

Who should be the guardian of your minor children?

Published on November 30, 2017

If you have minor children, arguably the most important estate planning decision you have to make is choosing a guardian for them should the unthinkable occur. It's critical to put much thought into this decision to ensure your children would be cared for as you wish in such a situation.

Evaluating potential candidates

Here are a few issues 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?
- Do they share your values and parenting philosophy?
- 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 the 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?

Keep in mind that a court's obligation is to do what's in the best interest of your children. The court isn't bound by your guardian appointment but will generally honor your choice unless there's a compelling reason not to. It's a good idea to prepare a letter explaining the reasons you believe your appointees are best equipped to care for your children.

Naming others

It's also important to choose a backup guardian. Why? If your first choice dies or is unable or unwilling to serve for some other reason, a court will appoint a guardian, and you likely wish to provide some guidance on that as well.

Your estate plan should list anyone you wish to *prevent* from raising your children. Please contact us for more information regarding estate planning for parents with minor children.

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