

How to choose a Guardian

Safeguarding your children's future

If you have children under the age of eighteen, then one of the most important reasons for making a Will is to appoint guardians for your children.

The Role of a Guardian

Being a guardian for a child means taking on parental responsibility. This is legal responsibility for your child and includes everyday parenting decisions in addition to choices about medical treatment, health, education and where your child should live.

If you have specific beliefs that you would want potential guardians to know about then you can include these in a letter of wishes to accompany your Will.

Although it is hoped by all that this is a role that is never needed, guardianship appointments begin immediately upon death. This is providing that there is no surviving person with parental responsibility for your child.

Suitability

Guardians must be over eighteen and can be your friends or family members. Consider their age, health, lifestyle, finances, and relationship with your child.

If choosing parents or older relatives, think about whether they would be able to cope with the practical demands of bringing up your children until they reach eighteen.

Ideally, the guardians that you appoint should be living in the UK. If you appoint guardians who are living abroad then please be aware that this will not give your guardians permission to reside in the UK or that your child will necessarily be able to live abroad.



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Single / Joint Guardianship

Ideally you should appoint a single person or a cohabiting couple in an established relationship (married or unmarried).

It is advisable to review your guardianship appointments regularly in case there are changes in their circumstances. It is also recommended that you include a substitute guardian in case at the time of your death your first-choice guardian(s) are no longer willing or able to act for any reason.

It is not recommended that you make a joint appointment of a non-cohabiting couple (e.g. your brother and sister) because of the practicalities of sharing parental responsibility and conflicts that can arise.

You should talk to your proposed guardians first before appointing them in your Will.

Financial Issues

Making sure that your children are provided for financially is important. Arranging life insurance and including a trust within your Will are the most practical ways of helping you to have peace of mind.

You can appoint between two to four trustees in your Will to keep your child's inheritance safe. Your trustees can use the trust funds for your child's benefit and give money to the guardian as they feel is appropriate. You may include a guardian as one of your trustees or keep the roles separate.

Many people choose the people they act as executors to act as their trustees too for simplicity.



Letter of Wishes

Some parents find it comforting to express their wishes about how they would want their children to be raised or money held on trust to be used.

Writing a letter of wishes is optional and whilst not legally binding it can be helpful for your guardians and trustees to know your views.

Examples include:

- 'I would like my children to have regular contact with both sides of their family'
- 'I would like money from the trust fund to pay for private education'
- 'I would like my children to go to a Catholic school'

We can help you prepare a letter of wishes to accompany your Will.