

# The Basics of LGBT Estate Planning

By Carrie and Elisia Ross-Stone

## Introduction

Unless your relationship is legally recognized, you and your partner are strangers to one another in the eyes of the law. Period. You may think the love and responsibilities you share with your partner are exactly the same as your heterosexual family and friends, but unfortunately, that isn't the case – the law sees it another way.

So what does legally recognized mean? A marriage sanctioned by the law bestows concrete legal and tax benefits upon married couples. The moment a heterosexual couple – and LGBT couples living in marriage equality states – say “I do” they are eligible for more than 1,100 state and federal benefits, rights, protections, and responsibilities that are denied to same-sex couples whose relationships are not recognized in their home states

Now that parts of the Federal Defense of Marriage Act (DOMA) have been ruled unconstitutional by the US Supreme Court, married same-sex couples who are able to access state benefits are now eligible to receive valuable federal rights and protections.

Unfortunately for married and unmarried same-sex couples, some corporate institutions, religious organizations, and even relatives, friends, and neighbors don't always see committed gay and lesbian partners and their kids as a real nuclear family.

So what can LGBT life partners whose marriages don't count (or those couples who just don't want to get married) do to protect each other from the harsh realities of legal, institutional, and familial discrimination in the event of legal separation, mental or physical incapacity, or death? For now, non-married couples must create their own legal rights and protections using wills, advance directives, contracts, and more.

In a strange way, committed gay and lesbian couples are lucky in at least this way: Because the law often doesn't recognize same-sex relationships, the need for planning should be more obvious to them. But everyone – married or not! – should have an estate plan.

## The difference between estate planning and financial planning

The term estate planning is sometimes used in conjunction with or as a substitute for financial planning because financial planners frequently incorporate estate-planning documents when creating a financial plan for their clients. But the terms refer to two different things.

A financial plan is the process of planning for your financial future by saving and making investments to accumulate wealth, provide security for your retirement, or pay for a dependent's college education.

An estate plan allows you to arrange, in advance, for the systematic and organized transfer of assets to beneficiaries following your death and for the continuity of asset management during an illness or injury. Most estate plans involve creating and signing specific legal documents that clearly spell out your wishes for how your property will be managed and to whom it will be distributed. A properly designed plan also lets you appoint someone you trust to make sure your instructions are carried out.

Although an estate plan can be part of a comprehensive financial plan, for the purpose of this eBook, we limit our discussion to estate planning, focusing on creating written, legal documents to protect and empower LGBT families. Whether or not your relationship is legally recognized, Rainbow Law's mission is to help you do what is necessary to protect your rights, your relationship, and your property.

This eBook explains the importance of having specific legal documents in place and makes clear what protections are essential for and available to unmarried partners. We also delve more deeply into the topic of estate planning to define what an estate is and help you understand how to recognize and assess the value of your estate. Having an estate plan in place before an unfortunate event occurs is paramount. Therefore we also provide directions on how to follow through with your estate plan so that it achieves your goals. An estate plan should not only provide after-death protection, but it also anticipates the possible need for long-term care in case of illness or injury. In this eBook, we explain the ins and outs of pre-planning for long-term care in order to protect your assets.

## Figuring out what an estate is

People hear the word “estate” and picture a wealthy tycoon, living in a mansion and driving a Lexus. In fact, an estate is simply all the stuff you own: your house, bank accounts, IRA, retirement accounts, stocks and bonds, car, personal property – even the toaster oven you received when you came out as a gay man or lesbian!

Here’s another way to look at what an estate is: When you’re alive, if you decide to get rid of some of your stuff, you can sell it on eBay or at a yard sale. After you die, your executor (the person you appoint in your will to administer or settle your estate after your death) may sell some of your stuff at an estate sale. Check out the classified ads in your local paper and more than likely you’ll find yard sales and estate sales listed together in that section.

Whether you’re legally married or not, providing for your loved ones is your greatest responsibility. If you want your partner to inherit your estate (receive your property) after your death and make medical and financial decisions for you when you’re ill, you need to put your wishes into a legal writing – in other words, you need to make an estate plan, which we explain in this chapter.

