

105TH CONGRESS  
1ST SESSION

# H. R. 3005

To amend part E of title IV of the Social Security Act to require States to have laws that would permit a parent who is chronically ill or near death to name a standby guardian for a minor child without surrendering parental rights.

---

## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 9, 1997

Mrs. MALONEY of New York (for herself, Mrs. MORELLA, and Mr. COBURN) introduced the following bill; which was referred to the Committee on Ways and Means

---

## A BILL

To amend part E of title IV of the Social Security Act to require States to have laws that would permit a parent who is chronically ill or near death to name a standby guardian for a minor child without surrendering parental rights.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Standby Guardianship  
5 Act”.

1 **SEC. 2. STATES REQUIRED TO HAVE STANDBY GUARDIAN-**  
2 **SHIP LAW AS A CONDITION OF ELIGIBILITY**  
3 **FOR FEDERAL FUNDS FOR FOSTER CARE**  
4 **AND ADOPTION ASSISTANCE.**

5 (a) IN GENERAL.—Part E of title IV of the Social  
6 Security Act (42 U.S.C. 670–679) is amended by inserting  
7 after section 477 the following:

8 **“SEC. 478. STANDBY GUARDIANSHIP LAWS AND PROCE-**  
9 **DURES.**

10 “To be eligible for payments under this part, a State  
11 must have in effect laws and procedures that permit any  
12 parent who is chronically ill or near death, without surren-  
13 dering parental rights, to designate a standby guardian  
14 for the parent’s minor children, whose authority would  
15 take effect upon—

16 “(1) the death of the parent;

17 “(2) the mental incapacity of the parent; or

18 “(3) the physical debilitation and consent of the  
19 parent.”.

20 (b) EFFECTIVE DATE.—The amendment made by  
21 subsection (a) shall take effect at the end of the first cal-  
22 endar quarter that begins 60 or more months after the  
23 date of the enactment of this Act, and shall apply to pay-  
24 ments under part E of title IV of the Social Security Act

3

- 1 for the quarter and payments made under such part for
- 2 any succeeding quarter.

○