

Your Declaration Naming Preneed Guardian

In short: This document tells the court who you want as your guardian if one is ever needed. You make the choice now, instead of leaving it to a judge or your family later.

What Is a Guardian?

A person appointed by a court to make decisions for someone who is legally incapacitated. Depending on the situation, a guardian may decide where you live, handle your personal care, manage your finances and bills, protect your assets, and make certain medical decisions if not otherwise delegated.

When Does This Document Matter?

It gives **no one** any immediate authority over you. It only comes into play if **all three** happen:

1. Someone files a guardianship case,
2. A court finds you legally incapacitated, and
3. The court decides a guardian is necessary.

Until then, you remain in complete control. If you never need a guardian, this document is simply never used.

Why Is It Important?

Without it, the court has little guidance about whom you trust. Family members could disagree, and the court could appoint someone you wouldn't have chosen. Florida courts give strong consideration to the person you name, unless there's a legal reason that person can't or shouldn't serve.

Doesn't My Power of Attorney Prevent Guardianship?

Often, yes. Your Durable Power of Attorney can avoid the need for a financial guardian, and your Health Care Surrogate can avoid the need for one to make medical decisions. But a court may still find a guardianship necessary in some cases. If that happens, this document tells the court who you want.

Who Should I Choose?

Someone honest, responsible, financially trustworthy, and organized, who will act in your best interests and can make hard decisions. Name one or more **alternates** in case your first choice can't serve.

Am I Giving Up Independence?

No. Signing doesn't mean you are incapacitated, doesn't give anyone control of your life or money, and doesn't take away any of your rights.

Good to Know

- **It's for every adult**, not just older adults. Illness or accidents can happen at any age.
- **You can change or revoke it** any time while you are mentally competent.
- **Review it** every few years and after major life events.
- **It works together** with your Power of Attorney, Health Care Surrogate, Living Will, and Trust to form a complete plan.