

# HOUSE BILL 1613

N2

EMERGENCY BILL

8lr3858  
CF SB 1239

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By: **Delegate Sanchez**

Introduced and read first time: February 9, 2018

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2018

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Appointment or Designation of Standby Guardian – ~~Removal From the United~~**  
3 **States Adverse Immigration Action**

4 FOR the purpose of authorizing a parent of a minor to file a petition for the judicial  
5 appointment of a standby guardian of the person or property of the minor if there is  
6 a significant risk that an adverse immigration action will be initiated against the  
7 petitioner ~~will be removed from the United States~~ within a certain period of time  
8 after the filing of the petition; requiring a court to issue a certain decree for the  
9 appointment of a standby guardian of the person or property of a minor if the court  
10 finds that there is a significant risk that an adverse immigration action will be  
11 initiated against the petitioner ~~will be removed from the United States~~ within a  
12 certain period of time after the filing of the petition under certain circumstances;  
13 specifying certain procedures for the appointment or designation of a standby  
14 guardian of the person or property of a minor in the ~~case of removal from the United~~  
15 ~~States of event of an adverse immigration action being initiated against~~ a parent;  
16 specifying when the authority of a standby guardian under this Act begins under  
17 certain circumstances; requiring a standby guardian to take certain actions; making  
18 certain provisions relating to the appointment or designation of a standby guardian  
19 of the person or property of a minor in cases of incapacity, debilitation, or death of a  
20 parent applicable to the appointment or designation of a standby guardian of the  
21 person or property of a minor in the ~~case of removal from the United States of event~~  
22 of an adverse immigration action being initiated against a parent; authorizing a  
23 parent to designate a standby guardian by means of a written designation in the  
24 event that an adverse immigration action is initiated against the parent ~~is removed~~  
25 ~~from the United States~~ under certain circumstances; requiring the court to appoint

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



a person to be a standby guardian if the court finds that an ~~order of removal from the United States~~ official document related to an adverse immigration action has been issued and specified parental consent has been given; specifying that a standby guardian's authority under certain provisions may not, itself, divest a parent of any parental or guardianship rights; making certain conforming changes; altering certain definitions; defining a certain term; making this Act an emergency measure; and generally relating to ~~removal from the United States~~ adverse immigration actions and standby guardianship of the person or property of a minor.

~~BY repealing and reenacting, without amendments,~~

~~Article – Estates and Trusts~~

~~Section 13–901(a) and 13–902~~

~~Annotated Code of Maryland~~

~~(2017 Replacement Volume)~~

BY repealing and reenacting, with amendments,

Article – Estates and Trusts

Section ~~13–901(e)~~ 13–901, 13–903, 13–904, and 13–907

Annotated Code of Maryland

(2017 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Estates and Trusts

Section 13–902

Annotated Code of Maryland

(2017 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

### Article – Estates and Trusts

13–901.

(a) In this subtitle the following words have the meanings indicated.

(b) **“ADVERSE IMMIGRATION ACTION” INCLUDES:**

**(1) DETAINMENT FOR PURPOSES OF IMMIGRATION ENFORCEMENT BY IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICERS OR ANY OTHER FEDERAL, STATE, OR LOCAL AGENCY OR OFFICIAL CHARGED WITH IMMIGRATION ENFORCEMENT;**

**(2) DEPORTATION FROM THE UNITED STATES; OR**

1                   **(3) THE IMPOSITION OF VOLUNTARY DEPARTURE IN LIEU OF FORMAL**  
 2 **DEPORTATION AS PROVIDED FOR UNDER THE IMMIGRATION AND NATIONALITY**  
 3 **ACT.**

4           **(C)** (1) “Attending physician” means a physician who has primary  
 5 responsibility for the treatment and care of a parent described under this subtitle.

6                   (2) If more than one physician shares the responsibility for the treatment  
 7 and care of a parent or if another physician is acting on the attending physician’s behalf,  
 8 any physician described in this paragraph may act as the attending physician under this  
 9 subtitle.

10                   (3) If no physician has responsibility for the treatment and care of a parent,  
 11 any physician who is familiar with the parent’s medical condition may act as the attending  
 12 physician under this subtitle.

13           **[(c)] (D)** (1) “Debilitation” means a person’s chronic and substantial inability,  
 14 as a result of a physically incapacitating illness, disease, or injury, to care for the person’s  
 15 dependent minor child.

