

GUARDIAN SELECTION & PLANNING WORKBOOK

For Families with Special Needs Children

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GUARDIAN SELECTION & PLANNING WORKBOOK

For Families with Special Needs Children

A Comprehensive Guide to Making the Most Important Decision in Your Estate Plan

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HOW TO USE THIS WORKBOOK

Choosing a guardian for your special needs child is likely the most agonizing decision you'll make in estate planning. This workbook guides you through a thoughtful, systematic evaluation process that considers both emotional and practical factors.

This is not a quick exercise. Plan to spend several hours working through these sections, ideally with your spouse or partner. Some sections require conversations with potential guardians before you can complete them. That's intentional - guardianship decisions should never be made in isolation or sprung on someone as a surprise.

Work through this workbook in order. Each section builds on the previous one, moving you from broad evaluation to specific decision-making to formal planning.

IMPORTANT: The person you choose as guardian is not permanent. You can change your designation at any time by updating your will. Life circumstances change, and your planning should adapt. Review your guardian choice every 3-5 years or whenever major life changes occur.

Note: This workbook helps you make informed decisions but does not replace legal advice. Work with an estate planning attorney who specializes in special needs planning to formalize your guardianship designation.

SECTION 1: UNDERSTANDING YOUR CHILD'S FUTURE NEEDS

Before you can choose the right guardian, you need a realistic picture of what your child will need as an adult. Many parents underestimate or overestimate their child's future support needs. This section helps you project realistically.

CURRENT AGE AND PROJECTED LIFESPAN

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Your child's current age: _____

Estimated life expectancy: _____

Years of guardianship needed: _____

CONSIDER: If your child is 18 and has normal life expectancy, that's 50+ years of guardianship. The person you choose needs to be able to sustain this commitment across decades, through their own life changes.

LEVEL OF SUPPORT NEEDED

Check all areas where your child will likely need support as an adult. Be realistic - neither overly optimistic nor pessimistic.

- ☐ Medical decision-making and healthcare coordination
- ☐ Financial management and budgeting
- ☐ Housing decisions and living arrangements
- ☐ Employment support and vocational planning
- ☐ Social connections and relationship support
- ☐ Daily living skills (meals, hygiene, household tasks)
- ☐ Transportation and mobility
- ☐ Legal matters and contracts
- ☐ Government benefit management
- ☐ Crisis intervention and behavioral support

Additional support needs specific to your child:

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COMMUNICATION AND DECISION-MAKING CAPACITY

Understanding your child's communication abilities and decision-making capacity helps determine whether they need full guardianship or if less restrictive alternatives might work.

Can your child communicate their preferences? (Circle one)

Always / Usually / Sometimes / Rarely / Never

Can your child understand consequences of major decisions?

Always / Usually / Sometimes / Rarely / Never

Does your child understand money and financial concepts?

Yes, fully / Partially / Limited understanding / No

Can your child identify when they need help?

Always / Usually / Sometimes / Rarely / Never

IMPORTANT: If your child can communicate preferences and understands consequences in some areas, they may not need full guardianship. Limited guardianship or supported decision-making alternatives preserve more autonomy while still providing protection where needed.

PROJECTED LIVING SITUATION

Where will your child most likely live as an adult? (Check one)

- ☐ With guardian in their home
- ☐ In their own apartment with support services

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- ☐ In a group home setting
- ☐ In supported living arrangement
- ☐ Uncertain / depends on their development
- ☐ Other: _____

CONSIDER: The guardian you choose should align with your vision for your child's living situation. If you want your child to live with family, choose someone who can accommodate that. If you envision supported independent living, choose someone who will advocate for that placement and monitor quality.

SECTION 2: POTENTIAL GUARDIAN EVALUATION

Now that you understand your child's projected needs, it's time to evaluate potential guardians. This section allows you to compare up to four candidates side-by-side across critical qualities.

Complete one column for each person you're seriously considering. Be honest in your assessments - this is for your eyes only.

