



## *Naming a Guardian for your Children*

If you have minor children, then naming a guardian will probably be the most important decision that you can make in preparing your estate plan. Some of the important factors that should be addressed when naming a guardian include common beliefs, location and ability/willingness of your proposed guardians.

### *Common Beliefs*

Good guardians should share your values, ethics and spirituality. Whatever your values are, you need to make sure that your proposed guardian shares those values, and if they do not, then they are probably the wrong choice for your children. As a part of sharing your beliefs, a proposed guardian should be a consistent part of your children's lives. Anyone who is in position to become your children's primary caregiver should know your children well as they grow.

### *Location*

Proximity or location of your guardian may also be important. It is difficult enough that you are gone. Having to move out of state, leaving their friends and starting a new school, would probably make your children's mourning even more difficult. Now that is not to say that out of state guardians are a bad choice, but in-state guardians (or local guardians) may be better in many instances.

You may also wish to consider the psychological aspect of uprooting your children in the event of your death. If that is of concern, then your Last Will & Testament could state your wishes for your children to remain in Florida and for your named guardian to be permitted to live in your home to raise your children.

### *Ability and Willingness to Act*

When considering guardianship options for your children, a proposed guardian should be capable of caring for your children. In other words, they should be in good health and able to handle the responsibilities of raising your children. If a proposed guardian is suffering from a medical condition



that might result in him or her being unable to serve as your children's guardian, you should consider naming a successor guardian.

It is also important to talk to your proposed guardian about your intentions and confirm their willingness to act, both now when you are preparing your Estate Plan and in the future as your and their lives change. It is quite common (and normal) to name a person as guardian for your children today and decide later that you wish to name another person who may be better suited to raise your children if you are unable to do so.

#### *Relationship with Trustees*

Naming a guardian to raise your children is not necessarily the same decision as naming a person to manage your assets for your children while they are minors. Guardianship involving property and other assets requires court supervision, which can be onerous and is often undesirable. As a result, you can hold your assets in a trust that do not require court supervision and can be subject to terms and conditions that you establish during your lifetime. One important consideration to address is who will serve as trustee for your children after you are gone.

Some parents of minor children conclude that the guardians and the trustees who will manage your money for your children are qualified to be the same person(s). Sometimes, though, ideal guardians may not be ideally suited for management, appropriate distributions and investing of minor children's assets, meaning that another person should be named as trustee to hold assets for your children.



Joshua T. Keleske, P.L. serves families in the Tampa Bay area with their estate planning, estate and trust administration, and business planning needs. If you have questions regarding how we can be of assistance to you and your family, please contact us at anytime at 813-254-0044. We are happy to answer your questions and arrange for an appointment to speak with you.

Please also visit [www.trustedcounselors.com](http://www.trustedcounselors.com) to learn more about Joshua T. Keleske, P.L.



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**Questions or comments?**

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