



# ESTATE PLANNING QUESTIONNAIRE

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This Estate Planning Questionnaire Worksheet is designed to familiarize you with an estate plan and the various questions you will need to answer to start this process. This worksheet will be reviewed prior to your appointment to determine your intentions and the terms of your estate plan. In addition, some frequently asked questions are answered in this worksheet to help familiarize you with some options available to you. **If you do not understand a question, leave the question blank and discuss it with the legal assistance attorney during your appointment.**

## I. GENERAL INFORMATION

TODAY'S DATE:

- 1) Are you a U.S. citizen?    YES    NO
- 2) Is your spouse, any child, or beneficiary a non-U.S. citizen?    YES    NO
- 3) What is your state of legal residence? \_\_\_\_\_  
Please check here if you are a resident of Louisiana or Puerto Rico
- 4) Are you being discharged / retired within six months?    YES    NO  
If yes, date of discharge / retirement: \_\_\_\_\_
- 5) Are you being deployed in the near future?    YES    NO  
If yes, date of deployment: \_\_\_\_\_  
\*for non-CG reservist: required to provide a copy of your activation orders.
- 6) Please check below which documents you are requesting:
  - Will (see pages 2-6 for more information)
  - General Power of Attorney (effective in the future) (see page 6)
  - Healthcare Power of Attorney (see pages 6-7)
  - Living Will (Medical Directive-Life Support) (see page 7)

Enter Your Information Below:		
<i>First</i>	<i>Middle</i>	<i>Last</i>
<i>Current Home Address:</i>		
<i>Phone Number(s):</i>		

Enter Your Spouse's Information Below:		
<i>First</i>	<i>Middle</i>	<i>Last</i>
<i>Current Home Address:</i>		
<i>Phone Number(s):</i>		

- 7) Current marital status:    Single    Married\*    Divorced    Widowed  
\*How many times have you been married? \_\_\_\_\_
- 8) Does the sum total of your assets (including: equity in home, savings, IRAs, 401(k)s, mutual funds, life insurance and any other financial asset) exceed \$1 million?    YES    NO

**9) List the names and ages of all your children; natural born, adopted, or stepchildren (specify status):**

Name (First, Middle, Last)	Status	Date Of Birth

**10) If you have stepchildren:** Stepchildren will not receive a share of your estate unless you say so in your will. Do you want them to share equally with your natural children?  YES  NO

**11) Do you own any real property?**  YES  NO  
**If YES, please provide location of property and who is on the deed:**

Complete Address:
Name(s) on Deed/Title Type (i.e. Tenancy in Common, Joint Tenancy with right of survivorship etc.):

**II. DISTRIBUTION OF PROPERTY**

**What can I do with my property?** You can dispose of your property any way you wish; although state law may give your spouse and/or children a right to a portion of your property regardless of your stated intentions. Many married persons leave all their property to their spouse, and, if their spouse does not outlive them, then to their children. Property owned jointly with right of survivorship – typically your house – and property in both spouses’ names with the connector “or,” typically bank accounts will probably pass automatically to the surviving spouse at the death of the first. Insurance policies paid to the beneficiaries are paid according to the terms of the policy. The provisions in your Will DO NOT control life insurance proceeds, including SGLI. Life insurance proceeds may be subject to estate taxation.

**Is all of my property controlled by my will when I die?** No. For example, proceeds of insurance policies are distributed as you designated in the insurance policy, and property that you own jointly with another person will, normally, go to the other joint owner. Likewise, certain bank accounts which are payable on death go directly to the beneficiary. This money passes to the person outside the probate proceedings. These devices are often used as a means of passing property outside the estate.

**What is probate?** Probate is a court procedure by which a Will is proved to be valid or invalid. Probate proceedings also address the administration of your estate, taxes, the guardianship of children, etc.

**What is per stirpes distribution? What is per capita distribution?** Per Stirpes or “by roots” is a method of distribution whereby the descendants of a beneficiary receive the beneficiaries’ share of the estate if the beneficiary has died before the estate is distributed. For example, a distribution per stirpes to two children, where one of the children has died before the estate is distributed, would lead to that child’s children receiving the deceased child’s portion of the estate. Per Capita or “by the head” is a method of distribution to a group of persons, whereby the surviving members of the group receive an equal share of the estate. A per capita distribution to two children, where one of the children has died before the estate is distributed, would lead to the surviving child receiving the deceased child’s share of the estate.