GUARDIAN CANDIDATE COMPARISON CHART

Quality/Factor	Candidate 1	Candidate 2	Candidate 3	Candidate 4
Name & Relationship				
Age				
Location/Proximity				
Advocacy Skills (1-10)				
Organizational (1-10)				
Financial Integrity				
Understanding Disability				

-----|-----|-----|-----|-----

Name & Relationship | | | |

Age | | | |

Location/Proximity | | | |

Advocacy Skills (1-10) | | | |

Organizational (1-10) | | | |

Financial Integrity | | | |

Understanding Disability | | | |

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Emotional Stability							
Willingness to Serve							
Available for Decades?							
Spouse/Family Support?							
Current Life Stage							
Major Commitments							
Overall Rating (1-10)							

RATING GUIDE: For numerical ratings (1-10): 1-3 = Significant concerns, 4-6 = Adequate but not strong, 7-8 = Good capability, 9-10 = Exceptional strength in this area

DETAILED CANDIDATE EVALUATION

For each serious candidate, complete this detailed evaluation. This goes deeper than the comparison chart and forces you to think through specific scenarios.

CANDIDATE 1: _____

Relationship to your child: _____

Current relationship quality: _____

STRENGTHS AS GUARDIAN:

What specific qualities make this person a strong candidate?

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1. _____
2. _____
3. _____

CONCERNS OR LIMITATIONS:

What worries you about this person serving as guardian?

1. _____
2. _____
3. _____

SCENARIO TESTING:

Imagine specific challenging situations. How would this person handle them?

Insurance denies coverage for necessary medical equipment. This person would:

Your child's group home is understaffed and care quality is declining. This person would:

Your child wants to make a major life change you wouldn't have approved. This person would:

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WHAT THESE SCENARIOS REVEAL: Your answers show whether this person would advocate aggressively, give up easily, or strike the right balance. They also reveal whether this person shares your values about autonomy, risk, and quality of life.

PRACTICAL CONSIDERATIONS:

How far does this person live from where your child will likely reside?

Is relocation feasible if distance is an issue? (Theirs or your child's)

What are this person's current major life commitments?

(Career demands, young children, aging parents, health issues, etc.)

How might those commitments conflict with guardianship duties?

Does this person have a supportive spouse/partner who understands the commitment?

Yes / No / Uncertain / Not applicable

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What is this person's financial situation? Could they handle guardianship expenses if needed?

REMEMBER: Even with perfect willingness and capability, practical obstacles like distance, conflicting obligations, or lack of partner support can undermine effective guardianship. These factors matter.

HAVE YOU HAD THE CONVERSATION?

Have you discussed guardianship with this person?

- ☐ Yes, in depth
- ☐ Yes, briefly mentioned
- ☐ No, not yet
- ☐ They've volunteered without being asked

If yes, what was their response?

Did you fully explain what guardianship involves?

- ☐ Yes, comprehensively
- ☐ Somewhat, but not all details
- ☐ No, kept it general

Did you give them permission to decline without guilt or judgment?

- ☐ Yes, explicitly
- ☐ Implied it was okay
- ☐ No, may have pressured

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CRITICAL: If you haven't had a thorough, honest conversation with this person, your evaluation is incomplete. Section 3 provides a framework for having this conversation properly.

Overall Assessment of Candidate 1:

Best fit because: _____

Concerns to address: _____

[Repeat this format for Candidates 2, 3, and 4]

SECTION 3: THE GUARDIANSHIP CONVERSATION

Once you've identified your top choice, you need to have a thorough, honest conversation with them. This conversation should never be a surprise or a pressure tactic. It should be a respectful request with full disclosure of what you're asking.

PREPARING FOR THE CONVERSATION

Before you have this conversation, prepare thoroughly. The person deserves complete information and time to consider.

Information to gather before the conversation:

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- ☐ Copy of this workbook or summary of your child's needs
- ☐ Explanation of what guardianship legally means
- ☐ Realistic description of time commitment and responsibilities
- ☐ Information about your special needs trust and available resources
- ☐ Your letter of intent (if completed)
- ☐ Names of your child's current service providers
- ☐ Information about compensation (if offering any)
- ☐ Contact information for your estate planning attorney

TIMELINE: Don't expect an immediate answer. Tell them you'd like them to think about it for a week or two and that you're available to answer questions. Guardianship is a major decision; pressuring for quick commitment is unfair and counterproductive.

