

ESTATE PLANNING WORKSHEET



Provided by:
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**NOTE: COMPLETION OF THIS PACKAGE DOES NOT CREATE A WILL.
IT IS ONLY THE FIRST STEP IN THE PROCESS OF CREATING A WILL**

PRIVACY ACT STATEMENT

Individuals seeking legal assistance are requested to provide personal information. The authority for soliciting and maintaining this information is found in 5 U.S.C. Section 301 and 44 U.S.C. Section 3101. The information you provide will be used by the personnel of this legal office to prepare estate-planning documents and to provide periodic workload productivity and statistical reports. The information you are requested to provide is solicited on a voluntary basis; however, failure to provide it could result in our being unable to provide the services requested.

Introduction: The estate planning process begins with the supposition that a will's primary purpose is to designate a home for orphans. Minor children left with no surviving parents to care for them are orphans. A will provides for them by designating a guardian and providing for their support. Likewise, property can be orphaned—that is, left without a home—through inadequate planning. A proper estate plan ensures that the orphaned property is given a home.

As such, this estate planning worksheet has two major purposes. First, it will help you identify people and things that might become “orphaned” at your passing and help you determine how they will be provided for at your death. Second, it provides the information the Legal Assistance Office needs to ensure that estate plan in your head is the one ultimately reflected on paper.

There are several documents covered by this worksheet: a will, an advance medical directive (also known as a living will or health care declaration), a health care power of attorney, and a springing durable “financial” power of attorney, which becomes effective only when you become disabled or incapacitated. If you need a power of attorney that becomes effective immediately, our office can prepare that for you without an appointment using a different application.

Please allow three months from the date we receive your completed package until your documents are ready for your execution.

Some Basic Questions and Answers:

A. WHAT IS A WILL? A will is a written document that allows you to determine how your assets subject to probate (i.e., orphaned property) will be distributed upon your death and to determine who will be responsible for the care of your minor children and the management of their money should both you and your spouse die.

B. WHAT WILL HAPPEN TO MY PROPERTY IF I DIE WITHOUT A WILL? Each state has an intestacy statute that establishes how to dispose of property if a person dies without a valid will. If you die without a will (called “intestate”), the intestacy law of the state where you were domiciled at your death will determine who will receive your property. Normally, that means the property will go to your spouse and/or your children, your parents, your siblings, your nieces and nephews, or other close relatives, but not necessarily in the proportion that matches your wishes. Further, the distribution may vary from state to state. The law does not allow for your friends, former spouse, or favorite charity to get anything unless you so specify in a will. Likewise, the surviving member of an unmarried couple often will receive nothing.

C. WHO CAN MAKE A WILL? Any person 18 years old or older and of sound mind may make a will. In addition, the person must be free of coercion—that is, he or she must be making the will because he wants to, not because someone else wants him to—and must have an awareness of his or her assets and possession.

D. WHAT IS “NON-PROBATE” PROPERTY? Keep in mind that a will only distributes property subject to probate. Property for which you have found a home through pre-planning before you die is not covered by a will, since it is not “orphaned property.” The will does not distribute these assets, because you already have made arrangements for them some other way. Some examples of non-probate property are:

1. Money from your life insurance policy will go to the beneficiaries named in the policy, no matter whom you’ve chosen as heirs in your will. A life insurance policy is a contract between the owner and the insurer, and the insurance company is bound to honor pay the beneficiary designated in the contract. Therefore, it is important when you create or update a will that you not forget to update the beneficiaries of your life insurance as well.

2. You may own real estate, cars, bank accounts, and other property with another person or persons as joint tenants with right of survivorship or as tenants by the entirety. This property will usually pass immediately to the surviving joint tenant, no matter whom you have named as your heirs in your will.

3. You may designate some property, such as bank accounts, to be paid on your death (“POD” or “TOD”) to an individual you have designated. As with a life insurance policy, the company that holds the asset is bound by your designation to transfer the asset upon your death to the individual you have named. Usually, the person will become the owner of the property simply upon providing a copy of your death certificate. Again, this transfer generally occurs regardless of the designation of heirs in your will.

4. In community property states (Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington, Wisconsin, and Puerto Rico), the money, real estate, and other objects you and your spouse acquire during your marriage belong to the marital community. Both spouses own this property equally, no matter who contributed the most to acquiring it. Therefore, your will **cannot** include your spouse's half of the community property, only your half.

5. Beneficiaries designated in your retirement plan or through the survivor’s benefit plan will receive the money in those plans, with or without a will.

E. WHAT WILL HAPPEN TO MY MINOR CHILDREN WHEN I DIE? If the other parent is living, s/he retains full custody of your children. That is true even if you and the other parent no longer are together and you have attempted to designate another person as guardian in a will. A will cannot be used to circumvent otherwise valid parental rights.

If the other parent does not survive you, the probate court will appoint a guardian for your children pursuant to the laws of the state in which the children resided when you died. If you die with a will, the court normally will appoint the person you have designated in the will, if that person is available and is willing to serve. Therefore, you should designate

as guardian of your children someone you know and trust, and who is willing to serve, and you should designate at least one alternate in case the primary guardian becomes unable to serve.

F. DO I NEED A WILL? Only you can answer that question. An attorney can advise you about the relevant law, but you must decide whether you want to distribute your property and care for your heirs by will or by the provisions of the intestacy laws of your state. Some people find the state intestacy laws adequate. For others, a well-drafted will is the best way to be sure property will be given to the right people. Having a will may save your heirs time and money later. It is recommended you discuss your situation with the legal assistance attorney before making a decision.

G. HOW SHOULD I DISPOSE OF MY PROPERTY? This also is a question only you can answer. An attorney will give you legal advice to guide you, but ultimately, you decide how to dispose of your property. Wills for married people who have children typically provide that if one spouse dies, all property passes to the other spouse. If the spouse does not survive the person making the will, all property would pass to the children and/or grandchildren, perhaps in trust. We call that an “I love you” will. There generally are more varying distributions when both the spouse and the children have predeceased the person making the will.

Ultimately, only you can make that call, with the advice and counsel of the legal assistance attorney.

H. CAN I LEAVE PROPERTY TO MINOR CHILDREN IN MY WILL? Yes, minor children (under 18 years of age) may inherit property. However, depending on the type of personal property left to the child, an adult must manage it until the child becomes an adult. Your will can name someone to manage the property for the minor, either through a custodian, guardian of the property, or trustee, depending on your wishes regarding distribution.

I. MUST MY SPOUSE AND I HAVE SEPARATE WILLS FOR BOTH OF US? Yes. Our office prepares separate wills for each individual. Each of you gets to choose how to dispose of your share of your property and name heirs. Ethical guidelines prohibit one attorney from counseling both spouses regarding even separate wills, unless both spouses sign a waiver of confidentiality and request dual representation by the same attorney. Our office cannot schedule an appointment for both spouses to consult with the Legal Assistance Attorney until both spouses have signed our waiver form titled, “To All Married Couples Requesting Wills.” A copy of this form is included on pages eight and nine of this packet. Please do not schedule an appointment for both spouses until both spouses have read and signed this waiver. Without the signed waiver, the District Seventeen Legal Assistance Office can only prepare a will of one spouse, not both.

J. CAN I CHANGE MY WILL? Yes. People often change their minds about how to divide personal property or who should be the personal representative, trustee, or guardian. Sometimes a child has been born or someone named in the will has died. But never change your will by crossing out words or writing on the original document, as this may invalidate the will. As a general rule, a will must be signed and witnessed to have legal effect. It is impossible to verify with witnesses “pen-and-ink” changes to a will.

If you want to change your will, you should see a legal assistance attorney.

K. WHEN SHOULD I CHANGE MY WILL? You should think about changing your will after every marriage, divorce, birth, or death in your family that might affect your estate plan. In addition, you should change your will if the person you have named as executor, guardian, or trustee dies or becomes unavailable to serve, or if you just want to change how you want your property distributed. Finally, if you change your state of domicile, you may consider changing your will, although it is not required.

We also recommend you review your will with an attorney every few years to ensure that it is adequate to handle your present needs. For example, if estate tax law changes, the will prepared by the Legal Assistance Office may no longer be adequate to meet your needs. The wills prepared by the Legal Assistance Office are limited in their ability to save your estate from federal estate taxes and state taxes. ***Should the size of your estate be such that it is likely to be subject to federal estate taxes*** or should it increase so that it likely would be subject to federal estate taxes, you will be referred to an estate planning specialist in your state of domicile.

