



AB-1025 Standby Caretaker Act. (2025-2026)

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CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 1025

Introduced by Assembly Member Pellerin

February 20, 2025

An act to amend Section 48204 of the Education Code, and to add Section 2105.2 to the Probate Code, relating to guardianship.

LEGISLATIVE COUNSEL'S DIGEST

AB 1025, as amended, Pellerin. Standby ~~guardianship of minors.~~ *Caretaker Act.*

Under existing law, the guardian or conservator of a minor has specified powers over the care, custody, and control of the minor. Existing law authorizes a caregiver, who properly completes and signs a caregiver's authorization affidavit, to provide specified care to a minor, including, among other care, enrolling the minor in school and consenting to school-related medical care on behalf of the minor.

~~This bill, the Standby Guardianship Act, would authorize, if specified conditions are met, a custodial parent or legal guardian of a minor child to designate a person to serve as a standby guardian of the person, the estate, or both of the minor child by completing a Standby Guardian's Authorization Affidavit. The bill would authorize a custodial parent or legal guardian to also specify a person to serve as alternate standby guardian in case the originally designated standby guardian is or becomes unwilling or unable to act as standby guardian. The bill would require the designation of a standby guardian to take effect upon the occurrence of an adverse immigration action, as defined, to the custodial parent or legal guardian. The bill would prescribe the requirements for the designation of a standby guardian, including a statutory form for the Standby Guardian's Authorization Affidavit that would be signed and witnessed under penalty of perjury, and prescribe the actions to be taken in the event of an adverse immigration action. By expanding the definition of the crime of perjury, the bill would impose a state-mandated local program.~~

This bill, the Standby Caretaker Act, would authorize, if specified conditions are met, a custodial parent of a minor child to nominate a person to serve as a standby caretaker of a minor child upon the occurrence of an activating event, as defined. The bill would prescribe the requirements for the nomination of a standby caretaker or alternate standby caretaker, including a required statutory form that would be signed and witnessed under penalty of perjury. By expanding the definition of the crime of perjury, the bill would impose a state-mandated local program.

This bill would prescribe the actions to be taken in the event of an activating event and at the conclusion of an activating event, including hearings to be conducted by the court. The bill would authorize a custodial parent to file a petition to terminate a standby caretaker nomination at any time and would impose a presumption that such a request is in the child's best interest. The bill would require all related court records and documents to be kept confidential and accessible only to the parties to the proceeding and the court absent a valid court order, but would allow parties to the proceeding to share any court order appointing the standby caretaker or terminating the standby caretaker's rights as necessary.

Existing law provides that a pupil complies with the residency requirements for school attendance in a school district when, among other things, the pupil resides with a caregiving adult who is located within the boundaries of that school district. Under existing law, it is a sufficient basis for a determination of residency if the caregiving adult has submitted an affidavit, as specified, under penalty of perjury, unless the school district determines from actual facts that the pupil is not living in the home of the caregiving adult.

This bill would also make execution of the Standby ~~Guardian's Authorization Affidavit~~ *Caretaker's Authorization form* a sufficient basis for a determination of residency of a minor child under these provisions, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 48204 of the Education Code is amended to read:

48204. (a) Notwithstanding Section 48200, a pupil complies with the residency requirements for school attendance in a school district if they are any of the following:

(1) (A) A pupil placed within the boundaries of that school district in a regularly established licensed children's institution or a licensed foster home as defined in Section 56155.5, or a family home pursuant to a commitment or placement under Chapter 2 (commencing with Section 200) of Part 1 of Division 2 of the Welfare and Institutions Code.

(B) An agency placing a pupil in a home or institution described in subparagraph (A) shall provide evidence to the school that the placement or commitment is pursuant to law.

(2) A pupil who is a foster child who remains in their school of origin pursuant to subdivisions (f) and (g) of Section 48853.5.

(3) A pupil for whom interdistrict attendance has been approved pursuant to Chapter 5 (commencing with Section 46600) of Part 26.

(4) A pupil whose residence is located within the boundaries of that school district and whose parent or legal guardian is relieved of responsibility, control, and authority through emancipation.

