

Four Tips for Creating an Effective Estate Plan for Blended Families

By Courtney Sebo

Even though estate planning is essential in protecting families, controlling assets, and providing peace of mind, it is an unfortunate truth that it can come with conflict and distress. This is particularly the case with estate planning among blended families. A blended family is defined as a family that includes a child or children from a previous relationship. In some blended families, both adults have children from a previous relationship. I also include in this definition families where only one adult has children from a previous relationship.

Blended families have unique dynamics. They have their own methods of communicating with one another and dealing with conflict. The methods of dealing with conflict may have been constructed over decades or they may not have been constructed at all.

Many blended families have one communication technique in common: silence. Many blended families experience such pain and suffering in talking about family issues that they eventually learn not to talk about them at all. This article aims to help attorneys address estate planning with blended families in a productive and sensitive way

As we know, not creating an estate plan is a huge risk. What families fail to realize is that unless they deal with estate planning while all members are alive, they run the risk that once they are gone, grief will overtake the remaining members, causing battles that last for years and hard feelings that last lifetimes. It is far better to plan an estate while all members are alive and can express their desires and intentions, even though the conversations may be tough.

There are some core motivations behind blended families' refusal to engage in estate planning. They include fear of making the wrong decision, fear of angering other members, fear of not being heard, fear of thinking about death, fear of experiencing feelings of resentment and anger, and fear of the unknown. So it is fear that fans the flames of refusal to engage in estate planning. Understanding this motivation and appreciating that every reluctant family member is experiencing it is the key to learning how to deal with family conflict. The following tips will help your conversations be most productive.

1. Be Compassionate

Always remember that fear is likely motivating your clients. It is our job to take the reins and de-escalate emotional situations. Understand that conflict may arise and family members may begin expressing difficult emotions. Or some may clam up and not offer any assistance at all. Conflict-avoidance creates nearly insurmountable communication problems when discussing estate plans. Communication is key. Conflict-resolution and mediation skills are essential in these types of situations. You can have a huge impact on the tone of the conversation and the reactions people have to what is being discussed if you confidently keep the conversation on point, ignore distractions or red herring arguments, and maintain an even keel and calm tone of voice at all times.

2. Be Prepared.

It is appropriate to anticipate that certain family members will have preconceived notions of what their estate plan should be. Some of these notions will be impossible to achieve, and those individuals will feel dissatisfied. For instance, many adults in blended families believe that the spouses should provide for one another in an undivided manner when the other passes. Yet many adults with children from prior relationships want to provide for their children separately from their spouse. Be prepared to negotiate these differences of opinion. Be willing to provide resources to the spouse feeling disappointed by the outcome of the estate plan. Be prepared to address these issues head on by communicating openly and clearly. Try not to take sides or appear to play favorites.

Peruse the following recommended resources for dealing with estate planning for blended families:

- Minnesota Society of Certified Public Accountants, www.mncpa.org, “Estate Planning for Blended Families: Possible Solutions for the Conflicted Client,” Paul Dinzeo, C.P.A., J.D., M.B.T., C.F.P., June/July 2015.
- “Blended Families: The Estate Planning Questions You Need to Ask,” Matthew T. McClintock, J.D., November 13, 2014, www.estateplanning.com.
- Estate Planning for Blended Families, Nolo, Richard Barnes, May 2009.

3. Facilitate Open Communication.

As discussed above, estate planning can be fear-inducing. To top it all off, blended families may have resentments that come to the surface during heated discussions. Resentment can pervade relationships amongst blended family members.

Set ground rules for the conversation. Create a forum where everyone can be heard and everyone has a voice. Encourage people not to interrupt each other but to listen. Advise members not to hold on to past grudges or anticipate what others will say. Advise members to listen non-defensively.

The key is to implicitly communicate that discussing the estate need not create conflict. It can be a positive experience that brings the family closer together. We as estate planning attorneys have the opportunity to facilitate deeper and closer bonds amongst families in a meaningful and positive way.

4. Be Patient.

There is a chance you will not resolve all of the issues facing the family in one fell swoop. Change tactics before attempting to broach the topic again. Remember the service you are providing to families who may struggle with communication. Understand that you may save

them countless dollars and hours of emotional strife by creating an effective estate plan that will potentially help them avoid a conflicted probate process.



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