

VETTING QUESTION RESPONSES

InheritGuard Network | Estate Plans USA, APC

Revised July 25, 2026

INTAKE REQUIREMENT — CONFIRMING ALL CHILDREN & DISINHERITANCE

Staff / Advisor Instruction: You must always ask every client whether they have included all of their children (biological and adopted) in their estate plan — including any child they intend to disinherit. Every child must be named. Do not treat an unnamed child as “handled” simply because the client wants them left out.

- **Name each child; silence is not disinheritance.** Simply leaving a child out of the documents is not enough. Courts may treat an omitted child as an oversight (a “pretermitted” or overlooked heir) and award them a share unless the child is specifically named and the intent to exclude them is clearly stated.
- **Leave a small amount so the no-contest clause has teeth.** Rather than leaving a disinherited child nothing, consider leaving a modest gift (for example, \$10,000). This gives the child something to lose under the plan’s no-contest (in terrorem) clause: if they challenge the plan and lose, they forfeit that gift. A person left nothing has no financial disincentive to contest the plan.
- **Some children may be protected by law.** State laws may protect certain children — especially minors or those with disabilities — even when the client tries to disinherit them. Louisiana’s forced heirship rules are the clearest example.
- **Document intent clearly.** Naming each child, stating the intent to exclude, pairing the exclusion with a small gift and a no-contest clause, and following all legal formalities together reduce the risk of a successful challenge, delays, and legal costs.

Are you trying to plan separately from your spouse with separate assets, or plan to ensure that your spouse cannot disinherit your children after you pass?

Answer: If you are trying to plan separately and are married, or want to ensure that your children cannot be disinherited, our Simple Plan is not available:

- Our Simple Plan computer software does not address planning separately if married.
- **Protecting Children from Disinheritance.** A basic plan may allow the surviving spouse to change the trust later, which could leave out the deceased spouse's children. Our custom Wealth Guard Trust plan can lock in protections for those children.
 - **Example:** John has two kids from a previous marriage. If he dies and leaves everything to his current wife, she could later change the plan and leave everything to her own children — cutting out John's kids. Our custom Wealth Guard Trust plan can lock in protections for John's children.
- **Separate Assets and Separate Goals.** If spouses want to keep their finances separate or have different inheritance goals, they need tailored legal documents to reflect that.
- **Blended Families.** When there are children from previous relationships, our custom plan helps ensure everyone is treated fairly and according to the parent's wishes.
 - **Example:** Sarah and Mike each have children from prior relationships. They want to make sure their own kids inherit specific assets. Our custom Wealth Guard Trust plan can divide assets clearly and fairly, avoiding future conflicts.
- **Avoiding Legal Conflicts.** Our custom Wealth Guard plans can help avoid disputes over what each spouse owns and who should inherit, especially in states with complex marital property laws.
 - **Example:** In some states, even if your plan says “leave everything to my children,” the surviving spouse can still claim a portion of the estate. Our custom Wealth Guard Trust plan can use legal tools like waivers to prevent this.

Are you or your spouse a non-citizen of the United States and do not have a Green Card?

Answer: If you or your spouse are not a U.S. citizen and don't have a Green Card, special rules apply to your estate plan. Without proper planning:

- You could face higher taxes when passing assets to your spouse.
- Your spouse might not qualify for the same tax benefits that citizen spouses get.
- You may need a special trust (called a QDOT) to avoid big estate taxes when one spouse passes away.
- International property and laws can complicate things if you own assets outside the U.S.

Our custom Trust Guard plan helps make sure your spouse is protected and your estate avoids unnecessary taxes.

Do you have a child or any beneficiaries who have special needs, disabilities or receive government assistance (e.g. Medicaid, SSI)?

If you have a child or loved one with special needs or disabilities, and they receive government benefits like Medicaid or SSI, a basic estate plan could unintentionally cause problems.

- Leaving money directly to them might cause them to lose those benefits, because programs like SSI and Medicaid have strict income and asset limits.
- Our custom Wealth Guard plan can include a Special Needs Trust, which protects their benefits while still providing financial support.
- This trust lets you help with things like education, transportation, or extra care — without affecting their eligibility for government help.

