

2025 · WHAT ISSUES SHOULD I CONSIDER WHEN REVIEWING MY ESTATE PLANNING DOCUMENTS?



THRESHOLD ISSUES	YES	NO
▶ Have you recently changed residency? If so, ensure that you have established your domicile (i.e., legal home), and that your estate plan is valid under the laws of your domicile.	☐	☐
▶ Do you need to review the applicable laws and any changes that have occurred since you executed your documents (state or federal)? If so, review how your plan may have been affected, and update it accordingly.	☐	☐
▶ Do you need to confirm and share the location of your original documents? If so, ensure that your documents are kept in a safe but accessible place, known to your family and/or fiduciaries.	☐	☐

GENERAL POWER OF ATTORNEY	YES	NO
▶ Do you need to confirm the terms of your General POA? If so, review whether the powers are effective immediately or are “springing” (contingent upon the occurrence of a factor, such as incapacity), and whether they are durable (continue beyond your incapacity).	☐	☐
▶ Do you need to review your appointed agents? If so, consider the following: ■ If you name multiple agents, review whether they may act individually or must act jointly. Understand the complexities that can arise when agents must act together, and consider naming individual agents under concurrent General POAs if convenience is a priority. ■ Confirm that your successor agents are good back-ups for your primary agents.	☐	☐
▶ Do you want to limit your agents’ powers?	☐	☐
▶ Is there a need or good reason to record your General POA?	☐	☐
▶ Have you revoked any prior General POAs? If so, consider appropriate steps to prevent unauthorized action by your prior agents. In some cases, recording may be advisable or necessary.	☐	☐

HEALTH CARE POWER OF ATTORNEY AND LIVING WILL	YES	NO
▶ Do you need to review your appointed agents? If so, consider the following: ■ Given the nature of this role, local or readily available agents may best serve your needs. ■ If you name multiple agents, review whether they may act individually or must act jointly. Understand the potential inefficiencies and any disputes that could arise among co-agents with respect to your health care. ■ Confirm that your successor agents are good back-ups for your primary agents.	☐	☐
▶ Are you planning to undergo a health procedure? If so, consider executing the relevant medical institution’s Health Care POA form, in addition to what you might have in place.	☐	☐
▶ Do you need to review your Health Care POA to confirm HIPAA authorizations?	☐	☐
▶ Do you need to confirm that you clearly expressed your wishes regarding your end-of-life treatment options? If so, review your Living Will Declaration and your instructions regarding the provision of artificial nutrition, hydration, palliative care, and life-prolonging medical procedures in the event of a terminal condition, vegetative state, etc.	☐	☐

LAST WILL AND TESTAMENT	YES	NO
▶ Do you need to review your Executor/Personal Representative appointments and successors? If so, consider the following: ■ Confirm that your appointed fiduciary is qualified to serve under your state laws, and consider whether they are capable of fulfilling their duties. ■ If you are naming co-fiduciaries, weigh the benefits against the possible complications.	☐	☐
▶ Do you have minor children? If so, consider the following: ■ Confirm that your plan includes trust provisions (e.g., in a testamentary trust or in a living trust) to control the timing and amount of access to funds, and to properly support and protect your children. (continue on next page)	☐	☐

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LAST WILL AND TESTAMENT (CONTINUED)	YES	NO
- Name one or more guardians, including successors, to care for your minor children in the event of the death of both parents. Consider whether the same individual(s) should serve as Trustee(s), or whether a division of responsibility would be more beneficial. - When naming a married couple as guardians, consider whether divorce or the death of one party would affect their suitability.		
If you hold any testamentary powers of appointment, have you properly exercised them under your Will?	☐	☐
Do you need to review the allocation of the estate and/or inheritance tax burden?	☐	☐
Do you have a plan for your digital assets and information?	☐	☐
Does your Will refer to a tangible personal property memo? If so, ensure that you have completed the memo according to your wishes.	☐	☐

REVOCABLE LIVING TRUST	YES	NO
Do you need to review your Trustee/Co-Trustee appointments and successors? If so, consider the following: - Ensure that your appointed fiduciary is qualified to serve under your state laws, and consider whether they are capable of fulfilling their duties. - Weigh the costs and benefits of appointing a corporate fiduciary.	☐	☐
Do you have beneficiaries with special needs?	☐	☐
Do you need to review the allocation of the estate and/or inheritance tax burden for assets passing under your trust?	☐	☐
Does your Will pour over into your trust?	☐	☐
Did you, or do you need to, fund your trust during your lifetime? If so, consider what assets to convey to your trust, and when. Trust-owned assets will avoid probate at your death.	☐	☐

IRREVOCABLE TRUSTS	YES	NO
Do you have an ILIT? If so, confirm that the Trustee is properly administering the trust, all premiums are properly paid, and any Crummey Notices are timely issued (if applicable).	☐	☐
Do you have a split-interest trust, such as a CRT or CLT? If so, confirm that the Trustee is properly administering the trust, and annual payments are properly calculated and made.	☐	☐
Do you have a SLAT or a GRAT? If so, confirm that the Trustee is properly administering the trust, and that actions do not risk inclusion in your taxable estate.	☐	☐
Do you have a QPRT? If so, monitor the term of the trust, and plan for the transfer of ownership and the possible need to rent back the residence, observing proper formalities.	☐	☐
Do you need to confirm that income tax returns are properly filed for your irrevocable trust(s)?	☐	☐
Are your actions consistent with the terms of your trust?	☐	☐

MISCELLANEOUS	YES	NO
If you have a premarital agreement, do you need to ensure that your estate plan is in alignment?	☐	☐
Do you need to review your nonprobate transfers, to ensure that they align with the planning under your Will and trust? If so, consider the following: - Assets that are jointly owned or TOD/POD pass by survivorship. Review deeds and account titling to ensure alignment with your overall plan. - Retirement accounts, life insurance policies, annuities, etc. pass by beneficiary designation. Confirm the status of your beneficiary designations with each institution.	☐	☐
Do you need to add flexibility to your plan (e.g., by designating a trust protector), to allow changes should unforeseen circumstances arise in the future?	☐	☐
Are you concerned about a future Will or trust contest?	☐	☐



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