for and receive child support or other public benefits for which the children are eligible.

## HOW DOES A PARENT END THE STANDBY GUARDIANSHIP?

The parent can end the standby guardianship at any time. If it is during the first 6 months after the parent is detained or deported, the parent can either tell or notify the standby guardian in

writing that the standby guardianship is terminated. If the standby guardian has filed with the court to extend the standby guardianship beyond the 6 months, the parent needs to write to the standby guardian and also file the written revocation with the court in which the petition was filed.