Our custom Wealth Guard plan ensures your loved one is cared for without risking the support they depend on.

Do you have a child that will require guardianship or special supervision as an adult?

Answer: If you have a child who will need guardianship or special supervision as an adult, a basic estate plan may not be enough to protect their future.

- You'll need to name a legal guardian who can care for your child and make decisions if you're no longer able to.
- Our custom Wealth Guard plan can include a Special Needs Trust, which helps pay for their care without affecting government benefits like SSI or Medicaid.
- You can also outline your child's living arrangements, medical needs, and daily routines to make sure their life stays stable and supported.
- Without a clear plan, your child could face confusion, loss of benefits, or even court battles over who should care for them.

Our custom Wealth Guard plan gives peace of mind that your child will be safe, supported, and financially secure — even after you're gone.

Is your selected guardian for minor children living outside of the U.S.?

Answer: If your chosen guardian for your children lives outside the U.S., a basic estate plan may not be enough to make sure your wishes are followed.

- Courts must approve the guardian, and they may be cautious if the person lives in another country — especially if the child would be moved abroad.
- There can be legal and logistical challenges, like making sure the guardian can legally care for the child and that court orders will be followed in another country.
- You may need to name a backup guardian in the U.S., in case the court doesn't approve the international guardian or there are delays.
- Our custom Wealth Guard plan helps address these issues clearly, so your child is cared for by the person you trust most — even if they live overseas.

Do you have a professional license that requires extra asset protection (MD, DDS, etc.)?

Answer: If you have a professional license — like a doctor (MD), dentist (DDS), or similar — you may face higher risks of lawsuits or legal claims. A basic estate plan will not offer enough protection.

- Your profession makes you a target for malpractice or liability claims, even if you've done nothing wrong.
- A custom plan can include asset protection strategies, like special trusts or business structures, to help shield your savings, home, and other assets from lawsuits.
- It can also help you protect your practice, plan for succession, and reduce taxes on your estate.
- Without proper planning, your personal assets could be at risk — even if you have insurance.

A custom plan helps you protect what you've worked hard for, so your family and legacy are secure.

Do you own any property outside of the United States or on tribal lands?

Answer: If you own property outside the U.S. or on tribal lands, your estate plan needs to handle special legal and tax rules that a basic plan might miss.

- Foreign countries may not recognize your U.S. will or trust, which could delay or block your wishes from being carried out.
- You might face double taxation, where both the U.S. and the other country (or tribal authority) tax the same property.
- Some countries have forced inheritance laws, meaning they decide who inherits your property — regardless of your wishes.
- A custom plan can include separate Trusts or Wills for each country or jurisdiction, helping avoid confusion, delays, and extra taxes.

This kind of planning ensures your property is protected and passed on smoothly, no matter where it's located.

Do you currently own a business, or plan to own a business soon, that generates revenues? (Over \$100,000 in Valuation)

Answer: If you own a business or plan to start one, especially one that earns revenue, your estate plan needs to do more than just pass on personal assets.

- A basic plan will not cover what happens to your business if you pass away or become unable to manage it.
- A custom plan can include a succession strategy, so your business keeps running smoothly and goes to the right person or is sold properly.
- It can also help protect your business from taxes, lawsuits, or disputes among family members or partners.
- You'll want to make sure your business assets are valued correctly, and that your estate plan reflects your goals for growth, sale, or legacy.

A custom plan helps ensure your business — and the income it provides — continues to support your family and your vision.

Do you own rental property?

Answer: If you own rental property, a basic estate plan will not be enough to protect your investment or ensure it's passed on smoothly.

- Rental properties are income-generating assets, and you'll want to make sure that income continues for your family after you're gone.
- You may also need asset protection strategies to shield your property from lawsuits or creditors — such as LLCs.

A custom plan helps make sure your rental property stays protected, profitable, and in the hands of the people you choose.

Do you own any NFA or collectible firearms?

Answer: If you own NFA firearms (like silencers, short-barreled rifles, or machine guns) or collectible guns, you'll need a custom estate plan to avoid legal trouble and protect your collection.