L. WHO SHOULD KNOW ABOUT MY WILL? Your personal representative and your spouse or other responsible close friends and relatives. You should keep your will in a safe place where it will be available to your spouse

and/or your personal representative upon your death. We recommend against placing it in a safe deposit box, because they often are sealed when you die. Before you decide to use a safe deposit box, check to make sure the bank will not seal the box or limit access to it upon your death.

M. DO I NEED OTHER ESTATE PLANNING DOCUMENTS? The legal assistance attorney will discuss your estate planning needs and goals with you. The Legal Assistance Office provides only limited tools for estates subject to federal estate taxes. However, there are other estate planning considerations you may want to discuss with the attorney, such as planning for disabled children; the probate process; probate avoidance; titles to assets; use of totten trusts; testamentary trusts; *inter vivos* trusts; advance medical directives (both directives to physicians and durable powers of attorney for health care); and powers of attorney.

N. WHAT SHOULD I DO IF HAVE OTHER QUESTIONS ABOUT ALL OF THIS? The legal assistance attorney will discuss your estate planning needs and goals with you before preparing your documents. If you have questions, you should write those questions down and call your legal assistance attorney to discuss them. Your legal assistance attorney may need to reassess your needs and goals based on your questions.

**GLOSSARY TO ASSIST IN COMPLETING
THE ESTATE PLANNING WORKSHEET**

ACCOUNTING: A report of all items of property, income, and expenses prepared by an executor, trustee, or guardian and provided to heirs, beneficiaries, and the probate court.

ADMINISTRATION OF THE ESTATE: The process of carrying out the provisions of the will under supervision of a probate court, often referred to as “probating.” It determines the validity of the will, appoints and supervises the personal representative, and approves the final settlement. The administration process will vary slightly from state to state.

Every estate administration involves some degree of court supervision, but the amount of supervision may be limited by the terms of the will. “Informal” proceedings for the probate of a will involve administrative (rather than judicial) procedures. An informal proceeding may administer the estate without continual court involvement and will mature into final settlement of the estate after the passage of a specified time. “Formal” proceedings are initiated by a petition to a court, and the administration becomes effective only after notice to interested persons, a hearing, and an order of court. “Supervised” administration is a single continuous proceeding requiring formal procedures and frequent court involvement.

Whenever possible and appropriate, it is best to use informal administration and to allow the personal representative to serve without bond. Since the informal administration allows the personal representative to act independently of court supervision, it is less cumbersome and time consuming. That also makes it less expensive, preserving more of your assets for the intended beneficiaries. Factors to consider when determining whether to employ informal, formal, or supervised administration are the value of your estate subject to administration, the degree of trust, cooperation, and agreement among the beneficiaries and creditors of your estate, your express wishes regarding administration as stated in your will, the complexities involved with the administration, the degree of protection from liability needed by the successors or by the personal representative or both, and proof of title to property.

BENEFICIARY: The person or persons who will inherit your estate when you die. The first, or primary, beneficiary (or beneficiaries) will receive everything. The secondary beneficiaries only inherit if all people identified as primary beneficiaries die before you do. Most clients list the spouse as the primary beneficiary and the children as secondary beneficiaries. Therefore, it is important in most wills to determine who would receive the estate if both the spouse and the children predecease you.

BEQUEST: Property given to a beneficiary in a will.

BOND: A written promise to pay money if actions of the bonded person cause loss or damage to the estate. Many states require an executor, trustee, or guardian to file a bond in order to protect the estate’s assets, unless the terms of the will specifically waive the requirement. The purpose of the bond is to ensure a faithful performance by the person under bond. If you choose people you trust to administer your estate, a bond ordinarily is not necessary, and you may find waiver appropriate. As always, select a trusted individual who is willing to serve before you make the nomination in the will.

CHILDREN: Can include adopted children, your children born after your death if you die while your wife is pregnant, and stepchildren, whether the biological or adopted children of your spouse. A relationship by legal adoption is treated the same as a relationship by blood for purposes of taking property under a will; a step-parent relationship normally is not. If you want to treat your spouse’s children equally to your own, it must be specifically stated in the will.

CODICIL: A supplement or addition to a will, not necessarily disposing of the entire estate but modifying, explaining or otherwise qualifying the will in some way. When admitted to probate, the codicil becomes part of the will. Because of potential issues related to proving the codicil, we generally do not recommend a codicil as a means of changing a will. If you need to change or update your will, it is best to complete an entirely new will, even if just for a few minor changes.

DOMICILE/STATE OF LEGAL RESIDENCE: A place where you have been and which you consider your **permanent** home. Your domicile is important to the preparation of your will, because it is the state whose laws will control the administration of your estate and the interpretation and implementation of your will, or the distribution of your property if you do not have a will.

EXECUTOR/PERSONAL REPRESENTATIVE/ADMINISTRATOR (used interchangeably, depending on the state): Think of this as the Executive Officer, carrying out the directions in your will. The executor will collect the estate's assets, pay its liabilities, and distribute the assets to the beneficiaries or heirs in accord with the terms of the will. You should name an executor who is willing to accept the responsibility. If you do not name an executor, the court will appoint one. Because this person often will be required to file in your local probate court, it is preferable that the executor live in or near the state where the bulk of your property is located. Most people appoint the spouse as the primary executor and name a secondary executor to serve if the spouse dies first. You should consider whether a parent(s) is the best choice, depending on their age.

HEIR: A person designated by state law to take your property if no will exists at your death, also called an "heir at law." It is a myth that the state takes your property if you do not have a will.

ISSUE: These are your descendants (by birth or adoption). In most cases, your issue is your children and your children's children.

JOINT TENANCY WITH RIGHT OF SURVIVORSHIP: Ownership by two or more co-owners who take identical interests simultaneously by the same instrument and with the same right of possession, and in which each owner has a right to survivorship of the other's share upon his or her death. It is one example of how to pass property outside the probate estate.

LEGAL GUARDIAN: The person you name to take care of your children until the child reaches the age of majority if both you and the child's other parent have died. **You may not use an appointment of a guardian in a will to circumvent the legal parenting rights of your child's other parent, if it is not your spouse.** You may name "co-guardians" in your will, but they must agree on decisions regarding your child(ren). The guardian should be the person who will best take care of the children, not necessarily the wealthiest. In most cases, your life insurance will provide for the children, and those funds will be managed by your trustee. Make sure the person(s) you name is willing to assume the responsibility. You should consider whether a parent(s) is the best choice; they may already be done raising children.

NON-PROBATE ESTATE: The assets that pass outside of a will, through such tools as lifetime gifts, beneficiary designations, joint ownership with rights of survivorship, and "pay on death" accounts. These assets avoid the probate administration process and pass immediately to the designated beneficiary or surviving co-owner upon your death. However, they are included in the gross estate of very large estates for estate tax purposes.

PER STIRPES and PER CAPITA: The two common ways to distribute property to generations beyond your children. "Per stirpes" literally means "per branch," as opposed to "per capita" distribution, which means "by the head." Per stirpes is the most common way to distribute property, as per capita distribution often has the effect of cutting off the children of your child who predeceased (i.e., died before) you.

The best definition is by example: Assume you have three children. If all three of your children survive you (i.e., live longer than you), each would receive one-third of your property. In a per stirpes distribution, if a child has predeceased you, that child's share is divided among his or her children rather than your other primary beneficiaries. In a per capita distribution, the property is distributed only among the children who are living when you die. The result if your will calls for per capita distribution is that if you had three children and one of your children predeceases you, each of the remaining two children would receive a one-half share of your estate, and your deceased child's children would receive nothing. In this example, the only way grandchildren will receive anything at all is if all of your children have died with you or before you.

Please indicate on your questionnaire whether you want per stirpes or per capita distribution. If you do not indicate either, we will assume you intend per stirpes, as this is the most common.

PROBATE ESTATE: This is “orphaned property” for which you have not designated a home when you die—the property that passes under the instructions in your will.

SPECIFIC BEQUEST: A special gift of a particular item to a certain person, charity, or corporation. Because specific bequests sometimes add a burden and expense to the executor, it is best to limit these only to the most precious or sentimental items.

TENANCY BY THE ENTIRETY: A joint tenancy that arises between spouses when a single instrument conveys realty to both of them without specifying the character of the ownership. It may exist only between spouses and grants each spouse a 100% interest in the property, so that the entire interest passes to the other upon the death of the first spouse. It is one example of how to pass property outside the probate estate.

TESTATE: Having left a will at death. A person who dies with a will is said to have died testate, and property is distributed in accord with the terms of the will. A person who dies without a will is said to have died intestate, and property is distributed in accord with the state laws of intestate succession.