CONVERSATION FRAMEWORK

Use this framework to structure your conversation. You don't need to follow this script word-for-word, but hitting these key points ensures you cover what matters.

OPENING:

"[Name], I'm working on our estate planning and need to make decisions about who would be [child's name]'s guardian if something happened to me/us. I'd like to talk with you about the possibility of you serving in that role. This is a big decision, so I want to give you complete information and plenty of time to think about it. Can we talk through what this would actually involve?"

Take time here to gauge their initial reaction. If they seem hesitant or surprised, acknowledge that and give them space.

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WHAT TO EXPLAIN:

Cover these topics thoroughly:

1. What guardianship legally means (decision-making authority)
2. Your child's current needs and projected adult needs
3. Realistic time commitment (coordinating services, attending appointments, managing paperwork)
4. Advocacy requirements (dealing with insurance, benefits, service providers)
5. Financial arrangements (trust funds available, whether you're offering compensation)
6. Your expectations about living arrangements
7. Your values and preferences for your child's quality of life
8. Support available (trustee, case managers, professional help)
9. What happens if they can't serve at some point in the future

BE HONEST: Don't downplay the burden or make it sound easier than it is. They deserve truth, not a sales pitch. If you're not honest now, they'll resent you later when they realize what they actually signed up for.

QUESTIONS THEY SHOULD ASK (Share This List):

Give them this list of questions to consider. Their answers (and whether they even think to ask these questions) tells you a lot.

- What does a typical month look like managing [child's name]'s care?
- What happens if I move or my circumstances change significantly?
- How much time commitment are we really talking about?
- What if [child's name] and I don't get along or have conflicts?
- What financial resources are available? Will I be compensated?

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- Can I hire professional help if needed?
- What if I disagree with a decision you would have made?
- How often would I need to travel if we don't live in the same city?
- What support would I have? Who do I call when I don't know what to do?
- What if my spouse/partner isn't comfortable with this commitment?
- Can I say no now, or later if my situation changes?
- What if I fail at this? What if I can't handle it?

WHAT THESE QUESTIONS REVEAL: Someone who asks thoughtful, practical questions is taking this seriously. Someone who immediately agrees without questions may not understand what they're agreeing to. You want thorough consideration, not blind acceptance.

GIVING THEM PERMISSION TO DECLINE:

This is critical. You must explicitly give them permission to say no without guilt or judgment.

Example language:

"I want you to know that if this doesn't feel right for you, I completely understand. This is a huge commitment, and I would never want you to take it on out of obligation. Your honesty is more valuable to me than getting the answer I might hope for. If you need to decline, our relationship doesn't change. I just need to know so I can make other plans."

Document their response:

Their initial reaction:

Questions they asked:

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Concerns they expressed:

Timeline for their decision:

Follow-up needed:

SECTION 4: PROFESSIONAL GUARDIAN EVALUATION

If family guardianship isn't feasible or appropriate, professional guardians may be the answer. This section helps you evaluate professional options systematically.

WHEN PROFESSIONAL GUARDIANSHIP MAKES SENSE

Check any that apply to your situation:

- ☐ No appropriate family member available or willing
- ☐ Your child's needs require specialized expertise
- ☐ Family conflict makes family guardianship problematic
- ☐ Geographic distance makes family oversight difficult

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- ☐ You want to spare your other children this burden
- ☐ Your child will need guardianship that outlasts family members' ability to serve
- ☐ Previous family guardianship failed
- ☐ Other: _____

IMPORTANT: Professional guardianship isn't 'giving up' on family. It's recognizing that sometimes expertise, systems, and professional distance serve your child better than well-meaning but overwhelmed family members.

PROFESSIONAL GUARDIAN INTERVIEW CHECKLIST

Use this checklist when interviewing professional guardians or guardianship organizations. Interview at least 2-3 options before deciding.