(5) A pupil who lives in the home of a caregiving adult that is located within the boundaries of that school district. Execution of an affidavit under penalty of perjury pursuant to Part 1.5 (commencing with Section 6550) of Division 11 of the Family Code by the caregiving adult, or pursuant to Section 2105.2 of the Probate Code by a standby ~~guardian~~, caretaker, is a sufficient basis for a determination that the pupil lives in the home of the caregiving adult unless the school district determines from actual facts that the pupil is not living in the home of the caregiving adult.

(6) A pupil residing in a state hospital located within the boundaries of that school district.

(7) A pupil whose parent or legal guardian resides outside of the boundaries of that school district but is employed and lives with the pupil at the place of their employment within the boundaries of the school district for a minimum of three days during the school week.

(b) (1) A school district may deem a pupil to have complied with the residency requirements for school attendance in the school district if at least one parent or the legal guardian of the pupil is physically employed within the boundaries of that school district for a minimum of 10 hours during the school week.

(2) This subdivision does not require the school district within which at least one parent or the legal guardian of a pupil is employed to admit the pupil to its schools. A school district shall not, however, refuse to admit a pupil under this subdivision on the basis, except as expressly provided in this subdivision, of race, ethnicity, sex, parental income, scholastic achievement, or any other arbitrary consideration.

(3) The school district in which the residency of either the parents or the legal guardian of the pupil is established, or the school district to which the pupil is to be transferred under this subdivision, may prohibit the transfer of the pupil under this subdivision if the governing board of the school district determines that the transfer would negatively impact the court-ordered or voluntary desegregation plan of the school district.

(4) The school district to which the pupil is to be transferred under this subdivision may prohibit the transfer of the pupil if the school district determines that the additional cost of educating the pupil would exceed the amount of additional state aid received as a result of the transfer.

(5) The governing board of a school district that prohibits the transfer of a pupil pursuant to paragraph (2), (3), or (4) is encouraged to identify, and communicate in writing to the parents or the legal guardian of the pupil, the specific reasons for that determination and is encouraged to ensure that the determination, and the specific reasons for the determination, are accurately recorded in the minutes of the board meeting in which the determination was made.

(6) The average daily attendance for pupils admitted pursuant to this subdivision is calculated pursuant to Section 46607.

(7) Unless approved by the sending school district, this subdivision does not authorize a net transfer of pupils out of a school district, calculated as the difference between the number of pupils exiting the school district and the number of pupils entering the school district, in a fiscal year in excess of the following amounts:

(A) For a school district with an average daily attendance for that fiscal year of less than 501 pupils, 5 percent of the average daily attendance of the school district.

(B) For a school district with an average daily attendance for that fiscal year of 501 pupils or more, but less than 2,501 pupils, 3 percent of the average daily attendance of the school district or 25 pupils, whichever amount is greater.

(C) For a school district with an average daily attendance of 2,501 pupils or more, 1 percent of the average daily attendance of the school district or 75 pupils, whichever amount is greater.

(8) Once a pupil is deemed to have complied with the residency requirements for school attendance pursuant to this subdivision and is enrolled in a school in a school district the boundaries of which include the location where at least one parent or the legal guardian of a pupil is physically employed, the pupil does not have to reapply in the next school year to attend a school within that school district and the governing board of the school district shall allow the pupil to attend school through grade 12 in that school district if the parent or legal guardian so chooses and if at least one parent or the legal

guardian of the pupil continues to be physically employed by an employer situated within the attendance boundaries of the school district, subject to paragraphs (2) to (7), inclusive.

