
Guardian for minors

Posted by jpol - 2007/12/19 17:37

Why is the appointment of a guardian put in a will and not the trust. Also, what is you only name one personal as a guardian and they die before you? Who steps in to act as guardian?

=====

Re:Guardian for minors

Posted by steve - 2007/12/20 14:55

Generally the probate court has jurisdiction over the appointment of guardian/conservatorship (G/C) for minors or incapacitated persons. Because a will usually requires administration through the probate court, a will is the appropriate governing instrument in which to appoint a G/C.

If no one is willing or able to accept the appointment of such duties, then state law will fill-in the blanks. Usually, the probate court will look to see who would act in the best interests of the child as a basis for nominating a replacement G/C.

That's why it is best to list at least 2-4 potential successor G/Cs in the governing instrument.

Post edited by: steve, at: 2007/12/21 01:01

=====