



# STORY ONE: *Sara and Carlos*

## Your Young Children and the Loves of Your Life

**Y**ou and your spouse have created an amazing life together.

You love your son, Carlos, to distraction. He is kind, sensitive, helpful, and generous of spirit. He loves music, animals, and basketball. He warms your heart and makes you smile. You suspect he is a genius.

He cannot stand when you leave, not because he needs you, but because he loves helping you. When your daughter, Sara, was born, your love for Carlos grew exponentially. He calls Sara “his baby.” He worries when she cries. “My baby is sad,” he says, with tears in his eyes.

When pregnant with Sara, you and your spouse worried that you would not love her as much as you love Carlos. But your heart has expanded exponentially to accommo-

date your love for Sara, and even though she is different from Carlos in just about every way, you love her just as much as you love Carlos.

Sara has a mischievous sense of humor and wreaks havoc everywhere she goes. She earned the nickname “Hurricane Sara” by the time she was two. She makes you laugh. You suspect she is a genius.

You and your spouse are kind, loving, and attentive parents who make a great effort to be actively involved in your children’s lives. They are your primary focus. Your spouse, who works for a prominent marketing firm, tries not to work more than eight hours a day, though business sometimes requires an out-of-town trip.

You are fortunate enough to work from home. Because your children are your first priority, you sometimes have difficulty finding time to work, especially with the constant interruptions.

To ease your burden a little, you and your spouse look for someone to help with child care and household errands. Because the two of you are financially successful, you can afford to be picky. Eventually, after searching for months and interviewing countless people with whom you would never leave your children, you find the perfect nanny and assistant. Though she is only twenty, Courtney is mature beyond her years and has the patience of a grandmother. You hire her to run errands and to care for Carlos and Sara when you need to meet with clients or are facing a looming deadline.

Courtney is wonderful. She plays games with your children, rarely loses her temper, and teaches Carlos and Sara to speak Spanish. Your children love her, and you trust her unconditionally.

One morning, you have a three-hour meeting with a client at his office. Your spouse is in France on business. On your way out the door, you remind Courtney to call your cell phone if she needs you, which you always leave on vibrate in case anything comes up.

When you arrive at the client's office, you learn that your meeting has been postponed, though no one bothered to notify you. You are irritated, of course, but you decide to make the most of the time and grab a quick workout.

You park your car in the gym's vast parking lot and remember that cell phones are not allowed inside. From the parking lot, you try to call Courtney, but you receive a busy signal. You wait a couple of minutes and try calling again. The phone is still busy. This surprises you, and you make a mental note to have Courtney call the phone company to find out why the second line is not ringing.

You make a choice. Courtney is responsible and can handle anything in the unlikely event that something unexpected happens while you spend an hour in the gym. You turn off your cell phone, stow it in your gym bag, and stash your bag in a locker. You tell yourself that after you warm up, you will sneak into the locker room and try to call Courtney again.

While jogging on the treadmill, you worry about the kids. You remind yourself to stop worrying. Courtney will be fine for a little while without you.

And then, the unexpected happens. An aneurysm in your brain that has lain dormant for years—unseen, hidden, waiting—explodes.

Later, the doctors explain that the aneurysm had nothing to do with the fact that you were working out. It was just a time bomb in your brain that could not have been prevented, even with prior knowledge. It could have happened anywhere: at the grocery store, in line at the bank, at home with your kids.

But it happened while you were at the gym, with your gym membership, driver's license, and all other forms of identification in an

anonymous locker, your cell phone turned off, and your car a needle in a haystack in the gym's parking lot.

The gym calls 911 immediately, but without any means of identifying you, no one knows to call Courtney. By the time the paramedics arrive, you are gone. You never have a chance to tell anyone about your kids, or Courtney, or that your spouse is on a business trip in a foreign country.

When you don't return home by 3:00 PM, Courtney calls your cell phone, but the call is sent straight to voice mail. *The meeting must have been long*, Courtney thinks. Still, she worries a little bit. It isn't like you to turn off your phone, and you always call when you are going to be late.

*Things happen*, Courtney thinks. *I'm sure everything is fine*. She tries to be positive.

Two hours later, she is panicked. She has been calling your mobile phone every fifteen minutes. She calls your client, only to discover that the meeting was canceled. She tries calling your spouse's cell phone, but the electronic voice says that the phone is "out of the service area." Courtney starts calling your friends.

None of them have seen or heard from you. Courtney calls the local hospitals, but since she is not a relative, no one will give her any information.

Courtney tries to stay calm around Sara and Carlos. She feeds your children, and though she rarely lets them watch TV, she sends them to your bedroom to watch cartoons before making a phone call.

Does Courtney call the police, or does she call someone else?

*If your babysitter calls the police, turn to page 5. If your babysitter calls someone else, turn to page 9.*

## Courtney Calls the Police

**B**ecause you and your spouse did not have any sort of plan in place for what Courtney should do if something like this happened, Courtney does not know that she should wait to call the police until your children are safely in the hands of someone who has clear authority to stay with them in the event of your absence.

