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# ESTATE PLAN REVIEW WORKSHEET

*Is your plan still doing what you meant it to do?*

Laws change, families change, and paper gets old. Whether or not you have worked with us, this worksheet shows where a plan is most likely to fall short. It takes about fifteen minutes. **Check what applies, skip what does not, and print it or save it on your computer. Nothing you type is sent to us.** If you would like help, send it to us for a free, no-obligation review.

> **Please do not send account numbers, passwords, or balances.** Check the boxes and add a note. We will ask for details at your appointment if your plan calls for them.

## PART 1: DOCUMENT CHECK

**Start here.** Do you have each of the following, signed, and can you place your hands on the **originals**? If you do not have one, that is the answer. Tell us.

| # | Document | Original | Copy only | Cannot find |
|---|---|---|---|---|
| 1 | Revocable living trust, if you have one | ☐ | ☐ | ☐ |
| 2 | Certificate of Trust, if you have a trust | ☐ | ☐ | ☐ |
| 3 | Will (a pour-over will, if you have a trust) | ☐ | ☐ | ☐ |
| 4 | General durable power of attorney (financial) | ☐ | ☐ | ☐ |
| 5 | Durable power of attorney for health care | ☐ | ☐ | ☐ |
| 6 | HIPAA release | ☐ | ☐ | ☐ |
| 7 | Living will | ☐ | ☐ | ☐ |
| 8 | Nomination of guardian (whom you want, and whom you do not) | ☐ | ☐ | ☐ |
| 9 | Deeds into the trust, recorded (if you own real estate) | ☐ | ☐ | ☐ |
| 10 | Current beneficiary designations: retirement accounts, life insurance, annuities | ☐ | ☐ | ☐ |
| 11 | Digital assets inventory, and a way for your agent to unlock your phone and password manager | ☐ | ☐ | ☐ |
| 12 | Instructions for funeral, burial, or cremation, and who decides | ☐ | ☐ | ☐ |
| 13 | A list of where everything is: accounts, advisers, insurance, and who to call | ☐ | ☐ | ☐ |
| 14 | Hospital discharge plan, such as a Home-First Discharge Card, with copies for your agent | ☐ | ☐ | ☐ |

**Also check:** Are the people you named still the right people, still living, and still willing? Do they know where your documents are? Do your agents know **you** have named them?

## PART 2: IS YOUR PLAN OLD ENOUGH TO NEED AN UPDATE?

Age alone does not make a document invalid, but some changes in Ohio law make older documents harder to use. **You should update your plan if it was signed before:**

| Document | Signed before | Why it matters | Applies to me |
|---|---|---|---|
| **General Durable Power of Attorney** | March 22, 2012 | Ohio's Uniform Power of Attorney Act took effect. Older forms are still valid, but banks, county Medicaid offices, and nursing facilities increasingly refuse them, and a refusal can force a family into probate court. | ☐ |
| **General Durable Power of Attorney** | April 6, 2017 | Ohio's statutory form now lists actions an agent may take **only if you expressly authorize and initial them**: creating a trust; amending, revoking, or terminating a trust (even if the trust allows it); making gifts; creating or changing survivorship rights or beneficiary designations; delegating authority; waiving a joint and survivor annuity benefit; and exercising fiduciary powers you could delegate. An older form may not let your agent do what your trust expects. | ☐ |
| **Trust and power of attorney, together** | Either date above | The two documents should **work together, and each should say the same thing**. Your agent can change your trust only if the power of attorney expressly authorizes it **and** your trust permits it. Review them in the same sitting. | ☐ |
| **Revocable Trust** | March 22, 2019 | An arbitration clause in an Ohio trust is now enforceable against beneficiaries and trustees, and arbitration is presumed binding unless the trust says otherwise (R.C. 5802.05). It can resolve disputes over value or trustee conduct faster and for less than a court case. It is a choice, not a requirement. It does not cover a dispute over whether the trust itself is valid. | ☐ |
| **Revocable Trust** | 2011, or prepared by another lawyer | Older trusts may let a court-appointed guardian reach your trust, and rarely mention your wish to age at home. See Part 3. | ☐ |
| **Revocable Trust (Missouri)** | 2018 | Missouri has since widened the tools a trust can use: a **trust protector** or directed-trust provision, so a neutral person can remove and appoint trustees or correct errors; clearer power to move assets into a new trust (**decanting**) if flexibility is needed after the first death; and updated rules for married couples who own Missouri real estate as tenants by the entirety (**qualified spousal trusts**). An older trust may not be able to use them without an amendment or restatement. | ☐ |
| **Any power of attorney** | 10 years ago | Sign a new one even if nothing has changed. Do it sooner if it is more than five years old and your life has changed (a death, a divorce, an agent who has moved or declined). | ☐ |

