

KEONI SOUZA, ESQ.

# *Kids Protection Planning*

A parent's guide to peace of mind



[WWW.KEONISOUZALAW.COM](http://WWW.KEONISOUZALAW.COM)

# Hello there!



Do you know what would happen to your kids if something happens to you? Do you know who would get legal custody of your kids? Do you know whether your kids would have easy access to your money? Do you know how to ensure your kids have enough money to survive? No? Well, in a few minutes you will.

This guide will give you the peace of mind you need to stop worrying about what would happen to them if something happened to you. It may save your family years of unnecessary pain, thousands or even millions of potentially lost dollars, and countless headaches. With this guide, you will learn why taking care of these matters is so important (and how easy it is to do). Kids protection planning (often referred to as estate planning) is about protecting you, your assets, and your family in the event of your death or incapacity.

In this guide you'll learn:

- 9 simple steps you can take immediately to ensure the safety and care of your children
- Why the police would have to take your kids out of your home if you are in an accident and have minor children at home if you don't plan the right way.
- 6 steps for choosing the right guardians for your children.
- How you can make sure that everything you leave to your kids stays in your family forever . . . and isn't lost to predators, divorce, lawsuits, or creditors.
- How to name guardians for your children for free.

To the protection of your children,

Keoni



# Ask Yourself Two Simple Questions

What Would Happen to Your Children if Something Happened to You? Would Your Loved Ones Have Immediate, Protected Access to Your Money?

Protecting your children begins with the essential question no parent wants to think about, but with just a bit of consideration can give you total peace of mind: what would happen to your children if something happened to you?

I'll tell you what would happen . . .

**For the Short-Term: Your Children Could Be Taken Out of Your Home**

If something happens to you and your children are at home with a babysitter or friend, the police would have no choice but to call in Child Welfare Services and take your children into the hands of social services (that's foster care!) until they can figure out what to do.

Then, your children could be raised by someone you wouldn't choose in a way you might not agree with.







## For the Long-Term: Your Children Would Be at the Mercy of the Court

Think about the people in your life that would want to raise your children. Is there anyone that you would never want?

If you don't make provisions in writing, any one of these people — including someone that you know wouldn't be right for your children — could petition the court to be appointed to raise them.

Don't think just because you have living parents that they would automatically get custody of your children because that's not true.

### That's a Frightening Situation that Can Easily Be Avoided!

Without written provisions on who you would or would not want to raise your children, a judge doesn't have much to base a decision on except perhaps who looks best on paper.

Looking good on paper doesn't necessarily translate to being a loving and caring guardian or mean that he or she will raise your children with your values, but the judge wouldn't know your wishes if it's not documented.

It could very well turn out that the one person that you would never want to raise your children would be named guardian and to add insult to injury, your assets would be put into a guardian estate controlled by this very person (or a professional guardian at \$125+ per hour) with the remaining assets distributed outright to your kids when they turned 18!

I'm sure you want to do everything you can to protect your kids from unnecessary pain and suffering.

You want to rest easy at night knowing that no matter what happens to you, your children would be totally taken care of and protected by the people you want in the way you want.

That's where estate planning comes in.

## Your Kids Would NOT Have Immediate, Protected Access to Your Money

Look around you . . . what would happen to everything you own if you were no longer here?

This includes your home, your bank and brokerage accounts, your life insurance policies, your retirement plans, your clothing, your jewelry, your cars, your letters, your family heirlooms . . . things that are valuable.

If you die with all of these things owned in your own name, your children would not have immediate access to your assets because your family would have to deal with a court process called probate, which is complex, costly, time intensive, and totally public.

In Hawaii, this process takes a minimum of 6-18 months and many times longer, during which time your loved ones do not have easy access to your assets for their needs.

Also, just to give you an idea of the cost, it is estimated that the total cost of probate is around 5% of the value of the gross estate.

If all you own is a house that would sell for \$500,000; probate costs and fees could cost your family a whopping \$25,000!

If you own a million dollar home, that's \$50,000 in costs! And, that doesn't even count everything else you own.







But that's not all . . .

The worst part is that at the end of probate, all of your assets would be put into a guardianship estate overseen by someone chosen by the court and then when they turn 18, your children would be given everything left in the estate — outright and totally unprotected!

Also, probate is totally public, which means anybody with unscrupulous intentions can find out that your 18 year old is inheriting lots of money and that it is not protected.

I don't know about your children, but I've known many 18 year olds — myself included when I was that age — that would not be ready to handle that much money and would blow it on fancy cars, expensive meals, extensive travel, and other potentially disastrous habits.

All of these issues can be avoided very easily.

In fact, probate is totally voluntary!

Your family only has to deal with this if you don't plan.

Now that we've talked a little about what happens if you don't plan, let's get into some planning with something that is especially important if you have minor children — naming legal guardians.

