Basic Estate Planning Ideas for Addiction Concerns

• The Addicted Child’s Estate Plan
  o Basic dispositive documents
  o Durable Power of Attorney and HIPAA consent
  o Determination of capacity

• Simple Planning Techniques for the Affected Family
  o Remove the addicted child from fiduciary positions
  o Amend the dispositive provisions of current documents

• What Not to Do
  o Disinheritance
  o Outright bequest
  o Bequest to sibling for the care of addicted child
Advanced Planning Techniques for Addiction Concerns

- Spendthrift Provisions
- Discretionary Trusts
  - Selection of an appropriate trustee
  - Define terms
  - Direct provision of necessities
  - Distributions to pay for drug addiction recovery
  - Exoneration clause
Sophisticated Planning Options for Addiction Concerns

- Implement Incentive Planning
  - Incentive standards
  - Disincentive provisions
- Using a Trust Protector
- Customized Clauses
Potential Options for Trustees of a Trust Already in Effect

- Irrevocable Trust Modification
- Seek Court Instruction