

APPOINTMENT OF STAND BY GUARDIAN for MINOR CHILD PURSUANT TO IC 29-3-3-7

I, _____ legal parent/guardian of _____, a minor child (hereafter "CHILD"), in accordance with the provisions of Indiana Code 29-3-3-7ⁱ, do hereby and from the date of this instrument delegate and appoint _____ [Name of Representative], jointly and severally, of _____, Indiana, as the STAND BY GUARDIAN (hereafter "Representative") for my minor child, with all necessary powers regarding his/her support, custody, and welfare to be effective if and when I become incapacitated/unavailable as defined below.

Additionally, in accord with the provisions of Indiana Code §16-36-1, et seq., particularly IC §16-36-1-5, 6 and 7, I grant this Representative, the absolute right, power and authority to act and consent in all matters affecting the education, well-being, health and health care of said minor child, including but not limited to the following acts: enrollment and participation in school, arrange for admission to and sign all admission documents and do all things required in connection with admission as an inpatient or outpatient at any hospital or health care facility and to execute consents for medical treatment, procedures or surgery; and to execute releases of liability or other waivers or releases as to any physician, surgeon, hospital and/or employees thereof, all as our said representatives may in their discretion determine necessary or desirable, and with the same effect as if we personally had so acted. In the exercise of the authority granted to them by this appointment, this Representative shall act in the best interests of said minor child consistent with the purposes expressed herein, and they shall act in good faith.

This appointment shall be effective for period of (90) days, pursuant to Indiana law, from date of my incapacitation/unavailability unless revoked by notifying Representative orally or in writing. Note: pursuant to IC 29-3-3-7(d), if the designated standby guardian files a petition for a guardianship of the minor or protected person during that ninety (90) day period, the declaration remains in effect until the court rules on the petition.

IN WITNESS WHEREOF, I have signed this document this _____ day of _____, 20____.

Parent/Legal Guardian: _____

Signature: _____

Child: _____ DOB: ___/___, ____.

Stand By Guardian: _____

Signature (not required): _____

STATE OF INDIANA)
)SS:
COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared _____, who acknowledged and executed the foregoing document on this _____ day of _____, 20____.

Sign
_____, Notary Public
Print
Resident of _____ County, Indiana
My commission expires: _____

Authority

ii IC 29-3-3-7 Standby Guardians for Minors/Protected Persons

Sec. 7.

(a) Subject to subsection (e), a parent of a minor or the guardian of a protected person may designate a standby guardian by making a written declaration naming the individual designated to serve as a standby guardian. A declarant may name an alternate to the designated standby guardian if the designated standby guardian is unable to serve, refuses to serve, renounces the appointment, dies, or becomes incapacitated after the death of the declarant.

(b) A declaration under this section must contain the following information:

(1) The names of the declarant, the designated standby guardian, and the alternate standby guardian, if any.

(2) The following information concerning each minor child or protected person for whom a standby guardian is designated by the declaration:

(A) The person's full name as it appears on the birth certificate or as ordered by a court.

(B) The person's date of birth.

(3) A statement that the declaration becomes effective upon the death or incapacity of the declarant.

(4) A statement that the declaration terminates ninety (90) days after becoming effective unless the standby guardian files a petition for a guardianship of the minor or protected person during that ninety (90) day period.

(c) A declaration executed under this section must be signed by the declarant in the presence of a notary public.

(d) A declaration executed under this section becomes effective upon the death or incapacity (as defined in IC 29-3-1-7.5-see below) of the parent or guardian and terminates ninety (90) days after the declaration becomes effective. However, if the designated standby guardian files a petition for a guardianship of the minor or protected person during that ninety (90) day period, the declaration remains in effect until the court rules on the petition.

(e) A declaration executed under this section must be considered by, but is not binding upon, the department of child services, a probation department, or a juvenile court for purposes of determining the placement of a child who is the subject of: (1) an allegation of child abuse or neglect under IC 31-33; (2) an open child in need of services case under IC 31-34; or (3) an open delinquency case under IC 31-37.

(f) A standby guardian shall have all the powers granted to a guardian under this article.

IC 29-3-1-7.5 "Incapacitated person" "Sec. 7.5. "Incapacitated person" means an individual who:(1) ***cannot be located upon reasonable inquiry***;(2) ***is unable***:(A) ***to manage in whole or in part the individual's property***;(B) ***to provide self-care***; or(C) ***both***; because of ***insanity, mental illness, mental deficiency, physical illness, infirmity, habitual drunkenness, excessive use of drugs, incarceration, confinement, detention, duress, fraud, undue influence of others on the individual, or other incapacity***; or(3) ***has a developmental disability (as defined in IC 12-7-2-61)***.As added by P.L.33-1989, SEC.60. Amended by P.L.2-1992, SEC.790. (***emphasis added***)