

Guardians

What are they and what are their responsibilities?

A guardian is someone you have named in your Will as the person you would like to be responsible for your children in the unlikely event that they lose both parents before the age of 18.

If you fail to appoint guardians in your Will the courts will appoint guardians instead, but this may not be who you would choose. By appointing guardians you can ensure that your children are looked after by the people that you have chosen as the best people for the job.

To appoint legal guardians for your children, you must name them as your chosen guardians in your Will. However, before doing this it is advisable that you discuss this with the people that you would like to appoint to ensure that they are happy to take on the responsibility.

You may also wish to appoint alternative guardians, who will take their place if your intended guardians are no longer able to act.

When choosing a guardian for your children, it is often good to consider:

- How do I feel about their values and parenting skills?
- Are they able to offer a stable family environment?
- What is the quality of their present relationship with my child/children?
- Are they willing and able to handle the responsibility of caring for my child/children on a long-term basis?

A guardian will take on parental responsibility for your children which will include:

- providing a home
- protecting and maintaining the children
- disciplining the children
- choosing and providing education
- agreeing to any required medical treatment

You can leave a letter with your Will to guide the guardians in regards to what your wishes would be for your children.

As the guardian will be responsible for the day to day care of your children it also makes sense that they are a trustee of the children's inheritance. However, it is advisable also to appoint another trustee who is independent to provide objectivity and guard against conflicts of interest. This will also provide the guardians with some support in handling the financial and legal aspects of a trust.

People do often find it very difficult to choose guardians for their children so do discuss with your Will adviser as they will be able to offer some practical advice to help you with making a decision. Many people do review guardians again as their children get older and their needs and relationships change.