

Guardianship of Children & Dependants

If you have children under 18, this is one of the most important sections in this book.

If you and your partner both die while your children are still minors, someone will need to raise them. That person is called a guardian.

In your Will, you can nominate who you'd like that guardian to be. The way this works varies a little from state to state, and a court can always step in if it thinks that's best for the child, but your nomination carries real weight and tells everyone what you wanted. If you don't nominate anyone, it's left to the court to decide. Your solicitor can make sure your wishes are recorded the right way for your state.

This section helps you think through who should raise your children if you can't. It also gives your executor (and the court, if necessary) a clear understanding of your wishes.

Who should be your children's guardian?

This is a deeply personal decision. Here are some things to consider:

Who shares your values? You want someone who will raise your children the way you would have. Think about religion, education, discipline, lifestyle.

Who has the capacity? Raising kids is expensive and time-consuming. Does this person have the financial stability, the time, and the energy to take on your children?

Who do your kids already have a relationship with? It's easier for kids to move in with someone they already know and trust (an aunt, uncle, grandparent, or close family friend).

Who lives in a stable environment? You want your kids to go somewhere safe, predictable, and emotionally healthy.

Does your partner agree? If you're raising your kids with a partner, make sure you're both on the same page about who the guardian should be.

Have you asked them? Don't just assume someone will take your kids. Ask them first. Make sure they're willing and able.

What about a backup guardian?

Life changes. The person you nominate today might not be able to take on your children in five or ten years. That's why you should also nominate a backup guardian (sometimes called a substitute guardian).

If your first choice can't or won't do it, your backup steps in.

What if you have dependants who aren't children?

If you have an adult child with a disability, an elderly parent you're caring for, or anyone else who depends on you, this section is for them too.

You can't "appoint" a guardian for an adult (they have their own legal rights), but you can express your wishes about who should care for them, and you can set aside funds in your Will to support that care. How you set those funds aside really matters, as the wrong structure can affect their pension or be challenged later, so talk to a solicitor about the best way to do it (a special disability trust is one option worth asking about).

WHY THIS MATTERS

If you don't nominate a guardian, the court decides. And the court doesn't know your family the way you do.

By nominating someone (and a backup), you're making sure your children go to someone you trust, someone who loves them, and someone who will raise them the way you would have.

That's worth thinking through carefully.

Your Guardianship of Children & Dependents

Who raises your children, what matters in how they're raised, and anyone else who depends on you.

GUARDIANSHIP OF CHILDREN

List your children under 18. Add more in the Notes box if you need to.

CHILD 1 NAME	DATE OF BIRTH
CHILD 2 NAME	DATE OF BIRTH
CHILD 3 NAME	DATE OF BIRTH
CHILD 4 NAME	DATE OF BIRTH

PRIMARY GUARDIAN

Note whether you've named them in your Will and discussed it with them.

NAME	RELATIONSHIP TO YOU
RELATIONSHIP TO CHILDREN	DISCUSSED WITH THEM?
PHONE	EMAIL

Your Guardianship of Children & Dependents (cont.)

ADDRESS

WHY YOU CHOSE THEM

BACKUP GUARDIAN

NAME

RELATIONSHIP TO YOU

RELATIONSHIP TO CHILDREN

DISCUSSED WITH THEM?

PHONE

EMAIL

ADDRESS

WHY YOU CHOSE THEM

WISHES FOR YOUR CHILDREN'S CARE

Guidance for the guardian. Not legally binding, but it shows what matters to you.

EDUCATION PREFERENCES

RELIGIOUS / CULTURAL PREFERENCES

MEDICAL / DIETARY CONSIDERATIONS

RELATIONSHIPS TO MAINTAIN

ANYTHING ELSE THE GUARDIAN SHOULD KNOW

Your Guardianship of Children & Dependants (cont.)

OTHER DEPENDANTS

Anyone else who relies on you for care or financial support.

NAME

RELATIONSHIP

NATURE OF DEPENDENCY

FUNDS SET ASIDE FOR THEIR CARE

YOUR WISHES FOR THEIR CARE, AND ANYTHING ELSE ABOUT GUARDIANSHIP