TESTATOR/TESTATRIX: The person who made the will. A male who makes a will is called a Testator, and a female who makes a will is called a Testatrix.

TRUST: A property interest held by one person (“trustee”) at the request of another (“settlor”) for the benefit of a third (“beneficiary”). A trust created by a will is called a testamentary trust. It does not become effective until the settlor’s death and is a common means of providing for minor children and preserving their assets. A trust can be established as a “unitary” trust, also called a “family pot trust,” which creates one account for all of the children to share, or as a separate trust for each child.

Testamentary trusts are common in the wills drafted by the Legal Assistance Office. However, legal assistance is not available for the creation of revocable or irrevocable *inter vivos* or “living” trusts, which take effect during the settlor’s lifetime. Those trusts are beyond the scope of legal assistance, but we will be happy to refer you to an attorney who can assist.

A trust can be designed to produce almost any result desired by the client, provided the client gives the trustee sufficient funds with which to work. It also can allow the children’s money to be held beyond the 18th or 21st birthday, or to be released to the child in phases—options that are not available without an express trust. We usually recommend trustees be given very broad authority and adaptable powers to provide flexibility for future events. Consider that the source of the money that will fund the trust likely is life insurance, intended to replace the financial provisions you no longer are able to provide.

TRUSTEE: One who, having legal title to property, holds it in trust for the benefit of another and owes a fiduciary duty to that beneficiary. The trustee’s duties are to protect and preserve the trust property and to ensure it is employed solely for the beneficiary, in accord with the directions contained in the trust instrument. The trustee should be empowered to do what is best for the beneficiary, without being hampered by inappropriate or unnecessary restrictions, just as you would do if you were still alive. Make sure the person you name is willing to assume the responsibility

UNIFORM TRANSFERS TO MINORS ACT/UNIFORM GIFTS TO MINORS ACT (UTMA/UGMA): A uniform law—adopted by most states—providing for the transfer of property to a minor, permitting a custodian acting in a fiduciary capacity to manage investments and apply the income from the property to the minor’s support. This is an alternative to the creation of an express testamentary trust.

Like a trustee, the UTMA/UGMA custodian will be charged with administering the funds left for the benefit of your children. Unlike a trustee, the custodian’s duties and responsibilities are defined in the law rather than in the trust instrument. Therefore, the custodian may not have as much flexibility to act as he or she would have with a trust.

WILL: A document that directs how your property will be distributed upon your death. It does not distribute non-probate assets such as SGLI or other life insurance benefits, IRA accounts, or other assets that name a beneficiary to receive the asset upon the owner's death. A will can be changed or revoked by the individual at any time by executing a new will and physically destroying the old document, but not by pen-and-ink changes. Always preserve the original will, and never make marks on it, as any marks may invalidate the entire will. If you want to change your will, see an attorney.

To all Married Couples Requesting Wills

Provided by the
District 17 Legal Assistance Office
Kodiak, Alaska
(907) 487-5474

You have asked the D17 (dl) Legal Assistance Office to perform estate planning services for you and your spouse. This may include advice and preparation of a will and/or other estate planning documents. Because this office would represent both spouses, the rules of professional responsibility for attorneys require that we tell both of you that a potential conflict of interest might arise that could prevent us from continuing as the lawyer for both of you in your estate planning. It is in your interest, and our ethical obligation to each of you, that you fully understand the considerations involved in the “dual representation.”

Matters to which dual representation will most likely extend include:

- 1) Analysis of your wills, codicils, trusts, and property agreements, if any.
- 2) Analysis of the assets owned by each of you, including consideration of their value and the nature in which title is or should be held, and the categorization of the assets as separate or community property.
- 3) Discussion about the manner in which you wish to dispose of the property.
- 4) Analysis of the tax impact of your proposed disposition and recommendations relative to it.
- 5) Preparation of the documents necessary to accomplish the desired disposition.

Spouses can have differing, and sometimes conflicting, interests and objectives regarding the disposition of their property upon their death. This is common if either spouse has children from another relationship.

Each of you has the absolute right to dispose of your property (including the person’s share of the community property and ownership of separate property) by testamentary (will) disposition. Furthermore, each of you has certain rights in your respective property interests, and these rights cannot be taken away from you without your informed consent and understanding.

Although joint representation may have the advantage of convenience, efficiency, and even reduced legal expenses were you to pay for these services, joint representation also has several disadvantages that you must acknowledge and accept as a condition to use the free services of the District 17 Legal Assistance Office:

- (1) Joint representation may result in less vigorous assertion or protection of one person’s individual or separate interests than if the District Legal Office represented only one person;
- (2) Joint representation has the further disadvantage that no attorney-client privilege would apply to communications between you and the District 17 Legal Assistance Attorney in any dispute between you. In other words, the attorney cannot keep confidential from one spouse any communication he/she may have with the other spouse;
- (3) When the attorney communicates with you concerning matters of potential conflict or the pros and cons of any particular action, the attorney could rely on communication with only one of you. For this reason and possibly others, joint representation may have the disadvantage of communication that is less complete or effective than if the attorney represented only one of you;
- (4) You should not assume that the attorney would advise each of you on the substance of every communication from the other of you to the attorney.

If you each had a separate lawyer, each would have an “advocate” for your position and would receive totally independent advice. Information given to your own lawyer is confidential and cannot be obtained by your spouse without your consent. That is not the case when one law firm (in this case, the D17 (dl) Legal Assistance Office) advises both of you. The D17 (dl) Legal Assistance Attorney cannot be an advocate for one

of you against the other. Information relating to your estate planning that either of you gives to us cannot be kept from the other.

If a conflict arises of such a nature that we cannot adequately carry out our obligations to both of you, we will withdraw our representation and will advise you to obtain separate and independent civilian attorneys.

After considering these factors, each of you must decide whether you wish us to continue to represent you jointly in connection with your estate planning and related matters. If you do, please sign the acknowledgment below and return it to the Legal Assistance Secretary. If you have any questions regarding these issues, please discuss them with the Legal Assistance Attorney and do not sign this acknowledgment.

ACKNOWLEDGEMENT

Each of us has read and understands the information regarding dual representation as it affects our mutual and respective estate plans. We realize the potential for conflicts of interest and differences of opinion between us and that each of us has the rights expressed above.

We know that each of us has the right at any time to hire an independent lawyer or to seek legal assistance at another military legal assistance office in connection with these matters.

We have discussed and evaluated the problems, and each of us requests that the D17 (dl) Legal Assistance Office represents both of us in connection with our estate planning and related matters. Each of us consents to that dual representation. Each of us also knows and agrees that any communication and information the D17 (dl) Legal Assistance Office receives from either of us relating to those matters may be shared with the other.

Husband/Wife

Husband/Wife

Date

Date

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If you would like ALL of the estate planning services we offer, to include a Will, Advance Medical Directive/Living Will, Health Care Power Of Attorney, and Springing Durable “Financial” Power Of Attorney, please complete all of pages 12 through and including 28.

If you want only a will, please complete pages 12 through 24.

If you want only an Advance Medical Directive/Living Will and/or Health Care Power of Attorney, please complete page 13 AND pages 25-27.

If you want only a Springing Durable “Financial” Power of Attorney, please complete page 13 AND page 28.

Please return the portions of the Worksheet regarding the services you want to the Legal Assistance Secretary and STATE what you want. For example “I only want an Advance Medical Directive/Living Will and am returning Page 8 and 9, and page 18 of the Worksheet.”

Your legal assistance attorney will contact you regarding your needs and goals prior to preparing these documents.

**D17 LEGAL ASSISTANCE OFFICE
ESTATE PLANNING
PERSONAL AND FINANCIAL QUESTIONNAIRE**

**PLEASE LEGIBLY ANSWER EVERY QUESTION TO THE BEST OF YOUR ABILITY BEFORE
YOU SEE A LEGAL ASSISTANCE ATTORNEY**

Your providing the information requested will enable the legal assistance attorney to provide you the best legal advice based on your current estate planning needs. If you do not understand what a question means, please leave the answer blank and discuss it with the attorney during the interview

Please provide the full names (first, middle, and last), addresses, telephone numbers, and relationship of all beneficiaries, executor (also known as personal representative or administrator), guardians, trustees, and alternates you will include in your will.

If you are aware that you may inherit tangible or intangible property from a family member, please include any documentation you may have regarding these items (e.g., beneficiary to a parent's insurance policy, trust, etc.)

Note: If you are married and both spouses want a will, each must complete a separate questionnaire.