12) To whom do you wish your estate to be distributed?  All to your Spouse  Other, Enter below:

Name (First, Middle, Last)	City & State	Relationship	Portion

Method of Distribution:  *Per Stirpes*  *Per Capita*

13) If the person(s) named above predecease you, who do you want to have your property?

Your Children Equally  Other, Enter Information Below:

Name (First, Middle, Last)	City & State	Relationship	Portion

Method of Distribution:  *Per Stirpes*  *Per Capita*

**Please see page 7 to determine if you would like a testamentary trust or a custodial account for your minor children.**

14) At what age would you like your children to receive their share?

- 18
- 21
- 18, 21, 25, 30 (option for trusts only)
- Half at age 21 and half at age 25(option for trust only) or half at age \_\_\_\_\_, half at age \_\_\_\_\_
- One third at age 21, One third at age 25, One third at age 30 (option for trust only) or One third at \_\_\_\_\_ One third at age \_\_\_\_\_, One third at age \_\_\_\_\_.
- Some age older than 21: \_\_\_\_\_ (option for trust only)

15) If the person(s) named above predecease you, who do you want to have your property?

Your Grandchildren Equally  Other (Print Information Below)

Name (First, Middle, Last)	City & State	Relationship	Portion

Method of Distribution:  *Per Stirpes*  *Per Capita*

**Can I give specific things to specific people?** Yes, these are called specific bequests and you may make them by fully describing what you want to give and the person who is to receive it. You should be careful about specific bequests. If you dispose of the property that you describe, or if there is any doubt about the exact property that you have described in your will, you may be creating difficulties for your Personal Representative or Executor.

16) LIST SPECIFIC BEQUESTS (including cash bequests):

Describe the property and to whom it will be given. You **DO NOT** have to make specific bequests:

Name (First, Middle, Last)	City & State	Relationship	Item/Monetary Amount

17) As a last resort, if all the above named beneficiaries predecease you, how do you want your estate to be distributed?

- All to My Heirs at Law
- All to Charity (Name the Charity and Tax EIN If Desired): \_\_\_\_\_
- Other

18) **DISINHERITANCE:** Disinheritance allows you to exclude an individual from receiving any benefit from your will. Most state laws prohibit a person from completely disinheriting a spouse. Do you wish to disinherit an individual? If so, list their name and relationship: \_\_\_\_\_

### III. PERSONAL REPRESENTATIVE/EXECUTOR

**What is a Personal Representative/Executor?** A Personal Representative or Executor is a person who you will name in your will to carry out your desires expressed in your will, and to settle your estate. Married persons often choose to name their spouse as their Personal Representative. Often a security fee, or bond, is required of this person; however, state law usually permits you to specify in your Will that you want the fee waived for your Personal Representative. Your Personal Representative will have an important role; choose him or her with care, and discuss the matter with him or her. Be sure that the person you name is one you trust and have confidence in.

19) Enter the information below of who you would like to name as your Personal Representative:

<i>First</i>	<i>Middle</i>	<i>Last</i>
<i>Current Home Address:</i>		
<i>Phone Number(s):</i>		<i>Relationship to you:</i>

20) If you wish to name an *alternate* Personal Representative, enter the information of this person below:

<i>First</i>	<i>Middle</i>	<i>Last</i>
<i>Current Home Address:</i>		
<i>Phone Number(s):</i>		<i>Relationship to you:</i>

21) If your Spouse is your primary Personal Representative, and you wish to name another alternate Personal Representative, enter information below:

<i>First</i>	<i>Middle</i>	<i>Last</i>
<i>Current Home Address:</i>		
<i>Phone Number(s):</i>		<i>Relationship to you:</i>

### IV. APPOINTING A GUARDIAN FOR MINORS

**What Is A Guardian?** A legal guardian is the person who will act as parent for any of your children who are minors at the time of your death. Normally, if you are survived by your spouse, he or she becomes the children’s guardian if he or she is the biological or adoptive parent of the children. However, it is recommended that you name a guardian and an alternate guardian in the event that both you and your spouse die. If you or your spouse has children not born of your current marriage, you should discuss the situation in detail to determine the most appropriate way to provide

for the children. Please keep in mind that there is a difference between a Financial Custodian and a Legal Guardian. A Financial Guardian watches over your children’s inheritance, while a Legal Guardian watches over your child.

