

Selecting a Guardian for Your Minor Children ©

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If both parents are deceased, or unable or unavailable to care for their children, the probate court must appoint a guardian to provide for the children's care and custody. If you have not created a will or other written document nominating a guardian to care for your children, the probate court will decide who to select as guardian. If you have minor children, you should create a will or written nomination of guardian naming the person(s) you would like to raise them in the unlikely event that you cannot. That way, you can ensure that your wishes are followed.

You should name one person and an alternate person in case the first person cannot serve. You should also consider whether you want different persons to serve depending on whether a temporary or permanent guardian is required. For example, if you suffer from a brief illness which renders you unable to care for your children, you may only need a temporary guardian. In such case, it may be appropriate to choose someone nearby to cause the least amount of disruption to your children's lives. However, if you are deceased and a permanent guardian is necessary, another person may be more appropriate, even if it means uprooting the children.

The following considerations are also important when selecting a guardian:

- whether the person shares similar parenting styles, values, and religious beliefs
- whether the person has genuine concern for your children's welfare
- whether the person has the time and energy to devote to parenting
- whether the children will have to move to another city or state
- whether the person can afford to raise your children if you can't provide adequate funds
- the person's age and whether they can serve until the children reach age 18
- whether the person is willing to serve

You should always ask the prospective guardian whether they are willing to serve. If they are not, you should choose another person. When it comes to your most precious assets, it is best to choose someone who is both able and willing to step into your shoes.