

## Do I Need to Name a Guardian For My Kids?

As a parent, we spend a great deal of time ensuring that our kids are kept safe and have the best opportunities. We make sure the kids have the correct car seat, a healthy diet, and that they get the best opportunities.



No one expects to be unable to care for their child. But, let me assure you (I know personally)

that day could come. You may remember the controversy during the summer of 2018 when thousands of immigrant children were separated from their parents. Putting all politics aside, the publicized stories of toddlers being ripped from their mother's arms and recordings of children crying and begging for their parents were disturbing for any parent to watch.

### It Could Happen To Your Family

These events made me think of what could happen to my kids if they were taken into the custody of strangers. Even though most people think that something like that could never happen to them, they are totally wrong. While your kids probably won't be taken by U.S. border agents, they could be taken into the care of strangers if something happens to you—even if your family or friends are on the scene.

For me, it was on a routine camping trip. We had settled in to our tent for the night when the campsite was hit with an unexpected storm, bearing 90 m.p.h. winds. The force was too much, and over 250 trees were knocked down around the campsite—one landed on my tent.

Sadly, my wife didn't survive the impact and I was critically injured. By the grace of God, my children were unharmed. But, I was unable to care for them. Fortunately, our named guardians were on the scene (though they didn't have any documentation) and they took the kids away before authorities arrived.

If they had not, even though they were our named guardians, the police could have called in child's protective services to make the determination. And, my kids could have been in the custody of strangers on the worst night of their life.

This experience led me to come up with a plan to ensure my kids (and those of my clients) are always in the care of people I know, love, and trust.

## Understand the Risk

Even though it's a long shot, the consequences are serious enough that every parent should consider what could happen if they haven't taken the right actions to protect the kids. Let's say you and your spouse have gone out to dinner together and left the kids with a babysitter. But, on the way home, you are seriously injured (or worse—die) in a car accident. The police will get to your house, find the children at home with a babysitter, and have no choice but to take your kids into their care until they can figure out what to do.

This is true even if you have friends or family living nearby. If you haven't left proper legal documentation, the authorities have no choice but to call child protective services. That's why planning ahead is so important.

You may have plenty of family that lives nearby and could be easily located. And your kids' time with strangers will be short. It may be, though, that more than one family member would want to take custody of the kids (and the financial resources you are leaving behind for them).

There are plenty of examples of well-meaning family members, thinking they are the best choice for the kids, going to battle in the name of love. It isn't pretty. Often it takes years of fighting (making lawyers wealthy) while the kids are stuck in the middle. A court could leave the children in foster care until it decides what is best. In almost every case, both sides believe that they are doing what the parents would have wanted and what's best for the kids.

## Take Responsibility And Find a Better Way

Protecting your children from being taken into care by strangers (or put in the middle of a family conflict) can be completely and easily prevented with a little planning now. Don't leave this to chance. You can guarantee that your children are never placed with strangers—or in the care of anyone you would not choose—but you must take action.

If you think you have already done the right thing because you have a will that chooses guardians for your kids, think again. It's my experience that in most cases, even for those who worked with a lawyer, they have made one of six common mistakes leaving the kids at risk.

At the Pinney Law Firm, we offer a comprehensive Kids' Security Plan as part of all of our estate plans. If you have already created a will, we can review it to see if your kids are at risk. If you haven't done any planning yet, we can help you take the first steps and make the best decision for your kids.

## Here's How to Get Started

We offer a reduced-fee comprehensive planning session to help you begin the process of getting your legal and financial life in order. The fee for your session is even waived if you decide to do planning with our firm. And, regardless of whether you hire us or not, we can ensure at that meeting that you don't leave your children completely unprotected. Call us now at 281-425-1300 to schedule your planning session today.