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## NAMING SEPARATE GUARDIANS FOR YOUR KIDS

As a Charlotte Estate Planning attorney, I work with parents all the time to make certain their minor children will be protected if the death or incapacity of one or both parents should occur.

One of the ways we do this is to name guardians, who are essentially the people with legal permission to take custody of your children if tragedy strikes.

The most common reason clients whom are parents have shared with me as to why they have not moved forward with any type of Estate Plan is that they could not decide on who would be the guardian!

The second most common reason in my experience has been that they know who would be the guardians but in the parent's opinion, the kids would fare better if left in the care of different guardians (and yes, perhaps even be separated from one another) if the death of one or both parents occurred. Of course this is a decision that's not to be taken lightly, but legally, there is nothing stopping you from leaving your children to the care of different people if it seems necessary for their future well-being.

Making the nomination legal is the easy part. The reality is that Charlotte parents find that the hard part is *choosing* the actual people you feel comfortable with to provide your kids long-term care.

If in your conversation with a Charlotte estate planning attorney you feel such a move is necessary, I urge you to make your wishes known and don't feel bad or even guilty about your decision. Sometimes it's clearly for the best.

Not sure when this would be an appropriate choice for your family? Let me give you an example as to when the decision to name separate guardians would come into play.

Let's say you are a mother of 3 children. You have two girls from your first marriage and your

third child, a boy, is from the 2<sup>nd</sup>. If something unexpectedly happened to you, the law dictates that your youngest son would be placed in the care of his father, provided he is still living.

Yet you know that living with your current husband would not be the best arrangement for the girls. The girls have never been close to your new husband and you can't imagine the situation getting any better if you were gone. Worst of all, the girls have no relationship with their biological father. In fact, he signed over his rights in lieu of paying child support years ago. So in your mind, leaving the children to him is not an option either.

Based on this scenario, you decide to make your sister the guardian of the girls, while your husband would continue to raise your son if something happens.

Of course that's just one of MANY examples in which the decision to appoint separate guardians for your children comes into play. As I tell parents all the time, YOU and only you know what is best for the physical and emotional well-being of your children in a time of need. While the ideal situation is to leave the kids together if possible, family dynamics or life circumstances may dictate that alternative plans be made.

Here are some additional considerations:

1. Age of the Guardian;
2. Does the Guardian have children or plan on having children;
3. Is the person married;
4. What are the religious beliefs of the person;
5. Is he or she a "blood" relative;
6. Does your child actually like this person;
7. How drastic will your child's daily life change;
8. Does this person have pets;
9. What type of job does this person have;
10. Would you live with that person.

Estate planning gently forces you to think about such situations in advance so your kids are given the best chance to thrive if something unexpectedly happens to you. You can then document your wishes so there is no question as to who you want to care for your kids in your absence.

Haven't made plans yet to legally appoint someone to care for your minor kids if something happens to you?

Then give us a call at (704) 843-1446 and request a "*Peace of Mind Planning Session*". These sessions are normally \$750, but you can come in free with the mention of this article. However, these appointments are limited to 5 per month so call today!