16                   (2) “Debilitated” means the state of having a debilitation.

17           **[(d)] (E)** (1) “Incapacity” means a person’s chronic and substantial inability,  
 18 as a result of mental impairment, to understand the nature and consequences of decisions  
 19 concerning the care of the person’s dependent minor child, and a consequent inability to  
 20 care for the child.

21                   (2) “Incapacitated” means the state of having an incapacity.

22           ~~(e)~~ **(F)** “Standby guardian” means a person:

23                   (1) Appointed by a court under § 13–903 of this subtitle as standby  
 24 guardian of the person or property of a minor, whose authority becomes effective on the  
 25 incapacity, ~~REMOVAL FROM THE UNITED STATES,~~ or death of the minor’s parent, ON  
 26 THE INITIATION OF AN ADVERSE IMMIGRATION ACTION AGAINST THE MINOR’S  
 27 PARENT, or on the consent of the parent; or

28                   (2) Designated under § 13–904 of this subtitle as standby guardian of the  
 29 person or property of a minor, whose authority becomes effective on the incapacity of the  
 30 minor’s parent, [or] ~~ON THE REMOVAL FROM THE UNITED STATES AND CONSENT OF~~  
 31 ~~THE PARENT, OR~~ on the debilitation and consent of the parent, OR ON THE INITIATION  
 32 OF AN ADVERSE IMMIGRATION ACTION AGAINST THE PARENT AND THE CONSENT OF  
 33 THE PARENT.

34 13–902.

1 Except as otherwise provided in this subtitle, the provisions of this title concerning  
2 a guardian of the person or property of a minor shall apply to standby guardians.

3 13-903.

4 (a) (1) Subject to the provisions of paragraphs (2) and (3) of this subsection, a  
5 petition for the judicial appointment of a standby guardian of the person or property of a  
6 minor under this section may be filed only by a parent of the minor, and if filed, shall be  
7 joined by each person having parental rights over the minor.

8 (2) If a person who has parental rights cannot be located after reasonable  
9 efforts have been made to locate the person, the parent may file a petition for the judicial  
10 appointment of a standby guardian.

11 (3) If the petitioner submits documentation, satisfactory to the court, of the  
12 reasonable efforts to locate the person who has parental rights, the court may issue a decree  
13 under this section.

14 (b) A petition for the judicial appointment of a standby guardian shall state:

15 (1) The duties of the standby guardian;

16 (2) Whether the authority of the standby guardian is to become effective on  
17 the petitioner's incapacity, ~~ON THE PETITIONER'S REMOVAL FROM THE UNITED~~  
18 ~~STATES~~, on the petitioner's death, or on whichever occurs first, **OR ON THE INITIATION**  
19 **OF AN ADVERSE IMMIGRATION ACTION AGAINST THE PETITIONER**; and

20 (3) That there is a significant risk that, **WITHIN 2 YEARS AFTER THE**  
21 **FILING OF THE PETITION**, the petitioner will become incapacitated, ~~BE REMOVED FROM~~  
22 ~~THE UNITED STATES~~, or die, as applicable, **OR THAT THERE WILL BE AN ADVERSE**  
23 **IMMIGRATION ACTION INITIATED AGAINST THE PETITIONER**, ~~within 2 years of the~~  
24 ~~filing of the petition~~, and the basis for this statement.

25 (c) If the petitioner is medically unable to appear, the petitioner's appearance in  
26 court may not be required, except on a motion and for good cause shown.

27 (d) (1) If the court finds that there is a significant risk that, **WITHIN 2 YEARS**  
28 **AFTER THE FILING OF THE PETITION**, the petitioner will become incapacitated, ~~BE~~  
29 ~~REMOVED FROM THE UNITED STATES~~, or die, **OR THAT AN ADVERSE IMMIGRATION**  
30 **ACTION WILL BE INITIATED AGAINST THE PETITIONER**, ~~within 2 years of the filing of~~  
31 ~~the petition~~ and that the interests of the minor will be promoted by the appointment of a  
32 standby guardian of the person or property of the minor, the court shall issue a decree  
33 accordingly.

