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The Will Talk

Not long ago, one of my clients came to me and said, “I’m pretty sure my parents don’t have a will. How do I tactfully encourage them to make one?” She didn’t want to appear mercenary to her parents or suggest that they were close to death. But, at the same time, she was concerned that their affairs were not in order.

Well, here are three things to consider if you’re facing that situation so you can help your parents determine disposition of their assets, keep peace in the family, and to be prepared for possible incapacity.

First, I told her that she should discuss her concerns with her siblings. She didn’t need any brothers or sisters thinking she was going behind their backs in a greedy grab for mom and dad’s stuff.

Next, I suggested that she begin the conversation with her folks with something like, “Dad, I really want to carry out your wishes, but I need to better understand what they are. Do you want to pass down property to the family? Do you want to be able to draw down money from your assets to help care for you and Mom? Have you thought about ways to avoid high taxes and a costly probate?”

I advised that she make sure that mom and dad understood that her goal was to help them keep control over their assets and personal care...and not allow those decisions to be made by the government or strangers in a courtroom.

Finally, we brainstormed other openings for her to consider including:

“Mom, you’ll never believe what I learned the other day, if I set up a trust I can...” or, “I just filled out my patient advocate documents, and did you know that ...” or “Dad, I want you to know that I named Jeff [her husband] as my durable health care power of attorney. This is how it works ...” Any of these would allow mom and dad to consider their own situation and be curious to find out more.

The idea was that she should focus on them being able to decide what’s to be done with their hard earned money, and how they can protect it (with proper planning) from being lost to taxes and probate.