PRELIMINARY INFORMATION

If you answer YES to any of the questions 1 through 10, please address these questions with a Legal Assistance Attorney because this may require specialized estate planning or preclude us from providing you with estate planning documents.

- | | | |
|--|------------------------------|-----------------------------|
| 1. Are you a resident of Louisiana or Puerto Rico or Guam? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Does the value of everything you own, including the value of your insurance policies at your death , exceed five million dollars (include the property of both you and your spouse if you are married)? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Do you own any land, home, personal property or other assets in a foreign country? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4. Do you own or hold a financial interest or ownership in a business or farm? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 5. Do you currently benefit from a revocable or irrevocable living trust? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 6. Did you or your spouse acquire any property while residing in a community property state? (AZ, CA, TX, ID, LA, NM, NV, WA, WI) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 7. Are you, your spouse, or any beneficiary a NON-U.S. citizen? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 8. Do you have a written separation agreement? ** | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 9. Do you have a divorce decree that mentions pension, insurance, or other property rights? ** | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 10. Do you currently have a will, living will, living trust or durable power of attorney? ** | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 11. Are you scheduled to transfer in the near future?
Date of transfer: | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 12. Are you being discharged/retired within six months?
Date of discharge/retirement: | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 13. Are you being deployed in the near future? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

****Please bring the documents listed in questions 9 and 10 to your appointment.**

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PERSONAL INFORMATION

1. Marital Status(check all that apply)				
<input type="checkbox"/> Married once and your spouse is alive				
<input type="checkbox"/> Married and your spouse is alive; but you were married before (your previous spouse died or you divorced a previous spouse)				
<input type="checkbox"/> Widowed; your spouse died and you are now single				
<input type="checkbox"/> Previously married, but, you are now divorced and single.				
<input type="checkbox"/> Single and never previously married				
<input type="checkbox"/> Separated or about to divorce				
<input type="checkbox"/> A party to a civil union, domestic partnership, or same-sex marriage				
2. Your Name (First, Middle, Last)			Date of Birth	
3. Spouse's Name (First, Middle, Last)			Date of Birth	
4. Physical Address (Number, Street)		City	State	Zip
5. Mailing Address If Different From Above (Number, Street)		City	State	Zip
6. Servicemember's Home Phone	Work Phone	Cell Phone	Email	
()	()	()		
7. Spouse's Home Phone	Work Phone	Cell Phone	Email	
()	()	()		
8. Servicemember's Command/Employer/Retired	Occupation	Rate/Rank	Branch of Service	Time in Svc
9. Spouse's Command/Employer/Retired	Occupation	Rate/Rank	Branch of Service	Time in Svc

DOMICILE DETERMINATION

11. Please indicate the state that best describes the following contacts/connections (If any question does not apply to you, please so state):

- | | |
|---|--|
| a. State of your current duty station? | e. In what state do you file income tax? |
| b. State in which you hold a drivers license? | f. In what state do you plan to retire? |
| c. In what state(s) do you own real estate? | g. In what state do you vote? |
| d. In what state(s) are your vehicle(s) registered? | |

ASSET INFORMATION

10. NET VALUE OF ALL THINGS YOU OWN: After subtracting all debt (including mortgages, car loans, lines of credit, and other money you owe), what is the approximate dollar value of your estate? This includes any homes, vehicles, household furnishings, electronics, guns, death value of insurance policies, retirement accounts, bank accounts, and other personal property or assets you (and your spouse, if you are married) own. **Please complete the Estate Assets Worksheet on Page 14.**

I estimate the net value of my estate is: _____

FAMILY INFORMATION

- 12. CHILDREN:** Do you have any children No **SKIP TO QUESTION 13**
 Yes How many natural/biological children do you have? ____
 How many adopted children do you have ____
 How many stepchildren do you have ____

Please identify all children you have together with your spouse (if applicable) and all children you have from any other relationships.

Full Name (First, Middle, Last)	Sex M/F	Date of Birth (mm/dd/year)	Other Parent's Full Name (First, Middle, Last)	Status B-biological A-Adopted S-Stepchild

- (a) Are adopted children to be treated the same as birth children under this estate plan? Yes No
 (b) Are grandchildren to be included under this estate plan? Yes No
 (c) Do any of your children have a physical or mental disability that makes them eligible or might make them eligible to receive government benefits such as Medicaid? Yes No
13. Are you pregnant or expecting a child? Yes No
14. In case you have children in the future, do you want to include them in your estate plan now? Yes No
15. If you have stepchildren, are stepchildren to be treated the same as birth children under this estate plan? Yes No

16. PRIOR SPOUSES. If you are divorced or previously married, please list the full name(s) of your prior spouse(s), how the marriage ended, where the marriage ended, and the date of the end of the marriage.

Full Name (First, Middle, Last)	How the marriage ended (e.g. divorce, death)	Where the marriage ended (City, State)	Date marriage ended (month/year)
1 st :			
2 nd :			
3 rd :			

17. IF YOU ARE DIVORCED, does your divorce decree provide for any alimony or support obligations due after your death? Yes No

YOUR ESTATE ASSETS

When we assist you in planning your estate, it is important that we know what kind of property you own and how it is titled. Each state has different rules as to how property passes, and we can only help you and your family if you take the time to gather the necessary information. If the total value of your assets is more than *five million dollars* call our office. We will request additional information to do more advanced estate planning.

You may not have some of the types of assets listed below. If you do not, just print "NONE" in the spaces and move on. If you need more room to write additional assets, please write on a separate piece of paper referencing this question.

18. Do you (or your spouse) have any COMMERCIAL life insurance policies and/or annuities?

Name of Company	Who is insured	Who owns the Policy	1 st Beneficiary	2 nd Beneficiary	Death Benefit

Value of your SGLI or VGLI: _____ **Spouse SGLI** _____ **Total Value of Policies in Q 18:** _____

19. Do you (or your spouse) own a home or any other real estate? If so, please bring a copy of the deed(s) to your appointment.

Description and Location	Titled in whose name (or names) Indicate if Joint or Beneficiary and name	Purchase Price	Market Value	(-)Mortgage	(=) Equity

Total Net Value in Q 19 : _____

20. Do you (or your spouse) own any other titled property such as a car, boat, etc.?

Description	Titled in whose name (or names) Indicate if Joint or Beneficiary and name	Market Value	(-)Loan Bal	(=) Equity

Total Net Value in Q 20: _____

21. Do you (or your spouse) have any checking accounts or interest bearing accounts (savings, money market, CD's)?

Name of Bank and type of account (savings, checking, etc.)	Titled in whose name (or names) Indicate if Joint or Beneficiary and name of co-owner or Beneficiary	Approx. Balance

Total Value in Q 21: _____

22. Do you (or your spouse) own any investments such as stocks or mutual funds (do not include IRAs)?

Name of Investment or Brokerage Account	Titled in Whose Name Indicate if Joint or Beneficiary and name of co-owner or Beneficiary	Current Value

Total Value in Q 22: _____

23. Do you (or your spouse) have any retirement accounts? (401K, IRAs, Thrift Savings Plan?)

IRA/Plan Owner (H or W)	Description of Plan or IRA	Who is designated as beneficiary if owner dies?	Current Value

Total Value in Q 23: _____

Total Value of everything you (and your spouse) own (add totals of Q18 through Q23.....\$ _____

YOUR PLAN OF DISTRIBUTION

24. REAL ESTATE: Who do you want to give your real property to? This includes homes, condos, pieces of land, time shares, etc. You must discuss with your legal assistance attorney ALL real property in which you have an ownership interest.

- (a) I do not own/have any real estate (homes, land, time shares) **SKIP TO QUESTION 27**
- (b) I own real estate, and when I die, I want to give all real estate to my spouse, if living; otherwise to my children equally

FOR ATTORNEY USE ONLY: Per Stirpes Per Capita

- (c) I own real estate, and when I die, I want it to pass with the rest of my estate. *(If you want to give your entire estate, including your real estate, to your spouse, and then to your children equally, it is most efficient to pick this option.)*
- (d) I own real estate, and when I die, I want it to go to the following person(s) listed below:

Full Name of Person (First, Middle, Last)	Relationship to You	Which Property/Address

25. ALTERNATE BENEFICIARIES: Who do you want to receive your real estate if you've outlived the beneficiaries listed above?

