

ESTATE PLANNING

Did you know that less than half of Americans have **any form of estate plan?**

Even when families have completed estate planning documents they often overlook mistakes or fail to properly fund or update their plan properly as time goes on. Given how important proper estate planning can be for a family, it is critical to make sure you have the right documents in place to protect against unforeseen emergencies. Here is some information that might be helpful as you plan to protect your estate and your loved ones:

Everyone has an estate to protect. Without proper documents upon death or incapacity a court process may be necessary for your loved ones to receive the legal authority to act on your behalf or administer your estate. The most common and necessary documents for your estate planning include the following:



✓ **Durable Financial Power of Attorney**

If you are alive but incapacitated and unable to manage your own affairs a durable financial power of attorney can empower someone you trust to manage assets and property including day to day needs for you. Without it banks and other institutions are unlikely to allow anyone but the owner to access funds or make decisions until a court order names a conservator over your affairs.

✓ **Living Wills, Medical Power of Attorney and Health Care Directives**

Health care and medical decisions similarly require a written authorization for someone to make decisions on your behalf or receive protected personal health care information. The proper documents can nominate someone to manage your medical decisions if you are unable to for yourself, make certain medical decisions in advance of needing life sustaining care and/ or allow loved ones to receive medical information and have hospital visits without needing third party permission. Insurance solutions can specifically address the need to pay for long term care costs. When done properly, these documents also can avoid the need for a court ordered guardian in the case of incapacity.



✓ Last Will and Testament

Upon death, someone will need to be authorized to manage assets of your estate and distribute property to your heirs. If you have minor children someone will need to be appointed as guardian for your minor children as well. A last will and testament allows you to designate who you want to fill those roles so that a probate court can appoint them.

✓ Revocable Living Trust

A revocable Living Trust can allow you to transfer assets at death without the need for court processes by leaving a trustee in charge of managing your estate in your absence. In order to do so, it needs to be properly structured and hold title or beneficial interest to all of your assets. It can also provide your estate with significantly more privacy than a probate process.

✓ Irrevocable Trust Planning

When more advanced planning for tax purposes, benefit qualification, or asset protection is needed, irrevocable trusts can provide tremendous value. Irrevocable trusts can be complex and once established are not easily changed. Therefore, if you might have a need for irrevocable trust planning it is important to consult with experienced legal counsel to discuss your options.

Probate Can:

- Cost a lot of money
- Take a long time
- Cause family stress
- Give up your privacy

Also consider:

- Will your loved ones be able to make necessary decisions for you in the case of emergencies?
- Is your estate set up to avoid the need for probate court proceedings?
- When was the last time you reviewed your estate planning documents?
- Are all of your assets owned by your trust or are your beneficiary designations on accounts and assets up to date?

If you have questions or are interested in a consultation, feel free to contact our professional network through your financial advisor/ representative