

**NOMINATION OF GUARDIANS  
OF THE  
PERSONS AND ESTATES  
OF OUR MINOR CHILDREN**

We \_\_\_\_\_, and \_\_\_\_\_ declare as follows:

**1. Family Information.**

We are married and have \_\_\_\_\_ child(ren) as follows:

\_\_\_\_\_ born \_\_\_\_\_, our son/daughter,

\_\_\_\_\_ born \_\_\_\_\_, our son/daughter,

\_\_\_\_\_ born \_\_\_\_\_, our son/daughter,

\_\_\_\_\_ born \_\_\_\_\_, our son/daughter,

\_\_\_\_\_ born \_\_\_\_\_, our son/daughter,

is/are minor/s.

**2. Nomination of Guardians.**

**(a) Guardians of the Persons.** If, upon the death of the survivor of us, any of our children are minors, we nominate \_\_\_\_\_ to serve as the guardian of the persons of our minor child or children. If \_\_\_\_\_ is unable or unwilling to serve as such guardian, we nominate \_\_\_\_\_ to serve as guardian of the persons of such minor children.

**(b) Guardians of the Estates.** If, upon the death of the survivor of us, any of our children are minors, we nominate \_\_\_\_\_ to serve as the guardian of the estates of our minor child or children. If \_\_\_\_\_ is unable or unwilling to serve as such guardian, we nominate \_\_\_\_\_ to serve as guardian of the estates of such minor children.

**(c) Application of this Declaration.** All references in this declaration to "Guardian of the Persons" shall refer to the person or persons appointed, from time to time, by the court to serve as guardian of the persons of our minor children. All references in this declaration to "Guardian of the Estates" shall refer to the person or persons appointed, from time to time, by the court to serve as guardian to the estates of our minor children. All references in this declaration to the "Guardian" or "Guardians" shall refer to both the Guardian of the Persons and the Guardian of the Estates. The provisions of this declaration shall apply to the initial Guardians and each successor Guardian appointed by the court.

**3. Waiver of Bond.** We request that no bond be required of any Guardian nominated by us.

**4. Scope of Responsibility.** The Guardian of the Persons shall have physical and legal custody of our minor children. The Guardian of the Persons shall also have the right and

responsibility to make all decisions relating to the health and education of our minor children. The Guardian of the Estates shall have legal authority and control over the assets of our minor children owned by them (excluding all property held in trust for their benefit). The Guardian of the Estates, after consultation with the Guardian of the Persons, shall make all decisions relating to the expenditure of our children's assets for their health, education, support, maintenance, and welfare.

**5. Support of Minor Children.** We have provided funds for the health, education, maintenance, and support of our minor children under the terms of our Wills and trusts created for their benefit. We anticipate that the funds available for such purposes from our estate and the property held in trust for the benefit of our minor children will be sufficient to enable our minor children to continue to enjoy the standard of living to which they were accustomed during our lifetimes. In any event, the Guardians shall not be under any duty or obligation to provide funds for the health, education, maintenance, and support of our minor children from the Guardians' own property. The Guardians shall be entitled to look to our property and estate, and the trustees of the trusts created for the benefit of our children, to provide fully for our children's health, education, maintenance, and support.

We desire that health insurance coverage be maintained for our minor children by the Guardians or the children's trustees, if such insurance is available. The cost for such insurance shall be paid from each child's estate or each child's trust. Such health insurance coverage may be purchased by the Guardian of the Persons for his or her family including our children, and our children's share of the cost of such insurance shall be paid to the Guardian of the Persons.

**6 Residence of Minor Children.** We want our children to be raised together as a family unit, and prefer, to the extent possible, that they continue to live here in California. Nonetheless, the Guardian of the Persons may move our children to any place of residence within or outside California.

We also desire that the Guardian of the Persons and his or her family be permitted to live with our children during the term of the guardianship in any residence owned by our children or held in trust for their benefit. While living with our children in such residence, the Guardian of the Persons and his or her family shall not be required to pay rent or any other expenses related to the maintenance of such residence.

**7. Contact with Our Family Members.** We believe that frequent and continuing association between our children and both families is in the best interests of our children. We want our children to have frequent and continuing contact with both our families, and the Guardian of the Persons is directed to work toward that end. The Guardian of the Persons shall make reasonable efforts to foster good relationship between our children and the members of each family, especially members of the family of which the Guardian is not a member. Also, the Guardian of the Persons shall encourage visits by our children's relatives. As our children become older, their physical custody may be shared among family members. Our families

should be allowed to communicate with our children, and our children should be allowed reasonable opportunity to communicate with their relatives. The statement of our wishes concerning the raising of our children and their contact with our families is not intended to, and shall not, create legal rights in our families.

**8. Prior Nominations.** We hereby revoke any prior nominations of guardians made by us. The nominations stated in this declaration shall supersede the nominations stated in our Wills or any other document executed by us prior to the date stated below.

We declare under penalty of perjury under the laws of California that the foregoing is true and correct, and that we executed this declaration on \_\_\_\_\_, at San Diego, California.

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