- (a) I want it to pass with the rest of my estate or.
- (b) I want it to go to the following person(s) listed below:

Full Name of Person (First, Middle, Last)	Relationship to You	Which Property/Address

26. Do you want the will to: (check ONLY one)

- State that real estate passes free of mortgages and similar liens to the person receiving the real estate from you, because you own other assets that you want sold to pay off the liens at your death? *(If you select this option, your estate must be large enough to PAY OFF the mortgage before any other bequests or gifts can be made).*
- State that mortgages and similar liens pass with the real estate to the person receiving the real estate from you? *(This option generally is the recommended option and means the person receiving the real estate also is responsible for the remaining indebtedness against it.)*
- Be silent regarding mortgages and liens.

27. SPECIAL GIFTS OF PERSONAL PROPERTY (OPTIONAL): In the following section, you may name people you want to receive certain special or unique items of personal property. These items do not have to have monetary value; they could have sentimental value only. For example, if you want your oldest son or daughter to inherit a family heirloom, or you want your best friend to receive the watch he gave you, you should list that item here. This is called a specific bequest. *Note: Making specific bequests may be limiting on your executor and beneficiaries. Omitting this*

section allows your beneficiaries to have flexibility to share your possessions more easily with those who might cherish them. However, if you have an heirloom or other personal property with value that will undoubtedly survive you, you may wish to specifically provide for these items here.

Do you wish to itemize specific items of personal property to pull them out of the estate you are otherwise giving to your named beneficiaries? Yes No (if “Yes,” please identify the specific bequests below):

SPECIFIC BEQUESTS: (for example: wedding ring to your daughter)

Description of Gift:	Name of Beneficiary and Relationship to You:	If Beneficiary dies before me, then to the Beneficiary’s heirs <input type="checkbox"/> Or, gift passes with the rest of the estate <input type="checkbox"/> Or, Alternate Beneficiary, whose name is:
Description of Gift:	Name of Beneficiary and Relationship to You:	If Beneficiary dies before me, then to the Beneficiary’s heirs <input type="checkbox"/> Or, gift passes with the rest of the estate <input type="checkbox"/> Or, Alternate Beneficiary, whose name is:

Some states (Alaska, Arkansas, Arizona, Colorado, Delaware, Florida, Hawaii, Idaho, Iowa, Kansas, Massachusetts, Maine, Michigan, Minnesota, Missouri, Montana, North Dakota, Nebraska, New Jersey, New Mexico, South Carolina, Utah, Virginia, Washington, and Wyoming) allow distribution of personal property through an addendum to the will called a personal property memorandum (PPM). If you are a resident of one of these states, you may create a personal property memorandum separate from the will that is referenced in the will to dispose of items of personal property. It provides greater flexibility to the executor than passing property through specific bequests, and property that is not listed in the personal property memorandum or that is not effectively disposed of by it still can be passed through the other provisions of the will

Do you wish to create a personal property memorandum if allowed by your state? Yes No

If “Yes,” you may identify the items below, or you may leave it blank for preparation of the PPM later.

Description of Gift:	Name of Beneficiary and Relationship to You:	If Beneficiary dies before me, then to the Beneficiary’s heirs <input type="checkbox"/> Or, gift passes with the rest of the estate <input type="checkbox"/> Or, Alternate Beneficiary, whose name is:
Description of Gift:	Name of Beneficiary and Relationship to You:	If Beneficiary dies before me, then to the Beneficiary’s heirs <input type="checkbox"/> Or, gift passes with the rest of the estate <input type="checkbox"/> Or, Alternate Beneficiary, whose name is:

Items not listed in the PPM are to pass to

- My spouse.
- Another named beneficiary: (First, Middle, Last) _____
- With the rest of my estate.

28. CASH BEQUESTS: You can also take cash out of your estate and give a cash gift to a specific person or charitable organization (for example, \$500 to the SPCA or to your church or alma mater). *Note: Making a cash gift may require that some of your property be sold to satisfy these gifts. That will reduce the total amount given to your other beneficiaries.* You may want to consider funding these gifts with life insurance instead.

Do you wish to pull money out of your estate to give a cash gift to a charitable organization or other individual?

Yes No (if “yes,” please identify the cash bequests below):

Dollar Amount and source of funds:	Name/Address of Organization:	If Beneficiary dies before me, then to the rest of the estate <input type="checkbox"/> Or, Alternate Beneficiary, whose name is:
Dollar Amount and source of funds:	Name/Address of Organization:	If Beneficiary dies before me, then to the rest of the estate <input type="checkbox"/> Or, Alternate Beneficiary, whose name is:

FOR ATTORNEY USE ONLY: For donations to organizations, ensure correct name and address

29. WHERE WILL THE REST OF YOUR PROPERTY GO? Who do you want to receive the rest of your estate (after any specific bequests or cash bequests are fulfilled)? This includes non-tangible property like household goods, checking or savings accounts where you failed to name a pay-on-death beneficiary and stocks and bonds that are in your name only. Please check one

ALL to my surviving spouse, but if my spouse dies before me or with me, then all to my surviving children.

FOR ATTORNEY USE ONLY: Client counseled on Disclaimer Credit Shelter Trust?

Does the client want Credit Shelter Trust provision in will? Yes No

Name/Address of Trustee: _____

ALL to my surviving spouse ONLY and nothing to any of my children who may survive me. If my spouse dies with me or before me then to someone other than my children (*indicate alternate beneficiary below*).

NONE to my current spouse, with the remainder going to my children, or to my children's surviving children, if any children of mine dies with me or before me. *Note: some states do not allow for the disinheritance of a spouse. If that is the case, your spouse may be able to claim his or her share notwithstanding the provisions of the will.*

I do not have a current spouse but ALL to my surviving children, or to my children's surviving children, if any children of mine dies with me or before me.

FOR ATTORNEY USE ONLY: Per Stirpes Per Capita

ALL TO PERSONS listed below (percentages must total 100 percent):

Full Name of Person (First, Middle, Last)	Relationship to You	Percentage

30. ALTERNATE BENEFICIARIES: If everyone you named above were to die before you, who are your next choices to receive the balance of your estate? (*Note: It can simplify your estate and save money if 50% goes to your family/relative/friend and 50% goes to your spouse's family/relative/friend.*)

Full Name of Person (First, Middle, Last)	Relationship to You	Percentage

31. DISINHERITANCE: Disinheritance allows you to exclude family members from receiving any benefit from your will. Most state laws prohibit a person from completely disinheriting a **current** spouse and allow the spouse to override a will that disinherits that spouse by taking the spouse’s “elective share.” You do not need to expressly disinherit a **former** spouse since a former spouse is deemed to have predeceased you for estate purposes once your divorce is final unless you specifically name the former spouse as a beneficiary in a will created after the date of the divorce.

a. **Do you wish to disinherit (exclude) a family member?** Yes No

Full Name of Person (First, Middle, Last)	Relationship to You

FOR ATTORNEY USE ONLY: Client counseled on elective share/family support state laws?

YOUR ESTATE MANAGEMENT TEAM

32. EXECUTOR OR PERSONAL REPRESENTATIVE (REQUIRED): An executor is the person who will locate your will and administer it in court. You should name an executor. If you do not, the court will appoint one—often the public administrator, who will charge a fee that will come from the assets of your estate. The objective in choosing an executor should be to select a responsible person who can administer your estate; it should not be to avoid offending someone who was not selected. Likewise, you should not name your child as your executor if he or she has not yet reached the age of 18. Your executor should be someone you trust, and he or she **must be at least 18 years old and either be a United States citizen or a Lawful Permanent Resident (LPR).**

Some states have limits on who may serve in this role, and laws regarding who can be the executor vary greatly from state to state. Additionally, some states require the executor/personal representative to post a bond and/or to name a resident of that state as the executor/personal representative. Finally, to avoid arguments and court battles, do not name more than one person at a time to serve as executor or personal representative. Consult your legal assistance attorney for state requirements regarding the appointment of executors.

NOTE TO FLORIDA RESIDENTS ONLY: Your Personal Representative must be either a resident of the State of Florida, or your parent, child, spouse, or blood relative.

Primary Executor/Personal Representative (First Choice)

Full Name(First, Middle, Last)	Relationship to you	State of Residency
1.		

Alternate Executor/Personal Representative (Second and Third Choices)

Full Name(First, Middle, Last)	Relationship to you	State of Residency
2.		
3.		