## Defining an estate plan

An estate plan is simply a detailed and organized set of instructions – your instructions – which clearly describe how you want your assets to be managed while you’re still living and after you die. More importantly, your estate plan should clearly state your wishes and identify whom you want to control and inherit your property after you are gone. That’s really all there is to it.

The following parts introduce two fundamental estate planning documents and describe the basic structure of a good estate plan.

## Identifying the document choices you have for your estate plan

Generally speaking, an estate plan comprises several legal documents, depending on your particular circumstances. Two main types of estate plans are available based on the following:

- A last will and testament: A will is a testamentary document (for example, it doesn’t take effect or become valid until the death of the person making the will) that specifies how you want your estate settled and your property distributed after your death. (Refer to our eBook on wills for more information.)
- A living revocable trust: A trust is a legal agreement that takes effect as soon as it’s signed and that clearly spells out how your assets will be managed, your estate settled, and your property distributed both during your life and after your death. (Check out our eBook on Trusts for loads of information about trusts.)

## What's in a name? Understanding legal titles

Throughout this eBook we use the terms “manager” and “decision maker” to describe those people you appoint in your documents to oversee your estate or assets and make medical and financial decisions for you. Individual states use different terminology for these positions. For example, the term manager refers to the person you appoint to administer (to supervise or be in charge of) your will.

Some states refer to this person as executor; other states use the term personal representative or administrator. Whatever term is used, the duties and powers of your manager are virtually the same. Likewise, the term “decision maker” refers to the person you appoint to make medical and financial decisions for you when you aren't able to make those decisions for yourself. Depending on your state's law, a decision maker may be called your agent, personal representative, or attorney-in-fact.

Will and trusts each have their own unique pros and cons, which we cover more thoroughly in our will and trust eBooks. No matter which type of estate plan you decide to use, the important thing to remember is that you should not put off creating legal rights and protections until it's too late.



If you become ill or injured or you die before preparing estate-planning documents, your partner and/or family of choice may not have the right to live in the home you shared together. Your loved ones may not receive your other property and assets. Your legal relatives – even those who you haven't spoken to in years – may have superior legal rights over your partner. It's your responsibility to put your wishes in writing before it's too late.

**TIP!**

As long as you're of sound mind (not mentally incapacitated), you can cancel (the legal term is revoke) or change (amend, another bit of legalese) the documents in your estate plan.

An amendment to a will is generally referred to as a codicil. You may want to revoke or amend your will and/or trust if:

- You break up with your partner.
- You move to a different state.
- You buy or sell your home.
- You have or adopt a child.
- Someone you named in your document dies.

**TIP!**

Unless you want your ex to administer (have control over) and inherit your estate, you need to revoke or amend your will and/or trust after a breakup. You probably don't want your ex to be the beneficiary (the person who will receive assets and property under your will, trust, insurance policy, and so on) of your estate either.



Because each state has different laws governing wills and estates, you may need to revoke a will and create another will that is valid in your new home state. Because a trust is a contract, you only need to amend the trust to reflect your change of residence.

If you move to another town or city in the same state, you should amend your will and trust with your new address. You may also want to amend your trust or will to include a new beneficiary (for example, if you have or adopt a child) or to remove a beneficiary if someone you've named dies.

## How to make an estate plan

After you decide to create estate-planning documents, your biggest challenge is actually doing the work required to make your plan effective. Although doing so may be a bit time consuming, the pain and suffering you will spare yourself and your loved ones later is well worth the effort. Here is what you need to do to create an effective estate plan:

1. Sit down and make an inventory or list of your valuable assets.



If you have a partner, you both need to take the time to do this. To make it easier on you, we've included a sample inventory as well as a blank asset and property inventory form on the CD. Doing so can help you organize your property and divide it according to specific categories.

Valuable assets include but aren't limited to real property (house or land), motor vehicles (such as cars, RVs, and boats), cash, bank and financial accounts, art, jewelry, books, CD or DVD collections, antiques, tools, electronic equipment, specific items of personal property having sentimental value (family heirlooms), and so on. In other words, all the stuff that isn't real property is personal property, and everything should be listed.

