



Duties of a Guardian

On accepting the role of a Guardian you will become legally responsible after the death of the parent(s) for the children until they attain the age of 18.

You will be responsible for the children's welfare and upbringing, which should continue in the fashion established by the parents unless an alternative can be proven to be in the children's better interest.

The children's welfare and upbringing may be paid for by any funds that are made available to you by the Executors/Trustees - an arrangement with them on when funds are to be released will be required.

These funds will usually be from the deceased parents' estate. However, the parents may have set up a Guardianship Trust Fund for this eventuality.

With dual Guardians, an agreement is required from them into whose immediate care the children will be placed and also on the long-term care arrangements.

If you have been appointed by a married couple your role will usually only take effect after the death of both parents.

If you have been appointed by a divorced/separated parent, your role will usually only take effect after the death of both parents. Where the parent has a residence order in his/her favour at the date of death, your role will be to act jointly with the surviving parent. Any dispute between you and the surviving parent will be settled by the Court.

Unmarried fathers who have not acquired parental responsibility cannot make a valid appointment of Guardians and they will not automatically become the Guardians of their children on the mother's death.

Speak to us today

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