

## **Estate Planning For A Child That Provides Caretaking Responsibilities**

When parents of get older and have multiple children, one child may provide caretaking responsibilities for the parent. These added duties include care at home including chores such as cooking, cleaning, organizing, and any other duties that are associated with home care. Added duties can also include companionship and spending extra time with an older parent that may be lonely and alone otherwise. The child that provides caretaking responsibilities for the parent may live closer to the parent than the other children or have a schedule that allows them to provide these responsibilities. the parent sees one child as providing more than the other children and it is only natural that the parent would want to reciprocate in some manner.

It is common for the parent to want to reward the child that provides caretaking responsibilities with a greater share of their estate and assets than the children that did not provide care. This can come in the form of one child receiving twice as much or even in some cases receiving everything that the parent has in the form of assets. This can be problematic as the other children feel that the parent did not love them equally because they did not get an equal share or that the care taking child had undue influence over the parent and took advantage of the aging parent by convincing them to give a greater share because of the close relationship with the parent. While most of the time it is not the case that the child providing care did not have undue influence and legitimately cared for the parent without the expectation of reward, the other children that were not around as much may not see it that way. The other offspring that were not around as much may see that an added inheritance was only given because of pressure by the care taker or that the care taker's only motive behind performing the duties was to get the extra inheritance.

These problems can lead to a fight among the children or even a challenge over the estate plan. The easiest way to prevent this potential problem is to tell the children ahead of time of the uneven inheritance or to compensate the caretaking child for their services while the parent is still alive and still maintain equal inheritances among the children. Consult with an estate planning attorney to make an estate plan that will help prevent these potential problems.

Evan Guthrie Law Firm is licensed to practice law throughout the state of South Carolina. The Evan Guthrie Law Firm practices in the areas of estate planning probate personal injury and divorce and family law. For further information visit his website at <http://www.ekqlaw.com>. Evan Guthrie Law Firm 164 Market Street Suite 362 Charleston SC 29401 843-926-3813