

Assemble estate planning documents

Here are some of the documents that make up a comprehensive estate plan

☐ Last will and testament

A will is typically prepared with an attorney or estate-planning service and becomes effective at death. Its purpose is to:

- Specify how your assets will be distributed
- Name guardians for minor children or dependents
- Appoint an executor to manage your estate
- Make your funereal and/or burial wishes known

☐ Revocable living trust (optional)

Setting up a revocable living trust is generally done through an attorney or estate-planning service and funded with assets you transfer into the trust. It can:

- Be useful for blended families, special needs beneficiaries, multi-state property holders, and large estates
- Provide privacy because the trust does not become part of the public probate record
- Help your beneficiaries inherit gifted assets more quickly
- Allow continued management of trust assets if you become incapacitated

☐ Durable power of attorney

A durable power of attorney is usually created through a state-specific form or an attorney and authorizes someone to act on your behalf if you cannot manage your affairs. It can:

- Take effect immediately or upon incapacity ("springing"), depending on how it's drafted
- Cover banking, bill payments, investments, and property management
- Remain effective during incapacity, which is what distinguishes a durable POA from a nondurable one

☐ Healthcare power of attorney

This document, often completed using a state form or with an attorney, names someone to make healthcare decisions if you cannot. Its purpose is to:

- Cover medical decisions outside situations specifically addressed by your advance directive
- Work alongside a living will or other advance healthcare directive
- Help ensure your wishes are communicated when you cannot speak for yourself

☐ Advance healthcare directive

An advance directive is typically completed using a state-approved form and records your healthcare wishes if you are incapacitated and cannot make decisions for yourself. Depending on the state, it may:

- Specify preferences for life-sustaining treatment, resuscitation, or mechanical ventilation
- Include instructions for end-of-life care
- Have state-specific signing, witnessing, or notarization requirements

☐ Beneficiary designations

Beneficiary designations are made for specific accounts — usually as part of the creation process, and can be changed after the account is open — and allow you to name a person or organization to receive account assets after your death. Usually, they're completed directly with your insurer, retirement-plan provider, or financial institution. These designations:

- Apply to assets such as life insurance policies, retirement accounts (IRAs, 401(k)s), and payable-on-death (POD) accounts
- Override listed beneficiaries in your will
- Should be reviewed after major life events, such as marriage, divorce, or the birth of a child

☐ Letters of instruction

Letters of instruction are nonlegal documents you create for your executor, beneficiaries, or other loved ones. These letters should:

- Provide funeral preferences and personal wishes
- Identify important accounts, documents, and contacts and how to access them
- Explain where to find passwords or recovery information without putting sensitive credentials directly into the letter
- Be distributed to relevant parties outside of the will

☐ HIPAA authorization

A HIPAA authorization is typically completed using a provider- or attorney-prepared form and allows designated people to receive specified health information. It can:

- Authorize access to your medical records
- Help family members or other representatives coordinate care
- Be especially useful when someone needs information but cannot otherwise obtain it

☐ Digital asset authorization

Digital asset authorization is your explicit permission for an executor or other trusted party to access your digital assets after your death, and can be included in your will, trust, or a POA, depending on the asset and state law. This is different from digital asset credentials, which should not be included in a will. Authorization can:

- Grant permission to access your digital accounts (social media, email, cloud storage, cryptocurrency)
- Cover email, social media, cloud storage, cryptocurrency, and other online property
- Provide instructions for locating accounts without unnecessarily exposing passwords or recovery credentials

☐ Prenuptial or postnuptial agreement

A prenup is negotiated before marriage; a postnup is created after marriage, typically with help from separate legal counsel. These agreements can:

- Define how certain assets and debts will be treated
- Address property rights in the event of death or divorce
- Help clarify financial expectations between spouses

☐ Special needs trust

A special needs trust is generally established with an attorney who understands disability and benefits law. It can:

- Hold assets for beneficiaries with a disability
- Help preserve eligibility for certain means-tested benefits like SSI (Supplemental Security Income) or Medicaid
- Provide funds for expenses not covered by public benefits

☐ Pet trust

A pet trust is typically created through an attorney or estate-planning service and is governed by applicable state law. It can:

- Name a caregiver for your pet in the case of your incapacity or death
- Set aside funds for ongoing care
- Provide instructions for veterinary care and other pet needs

☐ Business succession plan

A business succession plan is typically prepared with an attorney, financial professional, or business adviser and coordinated with your estate plan. It can:

- Specify should take over or manage the business after your death or incapacity
- Address ownership transfers and buy-sell arrangements
- Help reduce disruption for employees, partners, customers, and family members