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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1509 Session of  
2017

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INTRODUCED BY BRIGGS, FREEMAN, PASHINSKI, CALTAGIRONE, DAVIS,  
V. BROWN, COX, KINSEY, D. COSTA, DeLUCA, ROEBUCK, THOMAS AND  
WARREN, JUNE 12, 2017

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REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, JUNE 12, 2017

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AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, in standby guardianship, further  
3 providing for definitions and for petition for approval of a  
4 designation.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. The definition of "standby guardian" in section  
8 5602 of Title 23 of the Pennsylvania Consolidated Statutes is  
9 amended to read:

10 § 5602. Definitions.

11 The following words and phrases when used in this chapter  
12 shall have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 \* \* \*

15 "Standby guardian." A person named by a designator to assume  
16 the duties of coguardian or guardian of a minor and whose  
17 authority becomes effective upon the incapacity, debilitation  
18 and consent, long-term absence of, or death of the minor's

1 parent.

2 \* \* \*

3 Section 2. Section 5612(a) of Title 23 is amended to read:  
4 § 5612. Petition for approval of a designation.

5 (a) General rule.--A petition for court approval of a  
6 designation under this chapter may be made at any time by filing  
7 with the court a copy of the designation. If the triggering  
8 event has not occurred on or before the time of filing, only the  
9 designator may file the petition. If the triggering event has  
10 occurred on or before the time of filing, the standby guardian  
11 named in the designation may file the petition, and the petition  
12 shall also contain one of the following:

13 (1) A determination of the designator's incapacity.

14 (2) A determination of the designator's debilitation and  
15 the designator's signed and dated consent.

16 (3) Documentation of the designator's long-term absence,  
17 whether due to detention, incarceration or deportation.

18 [(3)] (4) A copy of the designator's death certificate.

19 \* \* \*

20 Section 3. This act shall take effect in 60 days.