

Standby Guardianship: An Easy and Essential Part of the Estate Planner's Toolkit

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As we all know, Pennsylvanians may designate testamentary guardians of their minor children. Generally, upon the testator's death, if there is no other surviving parent, the appointed guardian is authorized to assume guardianship of the minors. What if that same testator is alive but becomes incapacitated due to illness or injury? Or what if the testator intends to travel abroad and wishes to appoint a trusted friend or relative as temporary guardian? In either case, the guardianship designation in the testator's will has no effect since he or she is still living.

In 1998, the Pennsylvania General Assembly ratified the Standby Guardianship Act, 23 Pa.C.S. Section 5601, et seq. The act allows parents, legal guardians, and legal custodians of minor children to designate one or more standby guardians who may assume custody and guardianship of minor children upon the occurrence of certain predetermined events.

Andrew Barron discusses standby guardianship in his recent article in *The Legal Intelligencer*, "Standby Guardianship: An Easy and Essential Part of the Estate Planner's Toolkit"

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