When the police arrive, they question Courtney and ask if your family has any relatives in town. Courtney does not know of any. The police try locating an executive at your spouse's marketing firm, but by this time, the office is closed.

"We'll take over from here. You can go home," Officer Matzo finally tells Courtney after questioning her.

"What will happen to Carlos and Sara?" asks Courtney.

Officer Matzo lets Courtney know that Child Protective Services will be responsible for Carlos and Sara's care until the authorities locate you, your spouse, or another family member and run the necessary background checks.

Courtney volunteers to keep the children with her overnight, but the authorities do not know anything about her. Leaving Carlos and Sara in her care without any legal documentation giving her authority is a potential liability for the authorities.

"No, Ma'am. You have got to go home now. The kids will be fine," Officer Matzo says in response to Courtney's continued pleading for him to allow the children to remain in her care.

Courtney refuses to leave until Child Protective Services arrives. She packs overnight bags for your children and promises them that

they will be back home the next morning. When the social worker from Child Protective Services arrives, four-year-old Sara begins sobbing. She clings to Courtney and refuses to let go. When the social worker tries to pry Sara's fingers away, Courtney and steady-tempered Carlos, now eleven years old, both begin crying.

"This is ridiculous!" Courtney tells Officer Matzo and the social worker. "The children want to stay with me, and I want them to stay with me. What is the problem?"

Officer Matzo explains that Courtney has no documented authority to stay with the children. Without such documentation, the police and Child Protective Services are legally responsible for the children. The officer and the social worker think Courtney is too young to care for young children overnight. And when the authorities run a background check on Courtney, they discover that when she was seventeen and at a party following her high school graduation, she was arrested for possession of alcohol.

"You need to leave, Ma'am," Officer Matzo tells Courtney forcefully. He says that he needs to focus on your whereabouts, and Courtney's refusal to leave is slowing down the investigation. Giving your children a final embrace, Courtney has no choice but to leave. As she pulls away, she watches your children climb into the social worker's car.

Officer Matzo calls the local hospitals and is able to confirm your death. He alerts the social worker, who tells your children that you are not coming home.

Because your spouse cannot be located, your children are put in the care of a foster family: Joe and Savannah Liardino. The Liardinos are kind, but they have four other foster children in their care, so they are not as attentive as they could be. Carlos and Sara are bewildered,

terrified, heartbroken, and angry. Sara is too young to fully comprehend the situation and keeps asking about you. Carlos cries each time he tells his little sister you are not coming home.

“Why can’t we stay with Gus and Patsy?” Sara asks Mrs. Liardino, referring to your dear friends and next-door neighbors, Gustavo and Patricia Garcia. “We always spend the night with Gus and Patsy when Mommy and Daddy are gone.” In fact, the Garcias think of your children as family and would have known how to care for them, but they had not answered the door hours earlier when Courtney knocked, looking for you. In the absence of any written instructions from you, neither the police nor the social worker tried to reach the Garcias.

The Liardinos know nothing about the Garcias. They do not know that Patsy and Gus have two children who are friends with Carlos and Sara. They do not know that your children often have slumber parties with the Garcias’ children. They do not know that Carlos and Sara love and trust Gus and Patsy and that the Garcias would happily provide an immediate support system during a crisis.

The police do not know any of this, because you never made a legal plan to tell them.

So instead of spending the first hours after your death embraced by a family they know and trust, your children are stuck with the Liardinos. The police are finally able to contact your spouse early the next morning, but bad weather delays flights out of Paris, and your spouse is unable to fly home for another forty-eight hours. In the meantime, your children have become increasingly terrified and withdrawn. They think they may never see your spouse or their home again and that they will be stuck with the Liardinos and their four foster brothers and sisters forever.

When your spouse finally arrives, Carlos is so angry that he is having difficulty functioning; Sara is petrified to the point of catatonia. The oldest foster child in the home has been terrorizing Sara. Carlos has tried to defend her, but the older boy is bigger and stronger, and the Liardinos are indifferent.

Your spouse, who is equally devastated, takes your children home and tries to comfort them while dealing with the burden of notifying family and friends and arranging for your funeral.

Your only living relative, your estranged brother, comes to the funeral with his wife. They sit alone, barely speak to your spouse, and leave without saying a word to your children.

After the funeral, your spouse enlists the help of a child therapist and calls on parishioners and clergymen for support. Eventually, your family begins to heal.

When Sara is seven and Carlos fourteen, your spouse begins dating again. You would have wanted this, but Carlos feels hurt and abandoned, as though your spouse is betraying your memory. Sara, on the other hand, is slowly forgetting about you. She was barely four when you died, so she has few memories of you.

Have you created a plan to make sure that you remain a presence in your children's lives, even after your death?

*If so, turn to page 13. If not, turn to page 17.*



## Courtney Does Not Call the Police

You and your spouse have been thorough. When Carlos was born, you prepared a comprehensive Kids Protection Plan, which provides instructions to your children's babysitters, day-care providers, teachers, and school administrators, detailing the people to call in the event of an emergency. By providing these instructions, Carlos and Sara's caretakers (including Courtney) know not to call the police until your children are safely in the hands of someone who has clear authority to care for them in the event of your absence.