In the next section, I am going to show you a step-by-step process for choosing the right guardians for your children.

This is critical to the welfare of your children if something happens to you.





# How to Choose the Right Guardians

## 01 Create a list of potential guardians

Sit down with your spouse or significant other and draw up a list of all potential people you would be willing to have raise your children.

## 02 Don't judge

Don't judge anyone on the list or even consider whether they would be willing. Just make as long a list as you can of all the people you know who you like and trust that your children know, like, and trust. It can be helpful if you and your parenting partner make these lists separately and then compare notes later. Then, put your list(s) aside.

## 03 List your most important values

Make a list of your most important values when it comes to raising your children. Things like, prior relationship with your children, education level, discipline philosophy, or parenting style.

## 04 Don't consider financial resources

Under no circumstances would you want to consider the financial resources of the people you are considering because it's up to you to provide enough financial resources for your children and the people you've named as their guardians.



# How to Choose the Right Guardians

## 05 Rank your values

Rank your values and compare those values to your list of potential guardians and put each of those people (or couples) in order first, second, and third.

## 06 Check values against these practical considerations

Once you have your list, check it against these practical considerations:

- Does your child know them? Ideally, your guardian selection will be someone your child already knows and trusts.
- Do they live close by? It is probably not ideal to uproot your children from their local community if you can help it.
- Do they share your values? You will want to choose someone who can raise your children with the same values and beliefs that you would.
- How old are they? Choosing an elderly person as guardian could mean that your children could lose them too at a tender age.
- Do they already have a family? If your choice as guardian already has children of their own, would your children blend in well with their family?
- Are they willing to take on the responsibility? Hopefully the person(s) you choose as guardian would welcome the responsibility, but not everyone does. Be sure you have a candid conversation with them before you name them as guardian.

Keep in mind that your choice for guardian today could change, and you will likely want to update your guardianship designation as your life and circumstances dictate. Now that you have a sensible method for selecting the right guardians for your children, there are 9 steps you can take right away to protect your children.



# 9 Easy Steps to Protect Your Children and Assets



While the nightmares of having no plan in place are scary, it is easy to put in place a plan that will give you peace of mind. Here are nine steps you can take right away to protect your children:

## Step 1

Choose friends or family who share your values and that you would want to care for (and possibly raise) your kids if you were in an accident.

## Step 2

Legally document your choice of at least 3 friends or family members (in first, second, and third order) as long-term guardians for your kids.

If you are still having trouble choosing the right guardians despite the 6 step process that I have described previously, go to **[www.protectmykeiki.com](http://www.protectmykeiki.com)** to be guided through an interactive process that will give you the additional confidence of knowing you made the right choice.



# 9 Easy Steps to Protect Your Children and Assets

## Step 3

Choose local friends or family (within 20 minutes) who your kids know, love, and trust that would be able to go to your home immediately and comfort your kids and keep them secure (until your long-term guardians could arrive and take over).

## Step 4

Legally document your choice of short-term guardians.

## Step 5

Give the short-term guardians you have chosen the legal documentation they will need if you are in an accident and make sure to tell them what to do if called upon.

## Step 6

Instruct caregivers to call the short-term guardians if you don't come home. Carry a Family Emergency ID Card in your wallet at all times that identifies you as a parent with minor children and has the names and phone numbers of your short-term guardians.





# 9 Easy Steps to Protect Your Children and Assets

## Step 7

Tell your long-term guardians what to do if called upon and where to find your long-term guardianship documents. Leave your long-term guardians specific instructions about how you want your kids raised and the values, insights, stories, and experiences you want to leave for your children.

## Step 8

Be sure to exclude anyone you know you would never want raising your kids.

## Step 9

Make sure you've left behind enough financial resources so that whoever is raising your children will have immediate and protected access to your assets and raising your children will not be a financial struggle.







Work with a trusted advisor to determine exactly how much savings or insurance would be sufficient to support your family if something happened to you.

If you don't have much savings right now, don't worry. That is what life insurance is for. As I like to say, life insurance says, "I love you."

The decision as to what to purchase must be made with an advisor you absolutely trust as life insurance agents often make hefty commissions on life insurance policies so they have an interest in selling you the most expensive product.

And, most importantly, make sure that the financial resources you leave will be available to your guardians and your children as well as be totally protected.

Trusts can accomplish this by avoiding probate and even provide asset protection.

I utilize Lifetime Asset Protection Trusts. These are special trusts that ensure that a child's inheritance is protected from creditors, lawsuits, and even a future divorce.

It is a great way for you to get some peace of mind that your hard-earned money will be there for your children when you are gone and will not be lost to your children's mistakes or to unscrupulous people that might prey on them.

Also, you will want to designate a trust as the beneficiary of your life insurance so it does not get pulled into the court process and be unavailable when it is most needed.

