

# IMME Law

*The Life Planning Law Firm*

*Experience and Knowledge Make the Difference*

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**ATTENTION PARENTS WITH CHILDREN, YOU NEED A GUARDIANSHIP PLAN AND HERE'S WHY....**

## **What is a Guardianship Plan and Why Do You Need One?**

**Do you know what will happen to your kids if you and your spouse do not return home one day?**

Let's assume you are having your regular Friday night date night with your spouse or partner and your kids are with the babysitter. On your way home, you are in a serious car accident and you are both taken to the hospital in critical condition. When you don't come home at the prearranged time, the babysitter repeatedly calls your cell phones, but there is no answer. She waits and calls some more, but then she begins to panic and calls the police. The police arrive at your home and tells the babysitter that they have called child protective services, who will be there shortly to take your kids into protective custody until they can locate you.

The babysitter is upset as she knows your kids will be terrified to be taken by strangers, and this is not what you would have wanted to happen to them. She tells the police she will take your kids for the night, as she knows that is what you would have wanted and what would be best for them, but the police tell her that she cannot because she is not authorized to be a **Temporary Guardian** for your children. She has no choice but to let child services take them. Your kids are hysterical and do not understand where you are or what is happening to them. Meanwhile, you are in the hospital in critical condition and unable to do anything about what is happening to your kids.

**With a Guardianship Plan in place, this terrible situation can be avoided!**

## **Temporary Guardians:**

The first part of a **Guardianship Plan** is an **Authorization and Nomination of a Temporary Guardian**. This document empowers a person of your choosing to temporarily take care of your kids if you are not able to. The document is accompanied by a letter to the babysitter (or other caregiver) that instructs him or her to call your kids **Temporary Guardian** if they cannot reach you, rather than calling the police, so that your children will be spared the trauma being taken into protective custody, and will be with a person that they know and trust, when they are confused about where you are. The **Authorization and Nomination of a Temporary Guardian** also authorizes your nominated **Temporary Guardian** to act as healthcare proxy for your kids, if they should need medical attention while you are unavailable. This document is also accompanied by a letter to the **Temporary Guardian**, telling them

what their responsibilities are and who to call in certain situations (i.e., your kids' pediatricians, permanent guardians, etc.).

**Now, assume that you and your spouse or partner succumb to your injuries and pass away. Do you know what will happen to your kids now?**

**Permanent Guardians:**

If you did not do any **Guardianship Planning**, a Court action will be instituted in which the Court will decide on its own, without guidance from you, where and with whom your kids will live.

Perhaps you or your spouse have a sister who lives in another State, who you don't really see that much, but really loves your kids. She doesn't have any children of her own, but wishes she did, so she petitions the Court to be appointed the **Permanent Guardian** of your kids. However, you would not have chosen her because you didn't want your kids to have to leave all of their friends and other family members and move out of state. In addition, you know that your sister's husband has a drinking problem and you would be worried for their safety if your sister was not around, or God forbid, if something happened to her, and her husband then became sole **Permanent Guardian** of your kids.

Perhaps you have a couple who live in your neighborhood who you are very close to. Your kids all go to the same school and you have all spent a lot of time together over the last several years; going on family vacations and attending the same community functions. You think they would be perfect **Guardians** for your kids. But they do not petition the Court to be appointed because you have not given them any authority to do so.

Perhaps one of you also have a younger brother, who lives close by and is very close with you and your kids, and you think he would make a much better **Guardian** than your sister. However, your brother does not petition the Court to become the **Permanent Guardian** of your kids, even though he would love to care for them in the way that you want, because he is concerned that he would not have enough money keep your kids in the lifestyle they are accustomed to.

In this scenario, the Court would likely appoint your sister as the **Permanent Guardian** of your children, and they would be moved out of State to live with her and her husband. This is certainly not what you would have wanted for them, and it could have been avoided if you had done **Guardianship Planning** ahead of time.

This is where the next piece of a **Guardianship Plan** comes into play. A **Nomination of Permanent Guardian** tells the Court who you want to take care of your kids when you are gone. In most cases, the Court will respect this decision.

Along with your **Nomination of Permanent Guardian** for you children, you will send a letter to your nominated Guardian or Guardians, telling them how you want your kids to be raised. Letting them know what is important to you and what you would hope they would do for your kids. Whether it is music and piano lessons, maintaining a religious affiliation, fostering an aptitude for academics, or a

love of nature and the outdoors. Most Guardians would be grateful for such guidance, because without it, they would just be guessing about what they think you would have done if you were alive.

You can also include letters, messages or videos to be given to your kids at certain milestones in their lives (e.g., graduation, taking their driving test, marriage, or starting their first job). These can simply tell your kids how much you love them and how proud you are of them, or you can also offer the advice and thoughts that you would have shared with them if you were able to be there.

Another part of a **Guardianship Plan** is discussing **Life Insurance** options that will provide money to raise your kids. **Life Insurance** can enable the **Guardians** you want, such as your brother in the above scenario, to afford to take your kids and raise them as you wish. **Term life Insurance** can be very affordable and is often an important part of **Estate and Guardianship Planning** for many young couples with kids.

A final piece of a **Guardianship Plan** may be the **Confidential Exclusion of Guardian** for your children. The **Exclusion of Guardian** document tells the Court that a particular person should not be allowed to take your children under any circumstances. In the above example, perhaps you want to say that your sister should not be allowed to take your kids so long as she is married to your bother-in-law, or if she continues to live so far away. Or perhaps you believe one of your kids' grandparents would not be suitable because of his or her lifestyle choices or their fundamental belief system that you deeply disagree with. Without this document, there is a possibility that the person you definitely do not want to be appointed **Guardian** may end up with custody of your kids. This is because they may petition the Court to be appointed, but without this document, the Court would have no way of knowing why they are unsuitable and should not be appointed.

### **GET STARTED TODAY!**

We usually charge over \$1,000 for a complete **Guardianship Plan**, but in order to give back to our Seacoast community during this COVID crisis, for a limited time, we are offering teachers and parents – who are headed back to school and work during these uncertain times – peace of mind, by **offering our tailored Guardianship Plans to you at a 50% discount for \$500!**

**CALL OR EMAIL US TODAY TO GET STARTED: Phone: 603-501-1801. Email: [iona@immelow.com](mailto:iona@immelow.com)**

**Reference the code: PROTECT OUR KIDS to get the discount. You can also use the code to receive a free Estate Planning Consultation and \$500 off a complete Estate Plan.**

**Best wishes and I look forward to working with you,**

**Iona Evans  
Attorney at Law**

*Disclaimer: Please understand that contact with IMME Law or Attorney Iona Evans via calls, the website, letters and e-mail does not create an attorney-client relationship. Firm and attorney representation must be confirmed in an engagement letter.*