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## OpEd

### Seven Steps to Protect Your Children in the Wake of Tragedy

Implementing a plan to protect minor children in the wake of tragedy should be an integral part of every family's estate planning.

Alexis Martin Neely, founder of the Personal Family Lawyer national network of estate planning attorneys, contends that 69 percent of parents have not named guardians for their children, and of the 31 percent who have, most have made at least one mistake that will delay or prevent their intentions from being implemented.

To illustrate the importance of naming guardians for your children, and documenting your decisions, consider the following story:

On a Saturday evening, Jenn and Michael decide to go out to dinner and a movie. They make sure to give Courtney, their babysitter, their cell phone numbers. They kiss their children, Brooke, age 5, and Sam, 7, goodbye and tell them to be good.

Jenn and Michael's well-deserved night out turns to tragedy when, on their way home, a drunk driver crosses the median and slams head-on into their car, killing them both.

When the police show up at Jenn and Michael's home at 1 a.m., they find only Courtney. Shaken by the terrible news, she cannot answer any of the officers' questions about who should be called to take care of the children.

Since Jenn and Michael had no easily accessible written plan in place indicating who has legal authority to take care of Brooke and Sam in the immediate term after their death or incapacity, the police have no choice. They have to send Courtney home and place the children in the temporary care of Child Protective Services.

Parents can avoid this frightening scenario by taking seven simple steps:

1. Develop a comprehensive estate plan to ensure the happiness, health, and financial security of your children.

Estate planning is an integral part of family planning. You should develop an estate plan documenting everything from guardianship appointments to how and when your assets should be distributed.

2. As part of your estate plan, create a written plan in the event something were to happen to you while your children are in the care of another person.

Ensure that your child guardianship

choices are well known to avoid Child Protective Services and the state from playing an active role in deciding your children's future. Leave a copy of your plan in an easily accessible place in your home and with anyone who cares for your children.

3. Choose and document "first responders" to immediately go to your children and care for them in the event that their permanent guardians are not reachable or live some distance away.

If there are family members or close friends who live locally, ask them if they would be willing to temporarily care for your children in the wake of tragedy. When you have not appointed first responders and the designated permanent guardians live far away, your children may have to be placed in the care of Child Protective Services until their permanent guardians can be contacted.

4. Notify the first responders and

permanent guardians as to their responsibilities, and provide detailed instructions about what to do should they be called upon.

Arrange a meeting with first responders and permanent guardians to review any pertinent documents, where they are kept, and how your children should be cared for.

5. Designate multiple long-term guardians for your children, in order of preference, and create a legally binding document ranking your choices.

Parents often appoint a couple as guardians for their children, ignoring the possibility of the two individuals divorcing or one of them passing away, thus voiding the terms of the appointment.

6. Create a confidential and legally binding document listing those relatives whom you do not want to serve as guardians of your children, and state the reasons why.

If your desires are not legally documented and explicitly detailed, the decision will be up to the court. It is important to note why certain individuals should not be appointed to care for your children. Since the court does not have any personal relationship with your children's potential guardians, it can only make a decision based upon who appears to be most qualified on paper.

7. Provide detailed instructions to your designated guardians about your parenting philosophy, values, and the environment in which you want your children to be raised. Death or incapacity should not prevent parents from playing an active role in their children's lives.

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