

## Insights

# Start 2025 Right: Update Your Estate Plan with a Preneed Guardianship Designation

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It is the start of a new year which means that it is a great time to update or refresh your estate plan. In Florida, planning for the future is a crucial step to ensure that your wishes are honored, and your loved ones are cared for. There are several facets to a solid estate plan which may include documents such as your last will & testament, trust instrument, and health care documents. One key aspect of an estate plan is a *preneed guardianship designation*—a legal tool that allows individuals to designate a trusted person to act as their guardian in the event they become incapacitated and unable to manage their own affairs.

### What is a Preneed Guardianship Designation?

A preneed guardianship designation is a provision in your estate plan that allows you to select someone to serve as your guardian in advance, should the need arise. Specifically, Section 744.3045(5) provides the preneed guardian is to assume the duties of guardian “immediately upon an adjudication of incapacity. Unlike traditional guardianships, which are often determined by a court when someone becomes incapacitated, preneed guardianship lets you choose who will step in without leaving the decision up to a judge. This can apply to both personal and financial matters, ensuring that your affairs are managed by someone you trust. Without a preneed guardianship designation, the court will appoint a guardian, which may not be someone you would have chosen and may not even be someone you know or are related to. This could lead to confusion, family disputes, or a guardian who does not align with your values or preferences. By proactively creating a preneed guardianship designation, you gain control over who manages your affairs, ensuring peace of mind for both you and your family.

### How Do I Include a Preneed Guardianship Designation in My Estate Plan?

In Florida, a preneed guardianship designation must be made in writing and can be included as part of your broader estate planning documents, such as a will or a durable power of attorney. Working with an experienced

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estate planning attorney can help ensure that your preneed guardianship designation is legally sound and reflects your intentions. At Lowndes, our team of dedicated estate planning professionals can assist you in protecting your interests and ensuring that someone you trust will be in control of your personal and financial matters if you ever become incapacitated.

Don't wait! The start of a new year is the perfect time to create or update your comprehensive estate plan that includes this important provision. By doing so, you'll provide yourself and your loved ones with the certainty and peace of mind that comes from knowing your wishes will be honored, no matter what the future holds.