

Do You Want to Deal With This Now or Let Your Family Deal With It Later?

The title of this article came from my childhood clumsiness. I was known for spilling my drink when my family went out for supper. It got to the point that my father would ask me at the start of a meal, “Do you want to spill your drink now, or wait until later on?” He knew I would spill it at some point, so why not get it over with, he joked.

I was reminded of this when someone emailed me recently and asked me how they could convince a loved one that they need to do a Will. I explained to the person what my normal process is for estate planning clients. When I meet with clients, I go through what the law provides for in the absence of a Will. Most people will choose to do something other than what the government has chosen for them.

But the more I thought about the request, the more I realized that the legal reasons why people need to do an estate plan are not the reasons that are going to make them “just do it”. Doing an estate plan is admitting that you might actually die, and for some people, this is hard to deal with. Death and dying are difficult things to talk about, especially with a stranger, and especially a stranger who happens to be a lawyer. Although I feel that I am pretty approachable and accessible, I do understand that going to see a lawyer for many people can be intimidating.

So, we’ve established that talking about death and dying with a stranger, who is a lawyer, is intimidating. Now, let’s look at how an individual’s family would feel dealing with this situation after the passing of a loved one

The family will be shaken by the death of a loved one. In the immediate aftermath, and possibly even before death, there would be decisions that would have to be made.

If the situation called for the possibility of organ donations or required someone to make financial or personal care decisions for their family member, without an estate plan the family would not know what to do.

After the death, one of the first things that needs to be done is to make the funeral arrangements. In the absence of an estate plan, the family would not know what to do. How would they know what their loved ones wishes were? All these decisions would need to be made by the family without the benefit of knowing what their family member would have wanted.

The next step is to look at how the family is going to deal with the loved ones assets. The family would speak with the bank and any professional advisors that the deceased might have had. One of the first calls is often to a lawyer. If the deceased did not have an estate plan, the family will call a lawyer that someone knows perhaps or they could just pick a name out of a phone book.

So, a family in shock and reeling from the death of a loved one must also be put in the position of talking about death and dying with a stranger.

But it doesn't have to be this way.

We all could give a gift to our family members by having an estate plan. Only you can do this for your family, because once you are gone, the decisions become theirs to make.

When doing an estate plan at Allinotte Law Office, I make the process as painless as possible. I deal with clients in a caring and compassionate manner and help make the decisions that are best for them and their family and, if applicable, for their business. I invite my clients to bring in their family members to meet me so they know who I am and who to contact in the event that their loved one passes. Because it is not possible to meet everyone in person, I do provide letters to the possible executors of an individual's estate as well as the possible guardians letting them know what their duties are and how to contact me. Although they have not met me in person, I am no longer a stranger.

But no matter what my process is, I cannot force someone to come in to my office. You need to choose to make that first step. The only thing I can tell you with certainty is that at some point, the issues surrounding your death or incapacity will need to be dealt with.

So I ask you this: Do you want to deal with this now or let your family deal with it later?

Michele R.J. Allinotte is a lawyer in Cornwall, Ontario and her practice is focused on business law, estate planning and real estate. You find out more at www.YourCornwallLawyer.com.