FOR ATTORNEY USE ONLY:

Must the Executor/Personal Representative be required to post bond?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Must the Executor/Personal Representative file an accounting with the Court?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Will the Executor/Personal Representative waive fees?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Must standard fees be paid to a bank acting as PR/Exec?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does the State have limitations on who may be qualified as Executor or Personal Representative?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

33. SPECIAL CONSIDERATIONS FOR GIVING MONEY AND GIFTS TO MINORS

Minor children and mentally incompetent adult children cannot receive assets and money outright. Instead the money must be placed either in a custodial account or a testamentary trust. If you do not place the money in a custodial account or a testamentary trust, your children may become the outright beneficiaries of your estate, SGLI proceeds, death benefits, or any other insurance policies upon your death. In that case, someone would have to file a petition with the court to ask the court to appoint him or her as guardian of the “estate” of the children before any of the funds can be released for the benefit of your children. This may cause significant time delays in accessing the money. If you leave your money to minor or disabled children in a custodial account, it is important to appoint someone as guardian or custodian *of the property* to hold and manage the money for the children until they reach adulthood or while they are incapacitated. This results in a large birthday gift to the children as they reach age 18, or 21, depending on what state law allows.

The alternative to a guardianship or custodianship of the property is a trust. This allows the money to be managed by someone you trust until the children reach any age you choose. Consider whether a child is ready to manage a very large amount of money at age 18, or even at age 21. With a trust, you may require that the money be held for the children’s benefit until they reach an age beyond adulthood, at which time they (presumably) will be more mature. The person managing the money (called a trustee) has more flexibility in deciding how to invest the money, and the trustee may use the money throughout your children’s lives for their health, education, and other needs – even before they reach the age you have set. The children still receive the money in a lump sum when they reach the age you have established, but the idea is more to get them to that age than to grant them a birthday present when they reach that age.

By appointing a custodian or trustee in your will, you can choose the person you want to handle your children's money if both you and the other parent die. That saves both time and money for the people who will be caring for your children after your death. Even if you do not have minor children or adult disabled children, but you do not want your future children to have full control of their inheritance until they reach some age older than 18, then you can also create a custodial account or testamentary trust for your children.

Please provide the age(s) you want any minor beneficiaries to reach before they have free access to spend their share of the gifts you leave them. (NOTE: If you do NOT have minor children or adult disabled children AND you are NOT naming any minor children (e.g. siblings, nieces, nephews) as beneficiaries in your estate plan, please SKIP TO QUESTION 36.

a. If any minor children inherit a portion or all of your estate, do you want the children's inheritance (select **ONLY one**):

To be paid to a custodian. Under this choice the children **MUST** be given control of the money as they turn 18 years of age, or up to 25 years old in some states.

OR

Placed in trust for the minor(s) until any age or combination of ages, to result in any distribution, in whole or in part, that would occur after the age of majority (which is 18 to 21, depending on the state law.)

b. At what age do you want your children to be given their distribution under this Will (select **ONLY one**):

- Some age between 18-21: _____
- 18
- 21
- 25 (option for trusts only)
- 30 (option for trusts only)
- 1/2 at age 21 and 1/2 at age 25 (option for trusts only) or 1/2 at age _____, 1/2 at age _____
- 1/3 at 21, 1/3 at 25, 1/3 at 30 (option for trusts only) or 1/3 at age _____, 1/3 at age _____, 1/3 at age _____
- Some age older than 21: _____ (option for trusts only)
- Some other distribution you specify: _____

FOR ATTORNEY USE ONLY: Client counseled on separate trust/family pot trust and distribution possibilities?
Does the client want: Separate Trusts Family Pot Trust
Does the client need a Pre-residuary Trust funded with Life Insurance for any child? Yes No

NOTE: You must name a first choice (primary) and an alternate (backup) person whom you trust other than your current spouse to handle this money for these minor children. You should also select a backup person in case the court refuses to appoint your first choice, or in case your first choice is not available. The people you choose must be 18 years of age and should be U.S. Citizens, Lawful Permanent Residents, or a corporate trustee to manage the trust (trustee). Do not name your spouse if your property first goes to your spouse and then your children/other person(s). (In that instance, the only reason your children would be receiving the property is because your spouse has predeceased you—meaning that your spouse also is unavailable to serve.) *NOTE: To avoid arguments and possible court battles you should not name more than one person at a time to serve as custodian or trustee.*

Primary Trustee/Custodian

Full Name(First, Middle, Last)	Relationship to you	State of Residency

Alternate Trustee/Custodian

Full Name(First, Middle, Last)	Relationship to you	State of Residency

FOR ATTORNEY USE ONLY:

May the trustee elect to liquidate a small trust to the income beneficiary(ies) or appropriate guardian(s) of the income beneficiary(ies)? Yes No

If yes, the trust principal must be less than what amount in order for the trustee to have the option of liquidating the trust? \$ _____

May a majority of the beneficiaries of any trust under the will remove a trustee and appoint a successor trustee?

Yes No

Must the Executor/Personal Representative be required to post bond?

Yes No

Must the Executor/Personal Representative file an accounting with the Court?

Yes No

Will the Executor/Personal Representative waive fees?

Yes No

Must standard fees be paid to a bank acting as PR/Exec?

Yes No

34. GUARDIAN OF THE CHILDREN: You should name a guardian of the person to care for and raise any minor children or adult disabled children of whom you and your current spouse are the legal custodians, so that the court knows who you would prefer to raise your children when you no longer are able to do so. You also can name a guardian of the person to care for any minor children or adult disabled children of whom you and another person (who is not your current spouse) are the legal custodians. The guardian(s) of the person will care for your minor children ONLY in the event the other legal custodian dies before you or the other legal custodian is declared unfit by a court.

Remember, though, that you generally cannot use an appointment of a guardian in a will to circumvent the legal parenting rights of your child's other parent.

Special Considerations:

- Guardian/Conservator of the property of minors should be a U. S. citizen** or a Lawful Permanent Resident (LPR) of the United States.
- Most states require that the guardian **not have a criminal record.**
- Some states, for example Florida, **do not accept non-residents of that state** as guardians/conservators of the property and may require the guardian to post bond regardless of the nomination of a non-resident guardian in the will.
- Your child(ren) may become eligible for social security benefits and military dependent benefits in addition to any life insurance proceeds you leave. Therefore, the court **may not allow a non-resident alien or a foreign national** to control the minor child(ren)'s estate.
- Nomination of Guardian of the person and/or property:** The court **may** appoint someone **different** than the person who is nominated in your will to act as guardian of the person and/or property based on the best interests of the child.

Do you wish to name a guardian for your children in the event both you and the other biological parent or legal guardian (if one exists) are deceased OR you are deceased and the other legal parent is declared unfit by the court? Note: To avoid arguments and possible court battles you should not name co-guardians.

Yes (Please provide contact information for guardians(s) below)

No (If "no," then the court will have no guidance from you about who you prefer to raise your children.)

Primary Guardian to care for and raise my children

Full Name(First, Middle, Last)	Relationship to you	State of Residency

Alternate Guardian(s) to care for and raise my children

Full Name(First, Middle, Last)	Relationship to you	State of Residency

35. GUARDIAN OF CHILDREN'S ADDITIONAL MONTHLY BENEFITS: (E.g. Social Security/VA Benefits your child may receive as a result of your death). If the persons you select to raise your children above as guardians are not the same persons whom you have named as trustees/custodians, please select which persons should handle any additional monthly benefits the children may receive as a result of your death.

- I want the people named above as guardians to **ALSO** handle any monthly benefits; or
 I want the people I previously named as trustees or custodians to handle any monthly benefits.

FOR ATTORNEY USE ONLY:
 -Must the persons you have appointed as guardian(s) post bond to cover any child(ren)'s property? Yes No
 -Must the guardian(s) file an accounting with the court upon request of the child(ren)? Yes No
 Does the State have limitations on guardianship to being resident of the state, parent, or blood relative? Yes No

36. FOR ACTIVE DUTY ONLY: (If you are NOT active duty please SKIP TO question 37). Your SGLI (currently \$400,000 maximum), Death Gratuity of \$100,000, and Unpaid Pay and Allowances are a very large part of our estate. **Do you want your SGLI benefits to be benefits paid out identically to this estate plan?** Yes No (If "no," please provide the names of your beneficiaries below.)

SGLI Beneficiary Designations			
Name of Beneficiary	Relationship to You	Share	Lump Sum or 36 payments
Principal			
1.			
2.			
3.			
Contingent			
1.			
2.			
3.			

Do you want your Death Gratuity and Unpaid Pay and Allowances paid out identically to this estate plan?

