

# PURELY

## WILLS

### Guardians

Choosing someone to be responsible for your children if you were to die whilst they are under the age of 18 is an essential part of your will. It allows you to name someone you trust to care for your children.

#### Dying without naming a Guardian

If you don't assign a legal guardian, you are allowing the courts to decide who looks after your children. This can be a lengthy process and while it's being decided, your child could be put into the care of social services. A verbal agreement between family or a friend will not be sufficient.

#### Choosing a Suitable Guardian

Anyone can be a guardian if they are over the age of 18 and mentally capable for the role. Other factors are if they have the same fundamental beliefs that you do, what their religious or moral beliefs are, and whether their opinions on education and lifestyle match yours.

It's also important to consider where the guardians live, and if appointing someone is going to mean your child will need to move away from their school, community, and friends. If your guardians live abroad, you will need to think about practicalities such as obtaining visas for either the child or the guardian. You should talk this over with your chosen guardians.

Some further points to consider are:

- **The best interest of your children.** This goes without saying, but the primary consideration should be the children's well-being. Someone who can provide a stable and loving environment for them and who share similar values to your own. It should be someone who already has a close relationship with the children.
- **Talk to potential guardians.** Before naming someone as a guardian in your will, it's crucial to have a conversation with them. Make sure they are willing to take on the responsibility and understand your expectations.
- **Consider Age and Health.** While you may naturally consider family members like grandparents, it is essential to consider their age and health. They should be physically able to care for your children until adulthood.
- **Financial Considerations.** Raising children is expensive, so consider the financial situation of your chosen guardian. You may want to leave financial provisions in your will to support your children's upbringing by the way of an insurance policy or trust.
- **Reserve Guardians** Since it usually unknown how or when you will die it is important to name a reserve guardian in case the circumstances of your first guardian have changed when the time comes.
- **Separated parents.** It is sensible to name the same guardians in your wills to avoid any dispute if you both pass away. It is also important to note that if a surviving parent is alive with parental responsibility, care of the child will always pass to them, regardless of guardianship nominations in your wills.