~~SEC. 2. Section 2105.2 is added to the Probate Code, to read:~~

~~2105.2.(a) This section shall be known, and may be cited, as the Standby Guardianship Act.~~

~~(b) For purposes of this section, the following terms have the following meanings:~~

~~(1) "Adverse immigration action" means any of the following:~~

~~(A) Arrest or apprehension by a law enforcement officer for an alleged violation of federal immigration law.~~

~~(B) Detention or custody by the United States Department of Homeland Security or a federal, state, or local agency authorized or acting on behalf of the United States Department of Homeland Security.~~

~~(C) Departure from the United States under an order of removal, deportation, exclusion, voluntary departure, or expedited removal, or a stipulation of voluntary departure.~~

~~(D) The denial, revocation, or delay of the issuance of a visa or transportation letter by the United States Department of State.~~

~~(E) The denial, revocation, or delay of the issuance of a parole document or reentry permit by the United States Department of Homeland Security.~~

~~(F) The denial of admission or entry into the United States by the Department of Homeland Security.~~

~~(G) Any other immigration proceeding or enforcement action that separates a custodial parent or legal guardian from a minor child.~~

~~(2) "Standby guardian" means a person specified by a Standby Guardian's Authorization Affidavit to have the care, custody, and control of, and to have charge of the education of, the minor child named in the affidavit.~~

~~(3) "Designated standby guardian" means a standby guardian whose designation has taken effect upon the occurrence of an adverse immigration action to the custodial parent or legal guardian who executed the Standby Guardian's Authorization Affidavit.~~

~~(4) "Appointed standby guardian" means a designated standby guardian appointed by the court to have the care, custody, and control of, and to have charge of the education of, the minor child identified in the designating Standby Guardian's Authorization Affidavit.~~

~~(c) The provisions of this division shall apply to a standby guardian except as otherwise provided in this section:~~

~~(d) A custodial parent or legal guardian of a minor child may, by a Standby Guardian's Authorization Affidavit, specify a person to serve as standby guardian of the person, the estate, or both the person and the estate of the minor child. A custodial parent or legal guardian of a minor child may, in the same writing, specify a person to serve as alternate standby guardian in case the originally designated standby guardian is or becomes unwilling or unable to act as standby guardian. The designation shall take effect upon the occurrence of an adverse immigration action to the custodial parent or legal guardian who executed the affidavit. A designated standby guardian, once appointed by the court, shall have the duties and powers of a guardian under Section 2251, for the duration of the adverse immigration action and attendant circumstances that require the standby guardian to act.~~

~~(e) The Standby Guardian's Authorization Affidavit is valid if the following requirements are satisfied:~~

~~(1) The signatures of the custodial parent or legal guardian and the standby guardian are acknowledged before a witness who is neither the custodial parent or legal guardian, the standby guardian, nor the alternate standby guardian, and who is 18 years of age or older.~~

~~(2) The standby guardian is 18 years of age or older.~~

~~(3) The affidavit is substantially in the following form:~~

Standby Guardian's Authorization Affidavit

Use of this affidavit is authorized by Section 2105.2 of the California Probate Code:

~~Instructions:~~ Custodial parent/legal guardian shall complete this form to designate a standby guardian and, if applicable, an alternate standby guardian, to assume the care, custody, and charge of the education of, a minor child when the custodial parent or legal guardian is subject to an adverse immigration action, as defined by paragraph (1) of subdivision (b) of Section 2105.2. Print clearly.

1. Name of the minor:

2. Minor's date of birth:

3. Name of the designating custodial parent or guardian:

4. Home address of the designating custodial parent or guardian:

5. Name of the designated standby guardian:

6. Address of the designated standby guardian:

7- Date of birth of the designated standby guardian:

8- Name of the alternate standby guardian:

9- Address of the alternate standby guardian:

10- Date of birth of the alternate standby guardian:

If only one parent or guardian completes the Standby Guardian's Authorization Affidavit, check one or more of the following, as applicable:

☐ No other person has or shares legal custody of the minor child:

☐ I have advised the parent or other person having legal custody of the minor of my intent to designate a standby guardian and have received no objection:

☐ I am unable to contact the parent or other person having legal custody of the minor at this time to notify them of my intended designation:

I declare under penalty of perjury under the laws of the State of California that I am / we are the custodial parent(s) or legal guardian(s) and that the foregoing is true and correct to the best of my knowledge.