# You Don't Have to Do This Alone

These 9 steps are easy to follow, but it can be a bit overwhelming at first. Far too many people put this planning off because they don't know where to start or how easy it can be.

This is why I have a proven process for creating a Kids Protection Plan® for your children that covers not just the long-term care of your children, but the immediate term as well.

It gives instructions to your guardians and caregivers, and puts an ID card in your wallet so your children are never taken into the custody of Child Welfare Services, foster care, strangers, or the care of anyone you wouldn't want because the authorities don't have clear instructions from you.

Also, the Kids Protection Plan® will ensure your children are raised by people you choose, not someone chosen by a Judge who doesn't know you and doesn't know your wishes.

I realize that not everyone has the time or inclination to create a Kids Protection Plan® for themselves, which is why I include this with every estate plan I create for families with minor children so that they can ensure their children are protected without having to fuss with doing it themselves. This is part of my service and I provide it at no extra charge.







There are two options available to you for absolute peace of mind of knowing your family is taken care of during a most difficult time. You can either handle your planning yourself or you can work with an attorney to take care of these issues for you.

## Option 1: Do It Yourself

You might be a candidate for the do-it-yourself approach to planning if you are in both of the following two circumstances:

You would have no problem with your children controlling everything you own when they turn 18 (with no creditor, lawsuit, divorce, or predator protection)

AND

Your assets are small enough that they would not be subject to the court probate process.

In Hawaii, if you own no real estate and have less than \$100,000 of assets, your family will not have to deal with probate in the event of your death and you could probably get by with a will, advance health care directive, and power of attorney.

If you meet those two criteria, you don't have to worry too much about the transfer of your assets after you are gone and might be able to get by without a lawyer.

However, you should still ensure your kids would be taken care of in the way you want by the people you want.

Go to **[www.protectmykeiki.com](http://www.protectmykeiki.com)** to get started with legally naming long-term guardians for your kids for free.

If you don't have much assets, this is a great option for you.

If you are going to use books, software, or a do-it-yourself website, do so with caution.

I have seen far too many people try to do it themselves on the internet and leave their family in big trouble.

The only surefire way to avoid making critical, big dollar mistakes is to seek the guidance of a lawyer you can trust to guide you right.



## Option 2: Work with a Lawyer

Remember, the people who benefit if you take the time and thought to create a plan are the people left behind after you are gone — like your children.

It is so much easier for you to take care of these important matters while you are alive than it will be for your loved ones to try and take care of them when you are gone.

Your family will thank you for seeking the guidance of a trusted lawyer instead of a mere document preparer or fill-in-the-blank service.

Look in any yellow pages or search on the internet and you will find estate planning lawyers everywhere. And, it is hard to differentiate.

They all seem the same.

As a parent, it is critical you choose an attorney who is right for your family.

Who you choose as your family's lawyer can be one of the most important decisions you will ever make for the well-being of your family and yourself.

And, not all lawyers are the same . . .

## Insist on a Lawyer Who Plans with a Parent's Perspective . . . Your Family Deserves It!

Today, estate planning usually means the preparation of form documents that often times don't work when your family needs them most.

That was not what I imagined when I went to law school. I became a lawyer to help my clients solve their problems so that I could make a difference in their lives.

Instead, I discovered lawyers are constantly focused on bringing in the next new client, maintaining their hourly billing minimums, and finding problems that will mean more work for them.



The typical estate planning experience is one in which you meet with an attorney, the attorney prepares some documents, you sign the documents (oftentimes without really understanding what you are signing) and then you go on your way hoping the attorney has accurately reflected your wishes.

You never hear from your lawyer again, even forgetting his or her name after awhile.

And, even though your life changes and you acquire new assets and you even hear that the law has changed, you don't contact your lawyer because you just know you will get a big bill in the mail a couple of weeks later.

Your attorney bills you every single time you call in 6 minute increments.

That certainly goes a long way to discouraging communication.

And, if you do call, it is days or even weeks before you get a call back. The single biggest complaint against attorneys is that they are not responsive to their clients.

Then, something bad happens to you.

Your family goes to your home, locates your estate planning documents and finds they no longer reflect your life, your assets, or the law.

They don't know where to turn.



## I Knew There Had to Be a Better Way

I quickly realized the traditional law business model requires attorneys to constantly focus on bringing in new clients.

It doesn't leave any time for taking care of existing clients.

Again and again, both in big law firms and smaller firms, I saw that attorneys did not educate their clients about how to own their assets and did not make sure their plan worked for their whole lifetime.

With the lack of education and lack of support from their attorney, it is no wonder why it is so common for people not to follow through in transferring their assets into their trust.





Unfortunately, I have discovered that most people think once they have signed their estate planning documents, they are done for life.

Their attorneys don't educate them otherwise because they must focus on bringing in new clients and can't serve their existing clients.