> **No update needed for this alone:** a trust or set of documents that does not include a Right of Sepulcher form. Ohio law supplies a default order of who decides, so the gap takes care of itself. If you want a specific person to decide, tell us and we will add the form at your next review.

*The other dates above are Ohio's. Missouri trusts should be reviewed, and possibly revised, if they were prepared before 2018. If your documents were prepared for Missouri, ask us which Missouri changes apply.*

## PART 3: GAPS MOST PLANS HAVE

### A. Aging in place

Most older adults want to stay in their own homes. Trusts signed years ago usually provided for health care but **never mentioned staying at home**, so a trustee or agent facing a crisis defaulted to the cheaper option, a skilled nursing facility. Newer trusts say what you want. Does your trust do these four things?

☐ **Preference:** states a preference for care at home, or the least institutional setting, **regardless of cost**.

- ☐ **Protection:** releases your trustee and agent from liability for choosing home care over a cheaper facility.
- ☐ **Priority:** says that while you are alive the trustee's duties are owed **to you**, not to the people who will inherit.
- ☐ **Preparation:** your family and successor trustee know your wishes, the home-care options, and the standards for choosing a facility if one is ever needed.

☐ My trust does not mention aging in place at all. ☐ I am not sure. ☐ I want to review this with you. *Ask about the Home-First Discharge Card and the Aging in Place Planning Workbook.*

### B. Guardianship protection

If a court ever appoints a guardian for you, **what happens to your trust?** A hospital, a nursing home, a neighbor, or Adult Protective Services can ask a court to appoint one. Unless your trust says otherwise, a guardian can **exercise your rights over the trust through you**, and can ask the court to reach trust assets, sometimes without a hearing. Your power of attorney is your first defense, but a court can still choose a guardian if it doubts your agent.

- ☐ My trust says that **if a guardian is appointed for me, the guardian cannot amend, revoke, withdraw from, or direct the trust**, and my family can promptly undo any court order that reaches trust assets.
- ☐ My trust does **not** say this, or I do not know. **I want it reviewed.**

*Trusts signed before 2011, or prepared by another lawyer, are the most likely to lack these two protections.*

- ☐ I have a **written nomination of the guardian I prefer**, and I have named anyone I would **not** want.
- ☐ The agents I named are living, willing, and **have successors**. Someone besides my agent would notice if the agent went wrong, such as a co-trustee, an independent trust protector, or a family member who receives reports.

### C. Hospital discharge plan

The most consequential decisions of late life are often made at a hospital bedside, under time pressure, by whoever happens to be there.

- ☐ I have a completed **Home-First Discharge Card**, and my agent has copies.
- ☐ My agent has my **HIPAA release** and can get my records.
- ☐ My agent knows to ask whether I am an **inpatient or in observation**, and knows the fast appeal of a hospital discharge.
- ☐ My agent knows **not to sign facility admission papers as a guarantor**, and to call us first.

### D. Digital access that works

A list of passwords is useless if every login sends a code to a locked phone, and having a password is not the same as having legal authority to use it.

- ☐ My agent can **unlock my phone** and receive my text codes, and someone can open my **password manager** if I cannot speak.
- ☐ We know which bills, insurance premiums, and prescriptions run through **one email address or one autopay card**, and who keeps my phone line and email active after a death.
- ☐ My photos are backed up somewhere that survives a lapsed subscription, and if I hold **cryptocurrency**, a trusted person can find the keys.
- ☐ My power of attorney and trust give my agent and trustee **express digital powers**.

### E. Estrangement and separation

Standard forms assume a family where everyone speaks. Silence does not solve it: an estranged child is often still next of kin, with notice and standing to object, and a spouse you left years ago keeps a spouse's rights until a divorce is final.

- ☐ A family member is **estranged**, and my plan says, deliberately and in writing, what I intend.
- ☐ I am **separated, or divorced**, and a former spouse may still be named on a retirement account, an insurance policy, or another designation.
- ☐ I want to name **friends or others who actually show up** in my plan.