Date: _____

Signature: _____

Print Name: _____

Address: _____

Date: _____

Signature: _____

Print Name: _____

Address: _____

I declare under penalty of perjury under the laws of the State of California that I voluntarily assume the role of standby guardian upon an adverse immigration action affecting the custodial guardian(s):

Date: _____

Standby Guardian Signature: _____

Print Name: _____

Address: _____

I declare under penalty of perjury under the laws of the State of California that I voluntarily assume the role of alternate standby guardian upon an adverse immigration action affecting the guardian(s) and in the event that the standby guardian above is unable or unwilling to act as standby guardian:

Date: _____

Alternate Standby Guardian Signature: _____

Print Name: _____

Address: _____

I declare under penalty of perjury under the laws of the State of California that I witnessed the signing of this Standby Guardian's Authorization Affidavit by the custodial parent(s) or legal guardian(s) or person designated as the standby guardian or the alternate standby guardian, that I am not the custodial parent(s) or legal guardian(s) of the minor, and that I am 18 years of age or older:

Date: _____

Witness Signature: _____

Print Name: _____

Contact Information: _____

NOTICES:

1- This declaration does not affect the rights of the minor's parents or legal guardian(s).

~~-guardian regarding the care, custody, or control of the minor:~~

~~2. This affidavit, if endorsed by the court, confirms that legal custody of the minor has been temporarily transferred to the standby guardian during the adverse immigration action and attests affecting the custodial parent or legal guardian.~~

~~3. A person who relies in good faith on the affidavit has no obligation to make any further inquiry or investigation beyond verifying the identity of the standby guardian through any of the following:~~

~~(a) A government-issued identification card, including the card number and issuing jurisdiction;~~

~~(b) A valid California driver's license, or a driver's license issued by another state or by a foreign public agency authorized to issue driver's licenses;~~

~~(c) A valid consular identification document issued by a consulate of the standby guardian's country of citizenship, or a valid passport issued by the standby guardian's country of citizenship;~~

~~4. If the circumstance requiring the standby guardian to act ceases or if the standby guardian ceases to act, the custodial parent or legal guardian shall notify any person, school, daycare, care service plan, or other entity that relies on this affidavit.~~

~~TO SCHOOL OFFICIALS:~~

~~1. Section 49204 of the Education Code provides~~

~~-that this affidavit constitutes a sufficient basis for~~

~~-a determination of residency of the minor, without~~

~~-the requirement of a guardianship or other custody order,~~

~~-unless the school district determines from facts that~~

~~-the minor is not living with the standby guardian.~~

~~2. The school district may require additional reasonable evidence that~~

~~-the standby guardian lives at the address provided.~~

~~TO HEALTH CARE AND OTHER SERVICE PROVIDERS AND HEALTH CARE SERVICE PLANS:~~

~~A person who acts in good faith reliance upon a Standby Guardian's Authorization Affidavit to provide medical or dental care, or other services, without knowledge of facts contrary to those not subject to civil or criminal liability and is not subject to professional disciplinary action for that reliance:~~

~~(f) Upon the occurrence of an adverse immigration action to the custodial parent or legal guardian, the designated standby guardian shall file with the court the Standby Guardian's Authorization Affidavit provided by paragraph (3) of subdivision (c) and a Confidential Guardian Screening Form. If named as an alternate, the designated standby guardian shall also file a statement that the person originally designated as standby guardian is unwilling or unable to act as standby guardian, and the basis for that statement. The court shall set a hearing as soon as practicable, and no later than 15 days from the filing of the Standby Guardian's Authorization Affidavit and the Confidential Guardian Screening Form, to verify the occurrence of the adverse immigration action to the custodial parent or legal guardian and to provisionally appoint the designated standby guardian. Notice of the hearing shall be personally delivered to the minor child if the child is 12 years of age or older and to any person having a valid visitation order with the minor child unless the court orders otherwise for good cause.~~

~~(g) The court shall set a hearing, unless waived for good cause, within 30 days of provisionally appointing the designated standby guardian to consider whether to formally appoint the designated standby guardian. Before that hearing, the provisionally appointed standby guardian shall file a petition for guardianship under Section 1510, give notice as required under Section 1511, and comply with any court investigation that the court may order under Section 1513, unless any of these requirements is waived for good cause. The court may order a formally appointed standby guardian to return to court as needed to assess the need for and the capacity of the standby guardian to continue serving.~~

