
Who will look after my children if I die?

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If you are a parent of a child or children who are under 18 years old you should consider appointing a guardian who can look after your children in the unfortunate event of your death. This allows you to specify who you want to care for the welfare of your children. Our estate planning lawyers can assist in drafting a new Will or updating your existing Will to appoint a guardian for your children.

A guardian will be legally responsible for looking after the day to day needs of your child/ren as well as making decisions about their long term welfare and upbringing.

How do I appoint a guardian?

The most common way of appointing a guardian for minor children is in a Will.

While you can also set out your specific wishes in relation to the upbringing of your children in your Will (e.g. matters relating to education or religion), the more common way of recording those wishes is in a separate and more detailed document which provides additional information and guidance in relation to your children.

The nomination of a guardian for children under the age of 18 is always subject to the overriding jurisdiction of the Court – ie the Court has the power to appoint a different guardian if the Court thinks it appropriate to do so.

The guardianship of a child comes to an end when the child reaches the age of 18.

If you would like further information on appointing a guardian for your children or would like to draft or update your Will, contact a lawyer at Matthews Folbigg. Our offices are conveniently located in Parramatta.

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