The first names on the list are your neighbors, Gustavo and Patricia Garcia. Patsy and Gus have two children who are friends with Carlos and Sara. In fact, your children often have sleepovers with the Garcias' children, Travis and Sherry.

Although the Garcias are at the park, Courtney has their cell phone number, which you posted on the refrigerator when Courtney was hired. They return home as soon as Courtney calls them. The Garcias know that your unexplained tardiness means something is wrong, and because you prepared, they know they need to take care of your children until you or your spouse is located.

Because you and your spouse were so prepared, Patsy has a copy of the document you signed giving her legal authority to care for your children temporarily in just this type of situation. With this in hand, she feels confident that your kids will not be taken into foster care when the police arrive.

Together, Courtney and Patsy call the police. The police are relieved to learn that the Garcias have documented legal authority to care for your children. Without such documentation, your children

would most likely be taken into the custody of Child Protective Services and placed in a foster home until your spouse could be located.

*Post instructions for your children's caregivers on your refrigerator and distribute copies to all daycare providers, babysitters, teachers, instructors, and school administrators. For forms and templates, visit:*

**[www.KidsProtectionPlan.com](http://www.KidsProtectionPlan.com)**

During traumatic times, children are always better off with familiar friends or family members rather than strangers, no matter how safe and capable. Your forethought means that your children will remain with people you know, love, and trust while the police track down your spouse and investigate your disappearance.

The police call the local hospitals and discover you have died. They

contact your spouse, but bad weather has delayed flights out of Paris for forty-eight hours. In the meantime, Patsy cares for your children. They are, of course, devastated and do not completely understand that you will not be coming back. But because they love and trust Patsy and Gus, they have an immediate support system.

When your spouse arrives and takes your children home, they begin the process of grieving.

Your spouse arranges for your funeral, calling on your friends for comfort. Your only living relative, your estranged brother, comes to the funeral with his wife. They sit alone, barely speak to your spouse, and leave without saying a word to your children.

After the funeral, your spouse enlists the help of a child therapist and calls on parishioners and clergymen for support. Eventually, your family begins to heal.

When Sara is seven and Carlos fourteen, your spouse begins dating again. You would have wanted this, but Carlos feels hurt and abandoned, as though your spouse is betraying your memory. Sara, on the other hand, is slowly forgetting about you. She was barely four when you died, so she has few memories of you.

Have you created a plan to make sure that you remain a presence in your children's lives, even after your death?

*If so, turn to page 13. If not, turn to page 17.*

*Carry a card in your wallet listing the names and contact information of the temporary guardians or first responders you have chosen to care for your children.*



## **You Left Written and Recorded Messages About Your Values, Insights, Stories, and Experiences for Your Children.**

**F**rom the first time you felt Carlos kick inside your belly, you thought about the life lessons you wanted to teach him: the values, insights, stories, and experiences you wanted to share with him when the time was right. You began to keep a mental file of what you wanted him to learn; by the time Sara was born, the mental file was bulging.

The first time you spent a night away from Carlos and Sara, you realized that all of these life lessons were locked up in your mind and that if anything happened to you, Carlos and Sara would never benefit from your mental file. Your concerns resurfaced when Carlos was nine. You were aware of how many of his beliefs—beliefs you did not necessarily want him to have—were shaped by his schoolmates, TV, and teachers. You knew that your chance to infuse his mind with life lessons was quickly passing.

You convinced your spouse to spend a weekend discussing the life lessons you wanted your kids to learn. Together, you wrote several letters and recorded CDs to be given to your children at specified birthdays, graduations, engagements, and on other milestone days, like their wedding days and when they each became parents themselves. You knew that it was likely that you would be reading the letters with them on those special days; you felt peace knowing that they would hear these life lessons from you even if you were not alive.

Though thinking about death is never pleasant, this weekend helped you and your spouse reach clarity on the values, insights, stories, and experiences you wanted to pass along, knowing that you had a plan for passing on these values.

Both kids were growing so fast, and with a hectic day-to-day life, you realized how easily they could grow up without benefiting from all the important things locked in your head. Soon, they would be too wrapped up with friends to listen to your insights into life. After that, you and your spouse were much more conscious of taking the time and creating the energy to share your values, insights, stories, and experiences at age-appropriate intervals.

As it turned out, you could not be at Sara's wedding. But after her soon-to-be husband proposes, Sara is given a letter from you about

love and commitment. In the letter, you quote Kahlil Gibran's touching poem, "On Marriage."

*... let there be spaces in  
your togetherness,  
And let the winds of the  
heavens dance between you...*

*—Kahlil Gibran*

Sara incorporates this poem into her vows. She feels your spirit at her ceremony. And though she has few memories of you, she has been hearing your voice and reading your letters throughout her life. She knows you, and she feels your love.

And when Carlos goes on his first date at the age of fourteen, your spouse gives him a letter from you. The letter speaks of the excitement of new romance and his responsibility to be an honest, thoughtful gentleman. Carlos begins to realize that you would have wanted your spouse to enjoy life with someone new and that he has been unfair. He

finally recognizes that your spouse should be able to enjoy the same excitement without being blamed for betraying your memory.

