

New Maryland Law Protects Children of Immigrant Parents

On May 15, 2018 the Maryland legislature passed a new emergency law which allows immigrant parents to privately name someone they trust to serve as standby guardian to care for their children for a period of up to 6 months. If the standby guardian needs to serve beyond the 6 months, the standby guardian must file a petition with the court before the end of the 6 months to have the standby guardianship extended.

The parent fills out a simple form which gives the standby guardian authority to provide for the physical and mental well-being of the children, to make medical and educational decisions for the children, to enroll the children in school and to apply for and receive child support or other public benefits for which the children are eligible.

Importantly, parents keep all of their parental rights and can revoke the standby guardianship at any time.

The standby guardianship only starts when the parent is detained or deported and the standby guardian has the completed Designation form.

Parents can create a family safety plan by doing the following:

- Identify and talk with a trusted family member or friend who the parent wants to care for minor children if experiencing an adverse immigration action.
- Complete the Designation and Consent to Beginning of Standby Guardianship form which can be located online at **Maryland Courts Forms' Juvenile and Family Forms/Maryland Courts under**

Guardianship forms (CC-GN-041 English) and (CC-GN-041 BLS - Spanish). The form is also published in Russian, French, Korean, Brazilian Portuguese, Chinese and Amharic.

- Be sure that the standby guardian has a copy of the completed Designation Form as well as the parent's date of birth, country of origin and A number if the parent has one.
- Update your child's Emergency Information Form at your child's school to list the standby guardian as being authorized to pick up your child from school.
- Provide the standby guardian with important contact information about your child's health care providers, child care providers, educational support personnel and other important contacts.

If parents do not create a family safety plan and take steps to protect their children, the children would likely be placed into Maryland's child welfare and foster care system or subject to informal placements without any legal protections. Such placements could result in serious trauma to the child, undercut the parent child relationship and have long term effects on the child's future well-being and development.

For more information about the new law and assistance with filling out the form, contact **The Standby Guardianship Project** at **301-395-4443**.