

What Good Parents Don't Know About Naming Guardians for Their Kids



1. If you don't choose your guardians for your children, a stranger may choose them for you.

It's estimated that almost 70% of parents have not formally named guardians for their children. Parents who don't choose and document the people they want to take care of their children if the unthinkable happens, may be leaving that decision to a complete stranger. A judge, who does not know you or your family or your children, could ultimately decide who will raise them if something happens to you. Don't assume that the judge will choose a family member either. When you leave this important decision to a stranger, anything can happen. Make sure you are the one to decide and then be sure to document your decision in writing, so your wishes are clearly conveyed and respected.

2. Naming guardians in your Last Will & Testament is the wrong way to do it.

Naming guardians in a Last Will & Testament has been the traditional way of handling this important decision but it is not the right way. A will must be admitted to the court in a probate process which can take time. This could delay the appointment of your guardians. In the meantime, there is a possibility that the local social service agency may be designated to care for your children until the court reviews your will. No child should have to spend a minute in foster care when something happens to their parents. Guardianship should be established in a stand-alone document to avoid the delay of the probate process.

3. You need to name short term guardians if your permanent choice is not nearby

If the people you choose as guardians are not located nearby, you must name a temporary guardian who will care for your children in the interim until your permanent choice can be

located and make travel arrangements. This is especially important if you have named family outside of the US. Consider asking co-workers, neighbors and the parents of your children's friends if they would agree to look after your little ones until your guardians arrive. If there is a delay in your guardians' arrival and you have not named a temporary guardian, again, the local social service agency may take responsibility for your children.

4. You should exclude people you would never allow to have custody of your children.

There may be people in your life that you would never want to raise your children. Maybe it's your sister in law that drinks too much or your first cousin that still believes in spanking. You can create a document excluding these people in the event that they ever attempted to gain custody of your children. A confidential exclusion would remain confidential only if or when it was required in a court proceeding. Keep in mind that, legally speaking, a surviving parent will get custody. If you are separated from your children's other parent, unless they have had their parental rights terminated, it is very likely that they will receive custody. If there are reasons you do not want that person to have custody, you may also document your reasons in writing to assist the court in making a decision. However, even parents who are no longer partners should try to work together to choose guardians.

5. Consider what would make an ideal guardian.

Consider the following when choosing appropriate guardians:

- How many children do you have?
- Do any of your children have special needs?
- Do you want all of your children to all remain together?
- Do you want them to attend the same school and/or live in the family home?
- Is your guardian willing to relocate if necessary?
- Is your choice up to the task of raising your children?
- Are your chosen guardians vibrant and healthy and young enough to chase toddlers or teens?
- Do your chosen guardians share your personal and religious beliefs?

It's a good idea to mention the reasons you have chosen the guardians somewhere in your plan. Again, if a stranger ever has any authority over where your children will be raised, you want to make your decisions and the reasoning for those decisions very clear.

6. Make sure that you have provided for your children financially.

Don't choose your guardians based on financial circumstances and don't expect them to bear the financial costs alone. Good parents make sure to provide for their children - in life and in death. Consider purchasing life insurance. Create and fund a Family Living Trust. Make sure your guardians have the resources they need to raise your children as you would.

7. Ask your guardians before naming them and discuss the decision with them.

Although this may seem like a no-brainer, many parents simply assume that the people they choose as guardians will be delighted and honored to raise their precious children. Unfortunately, although the people you chose may love your children very much, they may not want to turn their lives upside down to care for them over the next decade. Aside from ensuring that your choice is willing, be sure to discuss your hopes and desires for your children's future with the ones who will be in charge of it. Have a meaningful conversation about discipline, education, health, religion, family traditions, etc. so that your guardians have a clear picture of what is expected of them.



Want more information on what you can do to protect the most important people in your life and make sure they are cared for by the people you choose and trust? Contact us today to find out how to create your Good Parents Plan and receive a complimentary family legacy planning session or estate plan review. A savings of \$750-\$950. This offer is only available for a limited time so act fast.

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