**22) In the event that your spouse predeceases you, and you have minor children at the time of your death, who do you wish to name as the legal guardian for your children?**

	Name (First, Middle, Last)	City & State	Relationship
Primary			
Alternate			

**V. APPOINTING A FINANCIAL CUSTODIAN**

**What is a Financial Custodian?** As part of your Will, you will name someone to be financial custodian to manage money or property that you leave to any child under 18 or 21 years old (depending on the state in which you live). Most states have a simple method of appointing an adult to be the custodian for the child’s property. If you are interested in this type of arrangement, you should discuss it with the person who you wish to name as custodian as well as with your attorney during your appointment.

**What is a trust and how might it be beneficial for my child(ren)?** A trust is similar to a bank account that you create for the use of your child; the property you leave to your children automatically goes into the account. You appoint a “trustee” who is legally responsible to watch over the account and distribute money to your children. You decide in your Will for what types of needs of the children the trustee may pay from the account.

When your child reaches a certain age that you have decided upon in your Will (it could be 18, 21, or 25, or any other age), all the money that remains in the account is distributed to the child. If you have more than one child, each child receives his or her share of the account when he or she reaches the required age. A “separate” trust sets up an account for each of your children. A “unitary” trust creates one account that all of your children share.

A trustee must be selected with care. The trustee should be a person you have confidence in, someone who knows your children and understands their needs. One of the advantages of a trust is that if the trustee mismanages the trust he or she is responsible for the property that is lost. In addition, creditors of your children may not collect debts from the trust.

**Do I have to use a trust to leave property to my children?** No. You may elect to leave property to your children outright. If you do, the court will appoint someone to watch over your child’s inheritance until the child reaches the age of 18 or 21. At the age of 18 or 21, your child will receive all the property he or she has inherited. If you do decide to leave property to your children outright, you must also decide how to treat the shares of children who may die before you do. Specifically, you must decide if their share will revert to surviving children, or be shared by their children, your grandchildren. Your attorney will discuss this with you to ensure your desires are accurately recorded in your Will.

**Are there alternatives to a trust available?** Yes. Specifically, the Uniform Gifts to Minor Act (UGMA) or the Uniform Transfers to Minors Act (UTMA) creates custodianships which are generally recognized in state law and may be preferable to creation of a trust in your will. UCMA/UTMA accounts can be established during your life or through your Will at death for the benefit of your child(ren), and then fed with proceeds of your insurance policies, like SGLI, or with property from your estate on death. Like a trustee, the UGMA/UTMA custodian will be charged with administering the funds for the benefit of your children. Unlike a trustee, the custodian’s duties and responsibilities are defined in uniform acts rather than a trust instrument. Also, when a custodian is a life insurance beneficiary, payment to the custodian should be made immediately after death without any court intervention. However, the same life insurance company may not pay immediately on a trust designation.

23) Do you want the assets of your estate for any minor children beneficiaries managed by an UTMA or TRUST? (choose one below)

UTMA

Name of Custodian (First, Middle, Last)	City & State	Relationship

TRUST

	Name of Trustee (First, Middle, Last)	City & State	Relationship
Primary			
Alternate			

**VI. ANY QUESTIONS ABOUT YOU WILL?**

24) Make notes below about any questions you have or anything else you'd like to discuss about your will:

**VII. DURABLE POWER OF ATTORNEY**

**What is a Durable Power of Attorney?** A Durable Power of Attorney is a document that allows someone else to act as your legal agent. A Durable Power of Attorney takes effect in the future upon becoming physically disabled, mentally incompetent or otherwise incapacitated. Thus, a Durable Power of Attorney can be used to allow your agent to conduct your financial affairs for you during a time of incapacity. A Durable Power of Attorney has the potential for being very useful and very dangerous. You are legally responsible for the acts of your agent, and therefore must exercise great care in selecting the person to be your agent.