34 (2) A decree under this subsection shall:

1 (i) Specify whether the authority of the standby guardian is  
2 effective on:

3 **1. THE receipt of a determination of the petitioner's**  
4 **incapacity, ~~ON THE RECEIPT OF AN ORDER OF REMOVAL FROM THE UNITED STATES,~~**  
5 **on the receipt of the certificate of the petitioner's death, or on whichever occurs first; OR**

6 **2. THE RECEIPT OF AN OFFICIAL DOCUMENT**  
7 **INDICATING THAT AN ADVERSE IMMIGRATION ACTION HAS BEEN INITIATED**  
8 **AGAINST THE PETITIONER; and**

9 (ii) Provide that the authority of the standby guardian may become  
10 effective earlier on written consent of the petitioner in accordance with subsection [(e)(3)]  
11 **(E)(4)** of this section.

12 (3) If at any time before the beginning of the authority of the standby  
13 guardian the court finds that the requirements of paragraph (1) of this subsection are no  
14 longer satisfied, the court may rescind the decree.

15 (e) (1) (i) If a decree under subsection (d) of this section provides that the  
16 authority of the standby guardian is effective on receipt of a determination of the  
17 petitioner's incapacity, the standby guardian's authority shall begin on the standby  
18 guardian's receipt of a copy of a determination of incapacity made under § 13-906 of this  
19 subtitle.

20 (ii) A standby guardian shall file a copy of the determination of  
21 incapacity with the court that issued the decree within 90 days of the date of receipt of the  
22 determination.

23 (iii) If a standby guardian fails to comply with subparagraph (ii) of  
24 this paragraph, the court may rescind the standby guardian's authority.

25 (2) (i) If a decree under subsection (d) of this section provides that the  
26 authority of the standby guardian is effective on receipt of a certificate of the petitioner's  
27 death, the standby guardian's authority shall begin on the standby guardian's receipt of a  
28 certificate of death.

29 (ii) The standby guardian shall file a copy of the certificate of death  
30 with the court that issued the decree within 90 days of the date of the petitioner's death.

31 (iii) If the standby guardian fails to comply with subparagraph (ii) of  
32 this paragraph, the court may rescind the standby guardian's authority.

33 **(3) (1) IF A DECREE UNDER SUBSECTION (D) OF THIS SECTION**  
34 **PROVIDES THAT THE AUTHORITY OF THE STANDBY GUARDIAN IS EFFECTIVE ON**  
35 **RECEIPT OF AN ~~ORDER OF REMOVAL FROM THE UNITED STATES OF~~ OFFICIAL**

1 DOCUMENT INDICATING THAT AN ADVERSE IMMIGRATION ACTION HAS BEEN  
2 INITIATED AGAINST THE PETITIONER, THE STANDBY GUARDIAN'S AUTHORITY  
3 SHALL BEGIN ON THE STANDBY GUARDIAN'S RECEIPT OF A COPY OF AN ~~ORDER OF~~  
4 ~~REMOVAL~~ OFFICIAL DOCUMENT.

5 (II) THE STANDBY GUARDIAN SHALL FILE A COPY OF THE  
6 ~~ORDER OF REMOVAL~~ OFFICIAL DOCUMENT WITH THE COURT THAT ISSUED THE  
7 DECREE WITHIN 90 DAYS OF THE DATE OF RECEIPT OF THE ~~ORDER~~ OFFICIAL  
8 DOCUMENT.

9 (III) IF THE STANDBY GUARDIAN FAILS TO COMPLY WITH  
10 SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COURT MAY RESCIND THE STANDBY  
11 GUARDIAN'S AUTHORITY.

12 [(3)] (4) (i) Notwithstanding paragraphs (1) [and], (2), AND (3) of this  
13 subsection, a standby guardian's authority shall begin on the standby guardian's receipt of  
14 the petitioner's written consent to the beginning of the standby guardian's authority signed  
15 by:

16 1. The petitioner in the presence of two witnesses at least 18  
17 years of age, neither of whom may be the standby guardian; and

18 2. The standby guardian.

19 (ii) 1. If the petitioner is physically unable to sign a written  
20 consent to the beginning of the standby guardian's authority, another person may sign the  
21 consent on the petitioner's behalf and at the petitioner's direction.

22 2. A consent under this subparagraph to the beginning of the  
23 standby guardian's authority shall be signed in the presence of the petitioner and two  
24 witnesses at least 18 years of age, neither of whom may be the standby guardian.

25 3. A standby guardian also shall sign a written consent to the  
26 beginning of the standby guardian's authority under this subparagraph.

27 (iii) The standby guardian shall file the written consent with the  
28 court that issued the decree within 90 days of the date of receipt of the written consent.