2. Decide who will be responsible to make medical and financial decisions for you and who will manage and distribute your assets and property after you die.

Use full, legal names and make sure you have updated contact information, including cell phone numbers and e-mail addresses. Include on your manager and decision maker list:

- The name(s) of your manager, the person who will administer your estate and settle your affairs
- The name(s) of your medical and financial decision maker
- If your children are minors, the names of guardians to care for them
- The name(s) of manager for property distributed to underage beneficiaries



In case one or more of the people on your list isn't able to act for any reason, you should name an alternate to take their place. Naming an alternate is important because you never know whether your first choice will be willing or able to act on your behalf. And, more importantly, if you don't choose an alternate and your first choice is unavailable, the court will appoint someone for you – and that someone may be the last person you would want to make decisions for you and manage your affairs. We know of or have heard of too many sad examples of grieving partners being shoved aside by homophobic or unsympathetic relatives of the deceased. You don't want to join this club!

3. Decide who will inherit your estate after you are gone. After all, the whole point of creating an estate plan is to make sure your loved ones are cared for, right?



Using your asset inventory as a guide, decide how you want to divvy up your property. For many people, this assignment will be easy because you plan to give everything to your partner or to your kids. For others, your estate plan may be a bit more complicated. For example, you want to give most of your assets to your partner and/or children, but you also want to give something to other people and/or organizations.

4. Create your beneficiary list. Your beneficiary list is exactly what it sounds like — it's a list of all the people and organizations you want to benefit from or inherit your money and property after you die. On the beneficiary list, make sure you provide, in order of priority (who do you want to be first in line to inherit, and, if that person isn't living, who do you want to inherit the deceased person's share):
  - The name of your first choice of beneficiary (usually a partner)
  - The names and birthdates of your children
  - The names of others to whom you want to leave your property
  - The names of organizations, groups, or causes you want to benefit
  - Information about your pets, including names, descriptions, and caretakers



Use full, legal names and updated addresses and phone numbers. Be sure to describe the relationship you have with your beneficiary on this list and in your legal document (for example, your partner, child, sister, mother, friend, and so forth.) Although making these lists may seem like a chore, it really helps to gather and organize this information, in advance, to give you the opportunity to reflect on your choices and to ensure you don't unintentionally leave out some person or some organization you care about.

- Don't forget to list alternates — that is, who should get your property
  - if your first choice doesn't survive you. There's an estate planning worksheet with tips and suggestions to help you create your list in the Appendix of this eBook.
5. Discuss your plan with those you want to empower and authorize. After you determine who your managers and decision makers will be, ask their permission to name them as such on your legal documents. Make sure you tell them exactly what is expected of them and that they're willing and able to act on your behalf. Even more importantly, ask yourself if you feel the people you've listed are mature enough, trustworthy, and qualified to perform the required tasks and duties.



You also want to tell your parents or siblings that you have created legal documents and that you've appointed your life partner as your executor, as your agent to make your medical and financial decisions, and as the beneficiary of your estate. If you are reluctant to come out to your family, at least give them the basic facts about your decision without revealing your motives. Consider this: If you don't tell them yourself, your partner may be put in the awkward position of having to deal with their shock and anger while at the same time trying to juggle the duties of executor or healthcare surrogate.



The last thing you would wish on your partner is to have disgruntled family members fighting over his or her decision making powers and/or inheritance rights at this very stressful time – especially because you won't be around to able to defend your wishes. Even if you don't tell your family you've signed legal documents that give your partner the right to make decisions for you and inherit your property, those documents are still valid.

6. Go over your list with your partner. Make sure you explain all your decisions so he or she isn't caught by surprise later on. Even better, sit down and make your list with your partner at your side.
7. Talk to those people you are naming as your decision makers. Acting as executor of your will or trustee of your trust is a huge responsibility. You don't want to burden them with a duty they don't understand or wish to perform.
8. Give copies of your documents to someone you trust. This person can be a family member or close friend, perhaps a clergy member, who may be able to intervene calmly on your partner's behalf. Sharing the documents can greatly ease the burdens of your partner and family who will be trying to care for you in your illness, or grieving over your death.

