



Assigning a Guardian for Your Children

A Thoughtful Guide for Parents Planning
for the Unexpected





This Is About Love, Not Fear

Naming a guardian is one of the most meaningful decisions you will ever make for your children. It is not about expecting something bad to happen—it is about loving your children enough to plan carefully, so they are always cared for by the people you trust most.

Without a legally documented guardian nomination, a judge—someone who does not know your family, values, or children—will ultimately decide who raises them. This guide is designed to help you make that decision thoughtfully, confidently, and intentionally.

What Does a Guardian Do?

A guardian is the person (or people) you legally nominate to step into your role if you are no longer able to care for your minor children.

- A guardian is responsible for:
- Day-to-day care & supervision
 - Education decisions
 - Medical decisions
 - Emotional, moral, & social development

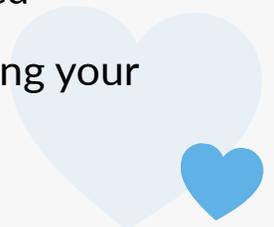
Important: Guardianship is about *care*, not money. Financial responsibility can, and should be handled separately through a trust.

When Does Guardianship Take Effect?

Your guardian nomination becomes relevant only if:

- Both parents have passed away, or
- A court determines both parents are legally incapacitated

Until then, you remain fully in charge of all decisions involving your children.



Understanding Different Types of Guardianship

Most parents think only about long-term guardianship, but thoughtful planning considers several real-life scenarios. Clarifying these roles helps ensure your children are protected at every stage.

Permanent Guardian

The person who would raise your children until adulthood if you are no longer able to do so.

This is the guardian most parents focus on—and the one courts look to first.

Emergency Guardian

A trusted person authorities can immediately contact if something happens unexpectedly. Without this designation, children can be placed temporarily in foster care while officials determine next steps.

Temporary Guardian

Someone authorized to make decisions for your child during short-term situations such as travel, illness, or extended absences.

Ongoing or Special Needs Guardian

If your child has special needs, planning may extend beyond age 18 to ensure continued advocacy, care, and stability.

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Step 1

Start With Values, Not Names

Before choosing *who*, clarify *what matters most* to you.

**Ask
yourself:**

- What values do we want emphasized in our child's upbringing?
- What kind of daily life do we want for them?
- What matters more—location, lifestyle, faith, flexibility, or familiarity?

Child-Raising Priorities Reflection

Before focusing on specific people, reflect on what you value most in raising your children. This clarity makes the choice of guardian far easier.

Consider which of the following matter deeply to:

- Stability and routine
- Emotional warmth, patience, and temperament
- Discipline style and structure
- Education, learning style, and opportunities
- Religious, spiritual, or cultural traditions
- Community, geography, and lifestyle
- Relationships with extended family

There is no perfect guardian—only the best fit for your children and your values. Strong alignment on your top priorities matters far more than checking every box.



Brainstorm Potential Guardians

Step 2

Now, without judging or ranking, write down anyone you would trust to raise your children.

This list may
include:

- Siblings or relatives
- Close friends
- Godparents or mentors

Do not eliminate someone based on money. Providing financial resources is part of your estate plan—not the guardian's burden.

Aim for at least three to four possibilities.

Step 3

Identify Who You Would Not Want

This step is uncomfortable, but important.

- Ask yourself:
- Who might step forward that I would not want raising my children?
 - Are there individuals whose values or lifestyle concern me?

Documenting these concerns helps ensure your wishes are clearly communicated if questions ever arise.

Step 4

Evaluate Practical Considerations

Once you have narrowed your list, think through logistics:

Location

- Would your child need to relocate?
- Are you comfortable with changes in school or community?

Household Dynamics

- Do they already have children?
- Would your child fit naturally into their home?

Age & Health

- Are they likely to be physically and emotionally capable long-term?

Willingness

- Would they truly want this role?



Separate Care From Money

Step 5

Many families hesitate to name a guardian because of finances. Estate Planning allows you to separate roles:

- **Guardian:** Raises your child
- **Trustee:** Manages money for your child

This structure:

- Reduces stress on the guardian
- Adds accountability
- Ensures funds are used exactly as intended

You may choose the same person for both roles, but you are not required to.

Step 6

Name Backup Guardians

Life changes. Always name at least one alternate guardian.

Backups step in if:

- Your first choice is unable or unwilling to serve
- Circumstances change over time

This ensures continuity no matter what.

Step 7

Have the Conversation

Never name a guardian without talking to them first.

Discuss:

- Your hopes and values
- Expectations and boundaries
- How financial support will work
- The fact that they can always decline later

These conversations often bring relief – to both you and them.

Put It In Writing (Legally)

Step 8

Guardian nominations must be **properly documented** to be effective.



Typically, this is done through:

- Your Will
- Kids Protection Plan
- Additional planning documents designed to protect children

Informal notes or verbal promises are not enough.

Leave Guidance, Not Guesswork

Step 9

A written **Letter of Intent** can be one of the greatest gifts you leave behind.

You may include:

- Values, stories, and hopes for your child
- Daily routines
- School preferences
- Medical providers
- Cultural or religious traditions

While not legally binding, this guidance helps your guardian parent with confidence and compassion.

Resource available: Step-by-step guide on Writing a Letter of Intent ([Access Here](#))



Key thing to know:

A Letter of Intent is not legally binding. It shares your wishes, not rules. This makes it flexible and personal, and it allows your loved ones to use good judgment if circumstances change.



A Parent's Guide to Writing a Letter of Intent

A simple guide to sharing your values,
wishes, & hopes for your children



Step 10

Planning for the In-Between

Good planning addresses not only long-term guardianship, but also the hours and days following an emergency.



- Consider:**
- Who authorities should contact immediately
 - Who can provide comfort and familiarity right away
 - Who has temporary authority to obtain medical care

Without clear instructions, officials may have no choice but to involve the court or foster care system—at least temporarily. Planning ahead ensures your child is quickly placed with someone you trust during an already stressful time.

Resource available:

Emergency Contact Card ([Access Template Here](#))

Children need familiarity, comfort, and safety most in the moments of uncertainty.

Planning ahead ensures your child is never left without someone you trust.





Review and Update Over Time

Your guardian plan should evolve as your life does.

Review your
choices when:

- A child is born or adopted
- Relationships or health change
- Guardians move or experience life changes
- You relocate to a new state

A review every **3-5 years** is a good rule of thumb.

A Final Thought

No one can replace you. But if someone must step in, **you are the best person to decide who that should be.**

Thoughtful planning today creates stability, protection, and peace of mind for your children tomorrow.

If you have questions or would like guidance, our team at Marsala Law Firm is here to help you every step of the way.





Hi friend,

If you've reached the end of this guide, I want you to know— you're doing something incredibly important for your children.

Choosing a guardian isn't easy, and it's normal for this process to feel emotional or uncomfortable. But this planning isn't about fear. It's about love, clarity, and making sure your children are always cared for by people you trust.

By taking the time to think this through, you're giving your children stability and guidance—no matter what the future holds.

If you have questions or need support along the way, we're here for you. It's an honor to walk alongside families like yours.

Hugs,
Jeannette

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