- Yes No
 If "no," who do you want the Death Gratuity to go to? _____
 If "no," who do you want the Unpaid Pay and Allowances to go to? _____

FOR ATTORNEY USE ONLY:
CG PSC-2020D/NAVPERS 1070/602 (Record of Emergency Data) (See ALCOAST 427/08 or MILPERSMAN 1070-270)
 – remind clients to keep this up to date identifying person authorized for disposition of remains, spouse and children for the death gratuity OR, if no spouse and children, to designate another beneficiary.

Client counseled on SGLI and Death Gratuity
 Draft New SGLI
 Client counseled on CG PSC-2020D/ NAVPERS 1070/602 (Record of Emergency Data)/ Marine Corps (Record of Emergency Data)

Death Gratuity: If the servicemember does not designate a beneficiary of the Death Gratuity benefit (\$100,000) or only designates a portion of the Death Gratuity to a beneficiary, the portion not covered by a designation shall be paid in the order of precedence to the: 1. Surviving Spouse; 2. Surviving eligible children and the descendants of any deceased children; 3. Surviving parents; 4. the duly appointed Executor, or Administrator of the Estate; 5. Other next of kin entitled under the laws of the domicile of the servicemember at the time of the servicemember's death.

Draft New CG PSC-2020D/NAVPERS 1070/602 (Record of Emergency Data)/ Marine Corps (RED)

37. BENEFICIARIES WHO MAY BE UNDER A DISABILITY AND REQUIRE SPECIAL CARE: List any beneficiary who has or may have a physical or mental disability and is receiving government benefits, such as Medicaid and Supplemental Security Income (SSI). If you have any disabled beneficiaries, your Will should include a “supplemental needs trust” to protect the person’s government benefits. Please complete the section below if any of your beneficiaries have special needs. *Note: Our office is not equipped to prepare documents for special needs or supplemental needs trusts.*

Note: Trustees must be U.S. citizens or Lawful Permanent Residents

Name of Disabled Person:	Relationship to You:
Type of Disability:	Property, Percentage of Estate or \$ Amount:
Name of Trustee:	State where Trustee lives:
Name of Alternate Trustee:	State where Alternate Trustee lives:

FOR ATTORNEY USE ONLY: Is the State to be entitled to reimbursement of Medicaid payments? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Client referred to: _____	Date of Referral _____

38. DISPOSITION OF REMAINS: Please select your preferred method

- a. Have you already paid for your funeral arrangements (prepaid)? Yes No N/A
- b. Funeral Arrangements: Burial Cremation Full Donation
- c. Do you want Full Military Honors? Yes No N/A
- d. American Flag to eligible family member? (provided by Veterans’ Affairs) Yes No N/A
- e. American Flag to eligible family member? (paid for from your estate) Yes No N/A

Names of family members: _____

FOR ATTORNEY USE ONLY: Generally, an Appointment of Agent for Disposition of Remains document should not be issued to Active Duty clients. For Active Duty clients, the Agent for Disposition of Remains is appointed by the CG PSC-2020D/ NAVPERS 1070/602 (Record of Emergency Data)/Marine Corps (Record of Emergency Data). This section will allow you to insert the client’s desires for organ donation, and funeral arrangements within the Will and the Advance Medical Directive/Living Will/Health Care Power of Attorney.

THIS ENDS THE WILL PORTION OF THE WORKSHEET. PLEASE COMPLETE THE REMAINDER OF THE WORKSHEET TO OBTAIN OTHER IMPORTANT DOCUMENTS.

Living Wills and Durable Health Care Powers of Attorney

If mental or physical illness makes you unable to agree to recommended medical treatment, the law provides that adults may sign documents that make their choices about treatment known to their doctor and family in advance. But STATE LAWS MAY VARY. An attorney should be consulted whenever you consider either of these documents. You will need to make an appointment with a legal assistance attorney to discuss this.

A. WHAT IS A LIVING WILL? A living will (also called an advanced medical directive) is a document in which the declarant provides for his or her health care in the event the declarant is unable to make health care decisions himself or herself. It applies only when a doctor has determined there is no hope for recovery. This means you are either in a terminal (incurable) condition or in a persistent vegetative state. In a living will, you may decide in advance whether you want doctors to administer life-prolonging procedures (sometimes called a “Will to Live”) or to withdraw or withhold life-prolonging procedures. You also may name someone else to decide for you.

B. WHAT ARE LIFE-PROLONGING PROCEDURES? These are treatments that are not expected to cure a terminal condition and only prolong the dying process. They may include hydration and nutrition by tube and respiratory support. However, you will automatically be given treatment to relieve pain and suffering unless you state in your living will that you do not want them. You have a right to declare that you do or do not want life-prolonging treatment.

C. WHAT IS A DURABLE POWER OF ATTORNEY FOR HEALTH CARE? The durable power of attorney for health care allows you to appoint someone else to make treatment decisions for you when you are unable to make them yourself. If you are incapacitated, medical professionals will need someone to legally authorize or decline certain medical or psychological treatment for you because you cannot make your own medical decisions. While a living will applies only if you have a terminal condition, a durable power of attorney for health care can be effective in any situation in which you are unable to make treatment decisions for yourself.

D. DO I NEED THESE DOCUMENTS? Most states allow family members or guardians to make decisions about your medical care when there are no living wills or powers of attorney. However, if none of these persons is available, a judge may decide for you. While the law does not require either of these documents, they serve to ensure that your doctors and your loved ones know what health care you want when you can’t tell them yourself.

1. DURABLE POWER OF ATTORNEY FOR HEALTH CARE: The health care power of attorney gives the person you designate as your agent the authority to make a wide range of medical decisions on your behalf, including termination of life support in some states. It also gives your agent access to your medical information and authority to fully participate with your treating physicians with respect to the care provided to you. Therefore, the person you designate to be your agent should be someone you trust with life and death decisions and someone who is at least 18 years of age. If you do not create this document and you are in a medical situation where these decisions need to be made, it is very likely that a court hearing will have to occur before the decisions can be made by anyone. That can be very costly. Creating a Health Care Power of Attorney now can save significant money and prevent other inconveniences to your family.

Do you want a HCPOA? Yes No (If “yes,” please provide the name(s) of your agent(s) below)

Note: It is recommended you designate a secondary agent, particularly if your spouse is to be the primary agent. If you and your spouse are in the same accident that resulted in your inability to make your health care decisions, it is very unlikely neither of you would be available. An alternate would be essential.

Primary Agent (1 st choice)	Alternate Agent (2 nd choice)
Name/Relationship	Name/ Relationship
Full Address	Full Address
Phone Number	Phone Number

2. ORGAN DONATION

- a. Do you want to authorize the donation of organs for transplantation? Yes No
- b. Do you want to authorize donation of organs and tissue for medical, educational and scientific purposes? Yes No
- c. Do you want to condition your donation of organs and tissue on their being no charge against your heirs, your estate, or your insurance company? Yes No
- d. If you wish to OMIT certain organs for donation please list here: _____
- e. If you are near death and the medical profession suggests hospice or indicates that there is no hope left, do you wish to express a desire to die at home or in a hospice rather than in the hospital if possible? Yes No

3. LIVING WILL/ADVANCED MEDICAL DIRECTIVE/DECLARATION: A living will allows you to authorize termination of artificial life support, or administration of artificial life support, if you have a terminal, incurable medical condition, your life is being prolonged only by means of artificially provided life support, AND you cannot personally communicate your desires to your doctors. It has no effect until then and will only “speak for you” if and when you are incapacitated, so your doctors know, and can act upon, your desires regarding the termination or provision of artificial life support. Your doctor is obligated to honor your instructions.

An example of some of the standard instructions (varying slightly by state) follows:

* * * * *

“If I should have an incurable or irreversible condition that will cause my death within a relatively short period of time, I desire that my life not be prolonged (or that it be prolonged) by administration of life-sustaining procedures.

If my condition is terminal and I am unable to participate in decisions regarding my medical care and treatment, I direct my attending physician to withhold or withdraw (or to administer) procedures that merely prolong the dying process and are not necessary to my comfort or to alleviate pain.

I do (or do not) want medical treatment that will keep me alive if:

I am unconscious and there is no reasonable prospect that I will ever be conscious again (even if I am not going to die soon in my medical condition) or I am near death from illness or injury with no reasonable prospect of recovery.

I do want medicine and other care to make me more comfortable and to take care of pain and suffering. I want this even if that treatment makes me die sooner.”

* * * * *

You can limit the types of life-prolonging treatment administered during the dying process. Your attorney will discuss your right to expand or limit medical service that might be provided while still retaining the right to terminate life support pursuant to the living will. Many people mistakenly believe that their next of kin have the legal right to make this decision regardless of whether there is a formal document signed by them authorizing these decisions. However, this is not the case in many states. If you do not have this document, then the only person with the legal authority to make a decision about whether to administer life support or to remove you from life support could be a judge after a court hearing.

