

Can Yorshim Depose the Apotropus Their Father Appointed?

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Question: If a man appoints his wife to serve as the *apotropus* of his estate and, after his death, the children say that they don't need or want her to serve in that capacity, can they relieve her of this duty?

Answer: Assuming that the *yorshim* are adults and that the mother is okay with it and trusts them to do what the father intended with the estate, there would be no problem with handing over the *apotropus* rights to them. If the father specifically did not want them to have it, then she's not supposed to give it up to them. If they insist on deposing her through legal or other means, it would get a little more complex, but it usually would work.

In this case, where the mother is the *apotropus*, a different logic applies. The reason the father appointed her is not necessarily for the benefit of the children. Presumably, it was because he specifically wanted her to have the ability to oversee the assets, and by extension, he wants their children to show her the proper respect. Rav Moshe Feinstein writes that this is viewed as a right that was granted to her by her husband and, therefore, if a proper *kinyan* was made, it cannot be taken away from her until she is ready to relinquish it.