



EARTHJUSTICE
BECAUSE THE EARTH NEEDS A GOOD LAWYER

ESTATE PLANNING

When You Have No Children

Earthjustice continues to fight in court to protect public lands like Yellowstone National Park from exploratory drilling and industrial gold mining.

ESTATE PLANNING **WHEN YOU HAVE NO CHILDREN**

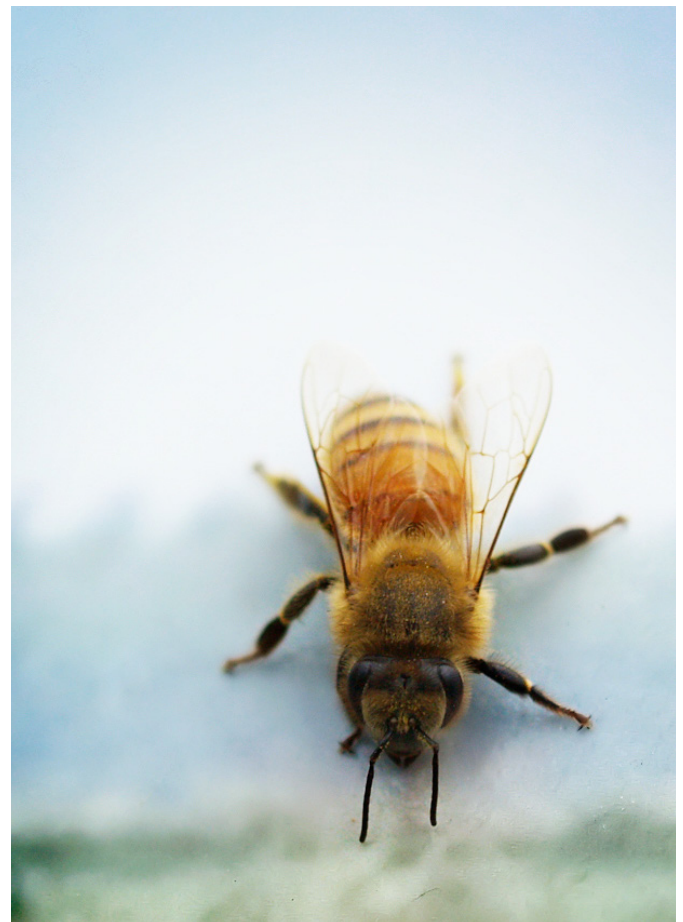
Whether you do not have children by choice or by circumstance, your estate planning needs are, in some respects, even greater than those of people with children. You may not have that built-in support to help with the caregiving you may eventually need. And if you don't put a will or trust in place, administering your estate is going to be even more difficult for whomever assumes that responsibility. Here are the estate planning steps you should take.

- 1. Name those whom you would like to act on your behalf if you are unable to.** A power of attorney (POA) is a written legal document that names the person whom you want to make health care or financial decisions for you if you become incapacitated. This person will talk to your health care team and your financial advisors on your behalf and make decisions according to your wishes. Be sure to name a back-up in case the person you designate to serve is unable to. If you do not execute power of attorney documents, the court may appoint a conservator to make these decisions for you.
- 2. Express your wishes for the kind of medical care you wish to receive.** If you are not able to participate in making decisions about your treatment, someone will have to make them for you. The person you designate as your health care power of attorney will can make health care decisions according to your pre-stated directions. Think now about what you want and make clear plans — this is the best way to ensure that the choices you specify are followed by the people you want to enact them. It can help family, friends and physicians know they are doing the right thing for you.

In addition to the health care POA, you will also want to write down instructions that tell your family and health care team what you want done in case you have a serious injury or illness and are not able to speak for yourself. The Advance Health Care Directive guides you through this process.

The power of attorney document and the instructions are often combined as an Advance Health Care Directive. First, think about what kind of medical treatment you do and do not want if you are incapacitated. Then decide who will be your agent(s). The Advance Health Care Directive comes into effect when you are not able to speak for yourself. Until that time, your doctors will talk with you directly about your treatment choices, even if you have named an agent.

- 3. Create or update your will or revocable living trust.** Your will or revocable living trust is the foundation of your estate plan. In the absence of a will or trust, the state in which you live will determine distribution of your assets. And without good planning, more of your assets might go to the state or federal government in the form of taxes.



Earthjustice is fighting to keep bee-killing pesticides off the market and out of hives.