29 (iv) If the standby guardian fails to comply with subparagraph (iii) of  
30 this paragraph, the court may rescind the standby guardian's authority.

31 (f) The petitioner may revoke a standby guardianship created under this section  
32 by:

33 (1) Executing a written revocation;

1 (2) Filing the revocation with the court that issued the decree; and

2 (3) Promptly notifying the standby guardian of the revocation.

3 (g) A person who is judicially appointed as a standby guardian under this section  
4 may at any time before the beginning of the person's authority renounce the appointment  
5 by:

6 (1) Executing a written renunciation;

7 (2) Filing the renunciation with the court that issued the decree; and

8 (3) Promptly notifying in writing the petitioner of the revocation.

9 13-904.

10 (a) (1) A parent may designate a standby guardian by means of a written  
11 designation:

12 (i) Signed in the presence of two witnesses, at least 18 years old,  
13 neither of whom is the standby guardian; and

14 (ii) Signed by the standby guardian.

15 (2) (i) If a parent is physically unable to sign a written designation,  
16 another person may sign the designation on the parent's behalf and at the parent's  
17 direction.

18 (ii) 1. A designation under this paragraph shall be signed in the  
19 presence of the parent and two witnesses at least 18 years of age, neither of whom may be  
20 the standby guardian.

21 2. The standby guardian also shall sign a designation under  
22 this paragraph.

23 (b) (1) A designation of a standby guardian shall identify the parent, the  
24 minor, and the person designated to be the standby guardian, state the duties of the  
25 standby guardian, and indicate that the parent intends for the standby guardian to become  
26 the minor's guardian in the event the parent [either]:

27 (i) Becomes incapacitated; [or]

28 ~~(ii) IS REMOVED FROM THE UNITED STATES AND CONSENTS TO~~  
29 ~~THE BEGINNING OF THE STANDBY GUARDIAN'S AUTHORITY; OR~~

~~[(ii)] ~~(iii)~~~~ Becomes debilitated and consents to the beginning of the standby guardian’s authority; **OR**

**(iii) IS SUBJECT TO AN ADVERSE IMMIGRATION ACTION AND CONSENTS TO THE BEGINNING OF THE STANDBY GUARDIAN’S AUTHORITY.**

(2) A parent may designate an alternate standby guardian in the same writing and by the same manner as the designation of a standby guardian.

(3) A designation may, but need not, be in the following form:

Designation of Standby Guardian

I (name of parent) hereby designate (name, home address, and telephone number of standby guardian) as standby guardian of the person and property of my child(ren) (name of child(ren)).

(You may, if you wish, provide that the standby guardian’s authority shall extend only to the person, or only to the property, of your child, by crossing out “person” or “property”, whichever is inapplicable, above.)

The standby guardian’s authority shall take effect if and when [either]:

(1) My doctor concludes I am mentally incapacitated, and thus unable to care for my child(ren); [or]

(2) My doctor concludes that I am physically debilitated, and thus unable to care for my child(ren) and I consent in writing, before two witnesses, to the standby guardian’s authority taking effect; **OR**

**(3) ~~I HAVE BEEN REMOVED FROM THE UNITED STATES~~ AN ADVERSE IMMIGRATION ACTION HAS BEEN INITIATED AGAINST ME, AND I AM THUS UNABLE TO CARE FOR MY CHILD(REN) AND I CONSENT IN WRITING, BEFORE TWO WITNESSES, TO THE STANDBY GUARDIAN’S AUTHORITY TAKING EFFECT.**

If the person I designate above is unable or unwilling to act as guardian for my child(ren), I hereby designate (name, home address, and telephone number of alternate standby guardian), as standby guardian of my child(ren).

I also understand that my standby guardian’s authority will cease 180 days after beginning unless by that date my standby guardian petitions the court for appointment as guardian.

I understand that I retain full parental rights even after the beginning of the standby guardian’s authority, and may revoke the standby guardianship at any time.

Parent’s Signature: \_\_\_\_\_

Address: \_\_\_\_\_

Date: \_\_\_\_\_

I declare that the person whose name appears above signed this document in my presence, or was physically unable to sign and asked another to sign this document, who did so in my presence. I further declare that I am at least 18 years old and am not the person designated as standby guardian.