~~(h) The designation of a standby guardian shall not:~~

~~(1) Be made over the objection of a noncustodial parent seeking custody without a court finding that the noncustodial parent's custody would be detrimental to the minor child, as provided in Section 3041 of the Family Code.~~

~~(2) Be made by one parent or legal guardian alone, unless no other person has or shares custody of the child, the parent or legal guardian has notified the other parent and any other person having legal custody of the child of the standby guardian's designation, and no other parent or person having legal custody objects to the designation, or the parent or legal guardian is unable to contact the other parent and any other person having legal custody of the child to notify them of the standby guardian's designation.~~

~~(3) Supersede the parental rights of the custodial parent. An appointed standby guardian shall exercise authority jointly with the designating custodial parent or legal guardian, to the extent that the custodial parent or legal guardian is able to participate in the care, custody, and control of the minor child. The rights of the appointed standby guardian are inferior to the rights of the designating custodial parent or legal guardian, and shall be exercised only during the adverse immigration action and attendant circumstances affecting the custodial parent or legal guardian. The custodial parent or legal guardian who designated the standby guardian may terminate the standby guardianship at any time by filing a petition to terminate under Section 1601. The standard for termination set forth in Section 1601 shall not apply, and the court shall grant the petition absent good cause.~~

~~(4) Be construed as diminishing, altering, or limiting existing laws intended to protect children, including the duties and authority of law enforcement, juvenile courts, child protective services, mandatory reporters, or similarly situated individuals or agencies, or the existing caregiver's authorization affidavit, as provided in Part 1.5 (commencing with Section 6550) of Division 11 of the Family Code.~~

~~(5) Alone confer jurisdiction to the juvenile court under Section 300 of the Welfare and Institutions Code or be a sufficient and independent basis for adjudging that a minor child is a dependent child of the court.~~

SEC. 2. Section 2105.2 is added to the Probate Code, to read:

2105.2. (a) This section shall be known, and may be cited, as the Standby Caretaker Act.

(b) For purposes of this section, the following terms have the following meanings:

(1) "Activating event" means an event that results in a custodial parent's substantial inability to care for their minor child and whose occurrence permits the person nominated in the Standby Caretaker's Authorization form to assume the powers and duties of a standby caretaker. An activating event may include, but is not limited to, an adverse immigration action, incarceration, including for pending criminal charges, physical debilitation, mental incapacity, or military service.

(2) "Standby caretaker" means a person specified by a Standby Caretaker's Authorization form to have the care, custody, and control of, and to have charge of the education of, the minor child named in the form.

(c) The provisions of this division that apply to a guardianship shall apply to a standby caretaker appointed pursuant to this section except as otherwise provided.

(d) A custodial parent of a minor child may, by execution of a Standby Caretaker's Authorization form, nominate an adult to serve as standby caretaker of the minor child. A custodial parent of a minor child may, in the same writing, specify a person to serve as alternate standby caretaker in case the originally nominated standby caretaker is or becomes unwilling or unable to act as standby caretaker.

(e) The Standby Caretaker's Authorization form is valid if the following requirements are satisfied:

(1) The signatures of the custodial parent or parents and the nominated standby caretaker are witnessed by an adult who is not a party to the action.

(2) The nominated standby caretaker is 18 years of age or older.

(3) The signatures are executed on a document that contains the following:

Standby Caretaker's Authorization

Use of this form is authorized by Section 2105.2 of the California Probate Code.