In 2019, Earthjustice secured a victory in federal court to help the critically endangered right whale. The court ordered that, until the government complies with wildlife and fishery protection laws, it must not allow a certain type of entangling fishing gear in areas where right whales are known to gather.

4. Ensure your beneficiary designations are complete and up to date. Many of our assets these days transfer through the beneficiary designation forms we completed when we first set up our investment accounts, including retirement accounts and life insurance policies. Review these periodically to make sure that the form you have in your file is accurate and up-to-date and matches the form on file with the account administrator of the plan. It costs you nothing to complete or update these forms. The customer service phone number of the company that holds your account can usually be found on your statement, and forms are often available online for download.

5. Name your executor or trustee for your will or revocable living trust. You need to designate someone to be responsible for fulfilling your final wishes, including the distribution of your possessions, collectively called your estate. That person is called a personal representative, executor or, if you have a trust, a trustee. If you cannot think of a family member or friend to serve as your executor or trustee you have other options:

- Your estate planning attorney.
- Your accountant or financial advisor.
- An officer of the bank where you have your checking or savings account or mortgage.
- A law firm, other than the firm that drafted your will or trust documents.
- A trusted insurance agent.
- A trust company retained to provide this service.

Corporate or professional individuals serving in this capacity are impartial to family dynamics and are sometimes better able to navigate family issues or disagreements. There is also no need to worry about naming a back-up individual to serve.

- 6. Create a plan for your digital assets.** This should accompany other important estate planning documents. You may be surprised to learn that much of your digital content and social media postings can live on after your death. Without your account login information, the people settling your estate will encounter delays and difficulties in taking control of these accounts. Our complimentary publication, "Planning for Your Online Accounts and Digital Legacy," explains in detail the steps you should take. Download it at earthjustice.org/legacy/resources.
- 7. Include gifts to loved ones and charity.** The people and charities you name to receive gifts from your estate tell the story of your values. It is worth taking the time to consider what story you want to communicate as you determine how to distribute your assets. For example, if you feel strongly about the importance of providing an education for the younger generations in your family, you may want to consider leaving a gift to help pay for college or professional training. Perhaps a niece has been especially close to you, and you would like to communicate how much she has meant to you by specifying that she receive a certain piece of jewelry, artwork or other item you hold dear. Many people like to express their ideals by including a gift to the charities and causes they championed during their lifetime. We hope that as you create or update your estate plan, you will consider including a gift to Earthjustice in your will or trust or by beneficiary designation to ensure our work continues for generations to come. Because gifts from a qualified retirement account are heavily taxed if left to loved ones other than a spouse, they make the ideal gift to Earthjustice, leaving less heavily taxed assets to loved ones.

USING THE RIGHT WORDS

If you have decided to include a gift for Earthjustice, we suggest the following language:

"I hereby give (percentage, residuary, share or specific amount or asset) to Earthjustice, 180 Steuart St., #194330, San Francisco, CA 94105."

Earthjustice Tax ID: 94-1730465

If you have included a gift for Earthjustice, we hope you will let us know so that we can thank you and welcome you to the Evergreen Council, a group of exceptional individuals who have made Earthjustice and protecting our planet a part of their lasting legacy.

Download our other complimentary planning publications at

earthjustice.org/legacy/resources



CREATING THE CAPSTONE OF YOUR LIFE

Your commitment to Earthjustice reflects your values — values of justice symbolized by your belief that a healthy environment is the right of all life, including generations to come.

Since 1973, Earthjustice has defended the health of our planet and all its inhabitants as the legal backbone of the environmental movement. Your values for protecting the Earth can be part of your enduring legacy so we can carry on this important work.

- Help Earthjustice enforce the laws that protect irreplaceable wildlife and wild places.
- Support our fight for clean air and water and help us take a stand against toxins and pesticides, so all communities are safe and healthier places.
- Help secure important legal victories for clean energy and a stable climate.

At stake is nothing less than our children's — and our planet's — future.



SIX EASY STEPS TO GET STARTED

You use it to yourself and your family to make sure that you are prepared for the more events in life that are out of your hands. Planning gives you control, affords you the opportunity to provide for loved ones, for your community, and for the causes you care about, like Earthjustice. And it's easy to do. This brochure presents six easy steps that will put you on the right path.



You can make a real estate investment work for you in new ways. By donating all or a partial interest in real property to Earthjustice, you can create a powerful environmental legacy while reducing taxes. Some gifting plans allow you to create replacement income, other plans allow you to continue to use or live on the property for life. Best of all, your gift will ensure that the earth will always have a good lawyer.