## Who will take care of your kids if something unlikely happens?

Prospective adoptive parents have to seriously consider who would – or could – take care of their soon-to-be children if they become incapacitated or die. But this question is worth serious consideration by all parents of minor children, and perhaps especially by gay and lesbian parents whose death might be more likely to set off a squabble among relatives about who, if anyone, can or should take the kids in.

Stick to these steps to help you determine who will be your children’s guardian:

1. You and your partner need to think about which of the possible candidates would be best for raising your children.



Among the many factors you may consider are geography, parenting style, political philosophy (no homophobes need be considered!), the personalities of all involved (some kids and adults are better matches than others), and resources. Making this decision may be more difficult than either expect, so keep that in mind if you find yourself becoming more assertive or agitated than usual.

2. After you settle on a potential home and parent(s) for your children, think about the conversation you want to have with those you’ve chosen. Explain why you’re asking them to take on this responsibility and listen attentively to their concerns and questions. If they seem ready to take on the burden, insist that they sleep on it and (if they’re a couple) talk it over before committing. If they say no or seem reluctant, accept their decision and move on – without judgment, if possible. Some LGBT partners worry that a disgruntled family member may try to interfere with the rights of their life partner. Fortunately, some states permit a competent adult to designate another person as their “family,” or legal “next of kin.” These written designations provide additional protections for couples whose family is not accepting of their lifestyle.

In addition to designating a partner as your next-of-kin, LGBT couples may want to consider petitioning the probate court for a legal name change so that both partners share a common surname. This option may be of particular importance to a couple if they have children or are planning to become parents?

## Designing an Estate Plan to Suit Your Circumstances

Whatever your situation, your estate plan is the foundation upon which you will build security and peace of mind for your loved ones. Every relationship and way of life is unique, and your estate plan should reflect your particular circumstances. Partners in a committed relationship may choose to live together or apart. More and more LGBT couples are opting to have children. Older couples and those couples with special needs must create rights and protections where the law falls short.



Laws affecting LGBT legal rights vary from state to state, and the task of protecting rights and benefits can seem daunting, but with the help of this and our other eBooks and the RainbowLaw.com website, you can get a handle on what you need to do to protect your family and loved ones.

The following chapters outline the basic structure of the typical estate plan and provide essential information about other techniques and tactics you may want to use to design your estate plan. We help you whether or not you decide to do it yourself or use Rainbow Law or a different attorney. We also offer instructions for making your estate plan effective and official as well as directing what you should do with your documents after they are signed.

## Identifying the parts of an estate plan

Depending on your particular circumstances – your marital status, where you live, what you own, your net worth, and so on – your estate plan will be very simple or quite complex. At a minimum, every person should have the following:

- A will: A will is a legal document that doesn't take effect until you die. A will enables you to appoint a person to settle your estate and name a person or organization who will receive your money and property after your death. (See Last Will eBook for more info about wills.)
- A living will: A living will lets you say, in advance of illness or injury, what medical treatment, if any, you want administered when and if you become ill or are injured with no hope of recovery or survival. (Our advance directives eBook provides more explanation about living wills.)
- A medical power of attorney: This legal document allows you to appoint someone you trust to make medical decisions for you when you're not able to make them yourself. (Check out our advance directives eBook for more information.)

As you accumulate more assets and your situation becomes more complicated, you may need some additional estate planning tools. Also, special circumstances such as a legal marriage, breakup or divorce, remarriage, moving to a different state, having or adopting a child, a partner or child with special needs, and so on require legal documents specifically tailored to meet your new circumstances.

