Holidays: The Best Time to Talk About Estate Planning

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The holidays are a time for family to gather together and share in the warmth of the season. If family members live at a distance, the holidays also provide one of the only opportunities of the year when adult children can sit down with their parents and siblings to discuss practical matters.

As we speak with our families about the well-being of our parents and planning for the future, the topic of the legacy that they will leave behind may come up for discussion. While it may seem an inappropriate conversation to have as the turkey is being passed, in the right circumstances, the holidays can provide the perfect setting for a relaxed conversation about some of these important issues.

Given the time of year, you may want to keep the details light. You can begin by letting them know it is a subject you will want to speak to them about at a later date. If they are receptive, then have a family meeting at another scheduled time. Make sure all family members are invited to participate and are aware of the subject to be discussed.

A good way to start is to ask them who the Executor is in the Will. This person(s) have a duty to all the heirs to collect the assets, pay the debts and taxes, and distribute the remaining money to the beneficiaries. While this sounds like a simple task, it can become incredibly complex depending upon the assets involved and other special considerations such as special needs children.

Once the conversation begins, parents may want to expand the discussion, being relieved and comforted that their loved ones have their best interest at heart and want to help. You may want to start off by asking some of these questions:

- Have they actually drafted wills, and where are they?
- Does the Executor know they have been appointed and are they willing to serve?
- When was it last reviewed?
- Does it still reflect the wishes of the parents?

If there is no will, encourage your parents to create one; otherwise you may need to go to the trouble and expense of going to court to appoint an administrator.

Parents often choose the money child to handle the Executors duties or in in the interest of fairness appoint them all as Executors. Either approach can create complications and is often a source of friction. Remember, the Executor is obligated to administer the Estate for the benefit of all the beneficiaries and according to the law.

If the named executor cannot or will not act, and there is no alternate, it may require a court application to have an administrator appointed.

Most importantly, have the parents explained what will happen to the Estate to all of the beneficiaries and explained their thinking? This can avoid surprises at the reading of the Will.

Conflicts can arise around a variety of issues, such as ownership of emotionally charged assets (like the family cottage) and the treatment of members of blended families. The Executor's role will be made easier if a relaxed and honest discussion occurs explaining their thinking while the parents are still alive.

Call us today for assistance with these complex and often emotional issues. Once the goals are understood, legal and tax advice input will be needed to execute the Estate strategy.

Questions about your estate planning?

Contact our office today! **[1]**

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