

Guide to appointing guardians

This guide provides an outline of the things you, as a parent, need to consider when making a Will.



Making a Will is an important task for all adults. But if you have children under the age of 18,* it's important that you make practical arrangements for who should look after your children in the event of your death.

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*Please note that the above applies to England, Wales and Northern Ireland only. If you reside in Scotland this age is lowered to 16 years old.

Roles and responsibilities

When a parent dies, in most circumstances the surviving parent will continue to have full responsibility for a child, including their day-to-day care and important decision making.

However, if both parents die suddenly, a legal guardian will need to take responsibility for looking after your child and it's important that you choose someone to do this when making your Will.

The role of guardian is an important one as they will be assuming legal rights and responsibilities to look after your child, until they come of age themselves.



Specific responsibilities include:

- Providing a home for the child
- Having contact with and living with the child
- Protecting and maintaining the child
- Disciplining the child
- Choosing and providing for the child's education
- Agreeing to the child's medical treatment
- Agreeing to any change of the child's name
- Accompanying the child outside the UK and agreeing to the child's emigration, should the need arise
- Being responsible for the child's property
- Allowing confidential information about the child to be disclosed; and most importantly,
- Helping the child to make their own important decisions in life.

Who currently has parental responsibility?

If the parents of a child are married to each other or if they have jointly adopted a child, then they both have parental responsibility. However, this is not automatically the case for unmarried parents.

Under current law, a mother always has parental responsibility for her child. A father however, has this responsibility only if he was married to the mother at the time of the child's birth or has acquired legal responsibility for his child through one of three routes:

- For children born after 1st December 2003, if the father was not married to the mother of the child at the time of birth, he will automatically have parental responsibility if he jointly registered the birth, with the mother.
- A parental responsibility agreement with the mother.
- A parental responsibility order made by a court.

For children born before 1st December 2003, if the father was not married to the mother of the child at the time of the child's birth, he will not automatically

have parental responsibility, even if his name appears on the birth certificate. In these circumstances, if the mother wishes for the father to become guardian in the event of her death, it is vitally important that the mother appoints the father as guardian in her Will.

The Will Writing Company can help and advise parents on the things they'll need to consider when making arrangements for appointing a guardian and will be able to provide detailed guidance on this at your initial consultation.

For more information on Parental Rights and Responsibilities, please visit www.gov.uk/parental-rights-responsibilities

Through our trusted partners, The Will Writing Company, we can help you put suitable provisions in place for your children. Call 0161 429 6262 to book your free no obligation appointment.



Without guardians

It's a common misconception that direct family members or godparents would become automatic guardians in the event of your death - but they aren't recognised in law as legal guardians.

If you don't name a legal guardian in your Will, the courts will be responsible for deciding who is suitable to raise your child and this may be someone you wouldn't have chosen yourself. You also risk your child being placed in foster care whilst the courts make their decision.

This is why it's really crucial that you set out your wishes in your Will.

We can advise you on the implications of your personal circumstances at your free initial consultation with us.

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Call us on 0161 429 6262 if you would like to arrange a home consultation.

Who should you consider as a guardian?

You may already have a clear idea about who you would like to appoint as a guardian – or you may want more than one person to be a guardian. Generally, it's important to consider someone who already has an existing relationship with your child and who'd welcome them into their life and home. You may also want to consider:

- **Age:** Are they of a similar age to you? If they are older, are they likely to see your child grow through to adulthood

and will they be able to cope with the physical, mental and emotional demands of your child, for a number of years?

- **Location:** Do they live locally to you? For example, if your chosen guardians are located a 5 hour drive away, would they be willing to re-locate to raise your child? Would you want to uproot your child from their daily routine and familiar faces and surroundings?
- **Financial stability:** Are your guardians able to cope financially with raising your child? Would they be responsible with money if you were also to leave financial provisions?
- **Personal values and character:** Do you share the same outlook on life, views and values? Are they a reliable and trustworthy person? Do they want children or have children of their own? If so, how do you feel about their parenting skills?
- **Relationship status:** Are they able to offer a stable, supportive and caring family environment?

You should nominate a minimum of one guardian in your Will, although most people choose to appoint a substitute as well (in the event that one may be unable to act for any reason).

Our consultant will discuss this in more detail when they come to see you for your initial free home consultation.

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Financial implications for guardians

Appointing guardians is just the first step to securing your child's future without you. But have you also considered the financial implications your guardians may face by raising your child?

The latest statistics show that the average cost of bringing up a child to age 21 is £230,000.*

This equates to £10,952 per child per year!

It's important that you factor this into your overall estate planning. When thinking about leaving financial provision for your guardians, you may want to consider the various costs they are likely to incur throughout the years, including:

- Clothing and food
- Housing needs
- Childcare and babysitting costs
- Education costs (school uniforms, books and school trips)
- Hobbies and sports (coaching and equipment)

- Birthday and Christmas presents
- Pocket money
- Holidays

Professional Estate Planning Consultants from our trusted partners The Will Writing Company, can sit down with you and provide expert guidance and advice on making sure that there's adequate financial provision for your child in the event of your death. They can tailor solutions for you to ensure that the wishes expressed in your Will be carried out efficiently and without compromise.

By taking action today, you can make sure that no matter what events may happen in the future, your child will be financially taken care of.

* Research conducted by the Centre of Economic and Business Research on behalf of insurer LV= in January 2015.

Why choose us for your estate planning?

Vernon Building Society's estate planning service is in partnership with The Will Writing Company, one of the UK's leading firms specialising in estate planning, to help our members protect their wishes, estates and their family's inheritance.

Member discount

All members of Vernon Building Society are entitled to a 25% discount on a Will.

Flexible appointments

All initial appointments are of no-obligation and can be arranged to take place in your local branch or within the privacy of your home. We also offer a variety of appointment times to best suit you and your commitments.

Fixed fee service

There are no hidden costs in our service as all fees are disclosed up front and fixed.

Free review of existing plans

As a member of Vernon Building Society, you're entitled to a free review of all your estate planning documents to ensure they are up-to-date and fully reflect your wishes.

Complete peace of mind

All documents are produced by a qualified and experienced team, but for complete peace of mind, all estate planning work is covered by £3,000,000 worth of professional indemnity insurance.

*To book your free consultation, call **0161 429 6262** and we'll arrange a suitable time to discuss things in more detail.*



Vernon Building Society
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The Will Writing Company.

Telephone calls are recorded and may be monitored for regulatory and training purposes to help maintain service quality.

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The Vernon Building Society and The Will Writing Company have ensured that all information included is correct and up-to-date at the time of print, December 2016.