

Meeting the Needs of Non-Traditional Families

The concept of "family" has evolved over the past century. Nuclear families like the Nelsons of "Ozzie and Harriet" fame are becoming less and less the norm. In increasing numbers, marriages end in divorce. Many who have divorced later remarry, and as a result, have a spouse who is not the parent of their children. As life expectancies increase, so do the number of widows and widowers who enter into new relationships later in life, sometimes resulting in marriage and other times not. Similarly, other single people, whether divorced or never married, simply choose to live together outside of marriage. Still others may live alone, but have very close relationships with particular members of their extended family or with friends. Finally, because our laws define marriage as a union between a man and a woman, domestic relationships between same sex partners cannot enjoy that legal status.

The default laws that determine important lifetime issues such as who will have authority to speak and act on behalf of someone who becomes incapacitated, as to both health care and financial issues, predate those social developments. They assume and are based on the model of the nuclear family. So too are the laws that address the issues that arise after someone dies, such as rights to have a say as to funeral and interment arrangements, and perhaps most importantly, the right to inherit.

As a result, those who are members of these non-traditional families have a special and enhanced need to have an estate plan in place and to take care toward assuring that their wishes will be honored and their intentions met. The default rules that may work at least passably in the case of a traditional family most often produce for them a result they neither intend nor desire.

It is a core concept of Better Estate Planning that *every* family is unique, and that the best plan for any client is the one which best honors and respects the relationships that are of the greatest importance to that client.

Of course, putting that concept into action requires extra work and extra care. It means taking the time to listen to clients, to learn about their family and other important relationships. It means explaining how the laws interact with those relationships, and making sure that clients are informed as to the nature and scope of the issues they must consider in constructing their estate plans. And it means drafting documents directed toward meeting each client's individual needs and goals, rather than "cookie cutter" documents that involve little other than filling in the blanks on various forms.

We will help you create an estate plan best suited for you and your family ... no matter how your family is defined.

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