

Estate Planning Checklist For “Empty Nesters”

Now that your children are grown and out of the house, it's time to revisit any estate planning documents that you may have created in the past. You'll want to evaluate the following to ensure that your plan still reflects your wishes, protects your assets, and accurately reflects your life today:



Powers of Attorney

Your Powers of Attorney should be reviewed and “refreshed” every few years as banks and financial institutions will often reject older documents. Now that your kids are grown and of legal age, you may want to name one as your Power of Attorney who can manage financial decisions if you are unable to for any reason. Spouses should also take the time to name each other as Power of Attorney because today's privacy laws can cause problems even for married couples.



Healthcare Directives

Our medical wishes and needs often change as we get older. Make sure that your Healthcare Directive reflects your current preferences for what kind of care you would want (or do not want) in a medical emergency and that you make your thoughts about disability or incapacity care known (do you want to be cared for at home, in a nursing home, etc.). Likewise, you may now want to appoint one of your adult children as your Healthcare Agent who could legally make these decisions for you if you could not speak for yourself.



Wills and Trusts

Your assets may look a lot different now than when your kids were younger. Your house may have significantly increased in value, your retirement account may have grown, you might have a nest egg accumulated, and so forth. It's important to make sure that your will and trust take into account the assets that you have today and your wishes for passing down those assets if something happens to you. Also, take a fresh look at the person you've named as Executor of your will or Trustee of your trust as you may now want to put one of your adult children in these roles. Finally, you may decide that it's time to create a different kind of trust to carry out your wishes—whether that's protecting your adult children's inheritance from a future divorce or creditors or possibly reallocating your assets so that you can qualify for benefits like Medi-Cal to cover long-term care expenses as you age so that your children are not burdened with the costs.



Life Insurance and Retirement Accounts

Because minor children can't inherit assets, people sometimes name a family member or other trusted guardian who would inherit their life insurance or retirement accounts on behalf of their children. Once your children are grown, it's important to remove the person(s) you may have named and replace them with your kids or a trust who will hold the funds on your adult children's behalf. If you are divorced, you should also make sure that your ex-spouse is no longer listed as a beneficiary on your policies.



Plan for Your Aging Parents

Long-term care costs and the burden of caregiving can devastate families. It's important to take a look at your parents' plan, especially if you would be expected to serve in positions of authority, such as Power of Attorney or Healthcare Agent. Make sure that their documents are updated so that you can do your job without stress or struggle and that you are utilizing legal planning strategies to safeguard their nest egg from nursing homes, taxes, the probate court, or other predators.

Have you identified any areas where you and your family may not be protected or where older documents may not be out of date? Call the Law Offices of R. Christine Brown, APC at (310) 782-6322 to schedule a consultation to have your documents reviewed and to create a plan that meets your needs both now and for the future.