*Turn to page 19.*





## You Did Not Leave Written and Recorded Messages for Your Children.

From the first time you felt Carlos kick inside your belly, you thought about the life lessons you wanted to teach him: the values, insights, stories, and experiences you wanted to share with him when the time was right. You began to keep a mental file of what you wanted him to learn; by the time Sara was born, the mental file was bulging.

Many times you thought about spending a weekend with your spouse discussing the values, insights, stories, and experiences you wanted to share with your children, but life was so hectic that you never scheduled time to create a plan to transfer your values to your children. You figured you would share the lessons when the time was right.

Your children were more important to you than your own life. They were constantly on your mind, so it never occurred to you that *they* could forget *you*. Though your parents died when you were a young adult, you remembered them with vivid details.

Sara starts to forget about you within a few months of your death. Carlos will never forget you, but the older he gets, the less he feels he knows you, and the more he feels is missing.

During milestone occasions, he often wonders what you would have said. When your spouse begins dating, Carlos feels certain that you would have disapproved (even though you wouldn't have). When he struggles with a difficult career choice—whether to follow his heart and be poor forever or to follow the money—he wonders what you would have said (follow your heart). When his first child is born, he wonders what advice you would have shared with him (learn to laugh when the baby spits up on your new suit).

Sara does not wonder about you at all. After all, she never really knew you.

*Turn to page 19.*

## Your Spouse

Your family is doing as well as can be expected. The marketing firm that employs your spouse provided a yearlong sabbatical after your death, and fortunately you had enough life insurance for your spouse to afford the time off. During this time, Sara started afternoon kindergarten, and the family moved closer to the children's school. By the time your spouse goes back to work, both of your children are in school.

Since your death, your spouse has been in constant “drive” mode—driving your children to school, doctor's appointments, lessons, and all of the other activities the two of you wanted your children to participate in. Courtney still helps around the house, but your spouse has double the responsibility and is chronically exhausted.

One day, while driving home from work with a friend in the car, your spouse falls asleep at the wheel. Awakened by a blaring horn and screeching tires, your spouse is alive for only a split second before running into a semitruck. Your spouse's friend in the passenger seat also dies immediately.

When your spouse fails to arrive to pick up your children, Patsy and Gus know what to do. They locate the documents giving them the legal authority to serve as temporary guardians of your children, and they call the police.

Everyone is shocked to learn that your spouse has died so soon after you. “What will happen to the children?” they ask.

*Turn to page 21 if you named permanent guardians. Turn to page 39 if you did not name permanent guardians for your children.*



## You Named Guardians for Your Children.

You considered what would happen if both you and your spouse died. In fact, your parents had been together when they died. Your father was an airline pilot who also had a private pilot's license. Though he was an expert flier, the single-engine plane he was piloting could not handle the storm that arose unexpectedly while he and your mother were making the short flight from Los Angeles to Santa Barbara.

Because you understood that it was all too possible for children to lose both of their parents, you insisted that you and your spouse complete the paperwork to name permanent guardians.

*If you had the guidance of a Personal Family Lawyer when preparing your guardian nomination, turn to page 23. If you did not have the guidance of a Personal Family Lawyer when preparing your guardian nomination, turn to page 33.*



## You Had Guidance from a Personal Family Lawyer when Preparing Your Guardian Nomination.

The whole experience of naming guardians for your kids was much easier than you had expected. You met with a Personal Family Lawyer who not only prepared the legal documents for you, but also counseled you to decide who should raise your kids, which was important for you because you and your spouse were not entirely sure whom to choose.

Other than your estranged brother, neither of you had any immediate family, and neither of you were close with your extended families. You were at a loss when it came to making a decision. Your Personal Family Lawyer helped you determine what was important to you when deciding who would raise your children. You knew that you wanted your children raised by a married couple. You knew that you wanted them raised in your own neighborhood. Additionally, because you and your spouse valued cultural experiences, you also wanted your children raised by guardians who valued world travel and, ideally, who spoke more than one language.

You carefully considered couples who fit these criteria, shared your spiritual values, and had similar parenting philosophies. Eventually, you decided on two couples that you both considered the most likely to raise your children in an environment similar to the one you would provide: Karl and Robin Couch, and Patricia and Gustavo Garcia.

The Couches, both teachers, are less affluent than the Garcias. They certainly do not have enough money to send your children to

a private school, much less to travel the world extensively. But they share your religion and your parenting philosophy. In fact, you and your spouse had known Robin since college and always admired her values. Though you did not know Karl as well, you trusted that Robin would marry a man with similar convictions.

On the other hand, the Garcia children attend the same private school as your children, and they spend summer and Christmas vacations in South America. The whole family is trilingual. You and your spouse met Gus and Patsy years ago when you first moved into

your neighborhood during college. They became more than neighbors: they became your best friends. You loved them both equally, and you trusted them unconditionally with your children.

Nevertheless, the values exercise you worked through with your Personal Family Lawyer helped you determine that your religious values were most important to you. Because they share your religious values, you decided to make Robin and Karl your first choices as guardians. You figured that with proper planning, you could leave behind enough money to have your children sent to private school and to earmark money for foreign travel.

