

The Refrigerator Estate Plan

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You're ahead of most of your generation; you know that an [estate plan](#) is vitally important, especially if you own property or have children. You have been proactive, and your current and comprehensive estate plan has helped you to lower your taxes, avoid the [necessity of probate](#), and provide peace of mind and security for your family if the worst were to occur.

But if you have young children, your plan might be missing one small item; small enough to fit on your refrigerator.

Let's say that you and your spouse are finally enjoying a night out on the town, leaving your young children at home in the care of a well-trained and enthusiastic babysitter.

On your way home, you and your spouse are involved in an accident leaving you both incapacitated or deceased. Unless your babysitter is a grandparent or other family member well-versed in your wishes, what does the babysitter do when you don't arrive?

For many modern families, close family members or the guardian you have chosen may not be in the same town – or even the same state.

The time between receiving that horrible message, and the time when the provisions of a typical estate plan including guardianship will kick in often lasts many hours, or even days. This “gap” time can simply be one of the most challenging and stressful times for both children and their temporary caregivers.

But there is a simple way to take a great deal of chaos and uncertainty out of the equation... simply putting a piece of your estate plan on your refrigerator, in addition to adding it to your estate planning binder.

If you don't arrive when your babysitter expects you to, who should they call?

If the police arrive, who should they call?

Who is authorized to care for your children for the short-term?

If it's not clear to local authorities and the police who has legal authority to care for your children, the police are required to call in Child Protective Services (CPS) and your children will go into short term custody, exacerbating the trauma of losing their parents.

But this painful scenario can be easily avoided.

We encourage you to work with your estate planning attorney to craft a comprehensive, one-page legal document with explicit instructions about who should be called and who should be entrusted with your children during that short-term "gap" period.