Witness’s Signature: \_\_\_\_\_

Address: \_\_\_\_\_

Date: \_\_\_\_\_



1 Witness's Signature: \_\_\_\_\_  
 2 Address: \_\_\_\_\_  
 3 Date: \_\_\_\_\_  
 4 Standby Guardian's Signature: \_\_\_\_\_  
 5 Address: \_\_\_\_\_  
 6 Date: \_\_\_\_\_

7 (4) A consent by another person with parental rights to a designation of a  
 8 standby guardian by a parent may, but need not be, in the following form:

9 Consent to Designation of Standby Guardian

10 I (name of person with parental rights) agree with the designation by (name of  
 11 parent) of (name, home address, and telephone number of standby guardian) as standby  
 12 guardian of the person and property of my child(ren) (name of child(ren)).

13 I agree also to the terms stated above and understand that I retain full parental  
 14 rights even after the beginning of the standby guardian's authority, and may revoke my  
 15 consent to the standby guardianship at any time.

16 Signature of Person with Parental Rights: \_\_\_\_\_  
 17 Address: \_\_\_\_\_  
 18 Date: \_\_\_\_\_

19 I declare that the person whose name appears above signed this document in my  
 20 presence, or was physically unable to sign and asked another to sign this document, who  
 21 did so in my presence. I further declare that I am at least 18 years old and am not the  
 22 person designated as standby guardian.

23 Witness's Signature: \_\_\_\_\_  
 24 Address: \_\_\_\_\_  
 25 Date: \_\_\_\_\_  
 26 Witness's Signature: \_\_\_\_\_  
 27 Address: \_\_\_\_\_  
 28 Date: \_\_\_\_\_  
 29 Standby Guardian's Signature: \_\_\_\_\_  
 30 Address: \_\_\_\_\_  
 31 Date: \_\_\_\_\_

32 (c) The authority of the standby guardian under a designation shall begin on:

33 (1) The standby guardian's receipt of a copy of a determination of  
 34 incapacity under § 13-906 of this subtitle; [or]

35 (2) The standby guardian's receipt of:

36 (i) A copy of a determination of debilitation under § 13-906 of this  
 37 subtitle;

38 (ii) A copy of the parent's written consent to the beginning of the  
 39 standby guardianship, signed by the parent in the presence of two witnesses at least 18

1 years of age, neither of whom is the standby guardian, and signed by the standby guardian;  
2 and

3 (iii) A copy of the birth certificate for each child for whom the standby  
4 guardian is designated; **OR**

5 **(3) THE STANDBY GUARDIAN'S RECEIPT OF:**

6 **(I) A COPY OF AN ~~ORDER OF REMOVAL FROM THE UNITED~~**  
7 **~~STATES~~ OFFICIAL DOCUMENT RELATED TO AN ADVERSE IMMIGRATION ACTION;**

8 **(II) A COPY OF THE PARENT'S WRITTEN CONSENT TO THE**  
9 **BEGINNING OF THE STANDBY GUARDIANSHIP, SIGNED BY THE PARENT IN THE**  
10 **PRESENCE OF TWO WITNESSES AT LEAST 18 YEARS OF AGE, NEITHER OF WHOM IS**  
11 **THE STANDBY GUARDIAN, AND SIGNED BY THE STANDBY GUARDIAN; AND**

12 **(III) A COPY OF THE BIRTH CERTIFICATE FOR EACH CHILD FOR**  
13 **WHOM THE STANDBY GUARDIAN IS DESIGNATED.**

14 (d) (1) If a parent is physically unable to sign a written consent to the  
15 beginning of the standby guardianship, another person may sign the written consent to the  
16 beginning of the standby guardianship on the parent's behalf and at the parent's direction.

17 (2) A consent under this subsection to the beginning of the standby  
18 guardianship shall be signed in the presence of the parent and two witnesses at least 18  
19 years of age, neither of whom may be the standby guardian.

20 (3) The standby guardian also shall sign a consent to the beginning of the  
21 standby guardianship under this subsection.

22 (e) (1) A standby guardian shall file a petition for judicial appointment within  
23 180 days of the date of the beginning of the standby guardianship under this section.

24 (2) If the standby guardian fails to file the petition within the time specified  
25 in this subsection, the standby guardian's authority shall terminate 180 days from the date  
26 of the beginning of the standby guardianship.

27 (3) The standby guardian's authority shall begin again on the filing of the  
28 petition.

