A McKinney Will Attorney Explains How the Most Important Thing You Protect with a Will Might Not Be Property: Using a Will to Establish Guardianship

We've all seen scenes in movies where an attorney in a black suit reads a will aloud to family members waiting anxiously to learn what property they have inherited. Wills can provide a way to distribute property in minute detail. But they can also fulfill a function that is even more important. You can use a will to direct and protect the future of your minor children. If you have children under the age of 18 or plan to have children in the future, it is a good idea to talk to a McKinney will attorney about incorporating guardianship provisions in your will.

What Happens to Your Children if You Don't Have a Will With Guardianship Provisions in McKinney?

If a child loses both parents who don't have a will or other written provision for guardianship, the child's future care instantly becomes uncertain. The government will look for a relative they determine to be next in line to provide care, making decisions based on their criteria.

Most parents don't want to risk either the uncertainty or the chance their children will be in a problematic situation. The best way to avoid those problems is to ask a McKinney will attorney to create a simple will with appropriate guardianship provisions.

How Do I Choose the Right Guardian in Texas?

It can be challenging to select someone to fill your shoes as a parent. A will attorney in McKinney could help you review your options in light of several factors such as:

Similarity of values

Distance from the child's friends, school, etc.
Age and medical condition
Living situation and other obligations

It is a good idea to have a second or even third choice if the guardian cannot fulfill duties when the time comes. Before listing the guardians in your will, you should talk to them and determine if they are willing to take on the responsibility. Once you have guardians who are ready to accept the responsibilities, if the time comes, make sure you give your attorney their full names. Any other information is requested so your legal advisor can establish appropriate provisions in the will.

Providing for Your Child's Financial Future in Texas

Your McKinney will attorney can also incorporate a testamentary trust as part of your will. This would establish a trust to hold and manage funds until your children are mature enough to take over. You can use the guardian as trustee to manage the money or choose someone entirely different. Management of the assets could be turned over when a child reaches a certain age or when a specified event occurs, such as when a child moves into their own home or graduates college.

Work with a Dedicated McKinney Will Attorney

Wills can be outstanding tools for protecting your property interests, but the peace of mind they provide when it comes to protecting children with guardianship provisions can be worth so much more. You might have arranged backup plans with family and friends, but unless those plans are incorporated into a legal document like a will, there

is no guarantee they will be honored.

If you have or are planning to have children, talk to a McKinney will attorney about setting up a will to protect their future. We offer free consultations, so contact Nordhaus & Nordhaus now to get answers to your questions so you can be prepared for whatever lies ahead.