Additional estate planning tools may include:

- Durable power of attorney: Also known as a DPOA, this legal document lets you authorize someone you trust to manage your money, property, and business for you when you aren't able to do these things yourself. (See our advance directives eBook for more in-depth information on DPOAs.)
- Living revocable trust: Also called a grantor trust, this document is a legal contract or agreement that, among other things, lets you appoint someone to hold title to your real estate and other valuable assets. (Check out our trust eBook for the lowdown on these trusts.)
- Irrevocable Medicaid trust: A special type of trust that lets you protect your assets – especially the equity in your home – in case you ever need nursing home care or Medicaid benefits. (Our trust eBook has more details.)
- A minor child's trust: This trust lets you arrange for property and assets for a minor child or children to be managed by someone you trust until the child reaches a certain age. (Refer to our trust eBook for insight into this kind of trust.)
- A special needs trust: This specialized trust takes care of a physically or mentally disabled child or adult without affecting his or hers eligibility for government benefits like Supplemental Security Income (SSI), Medicaid, food stamps, and so on. (Read our trust eBook for more details.)



Planning for the inevitable may not be the most enjoyable thing you have ever done. However, with effective estate planning, you can transfer the greatest amount possible in the least amount of time to the people you love. Every estate plan should do the following:

- Assure continuity of control over assets: Especially when the person you appoint to manage your assets is your partner, he or she should continue to have the right to access and control property and financial accounts as though you were alive and well.
- Maximize access to assets: Your estate plan should guarantee there is no delay in your partner's right to access money and property while a judge decides whether or not your documents are valid and legitimate.
- Increase the preservation of capital: Your assets should be able to increase in value while you're incapacitated (unable to manage your own affairs) or while your estate is being settled
- Maximize privacy: No one but you should be able to appoint someone to manage and inherit your assets.
- Assure adequate management of assets: Your documents should clearly identify your assets, who will manage them, and where they are located.
- Minimize time to settle estate: Your documents should avoid probate (a court proceeding where the validity of a will is determined by a judge) because it can be very time consuming.
- Minimize cost of estate settlement: In addition to being time consuming, the probate process can also be costly because it involves attorney's fees and court costs.
- Efficiently transfer estate to desired beneficiaries: When your estate plan avoids probate, your beneficiaries receive their share of your estate more quickly.

## Do-it-yourself, use Rainbow Law or hire an attorney?

Your decision to use Rainbow Law, hire an attorney or create your estate plan on your own is an individual decision and should be based on whether or not you:

- Have a complex personal, financial, and/or business life
- Have an estate which is valued at more than \$5 million (see the nearby sidebar for more information)
- Have a messy personal life (in the midst of a breakup, child custody battle, and so on)
- Are uncomfortable creating your own estate planning documents

## Making your estate plan official

After you create your estate planning documents, you still need to take care of a few other items to ensure your documents are legally valid.

1. You must sign your documents according to your state's law.



With exception of a few states, a person must be at least 18 years of age to sign a valid will, trust, or contract. In order to make a legal document stand up to a challenge, it should also be signed by two witnesses and a notary. Included on the Appendix is a list of signing requirements in all 50 states.

2. When you are ready to sign your documents, do so at a place where you regularly conduct business, such as your bank, real estate agent, insurance agent, and so on.



Generally, these places have a notary on staff, and a couple of employees can act as your witnesses. Signed copies of your documents are considered your originals. Make sure to sign in blue ink to help you distinguish photocopies from originals.

Having your lesbian and/or gay friends witness and notarize your documents is – in general – not a good idea! Remember, one of the tests to determine the validity of a signature is whether the person signing is of sound mind or under undue influence at the time you signed. Will challenges alleging undue influence have occasionally been successful when a disgruntled family member suggests the deceased was surrounded by gay or lesbian witnesses and a gay or lesbian notary who may have used coercive tactics to compel the deceased to name his or her LGBT partner as executor and/or beneficiary of the will.

## What to do with your documents after they're signed

After you sign the documents, make at least one photocopy of each original (signed) document and then do the following:

- Give copies of your living will and medical power of attorney to your doctors to keep in your file.
- Put a copy of your living will and medical power of attorney in the glove compartment of your car.
- Give copies to the person you appointed to make medical decisions for you.
- Take copies of your durable power of attorney to your financial institutions, and they will be less likely to challenge your partner's authority to act.
- After your documents are properly signed and photocopies are made, you need to put them in a safe place. Keeping originals of your will and advance directives in a safe deposit box may be unwise. For example, if something happens to you when the bank is closed, your next-of-kin (not your partner) may be able step in and make decisions that are counter to your wishes.