Do you want to create a living will? Yes No

If you have a medical condition diagnosed by two physicians, do you want:

- a. your life artificially prolonged by machine? Yes No
- b. nutrition and hydration (food and water) by tube? Yes No

4. FLORIDA RESIDENTS ONLY: If you want a living will, do you want to name a separate agent (called a surrogate in Florida) for your living will (if not, your agent will be the same as for your health care power of attorney) Yes No (If “yes,” please indentify agent’s name, address, and phone number): _____

5. **FEMALE CLIENTS ONLY:** You can choose to limit the power of your living will during a pregnancy by indicating that no medical actions can occur that would adversely impact the viability of your unborn child.

Do you want your living will/health care power of attorney to contain an exception limiting its scope during pregnancy? Yes No

For Attorney Use Only: In what State should the document apply? _____

Discussed requirement to designate a person authorized to direct disposition of remains in CG PSC-2020D/NAVPERS 1070/602 (Record of Emergency Data)

Springing Durable (“Financial”) Power of Attorney

Your will takes effect after your death, but you should also plan for who can handle your finances when you might be mentally or physically unable to do so because of illness or accident. In most instances, a general power of attorney is not sufficient, because it ceases to become effective when you no longer are competent to make your own decisions. Your agent can only act to the extent you can.

A “springing” power of attorney becomes effective only after you have become disabled. Because you are of sound mind now, you may appoint someone to handle your financial and property management affairs if you ever become incapacitated, whether through illness, accident, or other incident that prevents you from communicating. If you do not appoint an agent under this type of document, then whoever decides to try to handle your affairs in the event of your incapacitation (including your spouse) will need to go to court to have you declared incompetent to handle your own financial affairs.

Your attorney-in-fact will have very broad authority over your affairs. Not only can he or she keep your affairs in order, but he or she may dispose of your property. The document has the potential for misuse at your expense and the agent’s own gain. Therefore, the person you select must be highly trustworthy. As long as you remain competent, you also have the right to revoke the durable power of attorney whenever you please simply by destroying the document and notifying your attorney-in-fact of the revocation.

Do you want a Springing Durable Power of Attorney?

- Yes (Please provide the information below)
 No (If “no,” please sign at the bottom of this page. Your worksheet is complete.)

Who do you wish to appoint as your agent? (Note: Your agent must be at least 18 years of age and should be a U.S. Citizen or Lawful Permanent Resident.)

Primary Agent	Alternate Agent
Name/Relationship	Name/Relationship
Address	Address
Phone Number	Phone Number

If you are unable to take care of yourself and a court needs to appoint a guardian or conservator to take care of you, do you want the court to appoint the person(s) named above as your guardian or conservator? Yes No

For Attorney Use Only: All states honor 10 U.S.C §1044 Durable Springing Powers of Attorney. If you are not preparing the POA under 10 U.S.C. §1044 then you must check state law to confirm whether the POA may be a Springing POA.

Is the Power of Attorney to:

- Sell your real property if you own any at the time?
- Make a gift of any asset in the client’s estate to the agent or to beneficiaries?
- Create an irrevocable income trust to qualify for Medicaid?
- Disclaim (refuse to accept a gift from another estate or refuse to accept an insurance policy for which you have been designated the beneficiary) if doing so will benefit your estate
- Deal with IRA, retirement and pension plans on your behalf
- Prepare (or have a tax person prepare) and file your income taxes for you

Compensation for Agent: Not discuss compensation Reasonable compensation Agent waives compensation

Liability for Agent: No liability to 3rd parties for negligence Liability to 3rd parties for negligence

I authorize the attorney or his or designee to contact me at the email address listed on page seven and send a draft of my documents for my review to that same email address.

CLIENT SIGNATURE: _____

DATE: _____

END OF THE WORKSHEET

USCG D17 LEGAL ASSISTANCE CLIENT INTAKE QUESTIONNAIRE

DO NOT PROVIDE ANY DOCUMENTS OR PAPERWORK TO US UNTIL REQUESTED

The Legal Assistance Office requests the information on this form to enable us to check for representational conflicts and to determine eligibility for assistance. Your simply providing the information does not create an attorney-client relationship between you and the legal assistance office.

****WE ARE UNABLE TO ASSIST WITH CIVILIAN OR MILITARY CRIMINAL MATTERS****

ID Card must be provided

Eligibility: Active Duty, Dependent, Active Duty Retiree or Category 1 Reserve Retiree, and Reservist on Active Duty or scheduled for deployment

FOR OFFICE STAFF ONLY:

Date Processed:

ID Card Screen: Yes No

Conflicted: Yes No

Conflict Check:

Law Manager Number:

Name: _____ First, Middle, Last	<input type="checkbox"/> Member	<input type="checkbox"/> Retired	
Maiden Name (if applicable)	<input type="checkbox"/> Dependent	<input type="checkbox"/> Reserve	Employee ID Number (EMPLID): if applicable

Spouse: _____ First, Middle, Last	<input type="checkbox"/> Member	<input type="checkbox"/> Retired	
Maiden Name (if applicable)	<input type="checkbox"/> Dependent	<input type="checkbox"/> Reserve	Employee ID Number (EMPLID): if applicable

Current residence: _____ Street address	City	State	Zip code	State of legal residence _____
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Branch of Service	Unit Employer	Rate/Rank	Pay Grade	Separation/PCS Date
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Phone Number _____ Primary (include area code)	Phone Number _____ Alternate (include area code)	Email Address _____ CG Global email	Email Address _____ Personal email
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I am the only person with access to voicemail for these phone numbers:	<input type="checkbox"/> Primary <input type="checkbox"/> Alternate	I authorize attorneys and support personnel to leave a message for me at these phone numbers:	<input type="checkbox"/> Primary <input type="checkbox"/> Alternate
---	--	--	--

I am the only person with access to these email addresses: Coast Guard global email Personal email

Use of email over the Internet may not be secure and could be accessed by third parties. Do you consent to this office communicating with you via email? Yes No

Sponsor Service	Sponsor Rate/Rank	Sponsor Current Duty Station	Sponsor Phone Number	Sponsor Email Address
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CONSENT TO DISCLOSE CONFLICT: If an opposing party is entitled to legal assistance and comes to our office, we cannot help that person if you have formed an attorney-client relationship with us. It will be necessary to tell the opposing (conflicted) party that this office represents you AND cannot represent him or her. Do you consent to our disclosing that we represent you? Yes No

Have you already engaged any other attorney to represent you regarding these issues? *If you are represented by an attorney, this office cannot assist you. You may have your attorney contact us for military-specific issues.* Yes No

TYPE OF LEGAL ASSISTANCE REQUESTED

(Please check and circle or highlight all areas that apply)

<input type="checkbox"/> Estate planning (including wills and advanced medical directives, a/k/a living wills) <input type="checkbox"/> Military service protections (including SCRA and USERRA) <input type="checkbox"/> Domestic relations (including marriage, dissolution, spousal support, child custody, support, and visitation, and nonsupport)	<input type="checkbox"/> Landlord-tenant relations (including security deposit disputes and lease reviews) <input type="checkbox"/> Consumer affairs (including bankruptcy) <input type="checkbox"/> Real property (buying/selling and drafting of leases) <input type="checkbox"/> Immigration and citizenship	<input type="checkbox"/> Civil suits/small claims <input type="checkbox"/> Taxes <input type="checkbox"/> Civil rights matters (complaints of discrimination in the civilian community) <input type="checkbox"/> Step-parent adoption/name change	<input type="checkbox"/> Minor criminal activity (including traffic violations) <input type="checkbox"/> Decedent and Casualty Affairs <input type="checkbox"/> Torts <input type="checkbox"/> Other (describe briefly): _____ _____
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PROVIDE COMPLETE DETAILS BELOW REGARDING ANY ADVERSE OR RELATED PARTIES

Name: _____	SSN or EMPLID (if known) _____
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Home or Contact Address: _____	City: _____	State: _____	Zip: _____
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Contact Numbers: Work: _____	Home: _____	Relationship to you/your case:
<input type="checkbox"/> Active Duty <input type="checkbox"/> Reserve/Guard <input type="checkbox"/> Retiree <input type="checkbox"/> Dependent <input type="checkbox"/> Other (explain)		

Rank/Rate: _____	Pay Grade: _____	Branch of Service: _____	Duty station: _____
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Signature/Digital Signature: _____	Date: _____
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