



7 MUST-DOS WHEN NAMING GUARDIANS FOR YOUR KIDS

HERE ARE 7 TIPS TO HELP
YOU PROTECT YOUR
CHILDREN



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A judge will choose a guardian for your child if you don't.

The law gives judges very little guidance in choosing a guardian for children other than a vague “best interest of the child” standard. The judge will make a decision based on, at most, a few hours of testimony and some written exhibits. Unless you plan now, most of the wisdom and facts you know from a lifetime of living with your family and friends will not be available to the judge.

Because she worked in the foster care system, Alex has seen children end up in care after the death of both their parents. Don't assume your children will be taken care of without planning. If you don't name guardians for your children – your children could end up in foster care (even temporarily) or both sides of the family could end up in a legal battle (which Alex also saw while working in the foster care system).

HERE ARE 7 TIPS TO HELP YOU PROTECT YOUR CHILDREN:

1

If you name a couple to act as guardians, make sure you include what should happen if the couple breaks up or if one dies or is incapacitated.

Should the survivor be the sole guardian, or would you like to name a different person or couple? Documenting this properly is critical to ensuring the well-being and care of your children, no matter what.

2

Name more than one potential guardian.

What if something happens to your first choice? Decide and document who will succeed your first nominee. We generally recommend naming 3 alternates, especially if your children are very young.

3

Don't put too much weight on the financial resources of prospective guardians.

Your guardians do not have to (and often should not) be the financial decision makers for your kids. You need to leave enough money behind and put it in Trust to ensure the funds are managed properly and used to care for your children.

4

Consider creating a Living Trust that prevents a Court from taking jurisdiction over your money through probate.

Probate is totally public and doesn't protect your money from your family's later divorces and lawsuits.

5

Exclude anyone who might challenge your guardian decisions or who you know you'd never want to care for your kids.

Do it in writing. Don't feel bad or guilty about this – making sure your children are raised in a loving environment is ultimately more important than hurting anyone's feelings.

6

Make arrangements for the short term if you were in an accident.

What would happen to your kids in those immediate hours until your permanent guardians could arrive. We recommend a Kids Protection Plan® to cover that critical time of care.

7

Name your guardians in a separate, freestanding document- not simply in a Will.

Naming a guardian in a Will or Power of Attorney will make it more difficult for you to change your nomination and your children could be left waiting for a guardian until your Will is admitted to probate or for your power of attorney to take effect.

Protect your family's future & ensure the well-being of your children with a COMPLIMENTARY "Family Legacy Planning Session" (a \$750 value)

THE PLANNING SESSION IS FREE AND THERE IS NO OBLIGATION AND NO PRESSURE.

Schedule your FREE Family Legacy Planning Session by visiting www.VarelaLawOffices.com

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