### F. The cost of care, and the child who gives it

- ☐ My plan does not say **how care would be paid for**, or what Medicaid rules and **estate recovery** would mean for my home.
- ☐ One child has given up work, or will, to care for me, and **equal shares may not be fair**. We have **no written care agreement**.

## PART 4: OLD "A/B" TRUSTS BUILT FOR THE OHIO ESTATE TAX

Many trusts signed before 2013 split into two parts at the first death, usually called a **Survivor's (A) Trust** and a **Bypass, Family, Credit Shelter, or Exemption (B) Trust**. The split was meant to save Ohio estate tax. **Ohio's estate**

**tax was repealed for deaths on or after January 1, 2013, and neither Ohio nor Missouri imposes a state estate tax today.** The federal exemption is $15 million per person for 2026, set by law with no expiration date and adjusted for inflation, and a surviving spouse can generally use a deceased spouse's unused exemption by electing portability on a timely federal estate tax return.

For most families the split is no longer needed, and a split that is **forced** can do harm: assets locked in the B trust do not receive a second income tax basis adjustment at the survivor's death, the B trust needs its own tax return and is taxed at compressed trust rates, the survivor loses easy control, assets must be retitled, and a formula tied to the Ohio estate tax can be read to send an unintended amount, or everything, to the B trust.

### Does your trust divide at the first death? ☐ Yes ☐ No ☐ Not sure

If yes, how is the B trust funded? Check the one that applies.

| How the B trust is funded | What it means | Revision? |
|---|---|---|
| ☐ **Disclaimer** | The survivor chooses, after the first death, whether to send assets to the B trust. It works as a choice, and technically needs no revision. | Usually none |
| ☐ **Pecuniary formula** | A dollar amount, such as "the largest amount that can pass free of Ohio estate tax," goes to the B trust automatically. | **Review now** |
| ☐ **Mandatory one-half, or other fixed fraction** | Half (or some fraction) of the estate goes to the B trust automatically, whatever the tax picture. | **Review now** |
| ☐ **Not sure** | Send us your trust, or bring it. We will read it for you. | We will tell you |

Other signs of an estate tax trust: a dollar figure such as $600,000, $1,000,000, or a stated exemption amount; the words "state death tax credit"; or a clause that tells the trustee to minimize estate tax at the first death. ☐ My trust has one of these.

## PART 5: HEIRS, ASSETS, AND TAXES

Check each statement that is true for you.

- ☐ My family could **not easily find** my accounts, benefits, insurance, and logins.
- ☐ My heirs **do not know what to expect**, or why I made my choices. A family meeting or a letter of wishes might help.
- ☐ I have **not reviewed my plan in more than five years.** A finished plan is not a permanent one.
- ☐ I own **collections or favorite things** (art, coins, firearms, cars, antiques) that are hard to value, keep, or sell, and my plan does not say who gets them and how.
- ☐ I own a **vacation home, shared property, or land** that could divide my heirs, and my plan does not say who keeps it, who pays for it, or how it is sold.
- ☐ I own a **business or other hard-to-sell holdings** that could lose value in a transition.
- ☐ My estate may **not have enough cash** to pay its bills and taxes without selling assets.
- ☐ Much of my wealth is in **IRAs or 401(k)s**, which get no step-up in basis, and I have not planned the income tax for my heirs. I also hold highly appreciated assets and want to plan for basis.

## PART 6: WHAT HAS CHANGED SINCE YOU SIGNED?

A check beside any statement below may mean your plan needs a change. Please check each statement that is true for you or your family.

### Your trust, will, and who gets what

- ☐ I want to add, remove, or change a gift to someone.
- ☐ An heir named in my plan has died, married, divorced, or changed.
- ☐ I bought or received assets that may not be titled to my trust, or opened an account since I signed.
- ☐ I added a joint owner or an agent on an account, or I have **TOD, POD, or beneficiary designations** naming specific people.
- ☐ I bought a new insurance policy or annuity, and I am not sure who the beneficiary is.
- ☐ I have new online accounts or cryptocurrency, and my Digital Assets Inventory is out of date.

### Your decision-makers

- ☐ I want to change my successor trustee, executor, guardian, or financial or health care agent.
- ☐ Someone I named has died, moved away, become ill, or fallen out with the family.

