

Estate Planning Helps Non Citizens Provide for U.S. Born Children

By Janet Brewer on Wed, Jun 22, 2011



Everyone with a high net worth should put together an estate plan. Here is an example showing how people with complex financial circumstances benefit from finding the right legal advisor. For more examples, [see my latest guide and checklist](#).

Meet Sanjay and Ling, U.S. residents with young children born in the U.S.

Meet Sanjay and Ling, young, bright, hard working professionals. They don't [think of themselves as rich](#), but they have substantial savings. They want to make sure their two young children are cared for if anything bad happened. They are not U.S. citizens, but their children were born in the U.S.

An [experienced estate planning attorney](#) will know which laws apply. And by establishing a long-term relationship, the attorney can help Sanjay and Ling update their plan as their family grows, as their finances change, and as they move to new places. They will also [counsel fiduciaries](#) in connection with carrying out legal responsibilities - whether they are personal representatives, trustees, or guardians.

© 2011 Law Office of Janet L. Brewer, Tel (650) 325-8276. Janet L. Brewer is Certified as a Specialist in Estate Planning and Probate Law by the California State Bar Board of Legal Specialization. **Information on this website, including any testimonial or endorsement, does not constitute a guarantee, warranty, or prediction regarding the outcome of your legal matter.*

<http://www.calprobate.com/blog/>

If their proposed [guardians don't live in the U.S.](#), the kids are at risk of having the Court not permit them to be taken out of the U.S. – or at least there might be a protracted guardianship dispute/case. There are also issues with making sure the kids have passports that permit them to travel with someone other than their parents.

How does the attorney know what Sanjay and Lin want?

First he or she works with the couple to gather personal data and financial information. This is their estate plan, so the attorney needs to review personal data and financial information, and discuss a potential plan to meet their goals and objectives. The attorney needs to learn about their family and how the various members handle money. This is sensitive information, something not always easy to talk about. But an experienced estate planning attorney won't be shocked by any characters lurking in the family tree – everyone has them!

Both spouses meet a few times with the attorney to discuss goals, values, and -- maybe most importantly -- what they want to avoid. In the process, Sanjay and Ling discover that they have very specific wishes they want someone to carry out were something to happen. The attorney listens carefully and prepares the appropriate strategy and documents.

Few estate planning lawyers have the knowledge and expertise to avoid the pitfalls in these situations

Sanjay and Ling are made up people. But if your circumstances are anything like their, I do recommend that you retain an attorney familiar with helping [non citizens and non residents](#).

Also, here are guides I've published that might help you:

- [Choosing Your Bay Area Estate Planning Attorney](#)
- [U.S. Gift Tax and Estate Planning for Non-Residents and Non-Citizens](#)
- [Picking Your Trustee in California: A Guide for High Net Worth Individuals](#)