

Planning Ahead



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Estate Planning to Preserve the Family

I often hear from parents that their children all get along and there won't be any problems after they die. That may or may not be true. Sometimes the discord festers but is kept tamped down for so long as the parents are living. Then the discord erupts after the death. How do you keep that from happening?

The most common trigger for ruinous family fights is disappointed expectation. This is usually the result of unequal distributions. It can even happen when all the children are treated equally, but one child for whatever reason may have expected a larger share because he may have been promised something that didn't materialize or because she is the one living nearby who has taken on major care duties for her parents and feels she is owed. Unsurprisingly, there will be frustrated expectation if a child is disinherited or if unexpectedly large gifts are made to grandchildren (especially if one child is childless or has only one child and another child has multiple children) or to charities, reducing the children's overall inheritances. Another hot spot is family heirlooms and tchotchkes with sentimental value.

Like it or not, there is a sense of entitlement among family members and a child's inheritance is equated with love. If a child receives less than expected, it must mean the child was less loved. And holding on to items of sentimental value can be a means of holding on to the departed parent.

It may not be possible in every family, but the experts advise that parents be open with their children about their estate planning. If children are unhappy with the set-up, at least they can express their disappointment directly to the parents and the parents have the opportunity to explain their thinking and maybe even revise the estate plan. With personal items, parents may want to ask their children if there are items they are attached to and would hope to receive. All of this is best done when the family is all together.

In the best case, there won't be any surprises and the children's relationships will continue unharmed when the parents are gone. In the worst case, the parents can work with their estate planning attorney to take measures in advance to protect their estate plan now, in anticipation of future conflict.

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