In case something happened to Karl and Robin, you listed the Garcias as your second choice for guardians.

*Having trouble determining  
who would make a good  
guardian for your kids?*

*Download the **Choosing the  
Right Guardian** worksheet at:*

**[www.KidsProtectionPlan.com](http://www.KidsProtectionPlan.com)**.



Sadly, something *did* happen to Robin. The friend in your spouse's car, the passenger who also died immediately, was Robin.

Unless you had specified otherwise, Karl, a man you have only known a short time and who was only chosen as a guardian by virtue of your friendship with his deceased wife, would have been the guardian of your children.

But fortunately, your Personal Family Lawyer helped you see that because you had only known Karl a short time and because you wanted a married couple to raise your children, you should craft your guardian nomination so that the Couches would only take guardianship if they could act together. If they could not, you wanted your children to be raised by the next couple on your list, Patsy and Gus Garcia.

Then your wishes became a bit confusing, but your Personal Family Lawyer helped you to reach clarity. If Patsy and Gus could not serve together because something happened to one of them or if they were divorced at the time of your death, you wanted Robin Couch to raise your children, even if she divorced (or was widowed), but only if she lived in California. If she did not live in California, your next choices were Ann and Michael Cohen, whom you knew would never leave California.

Here is what your guardian nomination looked like:

### **Nomination of Guardian**

If a guardian of the Person is required for any minor child of mine, I nominate Robin and Karl Couch jointly, so long as they are married and living together, to serve as guardians.

*Alternate Guardians of Person*

If the above-nominated guardians are unwilling or unable to serve or continue as guardian of the Person of my minor children, then I nominate the following individuals to serve as guardians listed in preferred order and not serving jointly unless so specifically noted:

Patricia and Gustavo Garcia, serving jointly, so long as they are married and living together in the State of California; then

Robin Couch, serving alone, so long as she is living in the State of California; then

Ann and Michael Cohen, serving jointly, so long as they are married and living together in the State of California; then

Patricia Garcia, serving alone, so long as she is living in the State of California; then

Gustavo Garcia, serving alone, so long as he is living in the State of California; then

Robin Couch, serving alone; then

Patricia Garcia, serving alone; then

Gustavo Garcia, serving alone; then

Michael Cohen, serving alone; then

Ann Cohen, serving alone.

When you mentioned that you never wanted your brother to take guardianship of your children under any circumstances, your Person-

al Family Lawyer prepared a confidential document to include in your plan that would stop your brother from assuming guardianship of your children. The document would only be revealed if your brother and his wife tried to take custody of your kids. It stated that in your opinion, your brother's wife is emotionally and verbally abusive to her own children. Your brother neglects his family, working sixteen-hour days so that he can ignore the situation at home as his family spirals out of control. The confidential document clarified that no matter how much they indicated that they had changed their lives, your brother and his wife were not to be named guardians of your children under any circumstances.

*Confidentially exclude those family members whom you would never want to take guardianship of your children. If these people challenge your choice of guardian, they will have little choice but to withdraw their challenge.*

At the time of your spouse's car accident, your children are in the care of the Garcias, who call your Personal Family Lawyer. Your lawyer immediately locates your guardianship paperwork designating Robin and Karl Couch as your first choice of guardians. Because Robin has died, your attorney arranges for your next choices, the Garcias, to assume permanent guardianship of Carlos and Sara.

In the meantime, your brother learns of your spouse's death. Upon learning that your first choices, the Couches, are unable to

serve, your brother and sister-in-law decide to challenge the Garcias' guardianship.

*To prepare free legal documents  
and name guardians for your  
children, visit:*

**[www.KidsProtectionPlan.com](http://www.KidsProtectionPlan.com)**

On paper, your brother and his family are picture-perfect. Your brother earns a large salary as the area's leading oncologist. They have a lovely home in a fantastic neighborhood. Your sister-in-law is a homemaker, an active member of the PTA, and a charming socialite who serves on the

boards of several nonprofit organizations and volunteers much of her time to charity work. The couple appears to value education, and their children attend only the best schools.

In the absence of any instruction from you and your spouse to the contrary, the court would no doubt have given serious consideration to granting your brother and sister-in-law guardianship. After all, the couple seems picture-perfect, and the court would have no way to know about your sister-in-law's constant screaming or your brother's sixteen-hour work days. The court would not know that their own children's self-esteem has been so trampled by their parents' poor parenting skills and negative home environment that the children have started to act out, choose the wrong friends, and make dangerous choices. The court would not know, for instance, that it would be sending Carlos and Sara to live in a home where the older children have already started to experiment with drugs and sexuality.

But luckily, with the guidance of your Personal Family Lawyer, you thought ahead. And when your Personal Family Lawyer produces the confidential document excluding your brother and his wife, they immediately withdraw their petition for guardianship. They are hurt, ashamed, and angry. But they have no choice but to withdraw their petition for guardianship or suffer the embarrassment when your attorney and the courts are forced to expose the reasons for their exclusion.

Your children are protected, and in accordance with your wishes, the Garcias become legal custodians of Carlos and Sara.

