

Estate Planning and Divorce are two areas of law that I have to advise clients on a lot these days. As a Collin County estate planning attorney at The Nordhaus Firm in McKinney, Texas, I counsel clients on planning for possible incapacity and the certainty of death. I also find that with divorce becoming prevalent within our society, both Estate Planning and terminating a marriage are sometimes intertwined and may create major changes.

If you're considering divorce, in the middle of terminating your marriage, or recently single having gone through this process, it becomes imperative that you take time to deal with your personal estate planning, which will change significantly as a result of this.

If you were married, you probably prepared some estate planning: Prepared living trusts, wills, powers of attorney for health and asset management, established joint bank accounts, hold title jointly to a home or car, named each other as beneficiaries on life insurance and retirement plans. Any one of these actions will require you to personally address the need for making a change. You can make some changes immediately, but others must wait until your divorce is finalized.

When you're in the middle of legally ending your marriage there is a period of time in which your spouse could still benefit from your estate if you die, or control medical and financial decisions on your behalf if you become incapacitated. The problem is this, until the final divorce decree is approved, your spouse is still a beneficiary under your trust, will, and a part owner of any property held in joint tenancy, along with being the primary beneficiary of any life insurance and/or retirement plans.

If you haven't filed for divorce, or you're in the middle of this legal process, here is some immediate estate planning actions you should consult your estate planning

attorney about. Consider the possible revocation of your will, and any powers of attorney. Your spouse will more than likely remain your beneficiary on life insurance and retirement plans until the final order and sometimes this can take quite a while.

During this whole legal process there are certain other estate planning tools that may only be revoked during the divorce provided your spouse has been given prior notice. This includes revoking a living trust, modifying property held under joint tenancy or property with right of survivorship, change of beneficiary on insurance, retirement plans, and IRA's.

Again I stress the importance to my clients that modifying any existing estate planning must be reviewed on an individual basis. As a Collin County estate planning attorney, I have to advise my clients on what the resulting actions will mean, the consequences of the actions taken, and help them make the right decisions.

If for some reason, you didn't create a new will or trust before your marriage was terminated, you need to do so immediately. I recommend that you make this a priority as soon as you can. If there are minor children involved, you need to establish guardianship for them. You will need to have new powers of attorney for health care and asset management prepared naming someone to act for you in the event you are unable to do so. If either spouse has sole custody of any minor children, the non-custodial spouse will need a health care power of attorney to authorize medical care for the children in case of an emergency.

Proper estate planning before, during, and after a divorce gives my clients peace of mind knowing that all the necessary legal documents are in place, beneficiary designations are correct, and the knowledge that their wishes will be carried out the way they want them to.

If you'd like more information on estate planning, questions about divorce, please contact my office and ask for April Nordhaus, Collin County Estate Planning Lawyer for the law firm The Nordhaus Firm. Our law firm is located at 5900 S. Lake Forest Drive, Suite 410, McKinney, TX 75070, or contact me directly at 214-726-1450. If you need to contact us through our website, go to www.CollinCountyAttorney.com

April Nordhaus is a McKinney native with an understanding of-and deep care for-the community and its residents. She is recognized in the region for her compassion while providing expert counsel in estate and trust cases. She also handles probate, guardianship, and small business formations.

April was named a 2011 and 2012 *Texas Rising Star* as published in *Texas Monthly Magazine* and 2010 and 2011 "Best Attorney" Reader's Choice Award by the readers of *McKinney Courier Gazette*. If you live in and around Collin County, you can count on April as being one of the most qualified estate planning lawyers in McKinney and throughout the Dallas area.