

Planning in Parenthood: Considerations for Choosing a Guardian for your Child

April 22, 2020



There are many bittersweet realities along the journey of parenthood. One that carries more of a bitter tone is the understanding that no one is invincible, and that planning must be done with the children's best interest in mind should the unthinkable occur.

If you have minor children and have not yet selected a guardian, you will likely want to add this to your priority list. Choosing your children's guardian may be one of the hardest and most important decisions you'll ever make. When it comes to choosing the best guardian, you may already have a short list consisting of immediate family members. This is an excellent start, but it may also be worth considering extended family members and trusted friends.

Considerations

There are many issues to consider in making this decision. Perhaps the most important item is whether you and your choice of guardian share similar values, such as parenting philosophy, educational views, religious and moral beliefs.

Usually, a family member or friend who shares your values would be a good guardian, but it is extremely rare to find a person who shares all of your values. It may be helpful to prioritize which values are most important to you and determine which guardian is the best fit.

Here are a few questions to consider when evaluating potential guardians:

- Do they want to serve as guardians?
- Does your estate plan provide sufficient resources so that caring for your children won't cause an economic hardship for them?
- If they're married, is the marriage stable?
- If they have children, do your children get along with them?
- How old are they in relation to your children? A grandparent or other older person may not be the best choice to care for an infant or toddler, for example.
- Are their homes large enough to make room for your children?

If you do not decide, the courts will.

If you fail to name a guardian in your will, a court will appoint one should it become necessary. The court will base its decision on its assessment of the best interests of your child. Naturally, this assessment may be different from your own, so it's important to name a guardian. This is typically handled through a will, though procedures can vary from state to state.

Make a decision

When careful consideration has been made and the time comes to make this decision, it may be helpful, in addition to identifying your first choice, to select one or two alternatives. This way if your first choice decides he or she isn't up to the responsibility, you still have a plan.

When asking a person to be your children's guardian, ensure that he or she clearly understands your expectations and the guardian's responsibilities. Also, give the prospective guardian time to consider your proposal, as it isn't a responsibility to be taken lightly. As this is a difficult conversation to have, consider consulting with your trusted advisors to ensure that you are presenting all the necessary information. Depending on your comfort level, your advisors may even be helpful in facilitating the potentially difficult or emotional conversation.

If you have minor children, arguably the most important estate planning decision you need to make is choosing a guardian for them. If you haven't yet made this decision, formalize your choice as soon as possible. To discuss selecting a guardian and other essential estate planning items, contact your Anchin Relationship Partner or Elizabeth Morin, a Director in Anchin Private Client, at 212.863.1380 or info@anchin.com.