Patsy and Gus make exemplary parents. Gus is a musician, and he teaches Sara to play the guitar; he knows she wants to be a singer. He also notices Carlos's artistic gifts and enrolls your son in a weekend class for budding artists.

Patsy and Gus do everything you imagined they would. Because your Personal Family Lawyer impressed upon you the importance of leaving behind letters and recorded messages for your kids, Patsy and Gus have no question as to how you want your kids raised and the values, insights, stories, and experiences you

*Write letters to or record videos for your guardians with detailed instructions as to how you want them to handle such matters as religion and spirituality, education, career, money, values, and the like. Clearly indicate the people you want to be involved in your children's lives, even in your absence. Visit [www.KidsProtectionPlan.com](http://www.KidsProtectionPlan.com) for ideas and templates.*

want your children to have. They even raise them with the religious values that were so important to you.

When Sara tells the Garcias that she wants to pursue her musical interests instead of attending a university, they smile and congratulate her, because they know from your letters exactly how you wanted them to handle this situation.

“Not many people know what they want to do at such a young age,” Patsy says.

“I know of a great community college you can attend part-time. It has a phenomenal music department. You can take a general education course and a few music courses while still having time for music gigs,” Gus says. “Can I set up an interview?”

And Carlos? With the support of Patsy and Gus, Carlos’s church (your church) introduces him to several world aid organizations. He is able to fight injustice by volunteering his time and efforts to developing countries.

In short, Carlos and Sara become people you would have been proud to call your children.

The last thing they do before going to bed each night is listen to the CD you recorded years before when you met with your Personal Family Lawyer to plan for your life and your legacy. Sara and Carlos heard you and your spouse talk about the life lessons you hoped to pass on and the love you felt for them. Despite their despair at losing you, your children feel infinite peace and know that everything will work out as it was supposed to, and they feel the loving embrace of an energy greater than themselves.

*Congratulations. Your choice to plan for your life and your legacy has the lasting impact of increasing your family wealth for generations to come. You have left the world a better place. Turn to page 45 for more information about creating a legacy for your family.*





## You Did Not Have the Guidance of a Personal Family Lawyer when Preparing Your Guardian Nomination.

You figured it could not be that difficult to name guardians for your children. You went online to a legal document service and downloaded the forms you would need.

But you were uncertain whom to name. Other than your estranged brother, neither you nor your spouse had any immediate family. Neither of you were close with your extended families. You were at a loss when it came to naming guardians.

One thing you knew for certain was that you didn't want your brother and his wife to take guardianship of your kids under any circumstances. From the outside, they look like a picture-perfect family, but your sister-in-law is emotionally and verbally abusive to her own children, screaming at them for the smallest infractions. Your brother ignores the situation. Instead, he works sixteen-hour days, neglecting his family as it spirals out of control.

You decided to name your closest friends, Karl and Robin Couch or Patricia and Gustavo Garcia.

The Couches, both teachers, are less affluent than the Garcias. They certainly do not have enough money to send your children to a private school, much less to travel the world extensively. But they share your religion and parenting philosophy. In fact, you and your spouse had known Robin since college and always admired her values. Though you did not know Karl as well, you trusted that Robin would marry a man with similar convictions.

On the other hand, the Garcia children attend the same private school as your children. They spend summer and Christmas vacations in South America. The whole family is trilingual. You and your spouse met Gus and Patsy years ago when you first moved into your neighborhood during college. They became more than neighbors: they became your best friends. You loved them both equally and trusted them unconditionally with your children.

Nevertheless, because they share your religious values, you decided to make Robin and Karl your first choices as guardians. You figured that with proper planning, you could leave behind enough money to have your children sent to private school and to earmark money for foreign travel.

When you and your spouse were discussing potential guardians for your children, you both agreed that if possible, you wanted a married couple to raise your children. Though you had known Karl for only a short time, you trusted Robin enough to know that she would marry a kind, decent man with strong values. The couple was newly married and head over heels in love. *They'll never divorce*, you thought. But even if they did, you figured you would have time to update your guardianship paperwork to reflect that you would prefer Patsy and Gus Garcia to raise your children.

You never considered what would happen if one of them died. You should have. You spent a lot of time with Robin, and you should have considered the possibility that she might be with you if you died in an accident.

But you did not consider those things. Frankly, you just did not know about everything you should consider when creating the forms. Instead, you followed the online instructions, which did not suggest

an individualized consultation with a lawyer trained to help you think through in-depth issues.

As luck would have it, you were not with Robin when you died, but Robin was in the car with your spouse at the time of the accident, leaving Karl as the guardian of your children.

This was not the worst-case scenario, but it was not ideal either. Karl and Robin married only a year before your death. Though you liked him, you did not know him well enough to entrust him with your children. And your children barely know Karl at all.

Karl is a good, responsible man. He cherishes his wife's memory, and as an extension of her, he loves all of her friends. He wants to respect your wishes, so he agrees to serve as guardian of your children. After all, he has no evidence that you wanted otherwise, and he assumes that his religious affiliation guided your choice.

