

EXPLAINING ESTATE PLANNING

IN PLAIN ENGLISH™ | FIELD GUIDE™

MAKE IT CLEAR. KEEP IT ACCURATE. LEAVE THE DECISION WITH THE FAMILY.

PURPOSE

Use this guide to explain common estate-planning concepts in everyday language without turning an educational conversation into legal advice. The goal is understanding, not persuasion.

THE CLAIM MY LEGACY™ EXPLANATION STANDARD

A Legacy Specialist should be able to make estate planning easier to understand without oversimplifying it. Explain the concept, connect it to the family's question, and stop before the conversation becomes individualized legal advice.

- Start with the family's question, not the product you want to explain.
- Use plain language first. Introduce legal terminology only when it helps the family understand.
- Explain what a tool may do. Do not promise a particular legal, tax or probate result.
- Separate the document from the asset. Ownership, beneficiary designations and trust funding can affect what happens.
- Do not diagnose documents or tell a family that its current plan is legally right or wrong.
- Where state law or individual facts matter, say so and route the question appropriately.

THE 30-SECOND BIG PICTURE

APPROVED CORE EXPLANATION

Estate planning is really about deciding who should be able to act, what you want to happen, and making sure your documents and assets work together. A will, a trust, powers of attorney, healthcare documents, ownership and beneficiary designations can all play different roles. The right plan depends on the family and what they own.

A SIMPLE TEACHING ORDER

- PEOPLE - Who do you want to protect, and who do you trust to act?
- AUTHORITY - Who can make financial or healthcare decisions if you cannot?
- INSTRUCTIONS - What do you want to happen during incapacity and after death?
- OWNERSHIP - How are the home, accounts and other assets actually titled?
- BENEFICIARIES - Which assets pass by a beneficiary designation or similar arrangement?
- FUNDING - If there is a trust, are appropriate assets actually connected to it?

FIELD TEST

After you explain it, can the family explain the idea back in its own words? If not, simplify before adding more information.

CORE EXPLANATIONS

THE WORDS WE USE IN THE FIELD

What is estate planning?

SAY IT THIS WAY	AVOID THIS
“Estate planning is the process of deciding who should be able to act for you, what you want to happen, and how your documents and assets should work together if you become incapacitated or die.”	“Estate planning is basically getting a trust.”

WHY IT MATTERS: Estate planning is broader than any single document or product.

What does a will do?

SAY IT THIS WAY	AVOID THIS
“A will can put your wishes in writing for property that becomes part of your probate estate. It can also nominate the person to handle the estate and name guardians for minor children.”	“A will keeps your family out of probate.” or “A will guarantees probate.”

WHY IT MATTERS: A will can be important, but probate depends on the assets and how they are arranged.

What is probate?

SAY IT THIS WAY	AVOID THIS
“Probate is a court-supervised process used to administer certain property after someone dies. Whether an asset requires probate often depends on ownership and beneficiary arrangements.”	“Probate takes everything.” or “Everyone with a will goes through probate.”

WHY IT MATTERS: Different assets can follow different paths. Do not turn probate into a scare tactic.

What does a revocable living trust do?

SAY IT THIS WAY	AVOID THIS
“A revocable living trust can hold and manage certain property. While you are alive and able, you generally remain in control. The trust can name someone to step in if you cannot manage trust property and can give instructions for what happens to trust property after your death.”	“A trust solves everything.” or “Everyone needs a trust.”

WHY IT MATTERS: A trust is a planning tool. Whether it belongs in a plan depends on the family's circumstances.

When does a trust help avoid probate?

SAY IT THIS WAY	AVOID THIS
“Property that is properly held in or otherwise controlled by a trust may be administered under the trust instead of through probate, depending on the asset and applicable law.”	“Once you sign a trust, your estate avoids probate.”

WHY IT MATTERS: Creating a trust and funding it are different steps.

