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HOW TO FIND SOMEONE TO FILL YOUR SHOES

By: Sabrina Winters, Attorney at Law

A big part of the estate planning process is choosing certain individuals to step in and either take over or assist you with certain aspects of your life. What roles are we talking about?

1. Executor (to handle the collection and distribution of your estate);
2. Guardian of minor children (to raise your minor children);
3. Trustee of a trust for your children (to manage any assets left to your children);
4. Trustee of a Revocable Living Trust (in case you become incapacitated);
5. Agent to make health care decisions (make medical decisions for you when you cannot do it yourself);
6. Agent to make financial decisions (to help you with your finances)

Prior to naming any individual you should always first speak to him or her. Ask if they want to have the responsibility should they ever need to step in. If you know their feelings before you put your plan into place you have saved yourself and your loved ones a great deal of heartache.

Ask the person you wish to be the guardian of your children if they are comfortable doing that. Have an open discussion with them on how you would like your children raised; what values are important to you that your children be taught. A very good friend of mine asked if I would be the guardian of her two boys if something happened to both her and her husband. As much as I loved her and her family, I could not do it. I was already named as the guardian for my sister's two boys and my sister in law's two girls. If something happened to my friend first then how could I possibly be able to care for an additional 4 children?

Ask your Health Care agent if they would feel comfortable withholding certain treatments that you want withheld. I did not think that I could be able to make those decisions for my parents and I was honest with them when we put their plan together. We named my other sibling who said she would be comfortable making those types of decisions for them.

In order for you to get an honest answer you have to be able to explain to them what their actual role would entail. If you need help in figuring out what everyone's role is and how to have the discussions, call our Charlotte Wills and Trust Firm at (704) 843-1446 and we will help either facilitate a Family Meeting or assist you in figuring out who to name. This isn't the time for saying the right thing; it is the time for honesty and openness.

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