

SUMMER VACATION PLANS? BOOK YOUR FLIGHTS, PACK YOUR BAGS AND CHOOSE A GUARDIAN FOR YOUR CHILDREN.

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Is your pre-summer vacation to-do list unbearably long already? Are you taking any vacations without the kids? If you are traveling without your children, or even if they are coming along for the ride, don't forget the incredibly important task of ensuring that you have all the right documents in place to protect your children.

Medical Consent Authorization for Minor Children

If you are traveling without your minor children this summer, do you know what happens if your child falls and breaks his/her arm while they are staying at Grandma's house?

If a medical emergency arises and you are not available, the individual caring for your child has no authority to make medical decisions for your minor child. As a parent, you are permitted to

execute a Consent to Treatment form which provides a third-party adult written medical authority to control a child's medical care. The third party's authority is limited to the terms that you have placed in writing. This authorization can be in the form of a notarized letter outlining the authority of the third party or a more formal medical consent authorization.

Naming a Guardian for Minor Children

Does your estate plan name a Guardian for your minor children? A well-crafted estate plan has many parts, and a vital piece of that plan is naming a Guardian, which is done via a Will.

Often, younger families believe their modest assets do not yet warrant investing in a plan. However, because of California's harsh probate laws, we strongly recommend that all adults have estate planning documents in place. This is especially true for parents of minor children. A well-thought-out estate plan properly ensures that, if something happens to you, your children will always be in good hands: financially, emotionally and physically.

To become a legally recognized Guardian, the person you appoint must be confirmed by the Court. If you have not named a Guardian for your minor children, the Court will appoint someone without knowing your wishes, your children or your family members. Therefore, you should nominate the Guardian of your choosing, and name a back-up or two. The Guardian is entrusted with all of the power and responsibility of a parent and makes important decisions about your child's upbringing, schooling, religious training and medical treatment, so it is wise to nominate someone who knows your children and who will accept this role if called upon to do so.

Naming Someone to Manage Your Children's Inheritance

If your minor child inherits at your passing, an estate plan can ensure that the child isn't blowing through the inheritance at too young an age. Instead, your assets should be held in a trust for the child's benefit. In your estate plan, you can designate the individual(s) who will act as Trustee of the trust for your child. The Trustee will be responsible for managing the assets on behalf of your child. This individual will use the assets which you have left to pay for the child's health, education and support. You can designate at what age your Trustee distributes the remaining assets directly to your child so that he or she can take over managing his or her own funds. You can even include provisions to allow your child to inherit early if they graduate from college or are working full time.

The Trustee can be the same person as the Guardian, or it may be prudent to name two different individuals. This should be discussed with your estate planning attorney so that the specifics of your family situation can be evaluated.

Whether your travel takes you around the world or around the block, the attorneys in our estate planning department are available to answer any questions you may have about protecting your family with an estate plan and the documents that will make your travels stress-free (at least as it comes to protecting your children!).