

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
	Chapter 4: Assessment Section 33: Standby Guardianship	
	Effective Date: December 1, 2022	Version: 2

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POLICY OVERVIEW

A Standby Guardian may be engaged during an Indiana Department of Child Services (DCS) Assessment to gather valuable information about a child's history, including the child's extended family and noncustodial parents. This information may help to ensure the child's safety, stability, permanency, and well-being.

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PROCEDURE

DCS will consider a Standby Guardian or Alternate Standby Guardian, as defined in IC 29-3-3-7, for purposes of determining the placement of a child who is the subject of:

1. An allegation of Child Abuse or Neglect (CA/N) under IC 31-33;
2. An open Child In Need of Services (CHINIS) case under IC 31-34; or
3. An open delinquency case under IC 31-37.

The Standby Guardianship becomes effective upon the death or incapacity of the parent or guardian and terminates 90 days later. If the Standby Guardian files a petition for guardianship during that 90-day period, the guardianship remains in effect until the court rules on the petition.

The parent or guardian of a minor may also designate an Alternate Standby Guardian if the designated Standby Guardian is unable to serve, renounces the appointment, dies, or becomes incapacitated. Standby Guardians or Alternate Standby Guardians must still meet the requirements of DCS placements for a ward of DCS or Probation to be placed in their care (see policy 8.01 Selecting a Placement Option).

Note: This consideration is required, but not binding upon DCS, Probation, or the Juvenile Court.

The Family Case Manager (FCM) will:

1. Review any notarized documentation from the family regarding a guardianship;
2. Utilize the Kinship Connection Diagram to document information obtained about the child's history, if applicable;
3. Staff the case with the FCM Supervisor, Local Office Director (LOD), or designee, and a DCS Staff Attorney when a parent or guardian of a minor names a Standby Guardian or Alternate Standby Guardian, or the alleged perpetrator is a Standby Guardian or Alternate Standby Guardian;

4. Consider the Standby Guardian or Alternate Standby Guardian for purposes of determining a placement, if applicable; and
5. Document all actions taken, including any deviation from best practice, in the case management system.

The FCM Supervisor, LOD, and DCS Staff Attorney will staff the case with the FCM and provide guidance regarding the Standby Guardianship, as needed.

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RELEVANT INFORMATION

Definitions

Incapacity

An incapacitated person is an individual who:

- Cannot be located upon reasonable inquiry;
- Is unable to:
 - a. Manage in whole or in part of the individual's property,
 - b. Provide self-care, or
 - c. Both due to:
 - i. Insanity, mental illness, mental deficiency, physical illness, infirmity, habitual drunkenness, excessive use of drugs, incarceration confinement, detention, duress, fraud, undue influences of others on the individual, or other incapacity; or
 - ii. Having a developmental disability (as defined in IC 12-7-2-61).

Standby Guardian

A Standby Guardian is a person designated in writing by the parent or guardian of a minor to assume legal custody of a child when that parent or guardian is no longer able to care for the child as a result of a triggering event (e.g., incapacity or death).

Forms and Tools

- [Kinship Connection Diagram](#)

Related Policies

- [8.01 Selecting a Placement Option](#)

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LEGAL REFERENCES

- [IC 12-7-2-61: "Developmental disability"](#)
- [IC 29-3-1-7.5: "Incapacitated person"](#)
- [IC 29-3-3-7: Standby guardians](#)
- [IC 31-33: ARTICLE 33. JUVENILE LAW: REPORTING AND INVESTIGATION OF CHILD ABUSE AND NEGLECT](#)
- [IC 31-34: ARTICLE 34. JUVENILE LAW: CHILDREN IN NEED OF SERVICES](#)
- [IC 31-37: ARTICLE 37. JUVENILE LAW: DELINQUENCY](#)

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PRACTICE GUIDANCE- DCS POLICY 4.33

Practice Guidance is designed to assist DCS staff with thoughtful and practical direction on how to effectively integrate tools and social work practice into daily case management in an effort to achieve positive family and child outcomes. Practice Guidance is separate from Policy.

N/A

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