FINANCE Q&A's



Guardian Role

Why should you appoint a guardian in your will? Lakeside Financial Consultant *Rebecca Venton* explains the reasons for doing so and outlines the role's key responsibilities.

In what situation would you need to appoint a guardian, and why?

R: A guardian is needed in the unfortunate and unlikely event that both parents pass away and leave children under 18. The person, or people, selected for the role are appointed when writing a will for anyone who has dependents. They would become the legal guardians of any minor up until they reached adulthood. Appointing a guardian allows you to decide who would take on the role, therefore selecting someone you trust and enabling your wishes to be known.



What are the key responsibilities of a guardian?

R: The person selected for the role is the children's legal guardian and needs to care for and raise any children under 18 if both parents have died. They acquire 'parental responsibility' and therefore make decisions on the child's behalf concerning their upbringing. For example, selecting which school the child would attend.

Guardians may sometimes also be named as executors in a will. Although this isn't recommended, it would mean they could also be responsible for assessing when the child can access inheritance from the estate.

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How should you go about choosing who to appoint as a guardian?

R: When selecting who to name as a guardian, it's important to consider a few key factors. People will often initially think of grandparents, but this may not be the most suitable option due to their age. Instead, aunts, uncles or friends are usually better suited. Guardians need to be individuals who are 18 or over. Some further points to think about when appointing a guardian include:

- **Would you be happy with them raising your children?**
- **Do you have similar values?**
- **Where are they located? Would your children need to relocate - would they still see friends/family, and would they need to change schools?**
- **Would they be able to afford the additional expenses to keep your child/children in a similar lifestyle?**
- **Do your children know them well?**
- **Are they in a good state of health, or are there any pre-existing medical conditions that might prevent them from being a guardian?**

It's also important to speak with whoever you're thinking of appointing as a guardian to ensure they'd be happy to take on the role, should they ever be required to do so.

Are there any other important matters to consider when appointing a guardian?

R: Yes. Firstly, the cost. We all know it's expensive raising a family, and you would likely want your children to live a similar lifestyle to what they'd become accustomed to. There are a few ways in which the cost can be controlled. You could look to leave a gift of money in your will, allowing your trustees to release funds from your estate to pay for the upbringing of children. However, if you wanted the children to inherit the full estate when they're older, it would be sensible to consider a guardianship protection. This is an insurance cover that will pay an annual amount to the guardians to assist with the extra costs they may now face.

Another important consideration is who you would want to be involved in children's lives. For example, you may not opt for grandparents to be named guardians due to age but would still want them to be involved. This type of request could be put into a letter of wishes.

Without guardians in place, it is a different story entirely. In this instance, the courts decide who can raise your children. You should not assume that relatives would automatically be accepted. Children could also be placed into care while the courts decide on the best place for them to live long term.

For further information on appointing guardians, please contact: *admin@lakesidefs.co.uk*



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