
Why Shouldn't I Prepare My Estate Plan Using The Internet?

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In considering whether to hire an attorney to prepare your estate planning documents, keep in mind that estate planning is serious and complex. Many clients are hesitant to hire an attorney when they feel that they can prepare an estate plan online. Getting your estate plan right is a proven cost-effective approach for you and your family and can prevent costly mistakes that will affect you and your family members at the time of your death and/or incompetency. A good estate plan will often include the following:

- Durable General Power of Attorney
- Health Care Power of Attorney
- Health Insurance Portability and Accountability Act ("HIPAA") form
- Recommendations for your Beneficiary Designations
- Tax Planning
- Advice regarding Avoiding Probate

Having the assistance of an experienced estate planning attorney during the process of completing these documents is critical.

Why should you work with an experienced estate planning attorney when preparing your estate planning documents?

1. Your estate planning documents must comply with the laws of the state where you live. As an example, if your Will is invalid because you did not comply with Wisconsin law, your family will be forced to administer your estate according to the law of intestacy, which are laws written by the Wisconsin legislature for people who die without a Will. This may result in the distribution of your estate in a manner substantially different from what you intended.
 2. Proper estate planning can minimize or eliminate estate taxes. An experienced estate planning attorney will be knowledgeable about the most recent federal and state laws that can affect how your estate is taxed and distributed.
 3. An experienced estate planning attorney can discuss with you the advantages of the Wisconsin marital property law. Depending on your situation, it may be advisable for you to enter into a marital property agreement for estate planning purposes.
 4. An estate planning attorney can advise you of the techniques to avoid the probate process. Various assets can pass outside of probate which can result in substantial savings of estate settlement expenses, provided you have taken the necessary steps during your lifetime. The use of probate avoidance techniques, such as joint accounts, payable on death designations, and transfer on death designations, are useful in avoiding the cost and expense of probate.
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5. If applicable, an estate planning attorney can advise you of the current medical assistance/divestment planning opportunities available to you relating to planning for your long-term care needs.

6. An estate planning attorney will advise you on how your beneficiary designations should be set up for life insurance, annuities, retirement accounts and IRAs so that they work in conjunction with your estate plan by passing to your intended beneficiaries in the most tax efficient manner, incurring the minimum amount of expenses and delays.

Estate planning is important for everyone, and if any of the following situations apply to you, your estate planning process will require additional complex planning to make sure your wishes are carried out:

- If you have a minor child
- If your spouse or a child has predeceased you
- If you own a business
- If you own real estate in more than one state
- If you have a disabled family member
- If you want one or more charitable entities to be part of your estate
- If you have substantial assets and may be subject to the federal estate tax
- If you have children of a prior marriage
- If you are not married to your partner
- If you have recently been divorced

If one or more of these situations apply to you, or if you have questions about any of these situations, then you need the advice of an experienced estate planning attorney, someone who specializes and has expertise in preparing Wills, Trusts, and Powers of Attorney for persons of all ages, and knows and understands the needs of the elderly and the disabled.



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