

Professional Portfolio

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Choosing a Guardian for your Children

When people write their wills or plan their estate, they are mostly concerned with who they want to inherit their cash, real estate or other possessions. But there is another aspect to planning an estate that is even more important than the final destination of all of your worldly possessions. That would be who will raise your children if both you and your spouse are not around to raise them.

Choosing a person or persons to look after your children may be the most difficult decision you ever have to make. In fact, for many it is the hardest part of planning their estate. You can, however, make a tremendous difference in your child's life by planning ahead. Anyone with a child under the age of eighteen needs to think about who would raise their child or children if they were not able to. The younger the child, the more important this decision becomes. Young children are the most impressionable and the impact that the guardian has upon them will be significant. Even children who are close to eighteen years old and will be legal adults soon will be impacted by a guardian. As every parent knows, raising a child does not suddenly end when the child reaches eighteen years of age. The parenting of a child continues well into adulthood. By carefully considering the guardian for your children, you will encourage a life long bond with a caring individual or family.

Nominating a guardian can be a very simple element of your estate plan or it can be very precise in its outline. In your will, you can simply designate the individual or individuals who would act as guardian for your children should both you and your spouse be unable to act. In the alternative, you can go on to provide additional detailed guidance to the guardians outlining what type of life experiences and family environment you would like to see for your children. This type of additional guidance would be most helpful to your guardians as they raise your children through adulthood.

So how do you choose the right individual or couple to serve as guardian for your children? You may not think anyone on your spouse's side is fit to serve as guardian and your spouse may think the same of your side of the family. One question you can ask yourself when faced with this dilemma is "would this person provide a better home for my children than a court appointed guardian as part of a foster care system"? If the answer to this question is yes, then that person is worthy of consideration regardless of how your spouse feels about them. Consider family, but also consider friends who may share similar philosophies about child rearing. Don't automatically eliminate people from consideration for financial reasons. Sufficient life insurance in a well drafted Trust for your children (that is part of your will) can ensure your children's financial well being. When considering someone to name as guardian, take into account their maturity, patience, age, child rearing philosophy, presence of children already in their home, integrity and stability. These are just a few of the characteristics you should consider when deciding on a guardian.

Once you have narrowed your list of possible guardians, discuss each of the potential guardians with your spouse. While you can each name different guardians, most couples are happier if they can reach an agreement. If there are disagreements, discuss the issues to see if a consensus can be reached. Regardless of which spouse's family or friends appear more frequently on your list, it will be important to keep both families involved in the process. One way to do this is to name members from one side of the family as guardians to care for the children and members of the other side of the family as Trustee to manage the financial assets of the children.

Choosing and nominating a guardian for your children can be an intense, emotional process, but it may be the easiest legal issue you will ever face. With a well drafted will nominating a guardian and a Trust with a designated Trustee, to manage the financial assets that your children will be inheriting, you can ensure that your children's life will be safe, emotionally stable and financially secure. The process in achieving this result may be a little stressful and perhaps contentious, but you will find that once it is accomplished, you will have the piece of mind knowing that your children will be well cared for should you not be there for them.



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