

Betty Lin-Fisher: Tips for end-of-life planning at any age

Betty Lin-Fisher

Akron Beacon Journal

Death is certainly one of those topics most people don't want to think about. But taking some steps to plan for your death is one of the most loving things you can do for your family -- and should be something you think about even when you are young.

I recently shared the heart-wrenching story of a friend and former colleague, whose longtime partner and father of her two kids died unexpectedly from COVID-19 complications in November. He was 51. They had some things in place but no paperwork in the event of a death, such as a will, or beneficiaries named for accounts, adequate life insurance or a plan for other financial matters.

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She agreed to share her family's story to make sure others didn't go through the extra pain and frustrations she has had to endure on top of her grief.

"It's so hard to think of the awful," Julie told me for that column. "But think about how much you love your family. And think about how much you mean to your family. And then think about what would happen to your family if you

weren't there and prepare for that moment, just as a precaution. God willing, that never happens to you, but you know, it does happen, unfortunately."

After the column ran, Summit County Probate Judge Elinore Marsh Stormer reached out to me. Stormer, who was elected probate judge in 2012, shared additional resources for families at various stages of responding to end-of-life planning needs.

Over the years, I have written about the "Family Matters Program" that Stormer along with several other Summit County officials would present throughout the community. During COVID, the informative in-person program was suspended. She plans to restart them in 2022.

It may come as a surprise to some, but Stormer has advice for how to avoid coming to probate court after a death. Her role as a probate judge is to decipher a person's wishes if they are not spelled out in a will or if there was no will.

After reading about Julie's ordeal, Stormer said she looked closely at her court's website and realized it could be easier to navigate — especially for those wanting to look into end-of-life planning or for resources after someone dies. The website has since been updated. You can go to the site at www.summitohioprobate.com and look at the "End-of-Life Planning" and "Your Family Matters" sections. The "My Loved One Has Passed" section contains information about what you will need to do to handle an estate.

On the probate court website, there are also links to important documents such as a personal records document (which tells your family where all your important papers are), a living will (which tells your family and doctors your wishes at the end of your life if you can't communicate), a health care power of attorney (which authorizes a person to make health care decisions for you if

you are unable), how to donate your organs if you wish and how to pre-set funeral arrangements.

The website also lists some forms that you cannot complete on your own, such as a do-not-resuscitate form (which requires a doctor's signature) and a general or limited power of attorney (which names someone to make non-health care decisions for you).

If you don't have Internet access, you can call the probate court at 330-643-2350 and they will mail you a packet of the important documents you're seeking.

Does a will need to be a formal document?

I told Stormer that I once heard that a will could be written on a napkin. She said that's true, as long as it has some specific wording on it and it is signed by the person and two witnesses not named in the will.

It must be dated and say "This is my last will and testament and I revoke all prior wills."

That may be a lot to fit on a napkin, she said.

The two witnesses may be called into probate court, if the will were contested, so it would be helpful to have the contact information of those who are witnesses (which probably makes having two strangers in a bar signing the will not the greatest idea).

Do you recommend a will from the Internet?

“People can write their own wills as long as they follow some simple steps, but in general, I don't recommend form wills from the Internet,” Stormer said, adding that they don't always cover what you need to in a will or may not comply with what is needed in certain states. “It is usually not very expensive to ask a lawyer to draft a simple will, and they can also help tailoring the other forms to specific situations. For those unable to afford a lawyer, the Akron Bar Association offers free wills at certain times of the year. But if they do follow your instructions, we will do our best to honor it.”

Make sure your will tells the court who should receive what — and why, Stormer said.

If you have dependents, suggest a guardian. “Put in anything else that comes to mind — and in general, more info is better,” said Stormer. “The language can be simple, but please make sure we can read it if handwritten.”

Some more from Stormer: “Tell us who you would like to be your executor (please pick only one name) and an alternate. If you have special bequests, you can list them or include a paragraph that says you have a written letter as to those. Special bequests would be things like, 'I want my daughter Anna to have my grandmother's engagement ring.' You can give your executor complete discretion to sell or dispose of property, but it's not necessary. If you have significant assets, a bond is usually a good idea.

Does everyone need a will?

“I want everyone to have a will,” Stormer told me. “But the fact of the matter is not everyone needs one. But I still want everyone to have one because just in case you missed something.”

She gave a few examples: “If I have an IRA and I’m leaving it to you, and the house to my husband — with a transfer on death deed — and my bank accounts to my two children as beneficiaries. In that case, that’s everything I own. Then I probably do not need a will. But my husband, who gets the house, says ‘I don’t want this house. I want to sell it and turn off the utilities and go back to England.’ He might have to get authorization from the probate court to potentially turn everything off unless the utilities were in his name only.

“Even turning off your Facebook password is complicated. It is better to leave somebody the password. Let’s say he didn’t have my password. He’d have to get authority from probate [to shut it off].”

Or another: “Let’s say you were entitled to a refund check from someplace. You won Vax-a-Million and died the next day, but you had no will. Someone has to open an estate [that means go to probate court] to distribute the money.”

It can also be simpler things. If someone hasn’t gotten around to filling out a “transfer on death” title for a vehicle, that has to go to probate.

“A will is telling me what you want,” Stormer said. “We like to say ‘if there’s a will, there’s a way.’ We will figure out how to do what you want, if you told us. If you haven’t told us [in in a will], we have to follow the law. Sometimes that’s not as equitable or desirous as what the person would write on a napkin.”

“If you died without a will and hadn’t done everything, your estate would come into probate court — would have to follow rules. We've had situations where adult children are completely estranged from parents. But there’s no will, so they die and everything goes to the parent,” Stormer said.

So the short answer to whether everyone needs a will?

“The short answer is maybe. You've done everything. Money goes to children or a trust. House transfers automatically to husband, the kids get Social Security and your husband is capable of administering the assets. You might never come to probate.”

Does a young person with little to no assets need a will?

If an unmarried adult child with no children dies, his or her assets would go to the parent(s), said Stormer, so that may be a situation where you do not need a will.

“Most people do make their first will when they marry or have kids, but not everyone has children or marries before they start to accumulate assets. Many young people are delaying both until well into their 30’s. Really, why worry? Just make a will.”

When should someone fill out a living will, health care power of attorney and power of attorney?

Everyone needs these, said Stormer. As soon as your kids turn 18 and if they’re heading off to college, this is important because that child is now an adult and the parent can’t get any medical or financial information without the permission in those documents, she said.

“Emergency room physicians tell me that their worst-case scenario is a younger person in a horrific accident with no instructions and no designated decider. You can imagine scenarios where there is disagreement as to treatment,” she said, for example “a bitterly divorced couple with a terribly injured 25-year-old.” But there are many others, she said.

“We see families argue about burial versus cremation and if burial, where the person should be buried,” she said.

How long does probate take?

It can take about 13 months to go through probate, whether you have a lawyer or not, Stormer said. The fastest it could go is six months because a creditor has a minimum of six months to make a claim or a family member to file a will contest, she said. Then the bills are paid and the assets in the estate can be distributed.

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