Use your property to make a gift that creates significant tax savings, offers many additional benefits to you, and may even generate income for your life.



Have you ever stopped to think about what happens to your digital presence — your Facebook photos or email accounts — when you no longer have to manage your online accounts?

These days, many of the records documenting your finances and your estate may be entirely digital. While paper versions of formal legal documents may still be saved, many financial, business, personal and administrative documents may primarily exist in a digital form, a trend that will continue to grow.

And while many people manage their finances, business and personal lives online, many have not expressed or memorialized those accounts. This can make managing and distributing these assets difficult after the person has died, and can lead to confusion for family members, denial of access and even a struggle to locate the accounts or information in the first place.



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GIFT ANNUITIES MADE EASY: A GIFT THAT GIVES BACK

Make a Donation and Receive Lifetime Income in Return. While You Provide for the Earth's Future.

HOW DOES IT WORK?

Establishing an Earthjustice charitable gift annuity is as easy as 1, 2, 3.

1. You make an irrevocable donation of at least \$10,000 to Earthjustice and receive immediate charitable deductions.
2. You receive annual fixed payments — at an attractive payment rate — for as long as you live.
3. You enjoy the satisfaction of making a gift that benefits you now and Earthjustice later.

Earthjustice charitable gift annuities are available for supporters who are at least 60 years of age. However, if you're 50 (or you are over 60 but do not need payments now) you can create a gift annuity and defer payments to a later date.



TOUGH CONVERSATIONS

Strategies for Tackling Difficult Planning Questions

STRATEGIES FOR TACKLING DIFFICULT PLANNING QUESTIONS

You may have thought that the birds and the bees was the most awkward conversation you would ever have. But a few more uncomfortable conversations may be looming: about aging, end-of-life concerns and related considerations. It's tempting for spouses, parents and children, siblings and friends — in short, anyone concerned about a loved one — to just get these "big talks" over with issues like those outlined here should be discussed sooner rather than later.



MAKE A GIFT FROM YOUR IRA TODAY

Support Earthjustice's work to preserve our natural heritage, protect our health, and promote a clean energy future with a qualified charitable distribution from your IRA. The IRA Charitable Deduction allows supporters aged 70½ and older to make tax-free gifts directly from IRA accounts. Direct transfers of up to \$500,000 per person, per year from traditional and Roth IRAs count toward minimum distribution requirements and do not generate taxable income.

WHAT YOU NEED TO KNOW ABOUT IRA CHARITABLE ROLLOVER GIFTS:

- * You must be 70½ or older when you make your gift.
- * Transfers must be made directly from a traditional IRA account by your plan provider to Earthjustice. Funds that are withdrawn from your IRA by you and then contributed to 501(c)(3) qualify.
- * To make a gift of assets in 401(k), 403(b) or SEP accounts, you would need to first have assets over \$10,000 and then make a direct transfer from that IRA to Earthjustice.
- * You must direct your IRA manager to transfer funds directly to Earthjustice or other qualified charitable organizations. For our reference, Earthjustice's Tax Identification number is 76-1720443. If you withdraw the funds yourself and make a contribution, your gift will not qualify for the tax exemption and the withdrawal must be reported as taxable income.
- * Qualified charitable distributions to non-exempt organizations like Earthjustice will count toward your IRA's minimum distribution requirement (RMD) but will not be included in your federal taxable income.
- * These gifts will generate neither federal taxable income nor an income tax deduction, so you can take advantage of this opportunity even if you still file income tax returns on your tax return. Keeping your taxable income lower may reduce the impact of certain tax credits and deductions, including Social Security and Medicare.
- * Charities may not provide any benefit in exchange for this type of gift. For example, a donor or trustee gift such as a stock. Because tangible benefits would include income, this gift may not be made to establish a charitable gift annuity or other income-producing gift.

We are here to help.

For assistance in crafting your personal legacy, for more information, or to notify us that you have left a gift for Earthjustice in your will, please contact our team of gift planning experts:

EMAIL: legacy@earthjustice.org

MAIL: 180 Steuart St., #194330, San Francisco, CA 94105

WEB: earthjustice.org/legacy

PHONE: (800) 584-6460



This publication is not intended as legal, accounting or other professional advice. For assistance in charitable planning, always engage the services of a qualified professional.