Instructions: A parent who completes this form may nominate a standby caretaker and, if applicable, an alternate standby caretaker, to seek appointment as caretaker and assume the care of a minor child when the custodial parent is subject to the activating event described below:

Please provide the following:

1. Name of the minor:
2. Minor's date of birth:
3. Name of each nominating custodial parent:
4. Name of each custodial parent, if not nominating the standby caretaker:
5. Home address of each nominating custodial parent:
6. Name of the nominated standby caretaker:
7. Address of the nominated standby caretaker:
8. Date of birth of the nominated standby caretaker:
9. Name of the alternate standby caretaker:
10. Address of the alternate standby caretaker:
11. Date of birth of the alternate standby caretaker:

If only one parent completes the Standby Caretaker's Authorization form, check one or more of the following, as applicable:

- ☐ I have advised the other parent or person with legal custody of my intent to nominate a standby caretaker and have received no objection.
- ☐ No other person has or shares legal custody of the minor child.
- ☐ No other parent or person with legal custody is available to take legal and physical custody of the child.
- ☐ No other parent or person with legal custody would be required to consent to the adoption of the minor child.
- ☐ I have attempted but am unable to contact the parent or other person having legal custody of the minor at this time to notify them of my intended nomination.

I/We declare under penalty of perjury under the laws of the State of California that I am / we are the custodial parent(s) and that the foregoing is true and correct to the best of my/our knowledge.

Date: _____

Signature: _____

Print Name:

Address:

Date: _____

Signature: _____

Print Name:

Address:

I declare under penalty of perjury under the laws of the State of California that I voluntarily assume the role of standby caretaker upon the occurrence of the specified activating event affecting the custodial parent(s).

Date: _____

Standby Caretaker Signature: _____

Print Name:

Address:

I declare under penalty of perjury under the laws of the State of California that I voluntarily assume the role of alternate standby caretaker upon the occurrence of the specified activating event affecting the custodial parent(s) and in the event that the standby caretaker above is unable or unwilling to act as standby caretaker.

Date:

Alternate Standby Caretaker Signature: _____

Print Name:

Address:

I declare under penalty of perjury under the laws of the State of California that I witnessed the signing of this Standby Caretaker's Authorization form by the custodial parent(s), that I am not the person nominated as the standby caretaker or the alternate standby caretaker, that I am not the custodial parent(s) of the minor, and that I am 18 years of age or older:

Date:

Witness Signature:

Print Name:

Contact Information:

NOTICES:

1. This form, if endorsed by the court, confirms that legal custody of the minor has been temporarily transferred to the standby caretaker during the activating event and attendant circumstances affecting the custodial parent(s).

2. A person who relies in good faith on the form has no obligation to make any further inquiry or investigation beyond verifying the identity of the standby caretaker through any of the following means:

(A) A government-issued identification card, including the card number and issuing jurisdiction.

(B) A valid California driver's license, or a driver's license issued by another state or by a foreign public agency authorized to issue driver's licenses.

(C) A valid consular identification document issued by a consulate of the standby caretaker's country of citizenship, or a valid passport issued by the standby caretaker's country of citizenship.

3. If the circumstance requiring the standby caretaker to act ceases or if the standby caretaker is unable or unwilling to act as standby caretaker, the standby caretaker shall notify the court, custodial parent(s), and any person, school, daycare, health care provider, health care service plan, or other entity that relies on this form.

4. This Standby Caretaker's Authorization form supersedes and invalidates all previous Standby Caretaker's Authorization forms executed by the custodial parent(s). Custodial parents may also, without nominating a new standby caretaker, rescind all previous nominations by signing below.

I/We declare under penalty of perjury under the laws of the State of California that I am/we are the custodial parent(s) and that I/we hereby rescind all previous nominations of any standby caretaker:

Date:

Signature:

Print Name:

Address:

Date:

Signature:

Print Name:

Address:

TO SCHOOL OFFICIALS:

1. Paragraph (5) of subdivision (a) of Section 48204 of the Education Code provides that a court-endorsed version of this form constitutes a sufficient basis for a determination of residency of the minor unless the school district determines from facts that the minor is not living with the standby caretaker.

2. The school district may require additional reasonable evidence that the standby caretaker lives at the address provided.

TO HEALTH CARE AND OTHER SERVICE PROVIDERS AND HEALTH CARE SERVICE PLANS:

A person who acts in good faith reliance upon a court-endorsed version of the Standby Caretaker's Authorization form to provide medical or dental care, or other services, without knowledge of facts contrary to those stated on the form, is not subject to civil or criminal liability and is not subject to professional disciplinary action for that reliance.

