

Guardian

**By Reg P. Wydeven
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When I was 10 years old, Michael Jackson released 'Thriller', which went on to become the biggest selling album of all time. By the time I was 11, he was the most popular recording artist in the world and dubbed himself the King of Pop. I remember being blown away by the 'Thriller' video and practically breaking my ankles trying to moonwalk.

Since Jackson's death, I've met with numerous couples to sign their wills. Before signing, I always ask if the clients have any questions. Instead of asking about their wills, three couples have asked me about Michael's will and who will get custody of his kids.

Many people believe that because Michael named his mother, Katherine, as the guardian of his three children, Prince Michael I, 12, Paris, 11, and Prince Michael II (a.k.a. Blanket), 7, that she will automatically get custody of the children. Actually, all Michael did was nominate his mother as his kids' guardian, and Supreme choice Diana Ross as her backup. The judge in the probate court gives serious weight to a parent's nomination, but she is not bound by it.

The judge is free to select as guardian the person she thinks is in the best interests of the children. In Wisconsin, a legal parent is given preference when appointing a guardian, however, with ample evidence of unfitness, this presumption can be overcome. The next priority is given to a person nominated in a parent's will.

In the Jackson case, the question of the kids' legal parent is an interesting one. Debbie Rowe, Michael's wife from 1996 to 1999, was the surrogate mother of Michael's two oldest kids. Rumors abound that the egg and sperm used to artificially inseminate Rowe didn't even come from Rowe and Jackson, and many speculate that Jackson's longtime dermatologist, Arnold Klein, is the biological father of his two older children. The parents of Blanket are unknown.

This situation differs from Anna Nicole Smith's custody battle, where the biological father of her daughter, Dannielynn, was unknown at the time of her death. Although Smith's lawyer and boyfriend, Howard K. Stern, was listed as father on the birth certificate, a DNA test revealed former boyfriend Larry Birkhead was actually Dannielynn's father. Accordingly, he was awarded custody and knowing the presumption given to biological parents, neither Stern nor Smith's mother, Virgie Arthur, challenged the ruling.

To complicate matters in Jackson's case, Rowe gave him full custody when they divorced in 1999 in exchange for a reported \$8.5 million settlement and a \$1 million Beverly Hills home. Then, in 2006, Rowe gave up parental rights to the kids after Jackson allegedly offered another financial settlement. However, a judge later reinstated her rights claiming their agreement was illegal. So, Rowe is still a potential candidate for getting the kids, and she has also agreed to take Blanket.

Likewise, because Jackson nominated his mom as guardian in his will, she's obviously a candidate as well. Named as a backup, Diana Ross is a possibility, too, although she purportedly is not interested in the job. Finally, full-time nanny Grace Rwaramba should also be considered to maintain continuity in the kids' lives. Oh, and Michael's sisters Janet and Rebbie threw their hats in the ring as well.

So, I certainly don't envy the judge who has to decide on the guardian for Jackson's kids. It will be interesting to see who the judge picks as guardian and who she tells to Beat It.