If you had worked with a Personal Family Lawyer, you would have named Robin and Karl as your first choice, but only if the couple remained married. You would have built in a provision to indicate that if the Couches divorced or if either of them died, your children would be raised by Patsy and Gus Garcia.

When your spouse dies, your children are in the care of the Garcias, who locate the guardianship paperwork you have given them and call the police.

Karl is consumed with grief over Robin's death, but he feels a moral obligation to follow your apparent wishes to assume permanent guardianship, and he begins the guardianship process.

In the meantime, your brother learns of your spouse's death.

Your brother earns a large salary as the area's leading oncologist. His wife, your sister-in-law, is a homemaker. She is a member of the

PTA. She is a charming socialite who serves on the boards of several nonprofits and volunteers her time for charities. The couple sends their children to the best school available. They live in a large home and seem to value education. They are picture-perfect.

Except, of course, for your sister-in-law's constant tirades. And let's not forget your brother, who is a workaholic. Or their junior high school children, who have had their self-esteem trampled on for so many years that they have already started to turn to marijuana and alcohol to self-medicate.

Upon learning of your spouse's death, your brother and sister-in-law immediately challenge the guardianship. Karl feels relieved. He is a man who would never shirk his obligation to care for Carlos and Sara, but he is overwhelmed. Karl does not know anything about your brother, but he hopes that the courts grant him custody, and he withdraws his guardianship petition. He feels as if he's been let off the hook. *This is the perfect solution!* Karl thinks.

But when Gus and Patsy hear that your brother has challenged the guardianship, they file for guardianship. Gus and Patsy know all the sordid details about your brother and his wife.

The ensuing custody battle is long and drawn out, with your children right in the middle. Gus and Patsy, concerned with the well-being of your children, accuse your brother and sister-in-law of being terrible parents. Though Gus and Patsy's accusation is fair and necessary, you never would have wanted it made in a public forum. Embarrassed and hurt, your brother and sister-in-law dig up dirt on the Garcias.

What they find should be innocuous—in any other context, it would have been meaningless and harmless. But in this situation, it is detrimental. Your brother and sister-in-law find that Gus was arrested

for indecent exposure while in college. Of course, you already knew this, because Gus moved into your neighborhood during college. In fact, you and your spouse were with him on the night in question, a night that involved too much beer and Gus's need to urinate right then and there—in public.

At the time, the event was embarrassing. In his adult years, it was fodder for jokes. One way or another, it was the innocent mistake of a young college student. Gus is an amazing father, a role model, and one of the best men you knew.

The courts don't know what to make of the situation. On the one hand, Gus and Patsy are high on your list of potential guardians. On the other hand, they are concerned with the best interests of your child, and your brother and sister-in-law appear picture-perfect.

What do the courts decide?

*Turn to page 43.*



## You and Your Spouse Did Not Name Permanent Guardians.

You considered what would happen if both you and your spouse died at the same time. In fact, your parents were together when they died. Your father was an airline pilot who also had a private pilot's license. Though he was an expert pilot, the single-engine plane he was flying could not handle the unexpected storm while he and your mother were flying the short trip from Los Angeles to Santa Barbara.

The first time you and your spouse discussed naming a permanent guardian, you ended up in a fight. The second time, you ended up unable to choose between two couples.

Ultimately, you and your spouse wanted your children to be raised by people who lived in your neighborhood, who shared your spiritual values, and who had similar parenting philosophies. You considered which couples were well traveled, ones who valued foreign experiences and spoke several languages. This left only two couples: Patricia and Gus Garcia and Robin and Karl Couch.

Though the Couches are less affluent than the Garcias, they share your religious values and your parenting philosophy. The Garcias are the picture of culture. Their children know all about art and philosophy. They speak three languages and travel to South America for Christmas and France for summer vacations.

Both couples would have made excellent choices. You would have chosen Gus and Patsy. Your spouse was unsure but was leaning toward the Couches.

Secretly, you told the Garcias that you wanted them to be the guardians of your children. But you never documented anything. You

considered making an appointment with a lawyer to help you reach a consensus, but you never got around to it.

You and your spouse did agree, in no uncertain terms, that you did not under any circumstance want your brother or sister-in-law to have custody of your children. Your sister-in-law is emotionally and verbally abusive to her own children. Your brother ignores the situation. Instead, he works sixteen-hour days, neglecting his family as it spirals out of control.

Had you made an appointment with a lawyer specifically trained to plan from a parent's perspective, you would have been advised to confidentially (but specifically) exclude your brother and sister-in-law from guardianship of your children in the event of your death or disability. The document would have specified that no matter what, your brother and sister-in-law would never be named guardian of your children under any situation. You would have created one, had you known.

It would have been a good idea.

As soon as your brother and sister-in-law learn of your spouse's death, they hire an attorney and petition the court for custody of Carlos and Sara. The Garcias, who know all of the sordid details about your brother and sister-in-law, also petition the court, requesting custody of your kids.

Your brother is the area's foremost oncologist, and your sister-in-law is a member of the PTA. She is charming and beautiful. She is married to a prominent doctor. She sends her children to the best private school available. She lives in a large house and values education.

