

## **Blended Families**

**When a parent dies and no estate planning has been done, members of **blended families** can be left with more than a loss to grieve. In a blended family, adult children may find themselves cut off from their biological parent's estate, including personal possessions with sentimental value as well as an inheritance. Estate planning for blended families and discussing the plan with the family are truly acts of love and can often avoid litigation. Unfortunately, when planning does not take place, there are often unintended results that can have costly consequences.**

**A recent article from yahoo! finance shares one such story: "My daughter's father died, but her stepmom has been mum on the estate— an estimated \$2M. What are our options?"**

**In this case, the daughter was close to her father and helped take care of him as his health declined. She was also close with her stepmother. However, after the father died, the stepmother stopped communicating with her.**

**The father told the daughter she was the executor of his will. However, he never provided her with a copy. She doesn't know if an original will exists. Her father and stepmother also lived in a community property state, which means the stepmother is automatically entitled to a portion of the estate.**

**What, if anything, can the daughter do?**

**Approximately 75% of Americans don't have a will, with procrastination the biggest reason people fail to create an estate plan. Many have also neglected to update existing wills to reflect their current life, including new marriages or divorces.**

**If the father had a will naming his daughter as executor and beneficiary, she has a legal right to see it. Even if there is no will, she still has a few options. However, the stepmother's refusal to communicate with her raises a red flag, and she should speak with an estate planning or **fiduciary litigation** attorney. She may need to commence legal proceedings, as distasteful as this may be to her.**

**If there is no will, then intestacy laws apply, meaning assets will be distributed according to state laws. The entire estate will need to go through probate, and the court will determine how assets are to be divided or, if necessary, liquidated to pay any debts.**

**In a community property state, any assets or income acquired during the marriage are considered joint property. These states include Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington and Wisconsin. While each state has some variations, for the most part, the surviving spouse receives a share of the estate, and the remaining assets are distributed to the deceased's heirs, including biological children.**

**Whether this father had a will or not, his biological daughter has rights. If the estate is valued at \$2 million, she will be best served by consulting an estate planning attorney to protect her inheritance and her father's wishes.**