

SEVEN TIPS ON HOW TO CHOOSE A GUARDIAN FOR YOUR CHILDREN



Choosing a person to care for your children is difficult. In fact, it may be the hardest part of planning your estate. It's not easy to think of someone else raising your child, no matter how close they are to you or how loving and caring they may be. Yet, you can make a tremendous difference in your child's life by planning ahead. You may get stuck because you want to choose the perfect person. It is difficult to accept, but that is just impossible. However, by tackling this issue and making the best possible choice, you will be putting your children in the best possible situation if the unthinkable happens.

While this is a difficult choice for you, imagine a court choosing the guardian with no input from you. Imagine your relatives arguing in court over who gets your children, or having them agree, but not on the person you would have chosen. That's why it's important to nominate a guardian while it's still up to you. Here are some tips to help you make your best choice.

Tip 1: Think beyond the obvious choices. Make a list of all the people you know who you would trust to take care of your children. When considering whether someone should be on the list, ask yourself, would they provide a better home for my children than the foster care system? If the answer is yes, put them down. If the answer is no, note that too, because you may want to express that under no circumstances should these people be made the guardians of your precious children. Your list could contain dozens of names but should have at least 3 or 4 people before you call it a day.

You don't need to limit your list to close family members. While siblings and parents can be excellent choices, consider also extended family members who are old enough to raise your children such as cousins, aunts, uncles, nieces, and nephews. Some people have also chosen business partners and close friends as guardians. These non-relative candidates may share your philosophy about child-rearing better than your relatives. Don't eliminate people from your list for financial reasons: sufficient life insurance in a well-drafted trust can ensure your children's material well-being.

Tip 2: Focus on love and consider values and philosophies. Consider whether each person on your list would truly love your children if appointed their guardian. If they have children of their own, will your children be second fiddles? Ask yourself which people on your list most closely share your values and philosophies; choose a few factors that are most important to you. Here are some to consider:

- maturity
- patience
- stamina
- age
- child-rearing philosophy
- presence of children in the home already
- interest in and relationship with your children
- integrity
- stability

- ability to meet the physical demands of child care
- presence of enough “free” time to raise children
- religion or spirituality
- marital or family status
- potential conflicts of interest with your children
- willingness to serve
- social and moral habits and values
- willingness to adopt your children

Obviously, the perfect choice would score highly on every measure, but you will likely have more success in choosing the few characteristics that are most important to you. Remember too that through your estate plan and insurance, you will have provided a well-structured and funded financial plan for your children.

Tip 3: Personality counts. Consider whether each of your candidates has the personality traits that would work for your children.

- Are they loving?
- Are they good role models?
- Do they have the patience to take on parenting your children?
- Are they affectionate? (If your family is particularly affectionate, a guardian who is loving but not physically affectionate could be damaging.)
- If they're fairly young, how mature are they?

Tip 4: Consider practical factors. For example:

- How would raising children fit into their lifestyle?
- If they're older, do they have the necessary health and stamina? Do they really want to be parents of a young child at their stage in life?
- Do they have other children? How would your children get along with theirs? Are there potential problems if your children were to live with theirs? How easily could the problems be dealt with? (For instance, do you want to place a child who struggles in school with a high-achieving child of the same age for whom everything comes easily?)
- How close do they live to other important people in your children's lives?

Tip 5: Look for a good - but not a *perfect* - choice/ Match People to your Priorities. Most likely, no one on your list will seem perfect - that is, just like you. But if you truly consider what matters to you *most*, you will probably be able to make some reasonable choices. Use the factors you choose above to narrow your list of candidates to a handful.

Listen to your body and feelings as you consider each person. You'll have to use your gut to rank order this short-list into the people you would want first, second, and so on. In the end, *trust your instincts*. If one person meets all of your criteria, but doesn't feel right, don't choose them. By the

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same token, if someone feels much more right than any of the others on your list, there's a good reason for it.

Make your primary choice, then some backup choices. It's essential that both you and your spouse agree. While you can each name different guardians, most parents are happier when they reach agreement. Explore the disagreements to see what information about values and people you should both understand. Use all your strongest communications skills and empathy to understand each other's position before you try to find a solution that you can both feel good about.

Regardless of whether your family or friends appear more frequently on your final list or your spouses, it's important to keep both families involved. One way to do that is to name members of one family as guardians to care for the children, and members of the other family as trustees, to manage the assets for the children. If there is a likelihood of conflict between these family members, be sure to share this with your attorney so that your guardianship can be customized to encourage them to keep the lines of communication open.

Tip 6: Select a *temporary* as well as a *permanent* guardian. A **temporary** guardian may be appointed if both parents become temporarily unable to care for their children - for example, as the result of a car accident. Depending on your choice for permanent guardian, you may want to designate a different person to act as temporary guardian. If your choice for a permanent guardian lives a considerable distance away, choose someone close by to serve as temporary guardian. If you're temporarily disabled, you'll want your children close by. And you won't want their lives unnecessarily disrupted by moving them to a new town and school. If you have no relatives or close friends nearby, consider families of your children's friends.

Tip 7: Talk with everyone involved. If your children are old enough, talk with them to get *their* input as well. And be sure to confer with the people you'd like to choose, to ensure they're willing to be chosen and would feel comfortable acting as guardians.

Finally,

After selecting deciding on your guardian selections, consider drafting instructions for your designated guardians.