

April 1, 2020

COVID-19 Isolation – A Good Time to Review Your Estate Planning Documents

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Are you stuck at home, isolated from the public, and your normal social interactions? Perhaps this would be a good time to review those old estate planning documents: your Will, Power of Attorney, Health Care Power of Attorney, and Advance Medical Directive. Do you have a Revocable Trust that needs to be updated? Have you been putting this off until you have time? Now is the perfect time for a review.

Check your fiduciaries – your Executor under your Will, the Agent specified in your Power of Attorney and Health Care Power of Attorney, and the Trustee of your Trust. Are they appropriate? Do you have Alternates? Perhaps your children are older now and can handle the responsibilities? Perhaps your chosen family member, who is your fiduciary, now has “issues”?

Do your documents adequately describe your “testamentary wishes”? Are changes necessary? It is relatively easy to do a “Codicil” for your Will and even easier to do an Amendment to your Trust. Rather than amending your Powers of Attorney, it is probably easier (and better) to just do new documents.

Other important considerations:

- Do your fiduciaries (e.g., your Executor) know where you keep your original documents?
- Have you made a list of your accounts, which is located with your original documents or some other special place that can be accessed?

- Are your assets titled appropriately? (E.g., bank accounts, vehicles, and brokerage accounts.)
- Do you wish to avoid probate?
- Does anyone have access to your passwords? Do your documents grant control of your *digital assets*?
- Are your Wills outdated “tax wills” that are designed to minimize federal taxes that will no longer be an issue for you?

A few other ideas to consider:

- Since the stock markets are down, if you do have potential estate tax exposure (or will have exposure after the law changes in 2026), now would be a good time to consider gifts to family members, for example, gifts valued at the \$15,000 annual exclusion limit.
- Lower interest rates also offer the opportunity for “loss harvesting” or realizing losses to offset gains you may have realized.
- Interest rates are low now, making Grantor Retained Annuity Trusts (“GRATs”) a great opportunity.
- With lower income tax rates, now may be a good time for doing a Roth Conversion.
- The new SECURE ACT may adversely affect your plans for your IRA or Retirement Plan. You should reconsider how your beneficiary designations are structured in light of these changes and the elimination of the “Stretch IRA.”
- Lower interest rates also offer the opportunity to refinance intra-family loans.