

Beyond Estate Documents: Converting Chaos to Clarity and Closure

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If you don't make it home alive today, would your family be "okay"? Would your spouse and children know what to do, where the important records are located, and how to access essential information? Even if you have prepared an up-to-date will, would your loved ones nevertheless still be totally lost and mired in confusion?

Truly holistic "estate planning" is not limited to drafting documents, throwing them in a folder, and walking away. It is also about preempting—through planning, organization, and communication—the chaos that would otherwise engulf our family upon our death. It is about preparing our heirs financially and emotionally; helping to assure our wishes are implemented without rancor or confusion; and leaving a spiritual legacy—a record of who we are and our dreams and values.

Unfortunately, it is challenging enough just to persuade clients—and ourselves—to prepare and keep up to date the standard trio of estate items: last will and testament, financial power of attorney, and advance medical directive. We must also help our clients understand that these documents, while necessary, are not sufficient to help their families address the myriad of financial, practical, and emotional issues that result from a family member's death. These include everything from mundane, albeit important, matters such as locating bank and investment accounts and identifying life insurance policies, to practical issues such as how to access digital assets; to emotionally laden topics that were never resolved during the deceased's lifetime. To prevent a post mortem atmosphere of chaos, recriminations, and disharmony, the client must address these matters with proper planning, clear documentation, and proactive communication.

For example, take even just the first, very sad and extremely difficult tasks after a family member's death: planning and implementing the funeral and memorial service. Under duress, the family must address questions such as: Did the loved one want to be buried or cremated? Where do they want their remains interred? What kind of service would they have wanted? Should the survivors focus on their preferences rather than the deceased's? And what should be included in the obituary?

When an advisor encourages a client to resolve these questions as part of their estate planning, the client often responds with a dismissive "Who Cares?" "After all," they continue, "I'll be gone, and my family can decide all that for themselves." But this reaction misses the essential point and ignores the troubling dynamics that can tear a family apart during the grieving process. Each survivor—the spouse, the children, other close family members—may have their own opinions mixed with complex emotions. Disagreements, uncertainties, and feelings of guilt can overwhelm the discussions. Latent issues can boil to the surface and poison future family relationships. Such friction can be prevented, and the healing process enhanced, by clear documentation and thoughtful communication during the client's lifetime.

So it goes with other issues. Take that “junk drawer” we all have. You know what that is. It may actually be a drawer, but could be a cabinet, or the corner of a closet, or disparate locations throughout the house. Wherever and whatever it is, it includes mysterious odds and ends we leave behind, the essential buried among the trivial. By spending time organizing this literal or metaphorical junk drawer and communicating to family members the significance of its contents, the client commits an act of love.

And then there are the intangible and spiritual topics, including those important discussions that too often never take place, the heart to heart talks the client wants to have with his spouse and children but never gets around to. By working with family members to create a family mission statement, the client can help cement family cohesion. And by drafting an ethical will, the client memorializes thoughts, memories, and feelings that can provide family members with a degree of clarity and emotional closure that they will always treasure.

As our clients’ trusted advisors, we should be helping our clients prepare for the inevitable with a helping, caring, experienced hand. In our office, we encourage our clients to use *The Family Love Letter*, a workbook that serves as a guide to preparing one’s family in the event of incapacity or death by facilitating clarity, reducing stress, and enhancing family harmony. There is nothing magical about the *Family Love Letter*; you can create your own means for helping your clients implement a holistic estate plan. What is important is that our clients are encouraged to follow a process for such planning and understand that this is a lifelong project—a project that is never too early to begin and never ends until one’s final day.

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