Plus, their clients are elderly and life is fairly static.

Your life is dynamic; your assets are growing; your family is growing . . . and you are busy!

It is my duty to make it as easy for you to make the right decisions for your family, keep up with your changing life, and not to let you walk out of my office believing your plan will forever take care of you, your children, and your assets.

The truth is your plan must be maintained.

You want to have a trusted lawyer to turn to when your spouse dies or for your spouse to turn to when you die.

Most estate planning lawyers don't serve in this way.

It is not because they don't want to.

It is because they just have not been trained to do it.

## Do You Qualify?

Not everyone needs to work with a lawyer like me.

In fact, not everyone qualifies to do so.

Surprisingly, whether you qualify to work with me has nothing at all to do with how much money you have!

Working with me is most beneficial for people who:

- Want a trusted advisor to guide them through a lifetime of the right decisions.
- Want to pass on not just financial assets, but your whole family wealth, which includes the most often lost intellectual, human, and spiritual assets or in other words, who you are and what is important to you.
- Care about preserving family wealth by ensuring it does not go to strangers through divorce and lawsuits, unnecessary and avoidable estate taxes, or end up part of the hundreds of millions of dollars of unclaimed property held by the State of Hawaii.
- Are willing to follow a system and structure that prepares their children to receive family wealth in such a way that family opportunities are maximized and family wealth actually grows at each generation instead of being frittered away by unappreciative and undisciplined heirs.
- Never want to risk their minor children being taken out of their home if anything happened to them and instead want to guarantee their children would always stay in the care of people they know, trust, and love.

Unlike many law firms that take on an unlimited number of new clients, I limit the number of new clients I see on an annual basis.

I then close my firm for the rest of the year to new clients when I reach relationship capacity.

Once I close my firm for the year to new clients, the only new clients that might be an exception are those that are directly related to existing clients.

This limit is imposed because it is impossible for a lawyer to have a real relationship with an unlimited number of families and still serve them with the ongoing care that is so critical to ensuring your plan works the way you want when you are gone or become incapacitated.

As a result, I take on a limited number of new clients each month and once the new client appointments are filled, that is all there is.





# Here are Your Next Steps

## Step 1: Contact Me

Call 808.725.3456, email [keoni@keonisouzalaw.com](mailto:keoni@keonisouzalaw.com), or go to [www.keonisouzalaw.com/book-online](http://www.keonisouzalaw.com/book-online) to schedule an appointment if you are looking for guidance on how to pass on your whole Family Wealth (monetary and non-monetary assets) and not just seeking a set of documents that may or may not work when your family needs them.

But, only a limited number of appointments are available each month.

When they are gone, that's it. You will have to wait until the following month for your Family Wealth Planning Session.

Before the session, you will complete a Family Wealth Inventory and Assessment, which will help you begin to get your financial house in order and take control of your life.

This Inventory will be used during your session to help you make the best decisions for yourself and your family.

## Step 2: Reserve Your Family Wealth Planning Session

I will reserve up to 2 hours for your Family Wealth Planning Session. The normal fee for this session is \$750 if you don't have an estate plan or \$950 if you do and that includes my 50-point estate plan check, but that fee will be waived because you've taken the time to request this information and get educated by reviewing this guide.



### Step 3: Complete and Return Your Family Wealth Inventory and Assessment

If you schedule an in-person session, you will receive a USPS priority mailer with your Family Wealth Inventory and Assessment inside plus information about your upcoming appointment.

Alternatively, if you schedule a virtual session, you will receive this mailer via email.

Complete and return the Family Wealth Inventory and Assessment ideally one week prior to your appointment, but no later than three days.



Otherwise, your appointment may be rescheduled and your spot released to another waiting family.

I meet with a limited number of new clients per month so I can give my time and attention to existing clients.

While I understand this creates some inconveniences for people wishing to become clients, you will be grateful when you become a client yourself.

### Step 4: Rest Easy

I will walk you step by step through what would happen to your children and your assets if anything happened to you under your current plan or the State's plan for you.

If you want to make changes to that plan, I will help you design a new plan that ensures you make the best decisions for your family throughout your lifetime and have a trusted advisor to turn to at every life stage.



# Thank You

My goal is to give you real peace of mind — not the false sense of security people get from self-help online sites, D.I.Y. books, or cut-rate lawyers only focused on documents — by ensuring your plan will work as intended when you need it to and your loved ones stay out of court and out of conflict as well as have an advisor they know and trust that they can turn to when you are no longer here.

I am passionate about estate planning after experiencing the incapacitation of his mother when she was just 52 years old and the harsh consequences of her not having an estate plan. In light of my own experience, I strive to educate other Hawaii families not only on the importance of planning, but on how to do it right so that their plan actually works when they need it the most.

Warmly, Keoni



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