ORGANIZATION/INDIVIDUAL 1: _____

Type: ☐ Individual professional guardian ☐ Nonprofit organization

- ☐ For-profit agency ☐ Public guardianship program

Years in operation: _____

Number of current clients: _____

Experience with your child's specific disability: ☐ Extensive ☐ Moderate ☐ Limited

Staff-to-client ratio: _____

Turnover rate: _____

Geographic service area: _____

Fee structure: \$ _____ annually or _____% of assets

What fees cover: _____

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What costs extra: _____

Emergency availability: ☐ 24/7 ☐ Business hours ☐ On-call system

How they handle medical emergencies:

How they handle behavioral crises:

Frequency of in-person visits: _____

How they maintain personal connection:

Care philosophy (dignity, autonomy, inclusion):

Quality oversight mechanisms:

References provided:

1. Name: _____ Relationship: _____

Contact: _____ Date contacted: _____

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2. Name: _____ Relationship: _____

Contact: _____ Date contacted: _____

Overall impression:

Concerns or red flags:

[Repeat for Organizations 2 and 3]

SECTION 5: MAKING YOUR FINAL DECISION

You've evaluated candidates, had conversations, considered alternatives. Now it's time to decide. This section walks you through the final decision and implementation.

PRIMARY GUARDIAN DECISION

After all evaluation and conversation, my primary guardian choice is:

Name: _____

Relationship: _____

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This person is the best choice because:

They have agreed to serve: ☐ Yes ☐ Yes, with conditions ☐ Still considering

Conditions or support they need:

Date of their formal acceptance: _____

BACKUP GUARDIAN(S)

CRITICAL: Always name at least two backup guardians. Life happens - people move, develop health problems, or face circumstances that make serving impossible.

First Backup Guardian:

Name: _____

Relationship: _____

Have they agreed? ☐ Yes ☐ Aware but not formally asked ☐ No

Their strengths: _____

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Second Backup Guardian:

Name: _____

Relationship: _____

Have they agreed? ☐ Yes ☐ Aware but not formally asked ☐ No

Their strengths: _____

Third Backup Guardian (if applicable):

Name: _____

Relationship: _____

SUCCESSION PLAN: If your primary guardian cannot serve when needed, the first backup becomes primary. Make sure all backups understand the order of succession and have each other's contact information.

CO-GUARDIAN CONSIDERATIONS

Some families choose co-guardians who serve together. This can work well if structured properly.

Are you designating co-guardians? ☐ Yes ☐ No

If yes, co-guardian names:

1. _____

2. _____

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How will responsibilities be divided?

Guardian 1 handles: _____

Guardian 2 handles: _____

How will disagreements be resolved?

WARNING: Co-guardianship only works if both parties communicate well and share values. If you're choosing co-guardians to avoid choosing between two people, reconsider. The potential for conflict may outweigh the benefits.

FINANCIAL ARRANGEMENTS

Be explicit about financial arrangements for your guardian. Ambiguity creates resentment.

Will your guardian receive compensation? ☐ Yes ☐ No ☐ Reimbursement only

If yes, structure:

- ☐ Annual stipend: \$ _____
- ☐ Hourly rate: \$ _____
- ☐ Reimbursement for documented expenses
- ☐ Determined by trustee based on work involved
- ☐ Other: _____

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Source of compensation:

- ☐ Special needs trust distributions
- ☐ Separate funds set aside in estate
- ☐ Guardian's fees paid before other distributions

Are you balancing this through unequal inheritance to other children?

- ☐ Yes ☐ No ☐ Not applicable

Explanation:

DOCUMENT THIS: Whatever you decide about compensation, document it clearly in your estate planning documents and discuss it openly with your guardian and other children. Financial misunderstandings destroy families.

SECTION 6: LEGAL IMPLEMENTATION CHECKLIST

Once you've made your decision, you need to formalize it legally and ensure everyone has the information they need.

