

4 Trusted Roles in Estate Plans

Estate plans include many components. In addition to detailing your preferences and wishes, you must also name trusted individuals to bear certain responsibilities. You can name one or several people for different roles, plus include backups. Here's a closer look at the 4 trusted roles in estate plans and who may be best suited for each.

1 – Power of Attorney for Financial Affairs

A power of attorney for financial affairs allows someone to make financial decisions on your behalf when you are still living but are incapacitated or disabled. This includes having access to your bank accounts and credit cards, accepting income, and paying debts. There is no daily oversight by third parties, so you must thoroughly trust this individual with all money matters. The role is best suited for someone who is financially stable and is good at managing their own finances.

2 – Health Care Proxy

A health care proxy empowers someone to make decisions on your medical care. Again, this applies when you are unable to do so yourself due to incapacitation or disability. It's helpful if your proxy is comfortable speaking to medical professionals and understands basic medical terminology. Given the emotional aspect of this role, you'll also want someone who can think clearly under such pressure and make decisions that will honor your wishes.

3 – Personal Representative (Executor)

Another of the trusted roles in estate plans is an executor (known in Massachusetts as a personal representative). Unlike the other two roles listed above, an executor becomes active only after your death. The role includes a wide range of responsibilities including (but not limited to) managing financial accounts, selling assets, navigating court processes, accounting for funds, and distributing assets to

heirs. Depending on your estate plan, it can be a short-term role of 6 months to a year or a one that extends for many years. In addition to being trustworthy, executors should also be organized and with a well-rounded skill set.

4 – Guardian for Dependents

Last, but certainly not least, is the role of guardian for your children. Guardians take on your parental role and will care for your children until they become adults. This is by far the most difficult role to assign. Be sure to read our articles on the [qualities of a good guardian](#) and [other important considerations](#).

More on the 4 Trusted Roles in Estate Plans

For the 4 trusted roles in estate plans, it's important to select people that you know and trust. Each is essential and require different skillsets. So, you might not assign the same person to all of them. Additionally, consider the potential conflict of interest. For instance, someone responsible for your finances is not best to decide whether to artificially extend your life or terminate care. Ultimately, it comes down to the characteristics of the people closest to you and your assessment of what they are capable of and can be trusted with. The decision is truly a personal one, although understanding each role can certainly help.

Contact our team for assistance with this and other important estate planning decisions. We will prepare a comprehensive plan to protect your rights while you are living and your assets and heirs upon your death.

Common Estate Planning Documents

Although every estate plan is technically unique and designed to fit your specific needs, there are some documents that appear in most

plans. Below is a quick overview of what those are. Should you include these common estate planning documents in your own estate plan?

Will

A will allows you to list desired beneficiaries for your assets and who should care for your children. Without it, courts will designate heirs based on [intestate succession laws](#) and guardians based on information available to them. Although it sounds like a straight forward document, an improperly created will is much like having no will at all. The best way to ensure your wishes are honored and disputes among family members is to have a will formally prepared by a Massachusetts estate planning attorney.

Healthcare Proxy

A healthcare proxy allows someone you trust to make medical decisions on your behalf when you are unable to do so yourself due to incapacitation or disability. By making it clear who has this power, it can avoid disputes among family members and delays in medical care. The person you select need not be a relative, but it should be someone familiar with your preferences regarding life saving measures.

Power of Attorney

Financials are another important consideration. If you are incapacitated or disabled, who will manage your financial affairs? This may include paying your mortgage, rent, utilities and other bills. By assigning power of attorney ahead of time, the person of your choosing can instantly step in when needed. Again, be sure to select someone that you thoroughly trust. Additionally, it may be best to select someone who is not also your healthcare proxy.

Trusts

Another of the most common estate planning documents are trusts. There are many types of trusts, each with different goals and

benefits. Many people use trusts to avoid a lengthy and expensive court probate process. Trusts can also enable more detailed instructions on how your assets should be managed and disbursed. Selecting the right type(s) of trusts is key to achieving your intended outcomes.

What Common Estate Planning Documents Do You Need?

So, which of these common estate planning documents will you need? It truly depends on your personal requirements and goals. The plan for a single person will vary from that of a married couple with children, a divorced person, or someone with children from previous marriages.

Additionally, special circumstances such as providing for long-term care of a disabled dependent, minimizing estate taxes, gifting strategies, and anonymity must be taken into consideration. Every estate plan is unique to the individual and must be reviewed and changed as one's life circumstances change. If you're interested in creating an estate plan, [contact our team](#) to schedule a free consultation.

Details On Durable Power Of Attorney In Burlington MA

Details on durable power of attorney in Burlington MA written by Peter Damore at Law Offices of Peter T. Damore Jr.