

Sixty thousand children in the United States
have lost both their parents.
Have you considered what would become
of your child if the unexpected happened?
Here is a thought-provoking article about
an important clause
that belongs in the will of every parent.



"WE NAMED A GUARDIAN FOR OUR CHILDREN"

ANONYMOUS

SOME TIME AGO a friend phoned to say she and her husband were thinking about flying to Bermuda on a vacation.

"Lovely idea," I said enthusiastically. "When do you leave?"

"Not until we've taken care of our wills," she replied.

"Your wills?"

"Yes. We're leaving two young children at home. If something should happen to us, we want to know that the right person is going to raise them. Al and I are naming a guardian in our will—just in case."

Before that conversation, John and I had not given a moment's thought to our children's future if we both should die. Young, healthy, conscientious about life-insurance payments, and cautious with automobiles, we weren't expecting trouble! If we had thought about it then, we would probably have said, "Naturally, if the unexpected happened, one of our mothers or sisters would raise our orphaned children."

We knew that, statistically, we were quite secure, for the Social Security office estimates that fewer than 60,000 children throughout the U.S. have lost both parents. In the past year, however, our feelings have changed. We now believe that all parents—rich, poor, healthy, infirm—should give the matter of guardians serious thought.

Why the change of heart? Sadly enough, it took a tragedy to make us face the facts. Twelve months ago a family moved away from our town. The father, under 50 and very successful, was driving his wife and two children to the South, where he planned to retire. Somewhere along the highway he lost control of the car. Mother, father, and one child were killed. The sole survivor was the younger child, a girl of 8.

The little girl lay in a hospital room for weeks, not because her slight injuries required it, but because her relatives were battling to see who should raise her. Her father had left a detailed will disposing of his property, but he had neglected

to say who should raise his children.

Perhaps he had been too busy to insert a guardian clause in his will. Perhaps he figured that his sizable estate would care for his children whatever happened. At any rate, this simple omission meant that his small daughter, orphan and heiress, was suddenly the center of a bitter custody battle among opposing relatives.

John and I shuddered at this headline story, but it got us thinking: "What about our children?" And suddenly we were looking at dotting relatives in a brand-new light. In our state, only grandparents were legally bound to step in and care for an orphaned child. Undoubtedly, one of our mothers would do her duty, but could either of them attempt to raise a new generation of children? John's mother is aging and her patience is easily tried. My mother works, needs her job, and has little time for homemaking or child rearing.

Who else, then? John's sister has five children of her own and all the responsibility she can take. Between us, we have several cousins, some of whom are downright irresponsible, some distant in attitude as well as geography. If something happened to us, what would keep one of these well-meaning but inadequate people from stepping into the job? What guarantee would we have that our children would not be passed about from one relative to another, as frequently happens?

The answer is that as long as we left our children's future to chance, we would have no assurance whatever. That's when we decided to find a guardian—fast!

WE WERE RELIEVED to discover that naming a guardian is simpler than we expected. A handwritten statement included in a will and signed by two competent witnesses is respected by courts throughout the country. A lawyer's advice is helpful but not essential. The language can be simple as long as it explains clearly that you choose Aunt Mamie and why you consider her qualified. It's a good idea, too, to outline briefly

for Aunt Mamie and the court your views about your children's upbringing and education.

Once you've put your thoughts in writing, you can lock them away in your box and live a long life, knowing you have anticipated all possibilities.

Of course, before you name a guardian in your will, you should be sure to consult her. With the exception of grandparents in some states, no one else is legally required to raise someone else's children. If you consult Aunt Mamie first, however, and she consents, she will undoubtedly take your wishes seriously if the occasion arises.

Sadly, very few parents who die leave wills; even fewer leave instructions in their wills about guardians. And what happens? The busy courts must assume responsibility for finding qualified relatives or friends to do the job. This isn't easy, for sincere as a judge may be, he is often pressed for time and can never know your child or your relatives as well as you do. The cousin who volunteers for the job (and the volunteers generally increase with the size of the estate) may be technically qualified but a bad choice for your child. Too often the harried judge picks the nearest relative, or the oldest, or the one who attends the same church. Too often personality and temperament get little consideration.

If neither family nor friends offer to act as guardians for a child, the judge makes the orphan a ward of the court (or of a welfare agency) until his 21st birthday, and places him in the best available foster home or institution.

What qualities should a parent seek in a guardian for his children? Few people are better qualified to answer this than Judge Jerome Dunne, who presides over the Probate Court in Cook County, Ill. Each year Judge Dunne hears hundreds of these cases, and he always seeks the person with the best character, health, youth, affection for children, and sincerity. He also wants to know whether your child likes the person you chose (a child of 14 or over can decline a guardian named in a will), and he stresses the need for a guardian with a philosophy and values much like the parents'.

Judge Dunne also believes that, other things being equal, the better guardian is the one with reasonable financial security. Why? Because a child taken into a home with limited resources is apt to become a financial burden and a source of resentment in his new family.

The person named as guardian of a child generally also becomes the manager of his property, unless a will specifically appoints a bank or trust company or another individual for that part of the job. Since the guardian you name might one day be handling money you leave to your child, it is wise to choose one with absolute integrity but with some practicality as well.

John and I mulled over all these qualifications. We worried about the possible hurt feelings if our mothers were not named as guardians. We decided to talk frankly to both of them, and neither of them was hurt or alarmed.

We finally decided my sister Alice was the person best fitted to raise our children. John, Jr. and Martha love her dearly, and she loves them. Alice is young, responsible, sympathetic, and intelligent. We have absolute trust in her ability to handle wisely any money we might leave.

Make no mistake, we both hope to be around as sitters for our children's children, but we feel a lot more comfortable now that our children have a guardian—just in case.