HOW A LIVING TRUST WORKS

A SIMPLE CONTINUITY EXPLANATION

THE FOUR ROLES

ROLE	PLAIN ENGLISH	WHAT TO EXPLAIN
TRUSTOR / GRANTOR	OWNER	Creates the trust and identifies property to be coordinated with it.
TRUSTEE	MANAGER	You generally manage trust property while you are alive and able.
SUCCESSOR TRUSTEE	STEPS IN	The person, people or organization chosen to manage trust property when the trust says they may act.
BENEFICIARIES	RECEIVE	The people or organizations chosen to receive trust property according to the trust instructions.

THE SIMPLE EXPLANATION

SAY IT THIS WAY

“Think of a revocable living trust as a continuity plan for the property it controls. You create it, you generally manage it while you can, you choose who can step in when the trust allows, and you choose who ultimately receives the property according to your instructions.”

CONTROL AND CONTINUITY

Today: you are generally in control of the property in your revocable trust.

If incapacity occurs: the trust may provide a structure for a successor trustee to manage trust property when the document permits that person to act.

After death: the successor trustee can administer trust property according to the trust instructions, subject to the trust terms and applicable law.

IMPORTANT

Do not say that a trust automatically controls every asset a person owns. The practical question is whether the asset is actually owned, titled or otherwise coordinated so the estate plan can work as intended.

WHEN SOMEONE ASKS, “DO I NEED A TRUST?”

Do not answer from net worth alone. A better conversation starts with what the family owns, who they want to protect, who should be able to act, what they want to happen, and what their current arrangements would actually do.

APPROVED PRINCIPLE

The goal is not to own a trust. The goal is to have the right plan.

CLAIM MY LEGACY™

LEGACY SPECIALIST FIELD RESOURCE

CML-SC-103 | V1.2

OWNERSHIP, BENEFICIARIES & FUNDING

THE PART PEOPLE OFTEN MISS

Why does ownership matter?

SAY IT THIS WAY	AVOID THIS
"Your documents matter, but ownership matters too. The way an asset is titled can affect who has authority over it and what process may apply after death."	"Your will controls everything you own."

WHY IT MATTERS: Some assets pass by ownership arrangements, beneficiary designations, trust ownership or other mechanisms rather than through a will.

What is a beneficiary designation?

SAY IT THIS WAY	AVOID THIS
"Some assets, such as certain retirement accounts and life insurance policies, may pass according to a valid beneficiary designation. That designation needs to be considered alongside the rest of the estate plan."	"The trust should automatically be the beneficiary of everything."

WHY IT MATTERS: Different assets can require different treatment. Do not give individualized beneficiary or tax advice.

What does it mean to fund a trust?

SAY IT THIS WAY	AVOID THIS
"Funding means making sure appropriate assets are owned, titled or otherwise coordinated so the trust can work as intended. Creating the trust is one step. Funding and coordination are another."	"Just put everything in the trust."

WHY IT MATTERS: Not every asset should automatically be retitled into a trust.

What about the home?

SAY IT THIS WAY	AVOID THIS
"For a home, the deed is an important place to start. Whose name is on it, how ownership is described, whether there are survivorship rights, and whether the property is owned by a trust can affect what happens."	"If your will says who gets the house, the house will automatically go to that person."

WHY IT MATTERS: A will can provide instructions for probate property, but it does not by itself change the name on a deed.

THE ASSET-BY-ASSET QUESTION

USE THIS QUESTION

"Which of your assets would follow which path under the arrangements you have today?"

That question is more accurate than treating an entire estate as either "probate" or "non-probate." One asset may pass to a surviving joint owner, another to a named beneficiary, another under a trust, and another may require probate.

WHAT NOT TO DO

- Do not tell someone to add or remove a person from a deed.
- Do not tell someone to retitle a retirement account into a trust.
- Do not change or recommend beneficiary designations.
- Do not interpret a deed, trust provision or beneficiary form as legal advice.
- Do not promise that a particular transfer will avoid probate or produce a particular tax result.