LEGAL DOCUMENTATION

Tasks to complete with your attorney:

- ☐ Update will to include guardianship designation
- ☐ File standby guardianship petition (if available in your state)

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- ☐ Ensure guardianship designation coordinates with special needs trust
- ☐ Document co-guardian structure and decision-making authority (if applicable)
- ☐ Name backup guardians with clear succession
- ☐ Address compensation in trust or estate documents
- ☐ Create letter of instruction to guardian
- ☐ Update powers of attorney and healthcare proxies
- ☐ File any required state-specific forms

Attorney name: _____

Date documents signed: _____

Location of originals: _____

Who has copies: _____

INFORMATION SHARING

People who need to know about guardianship designation:

- ☐ Primary guardian (has copy of designation and letter of intent)
- ☐ Backup guardians (aware of their role)
- ☐ Trustee (if different from guardian)
- ☐ Your attorney
- ☐ Your financial advisor
- ☐ Your child's case manager
- ☐ Other children/family members
- ☐ Close friends or support network

GUARDIAN INFORMATION PACKAGE

Assemble a comprehensive information package for your designated guardian. They should receive this now, not after your death.

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Package should include:

- ☐ Copy of guardianship designation from your will
- ☐ Letter of intent (comprehensive)
- ☐ List of current service providers with contact information
- ☐ Medical records and medication list
- ☐ IEP or service plan (current)
- ☐ Special needs trust information
- ☐ Contact info for trustee, attorney, financial advisor
- ☐ Explanation of government benefits your child receives
- ☐ Daily routine and care preferences
- ☐ Communication methods and behavioral strategies
- ☐ Important relationships and social connections
- ☐ Financial information (trust funding, insurance policies)
- ☐ Your values and preferences for your child's future
- ☐ Emergency contacts and protocols

Date package delivered to guardian: _____

Date reviewed and updated: _____

SECTION 7: REVIEW AND UPDATE SCHEDULE

Guardianship decisions aren't permanent. Circumstances change. Review your choice regularly and update as needed.

ANNUAL REVIEW CHECKLIST

Complete this review every year on: _____

- ☐ Guardian's circumstances: Any major changes?

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- ☐ Your child's needs: Have they changed significantly?
- ☐ Guardian's willingness: Still committed?
- ☐ Geographic proximity: Still workable?
- ☐ Backup guardians: Still appropriate and available?
- ☐ Financial arrangements: Still adequate?
- ☐ Letter of intent: Updated with current information?
- ☐ Guardian information package: Delivered updates?

Notes from this year's review:

Changes needed: ☐ None ☐ Minor updates ☐ Major revision

If changes needed, action items:

1.

2.

3.

LIFE EVENT TRIGGERS FOR IMMEDIATE REVIEW

Don't wait for annual review if any of these occur. Review and update immediately:

- ☐ Guardian moves more than 50 miles away
- ☐ Guardian's major life change (marriage, divorce, serious illness)
- ☐ Guardian's financial crisis
- ☐ Guardian requests to be released from commitment
- ☐ Your child's needs change significantly

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- ☐ Death or incapacity of guardian or backup
- ☐ Major conflict between guardian and other family
- ☐ Your other children express concerns about current arrangement
- ☐ Change in laws affecting guardianship or benefits
- ☐ Birth or adoption of another child
- ☐ Your own health crisis
- ☐ Geographic relocation (yours or your child's)

Date of last major revision: _____

Reason: _____

Changes made: _____

FINAL THOUGHTS

You've completed a thorough, thoughtful evaluation of guardian options for your special needs child. This work matters. The person you've chosen (or will choose after completing this workbook) will shape your child's quality of life for decades.

Remember:

- This decision isn't permanent. You can change it.
- Your chosen guardian needs ongoing support, not just your trust.
- Update this workbook annually and after major life changes.
- Keep communication open with your guardian and backups.
- Review and update your letter of intent regularly.
- Ensure your estate planning attorney has current information.

The hard work of choosing a guardian is now complete. The ongoing work of maintaining that relationship and keeping plans current begins now.

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Your child's future security depends on the decisions you've made here. Honor that by reviewing regularly, communicating clearly, and ensuring your chosen guardian has everything they need to succeed in this critical role.

For additional resources, support, and guidance:

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