(f) A Standby Caretaker's Authorization form is invalid 12 months following its execution.

(g) (1) Upon the occurrence of the activating event specified in the Standby Caregiver's Authorization form, the nominated standby caretaker shall file the Standby Caretaker's Authorization form and a Confidential Screening Form with the court.

(2) If the nominated standby caretaker is unable or unwilling to act as standby caretaker, a nominated alternate standby caretaker shall file the documents described in paragraph (1) and shall also file a statement that the person originally nominated as standby caretaker is unwilling or unable to act as standby caretaker, and the basis for that statement.

(h) The court shall set a hearing as soon as practicable, and no later than 15 days from the filing of the Standby Caretaker's Authorization form and the Confidential Screening Form, to verify the occurrence of the activating event and to provisionally appoint the nominated standby caretaker. Notice of the

hearing shall be personally delivered to the minor child if the child is 12 years of age or older and to any person having a valid visitation order with the minor child unless the court orders otherwise for good cause.

(i) Following the provisional appointment of the standby caretaker, the court shall set another hearing, unless waived for good cause, to consider whether to formally appoint the nominated standby caretaker. Before that hearing, the provisionally appointed standby caretaker shall file a petition pursuant to Section 1510, give notice as required by Section 1511, and comply with any court investigation that the court orders pursuant to Section 1513, unless any of these requirements is waived for good cause.

(j) A nominated standby caretaker, once appointed by the court, shall have the duties and powers of a guardian pursuant to Section 2351 for the duration of the activating event and attendant circumstances that require the standby caretaker to act, or until the court terminates the caretaker's appointment.

(k) The court may order a formally appointed standby caretaker to return to court as needed to assess the need for and the capacity of the standby caretaker to continue serving.

(l) If the circumstances requiring the standby caretaker to act cease or if the standby caretaker is unable or unwilling to act, the standby caretaker shall notify the court, the custodial parent, and any person, school, daycare center, health care provider, health services plan, or other entity that relies on the Standby Caretaker's Authorization.

(m) A court shall not do any of the following:

(1) Appoint a standby caretaker over the objection of a noncustodial parent seeking custody unless the court finds that the noncustodial parent's custody would be detrimental to the minor child, as provided in Section 3041 of the Family Code.

(2) Appoint a standby caretaker nominated by one parent alone, unless no other person has or shares custody of the child, the parent has notified the other parent and any other person having legal custody of the child of the standby caretaker's nomination, and no other parent or person having legal custody objects to the nomination, or the parent is unable to contact the other parent and any other person having legal custody of the child to notify them of the standby caretaker's nomination.

(3) Suspend the parental rights of the custodial parent. A standby caretaker shall exercise authority jointly with the nominating custodial parent, to the extent that the custodial parent is able to participate in the care, custody, and control of the minor child. The rights of the appointed standby caretaker are inferior to the rights of the nominating custodial parent, and shall be exercised only during the activating event and attendant circumstances affecting the custodial parent. The custodial parent who nominated the standby caretaker may terminate the standby caretaker nomination at any time by filing a petition to terminate pursuant to Section 1601. There shall be a presumption that termination is in the child's best interest and that the court shall grant the petition to terminate.

(n) Nomination of a standby caretaker for a child shall not, by itself, constitute a basis for a determination that a child is within the jurisdiction of the juvenile court pursuant to Section 300 of the Welfare and Institutions Code or a basis for adjudging the child a dependent child of the court.

(o) This section does not diminish, alter, or limit existing laws intended to protect children, including the duties and authority of law enforcement, courts, child protective services, mandatory reporters, or similarly situated individuals or agencies, or the existing caregiver's authorization form, as provided in Part 1.5 (commencing with Section 6550) of Division 11 of the Family Code.

(p) All court records and documents related to a proceeding conducted pursuant to this section shall be confidential, and shall be accessible only to the parties to the proceeding and the court, absent a valid court order. Notwithstanding the preceding, the court shall order that the other parties to the proceeding may share any court order appointing the standby caretaker or terminating the standby caretaker's rights to effectuate the caretaker rights provided for in this section.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.