29 (f) (1) A standby guardian shall file a petition for appointment as guardian  
30 after receipt of:

31 (i) A copy of a determination of incapacity made under § 13-906 of  
32 this subtitle; [or]

1 (ii) Copies of:

2 1. A determination of debilitation made under § 13–906 of  
3 this subtitle; and

4 2. The parent’s written consent to the beginning of the  
5 standby guardianship under this section; OR

6 (III) COPIES OF:

7 1. ~~AN ORDER OF REMOVAL FROM THE UNITED STATES~~  
8 OFFICIAL DOCUMENT RELATED TO AN ADVERSE IMMIGRATION ACTION; AND

9 2. ~~THE PARENT’S WRITTEN CONSENT TO THE~~  
10 BEGINNING OF THE STANDBY GUARDIANSHIP UNDER THIS SECTION.

11 (2) Subject to the provisions of paragraphs (3) and (4) of this subsection,  
12 the petition shall be accompanied by:

13 (i) The written designation of the standby guardian signed, or  
14 consented to, by each person having parental rights over the child;

15 (ii) A copy of:

16 1. The determination of incapacity of the parent; [or]

17 2. The determination of debilitation and the parental  
18 consent to the beginning of the standby guardianship; OR

19 3. ~~THE ORDER OF REMOVAL FROM THE UNITED STATES~~  
20 OFFICIAL DOCUMENT RELATED TO AN ADVERSE IMMIGRATION ACTION AND THE  
21 PARENTAL CONSENT TO THE BEGINNING OF THE STANDBY GUARDIANSHIP; and

22 (iii) If the petition is filed by a person designated as alternate standby  
23 guardian, a statement that the person designated as standby guardian is unwilling or  
24 unable to act as standby guardian, and the basis for the statement.

25 (3) If a person who has parental rights cannot be located after reasonable  
26 efforts have been made to locate the person, the standby guardian may file a petition under  
27 this section without the consent of the person to the designation of the standby guardian.

28 (4) If the standby guardian submits documentation, satisfactory to the  
29 court, of the reasonable efforts to locate the person who has parental rights, the court may  
30 appoint a standby guardian under this section.

1 (g) The court shall appoint a person to be a standby guardian under this section  
2 if the court finds that:

3 (1) The person was duly designated as standby guardian;

4 (2) (I) A determination of incapacity, or a determination of debilitation  
5 and parental consent to the beginning of the standby guardianship, has been made under  
6 this section; OR

7 (II) ~~AN ORDER OF REMOVAL FROM THE UNITED STATES HAS~~  
8 ~~BEEN ISSUED~~ ADVERSE IMMIGRATION ACTION HAS BEEN INITIATED AND PARENTAL  
9 CONSENT TO THE BEGINNING OF THE STANDBY GUARDIANSHIP HAS BEEN GIVEN  
10 UNDER THIS SECTION;

11 (3) The interests of the minor will be promoted by the appointment of a  
12 standby guardian of the person or property of the minor; and

13 (4) If the petition is by a person designated as alternate standby guardian,  
14 the person designated as standby guardian is unwilling or unable to act as standby  
15 guardian.

16 (h) A parent may revoke a standby guardianship created under this section:

17 (1) Before the filing of a petition, by notifying the standby guardian  
18 verbally or in writing or by any other act that is evidence of a specific intent to revoke the  
19 standby guardianship; and

20 (2) If a petition has been filed by:

21 (i) Executing a written revocation;

22 (ii) Filing the revocation with the court in which the petition was  
23 filed; and

24 (iii) Promptly notifying the standby guardian of the revocation.

25 (i) A person who is judicially appointed as a standby guardian under this section  
26 may at any time before the beginning of the person's authority renounce the appointment  
27 by:

28 (1) Executing a written renunciation;

29 (2) Filing the renunciation with the court that issued the decree; and

30 (3) Promptly notifying in writing the parent of the revocation.

1 13-907.

2 (a) [The beginning of a standby guardian's authority in accordance with a  
3 determination of incapacity, determination of debilitation, or consent] **A STANDBY**  
4 **GUARDIAN'S AUTHORITY UNDER THIS SUBTITLE** may not, itself, divest a parent of any  
5 parental or guardianship rights.

6 (b) The authority of a standby guardian with respect to the minor is limited to the  
7 express authority granted to the standby guardian by a court under this subtitle.

8 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~  
9 ~~October 1, 2018.~~

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
11 measure, is necessary for the immediate preservation of the public health or safety, has  
12 been passed by a yea and nay vote supported by three-fifths of all the members elected to  
13 each of the two Houses of the General Assembly, and shall take effect from the date it is  
14 enacted.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.