

## **15-Point Client Care Plan™ Checklist**

Review the following points to figure out if your estate plan meets your needs.

1. Do you want to control your property while you are alive, take care of yourself and your loved ones should you become disabled, give what you want, to whom you want, when you want and the way you want, and minimize taxes, fees and court costs? If the answer is yes and you do not have an estate plan, you need one.
2. Does your estate plan adequately distribute your assets in the proportions and order you want? A properly drafted estate plan will take into consideration all of the possible combinations for the transfer of an estate depending upon who predeceases you thereby eliminating the possibility for litigation and family discord after your death.
3. Do you have a current and properly drafted Financial Power of Attorney (“FPOA”)? The estate plan cannot solve all problems relating to the need for your signature and is essential for everyone who owns a qualified retirement account. Many times a FPOA is the only method of acting for an incapacitated person.
4. Are your Health Care Power of Attorney (“HCPOA”) and Living Will current? Unlike a FPOA, a HCPOA gives your agent the authority to make medical decisions on your behalf when you are not able. Do you want your Living Will to address situations where you are afflicted with Alzheimer’s or Parkinson’s?
5. Do you have a plan to keep your Powers of Attorney and other legal documents current in the event your health, finances, relationships or the law changes? Powers of Attorney are notorious for being outdated and useless. You must have a system for making sure they are current.
6. Do you have a system that will permit you to access your Powers of Attorney quickly during an unanticipated crisis? Invariably the Advance Health Care Directive is needed in an emergency and since it is not available, it is often replaced by an inferior version at the hospital.
7. Have you identified and authorized your health care agent(s) and loved ones with the authority to receive your private health information? A federal act known as “HIPAA” requires you to authorize doctors and hospitals to release your health care information to your agents and loved ones before you’re incapacitated.
8. If you have a trust, are your assets funded or registered in the name of your revocable trust? If you’re not positive, then it’s likely a probate will be required to transfer assets out of your name if you don’t address the issue now.
9. Does your trust include a provision to minimize or eliminate the Federal Estate Tax? A properly drafted plan can double the amount that can be transferred estate tax free.
10. Does your estate plan and or Financial Power of Attorney define who makes the determination of when you’ve become incapacitated, or must they go to court to solve this problem?
11. Does your estate plan provide for assistance in the event of a temporary emergency or permanent disability? A Co-Trustee, or “silent partner,” can be available to deal with trust issues that arise when you are hospitalized, ill, simply out of town, or if permanently disabled.
12. If your estate plan contains an A/B trust (Decedent/Survivor trusts or Marital/Family trusts), does it protect the surviving spouse from creditors and predators? Provisions need to be included in your plan to allow the surviving spouse access to the deceased spouse’s estate, while reducing the ability for the rest of the world to access this estate.
13. If your plan contains an A/B trust (Decedent/ Survivor trusts or Marital/Family trusts), does it provide protection for the deceased spouse’s estate in the event the surviving spouse remarries? The deceased spouse’s estate can be controlled and protected even if the surviving spouse remarries.
14. Does your estate plan protect your children’s inheritance from financial disasters, such as divorce, bankruptcy or lawsuits? Without the proper provisions in your estate plan, a beneficiary’s inheritance can be accessed by creditors or inadvertently co-mingled with that beneficiary’s spouse.
15. Does your estate plan transfer the estate, tax free to your grandchildren upon your child’s death? A large portion of the estate can transfer estate tax free from your child’s trust to your other child, children or grandchildren. This is a little used but very powerful asset transfer technique.

**DISCLAIMER:** THE INFORMATION CONTAINED ON THIS CHECKLIST IS **NOT** INTENDED TO BE LEGAL ADVICE. THIS CHECKLIST IS **NOT** INTENDED TO BE, AND DOES **NOT** REPRESENT, A COMPREHENSIVE REVIEW OF YOUR ESTATE PLAN AND, AS SUCH, SHOULD **NOT** BE USED AS A SUBSTITUTE FOR A CONSULTATION WITH A LICENSED ATTORNEY.