

New York State Expands Standby Guardianship law in response to Covid-19

Health care workers, volunteers and others in New York State exposed to the novel Coronavirus (COVID-19) can now designate a Standby Guardian for their children according to an [Executive Order](#) signed by New York Governor Andrew Cuomo.

Executive Order No. 202.14, in part, expands the scope of the New York Surrogate's Court Procedure Act (S.C.P.A.) § 1726. Signed by Cuomo on April 7, the order modifies sections of the Act to provide that any parent, a legal guardian, a legal custodian, or primary caretaker who works or volunteers in a health care facility or who reasonably believes that they may otherwise be exposed to COVID-19, may designate a Standby Guardian by means of a written designation. This change will give some peace of mind to parents and caretakers regarding the future care and custody of their children. The act was first passed in 1992 at the height of the AIDS crisis to help sick parents plan for their children's futures and initiate the immediate transfer of temporary guardianship powers to someone of the parent's choosing until a more permanent arrangement and hearing could be put in place.

LegalHealth, in partnership with its Pro Bono partner Greenberg Traurig, worked together to make this important change happen. In 2018, Greenberg Traurig also worked with LegalHealth to help pass the legislation that would allow parents who are at risk of detention or deportation based on immigration status to designate a Standby Guardian to care for their children in the event the parent is detained or deported. Until then, the Act limited the ability of parents to appoint or designate a Standby Guardian to seriously ill individuals. This Executive Order is an important extension of these protections.

Founded in 1990, NYLAG provides free legal services, financial counseling, and engages in policy advocacy to help people experiencing poverty or those with a low-income. NYLAG assists immigrants, victims of domestic violence, children, seniors, and chronically ill and disabled patients with a wide range of legal issues. NYLAG's LegalHealth division focuses its practice on assisting ill and disabled patients through its legal clinics in more than 36 hospitals across the city. LegalHealth frequently assists parents in naming Standby Guardians for their children.

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