Put the originals of your legal documents in a large freezer bag and place them in the freezer section of your refrigerator. Your freezer is an easily accessible, fire-resistant safe. Whatever you do, make sure you tell those you name to manage your assets and settle your estate where your documents are stored.

## Thinking About Long-Term Care Insurance

Life insurance can be an excellent tool to provide financial security for a surviving partner and children and should be part of any solid estate plan. Due to the inability to take the marital deduction (discussed in more detail in our eBook about the pros and cons of living together), it may be appropriate for an LGBT couple to have cross-owned insurance; that is, each partner is the owner and beneficiary of a life insurance policy on the life of the other partner. When an insured life partner dies, the surviving partner (as owner and beneficiary) can use the proceeds for expenses incidental to settling the deceased partner's estate, to replace loss income, and so forth.

The proceeds from a cross-owned life insurance policy aren't taxed as part of a deceased's partner's estate because that partner didn't own the policy.

If a cross-owned life insurance policy isn't an option, an LGBT couple may want to obtain long-term care insurance. Not only are these policies becoming more comprehensive and affordable, the premiums also may be deductible for income tax purposes (with some limitations) as a health insurance expense.

Premiums for long-term care insurance plans are expensive, and the fine print on your policy may be hiding important information, such as when benefits start, what amount of the maximum daily payout, how long benefits will last, and what services are covered. Some policies have strict eligibility conditions for paying benefits; thus, if you don't meet these conditions, you may be incurring long-term care expenses but won't receive any benefits to cover them. Before buying a long-term care policy, make sure you understand what you're really getting and how much it will cost. Contact a trusted insurance agent for more information about making life and long-term care insurance part of your comprehensive estate plan.

## Ten things you should do before you die

As difficult as it is to face up to, the fact is no one lives forever. Estate planning, which deals with providing for ourselves as we age and taking care of loved ones after we are gone, is a constant reminder of that fact. So it's easy to understand why many people think this is a morbid topic and put off doing anything about it. Seventy-five percent of Americans – gay and straight – die without a will.

Like it or not, there is no better time than right now to take stock of your life and do what's necessary to take care of your loved ones.

Here are ten things you ought to do before you die:

1. Try to think of something positive at least once a day every day. The economy sucks; it's harder to get ahead at work and retirement funds have dwindled; and we worry about global climate change. But meantime time keeps passing and we aren't getting any younger. Sometimes you just have to stop and remind yourself to appreciate something or someone in your life. Try to live each day as if it was your last, because one of these days, it will be.
2. Make a list of goals and experiences you'd like to complete in your lifetime. The truth is that no matter how old (or young) you are, you just never know when you're going to die. So to keep a list of things to do before your fateful end. Why not make this your "bucket list" and start enjoying it today not at some point down the road.
3. Sign legal documents to protect yourself and your loved ones. In most states unmarried partners don't have the authority to make health care decisions or manage money for each other. Estate planning should start earlier than you might imagine. If you have a young adult child who gets injured or becomes ill you might need a judge's order before you have a right to act on your child's behalf.
4. Provide for loved ones. Contrary to popular misconception, you don't have to own a big house to have an estate. Your estate consists of everything you own when you die, including your home, personal property, investments, bank accounts, retirement plans and any interests in a family business or partnership.

If you die without a will or living trust ("intestate," in legalese), state law will determine how most of your belongings are distributed, and the result may not be what you would want. These laws establish a ranking of inheritors. Some newer laws say everything will go first to the spouse, then to children, parents and siblings – none to your partner.

5. Review beneficiary forms. Retirement accounts are distributed according to beneficiary designation forms filed with the bank or financial institution (the custodian) holding your account. With an IRA, you can readily name any beneficiaries you want, including friends, family members, a trust or charity. For a 401(k) or other workplace plan, you must get your spouse's written permission to leave it to anyone else. To change a beneficiary—for example, if you recently got divorced or your spouse died—file an amended form. Make sure to name both

primary and alternate beneficiaries. Do not name your estate as beneficiary; that could cause your heirs to lose important income tax benefits. (See "Inherited IRA Rules: What You Need To Know.")

