

## TIPS ON CHOOSING GUARDIANS FOR MINOR CHILDREN

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Choosing a guardian is one of the most important decisions in estate planning. Yet, many parents of minor children fail to have even a basic will or engage in other estate planning. Many parents recognize the importance of naming a guardian and have heard the horror stories about children being split up and placed in unsuitable homes or involved in bitter probate contests. Because of the difficulty that many parents face in trying to agree on a suitable guardian and back-up guardian, the will or trust instrument gets placed on the back-burner.

Here are some basic thoughts, not in order of importance, to keep in mind when discussing and finalizing your guardian choices (This is by no means an exhaustive list.):

1. Who shares your values and parenting philosophy, and how important are they?
2. Who will provide a nurturing and loving environment in which to allow your children to mature and grow?
3. What value do you place on certain religious beliefs and practices, and how important are they to your children?
4. How important is it that your children, if more than one, stay together?
5. Who has a good relationship with your children already?
6. How many children does your proposed guardian(s) have of his/her/their own?
7. Will it be necessary to uproot your children from their friends and other family members if you choose this particular guardian or back-up guardian?
8. Consider the age(s) of your guardian(s) and whether his/her/their health or level of activity will make the guardianship less appropriate for the children.
9. How important is the financial health of your proposed guardian?
10. Have you considered whether a friend would be more suitable than a family member such as a sibling or parent?

After you have agreed upon a suitable guardian or co-guardians and an alternate guardian, keep in mind that you should consider the following:

1. Prepare a memorandum or letter to accompany your will or trust that provides guidance to your guardian about the type of family values that you think are important as well as the type of environment and experiences that you would like your children to have. This should be stated as an expression of your wishes and not as a mandate.
2. Every year you should re-evaluate your guardian choices to determine whether a change is necessary due to an illness, change in family status (loss of spouse, more children), financial pressures, or simply a change in your relationship or your children's relationship with the prospective guardian.

For more information or assistance with this sensitive issue, please contact me.