

How to Choose a Guardian For Your Child

It's your job as a responsible parent to select and legally document guardians for your children. If you don't do it a judge, who doesn't know you or your children, will be forced to do it for you. Naming a guardian is more than just naming godparents or hoping that the grandparents will step up if needed. It means purposefully choosing who will



raise your kids if you cannot. And, then, it means legally documenting those choices so that your wishes will be carried out.

Often, this can seem like a daunting process. That's why many parents never getting around to doing it. And, its why those who do make a plan often make mistakes that leave their children at risk—even if they have worked with a lawyer.

To help you through this process, we've put together the following questions to walk you through choosing the appropriate guardian for your kids. It's vital to complete this process if you want to ensure your children are cared for the way you want, no matter what.

What Kind of Guardian Do I Want for My Kids?

Let's begin by listing the traits that you and your partner believe are most-important for the long-term care of your children. This list can include your own parenting philosophy and style, as well as those that would be present in your ideal guardian.

Here are some things to consider:

- Parental/Personal Values
- Discipline Style
- Religious/Spiritual Background
- Age of the Guardian (Are they physically able to care for the kids?)
- Other Kids (Would adding your kids to the mix be too much?)
- Location (Where do you want your kids to grow up? What school would they attend?)
- Current Relationship With Kids

At this point, you should not consider financial resources. In a perfect scenario, you will leave behind enough resources for your children and whomever is raising them. We can help you establish a trust for the kids and choose the right person to oversee it. And, for most people, Social Security death benefits will help as well.

Name Potential Candidates

Next, based on your list above, create a list of people in your life that exhibit those qualities. Remember, you don't have to limit yourself to family members. This exercise is not about protecting the feelings of your relatives, it's about ensuring that your children have the best-possible future.

Sometimes, it helps to figure out those people you would NOT want to have raising your children and work backwards. You might also consider who you think a judge—who doesn't know you or the children—would pick and whether there is anyone else you would prefer.

Decide on First Responders

It is also important to pick someone who is readily available to be a temporary guardian until a long-term guardian can be appointed, especially if your long-term guardian does not live close to you. Your first responder should be someone who lives in your area that could immediately take possession of your children so that they are never left in the care of a stranger. This person will know exactly what to do if you are unable to take care of the children for an extended amount of time, and might be the same person as your long-term guardian—but doesn't have to be.

Narrow and Rank Your Choices

The next step is to go through your potential candidates and list your top four or five choices. We can never guarantee that the first choice will be willing or able to serve if the time comes. Having backups is very important to ensure that you have a solid plan.

If you are having trouble at this point, remember two things: 1) you can change this at any time; and 2) any plan you have in place—even if it isn't perfect—is likely better than a court deciding for you.

Talk to Your Top Candidates

Once you have decided on your guardians, you should discuss your choice with them and be sure they understand and agree with your expectations. Feel free to discuss your reasoning and your children's unique needs.

Give them the opportunity to think things over. Even if they immediately agree, let them know that it is perfectly acceptable for them to—and they should—think about it for a few days to be sure. Be sure to follow up a few days later to get their final thoughts.

Create a Legal Plan

The last step in choosing your kids' guardian is to make it legal. Your wishes and discussions will not mean anything if you stop there, especially if your choice isn't a close family member.

At the Pinney Law Firm, we offer a comprehensive planning session to help you begin the process of getting your legal and financial life in order. Regardless of whether you hire us or not, we can ensure at that meeting that you don't leave your children completely unprotected. And, if you hire us, we can prepare a comprehensive security plan that ensures that your kids are never in the care of strangers or subjected to a guardianship battle. We offer this session for a reduced fee. And, if you decide to do planning with our firm, the fee is waived altogether. Call us now at 281-425-1300 to schedule your planning session today.