Guardian Encyclopedia Article

Guardian

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Guardian

A non-biological parent who assumes legal responsibility for a minor.

An adult who becomes legally responsible for a minor child that is not his or her biological child is called a guardian; the minor is referred to in legal terms as the *ward.* A guardian is the person who assumes legal responsibility for the child's financial support, and for any education, medical treatment, or other activities required by law. The guardian may, but does not necessarily, have **custody** of the child. The guardian may or may not be involved in the child's daily activities and care.

Experts advise parents to name a guardian for their minor children in a legal will. If parents die without having made provisions for the guardianship of their children, the court will appoint a guardian. An ideal candidate to serve as guardian should have the following characteristics: close relative or friend of the family; known and respected by both parents and children; willingness to serve as guardian; young enough to carry out the responsibilities of childrearing; lifestyle that is compatible with the needs of children; education and interests similar to those of the family; and living near the family, or willingness to relocate if necessary.

When a guardian has been chosen, and the guardian has agreed to accept the responsibility, family members and others close to the family should be apprised of the relationship. This will avoid any challenges to the guardianship relationship later on.

For Further Study

Books

Goldstein, Joseph, et al. *The Best Interests of the Child: The Least Detrimental Alternative.* New York: Free Press, 1996.

Krause, Harry D. *Child Law: Parent, Chld, and State.* New York: New York Universty Press, 1992.