

Mind the Gap: Naming an “In-Between” Guardian for Your Minor Children

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By Lee Carpenter



Even the best estate plans can leave an unintended gap. For parents of minor children, that gap may arise between a parent's death or incapacity and the court's formal appointment of a guardian. During that in-between period, it may be unclear who is authorized to care for the children, make medical decisions, or handle day-to-day responsibilities.

While many parents focus on creating a will, naming beneficiaries, and appointing fiduciaries, they should also consider a temporary guardianship designation. In Maryland, this separate document enables parents to name a trusted person who can step in immediately to care for their children until a permanent guardian is appointed.

For any parent, the thought of leaving children behind is understandably difficult. But estate planning is ultimately about making sure your children are cared for if the unexpected happens. A temporary guardianship designation is one of the most practical ways to provide guidance and reassurance during a crisis.

The Gap a Will May Not Cover

In Maryland, a will can nominate a guardian for minor children, but a will alone may not address the immediate realities after a parent's death. Before a court formally recognizes the guardian nomination, there may be a period of uncertainty about who is authorized to care for the children and make important decisions on their behalf.

A temporary guardianship designation helps fill that gap by providing clear directions as to who should step in immediately. This can minimize confusion among family members, reduce the likelihood of disputes, and help avoid emergency court intervention.

It can also help avoid the need for an emergency custody proceeding if a friend or family member must step in unexpectedly without written authority to care for the children. By documenting the parents' wishes in advance, the temporary designation can provide written authority and practical guidance during an already stressful situation.

What Happens Without a Plan

Ignoring this issue can create significant practical and emotional challenges. Imagine both parents are unexpectedly killed in an accident. Without temporary guardianship documentation, relatives may disagree about who should care for the children. In some cases, children may even be placed temporarily with social services until the court appoints a guardian.

Even a brief period of uncertainty can be deeply unsettling for children already coping with grief and upheaval.

By contrast, when parents have signed temporary guardianship documents, the transition is often far smoother. The

designated individual—often someone nearby—can step in right away to provide housing, routine, emotional support, and day-to-day care until longer-term arrangements are finalized. Children are more likely to remain in familiar surroundings, continue attending the same school, and maintain important relationships during an extraordinarily difficult time.

Choosing the Right Person

Selecting a temporary guardian requires careful thought. Parents should choose someone they trust deeply and who shares similar values regarding parenting, education, and discipline.

Practical considerations matter as well. The individual should be willing and able to take on the responsibility emotionally, physically, and logistically. Location may also be a factor. While naming someone nearby may reduce disruption, many parents choose out-of-state relatives based on strong relationships or shared values. The best choice is the person best able to provide a stable, supportive environment.

Parents should also discuss the role with the proposed guardian in advance. Open communication helps prevent surprises and gives that person an opportunity to ask questions and understand expectations.

It is also wise to name one or more alternates in case the primary choice is unavailable. Parents should review these designations periodically as family circumstances and relationships evolve.

The temporary and permanent guardians may be the same person, or they may be different individuals. When the same person serves in both roles, the temporary guardianship enables him or her to step in immediately and helps prevent children from remaining in legal limbo until the court formalizes the longer-term appointment.

Part of a Bigger Plan

A temporary guardianship designation works best as part of a comprehensive estate plan that may also include wills with trust provisions, powers of attorney, and advance medical directives.

While a temporary guardian handles a child's immediate care, a trustee may manage financial resources for the child's benefit. Coordinating these roles helps ensure that children are both emotionally supported and financially protected.

Parents should also understand that Maryland courts ultimately retain authority over guardianship decisions. A temporary designation does not eliminate court involvement, but it does provide strong evidence of the parents' wishes during a difficult transition.

A Simple Step That Makes a Real Difference

Too often, parents postpone estate planning because they feel too young, too healthy, or too busy. But emergencies can happen without warning. Naming an "in-between" guardian is one way parents can help ensure that someone they trust is ready to step in when it matters most.