INCAPACITY & AUTHORITY

ESTATE PLANNING IS NOT ONLY ABOUT DEATH

FIELD EXAMPLE: TERRI SCHIAVO

Terri Schiavo was 26 when a medical crisis left her unable to make or communicate her healthcare decisions. A prolonged dispute followed over what she would have wanted. The lesson is not to take sides, but to make wishes and decision-makers clear before a crisis.

Then ask: “Imagine something happened tomorrow and you could not make or communicate your own healthcare decisions. Who would you want speaking for you, and would that person know what you wanted?”

THE PLAIN-ENGLISH EXPLANATION

SAY IT THIS WAY

“Estate planning also asks what happens if you are still here but cannot manage everything yourself. The important questions are who could handle financial matters, who could make healthcare decisions, what authority they would have, and whether they could find the information they need.”

FOUR PRACTICAL QUESTIONS

- Who could handle my financial matters if I could not?
- Who could make healthcare decisions if I could not make or communicate them?
- Would the people I chose understand my wishes and priorities?
- Could they find the documents and information they would need?

COMMON DOCUMENTS TO EXPLAIN

Financial Power of Attorney

SAY IT THIS WAY

“A financial power of attorney may authorize someone to handle financial matters when the document permits that person to act.”

AVOID THIS

“Your agent can do anything with your money whenever they want.”

Healthcare Power of Attorney

SAY IT THIS WAY

“A healthcare power of attorney may identify the person authorized to make healthcare decisions when you cannot make or communicate them yourself.”

AVOID THIS

“This person takes over all of your medical decisions as soon as you sign.”

Living Will / Healthcare Directive

SAY IT THIS WAY

“A living will or healthcare directive can record healthcare and end-of-life wishes for circumstances addressed by the document.”

AVOID THIS

“A living will is the same thing as your last will and testament.”

Revocable Living Trust during incapacity

SAY IT THIS WAY	AVOID THIS
“A properly established and funded trust may provide a structure for managing trust property if you become unable to manage it.”	“A trust automatically eliminates the need for every kind of court involvement.”
FIELD BOUNDARY If the question becomes “Does my document give this person authority in my situation?” the conversation has moved from education to document interpretation. Route it appropriately.	
CLAIM MY LEGACY™ LEGACY SPECIALIST FIELD RESOURCE	CML-SC-103 V1.2

FIELD LANGUAGE & BOUNDARIES

CLEAR, ACCURATE, NON-FEAR-BASED

USE LANGUAGE LIKE THIS

- “It depends on what you own and how each asset is arranged.”
- “A will and a trust do different jobs.”
- “Creating a trust is one step. Funding and coordination are another.”
- “That does not necessarily mean something is wrong. It means there is something worth reviewing.”
- “State law and individual circumstances can affect the answer.”
- “I can explain the general concept. For advice about what your document legally does in your situation, we should route that question appropriately.”

AVOID LANGUAGE LIKE THIS

- “Everyone needs a trust.”
- “A will guarantees probate.”
- “A trust guarantees you avoid probate.”
- “Probate will take 3% to 8% of your estate.”
- “Your current documents are wrong.”
- “Put all of your assets into your trust.”
- “This will definitely save your family taxes.”
- “I know exactly what the law requires in your situation.”

THE HANDOFF TEST

BEFORE YOU ANSWER

Ask yourself: Am I explaining a general estate-planning concept, or am I telling this family what its legal documents mean or what it should legally do? If it is the second, stop and route the question.

PRODUCTION CONTROL

Document	CML-SC-103 Explaining Estate Planning in Plain English Field Guide™
Audience	Claim My Legacy™ Legacy Specialists
Edition	Production V1.2
Use	Internal field resource; educational conversation support
Control	Use the current approved version available in Legacy Specialist Resources.

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