6. Make sure you make arrangements to care for your pets. Line up someone who will be willing to care for them as you would do if you were alive. If you can, provide funds to pay for veterinarian visits, grooming and food for 5 to 8 years.
7. Make a list of your tangible personal property and name the people you want to give each item to upon your death. This will make it less likely your loved ones will fight over your stuff.
8. Try to spend a quiet moment of reflection for at least 10 minutes a day. If you believe in a higher power, pray. Otherwise just sit quietly and focus on your breathing.
9. Keep a journal or diary of your daily activities, your dreams, your longings, memories and so on. Having your written thoughts and contemplations will make a wonderful memento.
10. Tell friends and family that you love them. Some people don't say this at all. Others don't say it often enough. Don't leave any room for doubt. For those left behind, there is no greater comfort.

## Comparing Rainbow Law's prices to average attorney's fees

Yes, it can be painful to pay for estate planning. It costs money and the benefits (peace of mind and a sense of security) can seem intangible at first.

Only 35% of American's had a will in 2012, and only about half had any estate-planning documents at all. The stats are even worse for the LGBT community even though we need these documents more than others.

If you die without a will ("intestate," in legalese), state law will determine how most of your belongings are distributed, and it may not be in the way you'd want.

We've listed below five key estate-planning documents along with a comparison of prices between Rainbow Law and what you'd expect to pay a lawyer.

Each estimate is based on an hourly rate of \$300 (although some estate lawyers charge as much as \$1,000) and covers the document and a brief consultation:

Basic will:

- Rainbow Law: Will packages (includes medical power of attorney, living will, DPOA and numerous other supporting documents). Single will package (for one person) - \$99, Standard will package (for 2 people - also includes living together agreement)- \$195. Deluxe will package (for 2 people - also includes living together agreement, parenting agreement, nomination of guardian, deeds and more)- \$215.
- Lawyer: Will and possibly advance directives for one person - \$600

Revocable living trust:

- Rainbow Law: Trust packages (includes last will & testament, medical power of attorney, living will, DPOA and numerous other supporting documents). Single trust package (for one person) - \$125, Standard trust package (for 2 people -also includes living together agreement)- \$275. Deluxe trust package (for 2 people - also includes living together agreement, parenting agreement, nomination of guardian, deeds and more)- \$295.
- Lawyer: Trust and possibly a will plus advance directives for one person - \$1500 to \$2500

Durable power of attorney (DPOA):

- Rainbow Law: A financial DPOA is included at no extra cost in all of our packages, including the advance directives package that is sold on a sliding scale fee of between \$5 and \$25. If you can't afford to pay, we also let you have this package in exchange for a Tweet or Facebook like.
- Lawyer: \$150

Health care proxy:

- Rainbow Law: Also called a health care agent or health care power of attorney, a health care proxy is included in our advance directives package described above. Sliding scale of \$5 to \$25 or free in exchange for a Tweet or Facebook post.
- Lawyer: \$75

Living will:

- Rainbow Law: A living will is included in our advance directives package as described above. Sliding scale of \$5 to \$25 or free in exchange for a Tweet or Facebook post.
- Lawyer: \$75

## An estate plan isn't about death and dying – it's about life and love

Naturally, no one wants to think about illness, death, and dying – especially when it involves your own life and the lives of your loved ones. Because thinking about end-of-life matters can be difficult, too many gay men and lesbians put off getting their legal ducks in a row until it's too late.

Sadly, as a result of this disparity, when a life partner dies, the surviving partner often suffers more than bereavement. He or she may lose the home or items of personal property. He or she can be denied access to the partner's children, even if he or she helped raise them. And the surviving partner can be shut out of important rituals and decisions associated with saying goodbye: Will the body be buried or cremated? What shape will the funeral or memorial service take? Will an organ donation pledge be respected? An estate plan spells out all this information.

## How to order legal documents from Rainbow Law

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