### Home, money, and family

- ☐ I moved, bought or sold a home, or added a mortgage.
- ☐ I received an inheritance or a settlement, or my estate is much larger or smaller than before.
- ☐ Someone in the family has married, divorced, died, or been born or adopted into the family.
- ☐ A family member receives, or may need, government benefits (such as SSI, SSDI, or Medicaid), or has a disability.
- ☐ A family member has a lawsuit, a judgment, a divorce, an addiction, or legal trouble, and I am worried about what an inheritance would do to them.

### Retirement, insurance, and business

- ☐ My IRA or 401(k) beneficiary designations have not been reviewed in three years, or **name my trust** (a trust must meet "look-through" rules to work).
- ☐ I want to change the owner or beneficiary of a life insurance policy or annuity.
- ☐ I started, sold, or reorganized a business, signed a buy-sell agreement, or put a family farm into an entity.
- ☐ I worry about what happens to a spouse's income, such as Social Security, after the first death.

### Health, long-term care, and Medicaid

- ☐ My health, or my spouse's, has changed, or I have started caring for a parent.
- ☐ I am concerned about the cost of long-term care, or what Medicare and Medicaid will pay.
- ☐ I gave money or property to someone, or moved assets into a trust, in the last five years, or plan to.
- ☐ **I have, or someone created for me, an irrevocable trust.** I am not sure whether anything in it lets the trustee pay me, or pay for my benefit.
- ☐ **My agent (or a family member) created or funded a trust with my money.** I want to confirm it was authorized and works as intended.

### Gifts and charity

- ☐ I want to start a gift-giving program for children or grandchildren, including a 529 plan or a Trump Account.
- ☐ I want to name a charity in my will, trust, or beneficiary designations, or start a donor-advised fund.

## PART 7: FUNDING CHECK

If you have a trust, it controls only what it owns. Think about each item below. If you check **Not done** or **Not sure**, call us and we will help. If you do not have a trust, skip this part.

| Asset | Done | Not done | Not sure | N/A |
|---|---|---|---|---|
| Real estate (home, farm, rental, vacation property, oil and gas interests) | ☐ | ☐ | ☐ | ☐ |
| Bank and credit union accounts, CDs, and safe deposit box | ☐ | ☐ | ☐ | ☐ |
| Brokerage and investment accounts, stock certificates, and savings bonds | ☐ | ☐ | ☐ | ☐ |
| Business interests (LLC, partnership, corporation) | ☐ | ☐ | ☐ | ☐ |
| Life insurance and annuity owners and beneficiaries | ☐ | ☐ | ☐ | ☐ |
| IRA, 401(k), 403(b), and other retirement beneficiary designations (these are **not** retitled to the trust) | ☐ | ☐ | ☐ | ☐ |
| Homeowner's and automobile insurance (trust added as additional named insured) | ☐ | ☐ | ☐ | ☐ |
| Vehicles, boats, and trailers | ☐ | ☐ | ☐ | ☐ |
| Tangible personal property, family heirlooms, and the Memorandum of Personal Property Distribution | ☐ | ☐ | ☐ | ☐ |
| Digital assets and cryptocurrency (accounts, wallets, and access information) | ☐ | ☐ | ☐ | ☐ |
| Anything acquired since I signed: new accounts, inherited assets, a new home | ☐ | ☐ | ☐ | ☐ |

## ABOUT YOU, AND WHAT HAPPENS NEXT

Name(s): _____ Date: _____

Phone: _____ Email: _____

Date my trust was signed (if you know): _____ Best time to talk: _____

**Send it to us.** If you would like us to review it, email Christine Donohew, our paralegal, at **chris@donohew.com**, fax it to **(866) 904-9638**, or mail it to **Attn: Christine D. Donohew, P.O. Box 5396, Gulf Shores, AL 36547**. Please do not send account numbers or passwords. Questions? Call **(330) 896-0300** or toll free **877-816-8670**, or text **(330) 623-6212**.

**What your checks mean.** A check mark does not mean you must change your plan. If you checked **three or more items in Parts 2 through 7**, or anything that worries you, we should talk. Your first consultation is free and carries no obligation.

### Notes and Questions

**Please note.** This worksheet is general information. It is not legal advice, and it does not create an attorney-client relationship by itself. A check mark does not mean you must change your plan. It means you should talk to us. Revised November 2026.