

Estate planning when you have no next of kin



By MELISA SLOAN

IN A WORLD where it is increasingly common to grow up with no siblings and a small extended family, or a family in which you may not have a close connection or are estranged, we are seeing the emergence of people struggling to determine who to leave their assets to upon their death, and who to appoint to important roles in their Will and Power of Attorney documents.

Here, we look at some options that may provide some clarification if you too find yourself in this situation.

Appointing an executor

The role of executor is an important role in your Will, as they will be entrusted with obtaining a Grant of Probate of your Will from the Supreme Court and the distribution of your assets to the beneficiaries listed in your Will.

Often, older people are reluctant to

appoint a sibling or friend of the same age to this role.

In this situation, a trusted niece or nephew or perhaps a younger friend may be able to take on the responsibility.

Alternatively, you could look to a trustee company, such as Equity Trustees, to undertake the role of your executor and the administration of your estate.

If a trustee company seems like your best option, make sure you familiarise yourself with the associated fees.

Deciding who gets your assets

Clients often comment, "I don't have a partner, siblings or children, so I am not sure who to leave my assets to".

In these instances, it is a good idea to reflect on the people who are most important in your life.

For many, close friends become their chosen family.

Godchildren or the children of close friends are another option, together with extended family members, such as cousins, that you have a relationship with.

Often, for those without an immediate family, gifts to a charity that is important to them are an important part of their legacy.

These charities or organisations may be a not-for-profit organisation for a cause close to your heart, an animal shelter, sporting organisation, educational, or research organisation.

You have the discretion to leave your wealth to one person in its entirety, or to distribute it amongst a number of beneficiaries in varying proportions; perhaps you may choose to leave some to close friends with whom you have close, meaningful relationships, some to extended family members, and the balance to charities.

This is an important decision, and you should give it careful thought.

Finding someone to take care of you whilst you are still here

For many, it can be daunting to consider who you would like to look after you should you become incapacitated, either through an accident, medical episode, or dementia, and who you would like to

make financial, legal, guardianship, and medical decisions for you in such instances.

As hard as it is to decide who to appoint for these significant roles, it is important that you do appoint someone to undertake the role of your attorney in respect to your Enduring Power of Attorney and your medical treatment decision maker in respect to your Appointment of Medical Treatment Decision Maker documents.

Take the time to review your networks and extended family and friendship groups to consider if there are any viable options for who you would feel comfortable appointing to these roles.

Always remember that you are not alone, that there are other people in the same position as you, and you may find one of your connections is experiencing the same dilemmas as you.

Chat with them about this, and feel encouraged to reach out and chat to someone who you think would be a prospective option to appoint as your attorney or medical treatment decision maker.

If you feel that there is no one that you trust to undertake the role of your attorney, you may give consideration to appointing a trustee company as your attorney in respect to your Enduring Power of Attorney.

Legal peace of mind regardless of how big your network is

There are a number of options available to you to leave your wealth upon your death, together with options available to put in place the appropriate people to care for you should you become incapacitated.

Taking the time to implement this will give you peace of mind and comfort that all is in place.

ABOUT MELISA

Melisa Sloan is an Estate Planning Lawyer based in Park Orchards.

The advice in this column is of a general nature, and readers should consult a professional for bespoke guidance.

The views expressed in this column are those of the writer and may not reflect the position of the Editorial team.