



Godparents & guardians

Know the difference and make sure your kids are cared for in the event of your death

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B **EING** asked to be a godparent to a family member or friend's newborn baby is an honour. But sometimes godparents believe this makes them the child's legal guardian too, and this isn't the case at all. Godparents have no legal or financial responsibility towards their godchildren if the parents die.

Here's everything parents need to be aware of to ensure their minor kids are taken care of if they die.

THE GODPARENT

The roles of godparents vary between cultures and families. Traditionally, it was a religious function with the godparent informally responsible for a child's religious education.

Today, it's mostly an honorary position for a good friend or family member who can be a social and spiritual example for the child.

The expectation is that the godparent will be interested in the child's wellbeing and give guidance if and when needed.

However, it's important to note that godparents have no legal rights or obligations towards their godchildren and they aren't required to take care of them in the event of their parents' deaths.

THE GUARDIAN

This is the person who will be legally liable for a child's care if both parents die or become incapacitated.

As a parent, you must nominate a guardian in your will. You can contact the Fiduciary Institute of Southern Africa (Fisa) – see Get more help here – to recommend a lawyer, financial planner or trust company to draw up a will for you.

In the event of both parents passing away, the master of the high court appoints the nominated person as the legal guardian.

They are then required to take care of the child until their charge turns a certain age – usually 18. If only one parent dies, even if you're divorced, the other biological parent automatically becomes the sole guardian

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unless a court rules otherwise.

If you don't appoint a guardian, the master will decide who should raise your kids.

But this is far from ideal – the individual that the court chooses might be someone of financial means but they might not be someone you like.

WHO SHOULD YOU CHOOSE?

When it comes to appointing a guardian, there are many practical aspects to keep in mind.

■ Ask the person if they're prepared to take on this responsibility. Do this before you nominate them in your will.

■ It must be someone you trust will take good care of your kids – and preferably someone who shares your values.

■ Talk about the involvement of other family members, especially when you have chosen guardians outside your immediate family circle.

■ Think what will happen if your appointed guardian gets divorced or leaves your town. It's also important to include a second tier of guardians in your will in case anything happens to your appointed one.

■ Regularly review your choice of guardians because people's circumstances change. If the person isn't in a position to look after your child anymore, you can nominate someone else.

FINANCIAL PROVISION IS NON-NEGOTIABLE

The guardian should preferably be financially stable so your child will grow up in a financially healthy home. But there are no guarantees that their financial circumstances won't change over the years.

This is why you should aim to provide sufficient financial coverage for your children.

You can discuss the different options with a financial planner – for example, a life policy that will pay out when you die and cover your children's care and education.

WHO TAKES CARE OF THEIR INHERITANCE?

You can specify in your will who should manage your child's inheritance.

Usually this would be the trustees of a testamentary trust. This is a trust that only becomes effective when you die. The assets and money you leave to your children are kept in the trust and used to provide for their needs.

If you don't make this type of provision, the master of the high court can decide that the assets (such as property, vehicles and even furniture) are sold and the proceeds transferred to the guardian's fund until the child turns 18.

Fisa can recommend lawyers and trust consultants who can help you. **M**