



## **PROTECTING YOUR FAMILY WITH YOUR WILL**

### **Appointment of a Legal Guardian.**

If your children are under the age of 18 then you should nominate a Legal Guardian to look after your children in the event of your death. Whilst it is extremely unlikely both parents will die at the same time it is wise to have a plan in place. Your children's guardian would be responsible for your children's upbringing in the event of you and your spouse's death. If you do not specify a guardian it will be left with surviving relatives to sort out who looks after your children and it may end up being someone that you would not have chosen yourself.

The person or people you choose must understand what would be involved and be fully in agreement. You need to talk through with them all aspects of guardianship including financial responsibility. They need to be physically and financially able to take on such responsibility now and you need to consider whether they will be physically and financially able to take on the responsibility until the child is 18 (this makes some grandparents unsuitable because of age or infirmity). You should endeavour to choose someone who will love your children unconditionally and provide them with the stability and support that they will need throughout their lives. Ideally, they should have the same values as you and should continue to maintain relationships with the children's wider family and your social network. People you could consider are grandparents as long as they are not too old, your own siblings, friends and godparents. Before committing someone to something in a Will you should make sure that the person who you have nominated knows of and are happy with your requirements and also advise your family of your decisions. You may feel at a later date that the person you have nominated as guardian may not be the most suitable anymore because their own circumstances have changed and they may no longer be able to take care of your children. You should then change your Will to reflect this.

### **Unmarried Parents**

It is increasingly common for couples to start a family without being married. Couples should be aware of the legal implications and their parental rights and responsibility. A mother automatically has parental responsibility for her child under law. Having parental responsibility means you have the right to make important decisions about your child's

life in areas like medical treatment and education. It also means that you have a duty to care for and protect the child. Unmarried fathers can acquire parental responsibility by registering the child's birth jointly with the mother at the time of birth or by the mother signing a Parental Responsibility Agreement in the prescribed form. Alternatively, a father may also apply to the Court for parental responsibility. The father does not automatically acquire parental responsibility and he does not acquire parental responsibility by virtue of the mother of their children dying. Therefore, an unmarried mother should, if she so wishes, appoint her partner and the father of the child to be the guardian of the child and she should also appoint another guardian in case both parties die at the same time or during the minority of the child.

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