



## **“What happens to my children if my partner and I die and we don’t have a Will or plans in place?”**

A big question that depends on the circumstances and where you live. Remembering that Shannon’s Bridge are not a legal advice service, let us explore this further.

[Australian guardianship law](#) is the key regulatory mechanism for protecting the health of children and vulnerable people and it depends where you live as to what laws apply.

If there are no specific written instructions in a will and in the event of the death of both parents, any person with sufficient interest (i.e. grandparents, aunties or uncles) can apply for guardianship of your children.

In such situations, the Family Court decides who should become the legal guardian based on the best interests of the child. Even if there is unanimous agreement amongst the family, it is still a matter for the Court.

As you can see, even if there are no arguments about who will be caring for the children, without a Will naming a guardian, the stress on a bereaved family is going to increase.

**Every parent needs a Will and it has nothing to do with who gets your money!**