- These types of firearms are heavily regulated by federal law (National Firearms Act), and transferring them improperly — even to family — can result in criminal penalties.
- A gun trust is often the best way to handle these assets. It allows you to:
 - Legally share access with trusted individuals.
 - Avoid probate and delays in transferring ownership.
 - Ensure your heirs don't accidentally break the law by possessing restricted firearms.
- A custom plan can also help if your heirs live in states with strict gun laws or are not legally allowed to own firearms.

This kind of planning helps keep your collection safe, legal, and in the hands of the people you trust.

Do you wish to include planning to qualify for Medicaid/Medi-Cal, or Veteran Benefits?

Answer: If you want to qualify for Medicaid, Medi-Cal, or Veteran Benefits, a basic estate plan may not protect your assets or help you meet the strict eligibility rules.

- These programs have income and asset limits, and without planning, you may have to spend down your savings before qualifying.
- A custom plan can use tools like irrevocable trusts or annuities to protect your assets while still allowing you to qualify for benefits.
- Planning ahead helps you avoid penalties from transferring assets too close to applying (Medicaid has a 5-year "look-back" period in most states).
- For veterans, special benefits like Aid & Attendance may be available, but require careful planning to meet both medical and financial requirements.

A custom plan helps you get the care you need while protecting your home, savings, and legacy for your family.

Do you have heirlooms, collectibles, or other expensive assets that require special planning?

Answer: If you have heirlooms, collectibles, or other valuable items, a basic estate plan may not be enough to protect them or ensure they're passed on the way you want.

- These items often have sentimental or financial value, and without clear instructions, they can cause family disputes or be lost in probate.
- Our custom Wealth Guard plan includes a detailed inventory, appraisals, and specific instructions for who should receive each item.
- Valuable collectibles may also affect estate taxes, so proper planning helps reduce tax burdens and ensures compliance with IRS rules.
- You can also choose to gift items during your lifetime, or use a trust to protect them and avoid delays or legal issues.

A custom plan helps make sure your treasured items are handled with care and passed on according to your wishes.

Is your estate over \$3 Million, or do you need comprehensive tax planning as part of your estate plan to avoid estate and income taxes to your beneficiaries?

Answer: If your estate is over \$3 million, or you want to reduce taxes for your beneficiaries, a basic estate plan likely won't be enough.

- Estates over certain limits may face federal estate taxes up to 40%, which can significantly reduce what your loved ones inherit.
- Some states have a separate state Estate Tax which must be planned for.
- A custom plan can use trusts, lifetime gifts, and other strategies to lower or eliminate estate and income taxes for your heirs.
- Without proper planning, your beneficiaries may have to sell assets or pay large tax bills, which could be avoided with the right structure.

A custom plan helps you protect your wealth, reduce taxes, and pass on more to the people you care about.

Do you have concerns about protecting your assets from potential creditors, lawsuits, or divorce (for yourself or your heirs)?

Answer: If you're worried about creditors, lawsuits, or divorce — either for yourself or your heirs — a basic estate plan will not offer enough protection.

- Without planning, your assets could be taken in a lawsuit, lost in a divorce settlement, or claimed by creditors.
- A custom plan can include asset protection tools like:
 - Irrevocable trusts to shield assets from legal claims.
 - Spendthrift provisions to protect heirs who may face financial trouble.
 - LLCs or other legal structures to separate personal and business risks.
- These strategies help ensure your wealth stays safe and in your family, even if unexpected legal issues arise.

A custom plan gives you peace of mind that your assets are protected — now and for future generations.

Is your permanent residence in Louisiana?

Answer: If your permanent residence is in Louisiana, your estate plan needs to follow unique state laws that are very different from most other states. Our Simple Plan software does not support Louisiana, and here's why:

- Louisiana uses a civil law system, not common law like most states, which affects how property is owned and passed on.
 - The state has forced heirship laws, meaning certain children (like minors or those with disabilities) may be legally entitled to part of your estate — even if you want to leave them out.
 - Louisiana also has community property rules, which can affect how assets are divided between spouses.
 - Wills and trusts must follow specific legal formats to be valid in Louisiana, and out-of-state documents may not work here.
-