26) Who do you wish to name as your Agent? Enter information below:

<i>First</i>	<i>Middle</i>	<i>Last</i>
<i>Current Home Address:</i>		
<i>Phone Number(s):</i>		<i>Relationship to you:</i>

27) If the person listed above is unwilling or unable to act as your Agent, who would you like to name as an alternate agent?

<i>First</i>	<i>Middle</i>	<i>Last</i>
<i>Current Home Address:</i>		
<i>Phone Number(s):</i>		<i>Relationship to you:</i>

Would you like the Durable Power of Attorney to include any of the following?

- Sale of real estate     Access to digital assets (social media)     IRAs, Pension Accounts     Taxes

**VIII. HEALTHCARE POWER OF ATTORNEY**

**What is a Healthcare Power of Attorney?** A Healthcare Power of Attorney allows you to appoint an agent to make decisions about your medical care if you are unable to do so for yourself.

28) Do you wish to name an Agent in a Healthcare Power of Attorney to make medical decisions for you?  
 If YES, enter information of Agent below:

<i>First</i>	<i>Middle</i>	<i>Last</i>
<i>Current Home Address:</i>		
<i>Phone Number(s):</i>		<i>Relationship to you:</i>

29) Do you wish to name an Alternate Agent, in the event your primary Agent is unable or unwilling to act?  
 If YES, enter information of Alternate Agent below:

<i>First</i>	<i>Middle</i>	<i>Last</i>
<i>Current Home Address:</i>		
<i>Phone Number(s):</i>		<i>Relationship to you:</i>

30) Do you have any allergies, special limitations, or instructions for those involved in your healthcare?  
 YES  NO If YES, please explain: \_\_\_\_\_

31) Are your agents authorized to donate yours organs?  YES  NO

32) Is the authority to donate organs to include not just transplants but also the donation of organs and tissue for other medical, educational, or scientific purposes?  YES  NO

## IX. LIVING WILL

**What is a Living Will?** A Living Will sets forth your wishes about what life-prolonging treatment should be withheld or provided if you become unable to communicate those wishes. Your doctor is under a duty to honor your instructions. Living will statutes vary according to state. For example, living will instructions may include:

- If I should have an incurable or irreversible condition that will cause my death within a relatively short period of time, it is my desire that my life not be prolonged by administration of life-sustaining procedures.
- If my condition is terminal and I am unable to participate in decisions regarding my medical care treatment, I direct my attending physician to withhold or withdraw procedures that merely prolong the dying process and are not necessary to my comfort or to alleviate pain.
- I do not want medical treatment that will keep me alive if:
- I am unconscious and there is no reasonable prospect that I will ever be conscious again (even if I am not going to die soon in my medical condition) or:
- I am near death from illness or injury with no reasonable prospect of recovery.
- I do want medicine and other care to make me more comfortable and to take care of pain and suffering. I want this even if such treatment makes me die sooner.

33) Do you want artificially administered feeding and fluids, if you have a condition that will result in death, without the administration of life sustaining treatment?  YES  NO

34) Do you wish the living will to express a desire to die at home rather than in a hospital?  YES  NO

35) Do you wish to express desires regarding funeral arrangements?  YES  NO  
 If yes, please print instructions here: \_\_\_\_\_

36) Do you request military honors?  YES  NO

37) Women who request a Living Will: Do you want life support withdrawn if you are pregnant and it will affect the viability of your fetus?  YES  NO

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**TO SET UP AN APPOINTMENT TO COMPLETE YOUR DOCUMENTS, OUR OFFICE MUST RECEIVE THE COMPLETED ESTATE PLANNING WORKSHEET.**

Email completed forms to: [D11-SMB-D11-LegalAssistance@uscg.mil](mailto:D11-SMB-D11-LegalAssistance@uscg.mil)

OR

Drop off forms at our office during business hours (Monday – Friday, 0800-1200, 1300-1500):

Commanding Officer  
Coast Guard District Eleven  
Legal Assistance Office  
Coast Guard Island, Bldg 54-A  
Alameda, CA 94501-5100

If you have any questions, contact the Legal Assistance Office by phone at (510) 437-5891,  
Or by email at [D11-SMB-D11-LegalAssistance@uscg.mil](mailto:D11-SMB-D11-LegalAssistance@uscg.mil)

**On your appointment day, please bring two forms of ID (Military/Dependent ID Card & another form of government issued ID card)**

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