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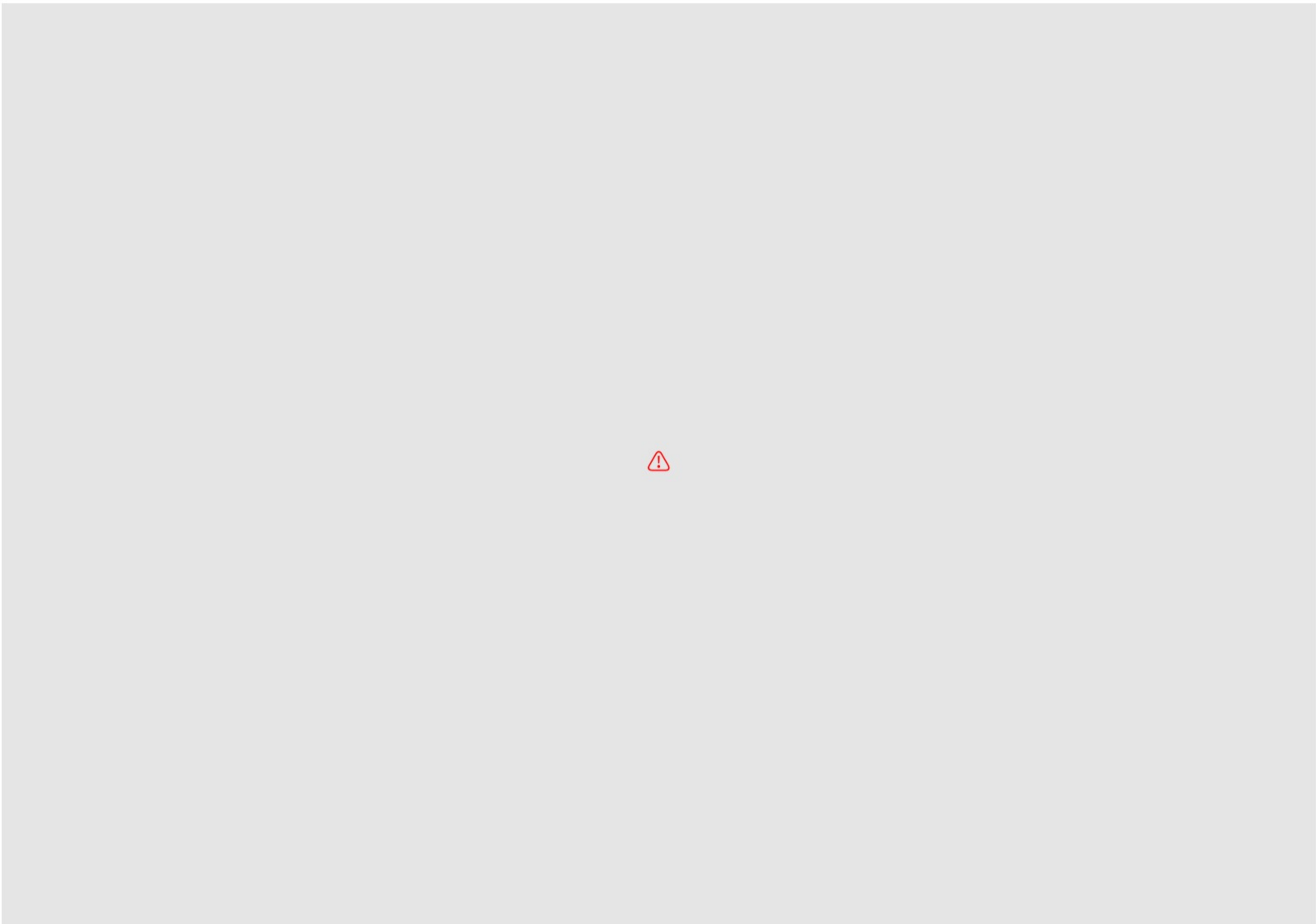
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## How To Talk to Your Loved Ones About Estate Planning



By [Brette Sember, J.D.](#) on March 30, 2022 1:24 PM

As your loved ones age, you probably are starting to have concerns about their future. End-of-life planning is easy to put off because it is emotionally challenging and may feel overwhelming. But the sooner you have the conversation, the easier it will be, and the more quickly everyone can put their minds at ease.

### Why You Need to Talk About Estate Planning

**Estate planning** is an all-encompassing term that includes planning for end-of-life scenarios and dividing assets after a person passes away. There may be difficult situations and choices ahead, but you can avoid most of the angst by helping your loved one make estate planning decisions now. These decisions include:

- **End-of-life health care:** There's no way to know what the future holds, but helping your loved one prepare a living will allow them to make their own choices now about what kind of care they want to accept or reject should they be incapacitated. Do they want a feeding tube? Ventilator? To be resuscitated? There is no way to know their wishes until you talk to them and help them put it in writing. If they do not have a written **living will**, medical staff will ask close family members to make those decisions. This can be a huge burden, not to mention if your family has never had this discussion, different family members may have other ideas.
- **Health care decision-maker:** In addition to expressing their wishes about end-of-life care, they may have one or two people they would prefer to make health care decisions for them if they cannot. A **health care power of attorney (sometimes called a health care proxy)** allows your loved one to choose who they want to make decisions for them if they are incapacitated. This reduces tension in the family since a decision-maker has the responsibility. Without this, the closest family members are automatically the decision-makers. If there are several adult children, this can lead to confusion and conflict.
- **Management of assets during life:** Most people think that estate planning is just about distributing assets after death, but if a person becomes incapacitated during life, there needs to be a plan to make sure their finances and important assets are secure. A **financial power of attorney** document allows your loved one to name someone to manage those assets for them in that situation. Another alternative is a **living trust**, which will own and manage their assets during their life and then distribute them after their death.
- **Distribution of assets after death:** Most people have feelings about what should happen to everything they own after they die, whether for sentimental things such as their wedding ring or large assets like their home. If your family member dies without a will, all of their belongings and assets will be distributed according to your state's intestacy law (which generally leaves things to the spouse and children). There is no opportunity to gift special items to friends, nephews, grandchildren, or charity. When a family member dies without a will, there is often a lot of family tension over how to divide important belongings. Helping your family member create a **will** avoids all of these issues.

### What To Say About Estate Planning

It might be hard to have the conversation, but it's much harder to deal with the consequences if you don't.

It can be helpful to start by asking simple questions, such as their preferences for medical care and if they've ever thought about writing a will. Ask if they have specific items they want to leave to certain people. Ask them to think about how their finances would be managed if they could not manage them. If someone else they know has passed, you can point out difficulties that arose because that person was not fully prepared.

Always reassure a family member that you love them and want them to be around as long as possible. Explain that estate planning puts the control in their hands and gives them the power to make all of their own decisions. Then give them a little time to think about the conversation and come around to it in their own time.

Often people avoid estate planning because they are unsure how to start or because it feels like too big of a task. You can help overcome this by making an **appointment with an attorney** for them or assisting them in using an online estate planning tool that they can use from the comfort of their own home.

Helping your loved one create an estate plan benefits everyone in the family and reduces stress and uncertainty for all.

#### Related Resources:

- [Create an Estate Plan at Home](#) (FindLaw Legal Forms & Services)
- [When Should You Start Estate Planning?](#) (FindLaw's Law and Daily Life)
- [Is a Handwritten Will Legally Valid?](#) (FindLaw's Law and Daily Life)
- [5 Important Estate Planning Questions No One Likes to Answer](#) (FindLaw's Law and Daily Life)

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