

10 Ways to Protect Your Estate Plan from Being Challenged



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Estate Planning | Elder Law | Special Needs | Probate

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If you anticipate that anyone will try to challenge your Will, then your estate planning documents should provide as much protection as possible against a Will contest.

10 Ways to Minimize a Potential Will Contest

Disputes over estate plans are to a large degree preventable. By thoughtfully and carefully planning your estate now, you can protect your family from conflict later. Proper documentation and clear communication can deter or even eliminate a potential challenge to your Will.

1

Update your estate plan regularly – Make changes when there's a change in your circumstances, especially a divorce. Also the death or divorce of a child, or illness, addiction or incapacitation of any beneficiary.

2

Document Your Mental Capacity – Make sure your estate planning attorney clearly establishes your mental capacity at the time you sign your estate planning documents.

3

Create and fund a Living Trust – Trusts are considered more enforceable than Wills. All assets should be re-titled and funded to avoid confusion, and probate.

4

Clearly identify gifts and loans – Parents may want to help kids who are having financial difficulties. It's the parents' choice whether to structure these advances as either gifts or loans.

5

Avoid joint ownership – Putting a child’s name as a joint owner of your assets is not a wise method of passing assets. The most efficient plan is to fund all the assets in a trust.

6

Talk openly about special assets – Some situations should have family input. Issues like care for a child with special needs, succession of a family business, continued enjoyment of a vacation home.

7

State your intentions clearly – If you disinherit an heir, do not just omit his or her name, state your reasons clearly. The same for your intentions to give uneven amounts to heirs: explain why you wish to give more to one than to another.

8

Address personal property separately – Create a list of cherished property with instructions as to who gets what. Make sure you date and sign it.

9

Write a side note – Explain your thought process behind your estate plan in a separate document that accompanies the Will. The note isn’t enforceable, but it could be very helpful.

10

Talk it out – While you still have the opportunity, talk things out with your family while you still have the chance. This is the best solution of all.

We hope you’ll consider some of these ideas as you prepare your estate planning documents. By taking precautions now, you’ll be minimizing conflicts later.

At CzepigaDalyPope, our mission is to take the confusion out of estate planning. To find out more about the ways you can protect your assets, and plan for your future, feel free to contact us at [\(860\) 236-7673](tel:8602367673) or plantoday@ctseniorlaw.com.