



# THE TIME IS NOW: ESSENTIAL STEPS FOR PROTECTING YOUR FAMILY



In addition to causing great personal grief, the death of a loved one often creates chaos for those who are left behind.

Is there a will? If so, where is it? Who was the attorney who prepared it? Where are the investment accounts? If they are online, what are the passwords? Are there any benefits from an employer? Who should be contacted at the employer? Is there any life insurance? Who is the insurance agent? What debts are owed? What are the wishes for a funeral? Is there any history or other thoughts that should be passed along to family members? Where do you even begin?

Executing a will and related documents is an important step in preparing for end-of-life. But it is only a first step. This brochure summarizes some of what you should be thinking about to prepare for an easier passage for your loved ones.

We hope this brochure can serve as a helpful, quick guide for you and your loved ones. For additional end-of-life planning information, please visit [parmenterfoundation.org](http://parmenterfoundation.org).

*This information is not intended to provide specific legal or financial advice. Please contact an attorney or a financial advisor for more detailed information. Some information in this brochure is specific to Massachusetts and may not be applicable in other states.*

## Basic Estate Planning: Nine Reasons to Prepare a Will and Related Documents

- 1 To assess your family's financial security.
- 2 To determine who will receive your property.
- 3 To determine how and when your property will be distributed.
- 4 To select your choice of guardian for minor children.
- 5 To select your choice of personal representative, trustee, etc.
- 6 To control disposition of your remains.
- 7 To reduce estate and gift taxes.
- 8 To satisfy charitable wishes.
- 9 To provide peace of mind.

**If you don't have a will, the Commonwealth of Massachusetts has an estate plan for you:**

- Under state law, your property passes outright to pre-determined beneficiaries, giving preference to your spouse and children.
- The law is absolutely rigid and may bear little or no relationship to your actual wishes.

## Basic Documents

### Your Will

- Disposes of “probate” property (assets owned in your name alone that do not have a beneficiary designation), including:
  - > Tangible personal property (cars, jewelry, artwork, pets, etc.)
  - > Real estate
  - > Financial assets (bank and investment accounts)
- Names one or more guardians for your minor children.
- Names one or more personal representatives to administer your estate.
- Provides a back-up plan for the “ultimate disaster” scenario in which all of your named beneficiaries also have died.
- Lays out administrative provisions for the efficient settlement of your estate.
- What a will does not do: dispose of certain types of jointly owned assets or most assets with a beneficiary designation (such as life insurance or retirement plans).

### Durable General Power of Attorney

- Like a will, the durable general power of attorney is an important tool for everyone.
- Designates one or more individuals to act on your behalf as your “attorney in fact.”
- Unless specifically limited, your attorney in fact has broad authority to do anything that you could do for yourself, for example, signing checks from your bank account and filing your income tax returns.
- The authority of your attorney in fact can either be effective immediately upon signing the document or can be triggered by a specific event, such as your becoming incapacitated.
- **Note:** the authority of your attorney in fact ends upon your death.

*The Parmenter Foundation provides support for compassionate end-of-life care and bereavement programs in MetroWest, Boston.*

### Health Care Proxy

*(also referred to as a Living Will and MOLST)*

- Designates a health care agent to make health care decisions on your behalf.
- The health care agent has authority to make medical decisions on your behalf only if you are incapable of making or communicating decisions for yourself.
- Individuals facing serious illness also should consider completing a MOLST (“Medical Order for Life-Sustaining Treatment”) form to give specific instructions concerning emergency or end-of-life care. This form must be completed by the individual and the individual’s healthcare provider(s).



This Parmenter resource was created with the assistance of Stuart J. Hamilton, Esq. Located in Sudbury, Mass., Mr. Hamilton has practiced estate and probate law since 1997 and has served as a Trustee on The Parmenter Foundation Board since 2003.

[LINK: Hamilton Law Office, P.C.](#)

## Beyond the Basics:

### Simple Trusts

- Trusts are commonly used to manage assets for individuals who are unable to do so for themselves, such as minor children or incapacitated persons.
- Simple trusts can be revocable, which means that you can change them while you are still alive.
- Trusts can create individualized approaches to match your specific wishes, for example, by paying all income to one beneficiary for life, then distributing principal to another beneficiary.
- Trusts can also be used to defer and reduce estate taxes.
- Trusts name one or more trustees to manage the trust's assets and the distributions to the beneficiaries.
- Trusts can be created as separate documents or can be created within your will.

### More Complicated Trusts:

- Trusts can be used to own your primary residence, to own life insurance, to own a vacation home and to provide benefits to charities upon your death.
- Trusts can also be used to preserve assets (including your primary residence) from Medicaid.
- More complicated trusts can be irrevocable, which means that you cannot change them once they are set up. However, these trusts may be able to provide substantial estate tax savings.

THE TIME IS NOW:

ESSENTIAL STEPS FOR PROTECTING YOUR FAMILY



## Other Steps to Take

**Create a list of your advisors and professionals** (doctors, attorney, accountant, insurance agent, etc.) with contact information.

**Create a summary of your assets** (investments, real estate, retirement plans, insurance, etc.) with account numbers.

**Create a list of benefits** to which you are entitled (Social Security, pension, VA Benefits, etc.) with contact information.

**Create a list of digital assets** (such as online brokerage accounts) and passwords.

**Create a safe place** (such as a safe deposit box or a fireproof safe) to store key documents, which may include will, trusts, durable general power of attorney, health care proxy, organ donation forms, deeds, birth certificate, marriage license, citizenship papers, military discharge papers and others.

**Write down the location of** the safe deposit box and where the key is located or the combination for the safe and tell at least one person (such as an adult child) where this information is located.

**Create a summary of liabilities** (mortgage, credit cards, car loans, etc.) with account numbers.

**Compile a family history.**

**Write down your wishes concerning your funeral** or disposition of your remains, including items you want to appear in your obituary.

**Write down any other special needs** or wishes you may have, including letters to loved ones.

**Update all of the above items every two to three years** or whenever major changes occur.

THE PARMENTER FOUNDATION

260 BOSTON POST ROAD, SUITE 5, WAYLAND, MA 01778 · 508-358-3001 · PARMENTERFOUNDATION.ORG