On paper, the couple looks perfect. Your brother's large salary allows your sister-in-law to stay at home. The Garcias are a two-income family, and both work full-time jobs.



When your brother and sister-in-law challenge the petition for guardianship, the courts waste little time. They never meet the Garcias or your brother and sister-in-law. They simply look at the petitions and make a decision.

What do the courts decide?

*Turn to page 43.*



## Your Brother and Sister-in-Law

The courts chose your brother and sister-in-law because they are family and look great on paper. They do not share your spiritual values, and they certainly do not share your parenting philosophy. They are close-minded and never encourage your children to grow and experience new things. They do not fit any of the criteria you had considered when considering guardians.

Your children move across the country with an uncle and aunt they do not know. They become influenced by their aunt. They rarely see their uncle and do not have the love and compassion they need.

Carlos becomes more and more withdrawn. He never laughs. Your brother and sister-in-law value academia but not the arts. They forbid Carlos to take art classes. Carlos struggles through school and is teased and bullied by the other children. In junior high school, Sara starts drinking; in high school, she starts experimenting with drugs. And both miss out on the little things: the countries and cultures you wanted your children to experience, the foreign language and music lessons that were so important to you.

In fact, your children grow into adults that behave nothing like you or your spouse. Sara behaves like your sister-in-law, Carlos like your brother.

*Did you increase your family wealth or leave the world a better place? To choose a different outcome, return to page 1 and choose a different life and legacy for your children.*



**ADDITIONAL RESOURCES:**  
*For Choosing the Right Guardians  
and Legally Documenting  
Your Choices*

*T*he guardian of your children is the person responsible for taking care of your children's physical, emotional, and spiritual needs if you are unable to care for them. Approximately 69 percent of parents have not named legal guardians for their kids.<sup>1</sup> Of the 31 percent who have, most have made one of these common mistakes:

1. Naming a married couple to act as guardians and failing to provide instructions in case the named couple divorces or suffers the death of one spouse.
2. Not naming sufficient alternate guardians to serve if your first choice is unavailable.
3. Considering financial resources when deciding who should raise your children. Your guardians

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<sup>1</sup> Cheryl Allebrand. "57% of Americans Do Not Have a Will." Bankrate, Inc., 19 Nov. 2007.  
<http://investor.bankrate.com/releasedetail.cfm?ReleaseID=276290>.

do not have to also be financial decision makers for your kids. They should be the people who will make the best health care, education, housing, discipline, and care decisions for your kids. It is your responsibility to leave enough money behind to take care of your kids either through savings or life insurance; you can and should name someone other than the guardians of your children as guardians of the estate.

4. Not providing for someone to take care of the money you are leaving behind.
5. Naming only long-term care guardians and not making any arrangements for the immediate care of your children following your death or incapacity.
6. Not excluding anyone who might challenge your guardian decisions.

If you have minor children, regardless of the size of your bank account, you must legally document your decisions about who would raise your children if you cannot.

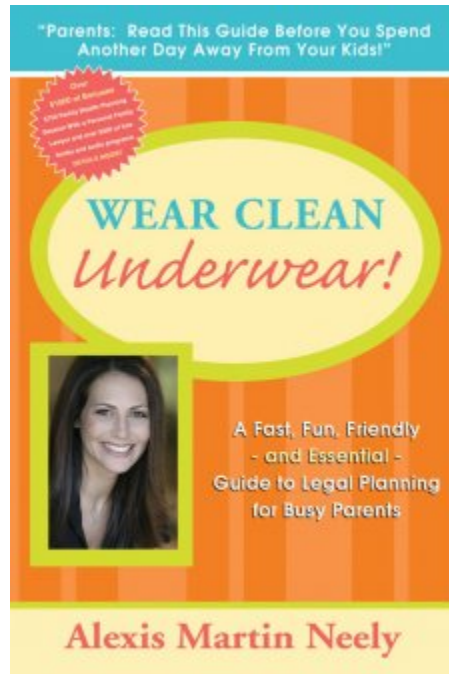
You can legally document your guardian choices for free at [www.KidsProtectionPlan.com](http://www.KidsProtectionPlan.com). You will also find a simple nine-step system for making sure that your children will never be taken out of your home or raised by anyone you would not want serving as guardian and that the money you leave behind will be well taken care of by the right people.

Upon completing all nine steps, you can rest assured that your children will be raised in accordance with your values, insights, stories, and experiences, growing into adults who would make you proud, are self-sufficient, and are satisfied with life.

What about the money, real estate, or other assets you will leave behind?

To make sure that the money you leave behind for your kids is immediately available to your kids' guardians and/or another person you trust to make financial decisions for your kids—without having to go through an unnecessary, expensive, time-consuming, and public court process and possibly incur estate taxes—turn to Story Two and Story Three, where you will learn to protect your assets.

Thanks for Reading!!!!!!



For less than \$15, you will have the peace of mind of knowing the exact legal planning steps you need for the well-being of your family.

To buy your own copy of "Wear Clean Underwear", Go to [www.WearCleanUnderwearBook.com](http://www.WearCleanUnderwearBook.com) and get \$1000s of bonus gifts for parents.