



## **Estate Planning Pitfall You didn't name a guardian for your minor children**

No estate planning decision is more important than choosing a guardian to care for your children in the event something happens to you and your spouse. If you don't name a guardian, a court will do it for you. And even though the court is obligated to consider a child's best interests, its choice may not be the one you would make.

Procedures vary from state to state, but typically you're required to name a guardian in your will. Here are several tips to consider in selecting the right person for the job:

- Choose someone who shares your values and parenting style, and who is willing to take the responsibility.
- If you have more than one child, it's usually best to appoint one guardian (or a couple as co-guardians) for all of them. But in some cases — for example, if you have children from different marriages — separate guardians may provide the best care.
- Name at least one alternate guardian in the event your first choice is unavailable or changes his or her mind. Also, if there is anyone you want to prevent from raising your children, be sure to say so in your will in case the court is called on to appoint a guardian.
- Be sure that caring for your children won't impose an economic hardship on the person you've selected. Does your estate plan provide sufficient funds to support your children? How long will these funds last?
- Good parents aren't necessarily good money managers, so consider appointing someone other than the guardian to manage your children's assets. Having a separate trustee also avoids conflicts of interest — real or perceived — between the guardian and the children.

A court isn't required to accept the guardian you designate, but courts almost always defer to the parents' wishes unless the person chosen is deemed unfit. Consider leaving a letter of explanation that spells out for the court the reasons you feel your designee is best qualified to raise your children.

*For more information, please contact us via phone or e-mail, or visit us on the World-Wide Web:*

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