

Sibling Rivalry Rears Ugly Head After Death

by Elaine M. Watrous, CLPF

Whoever said two things in life are certain - Death and Taxes – should have added a third one to that list: Sibling Rivalry. Unless you subscribe to the old Chinese rule of only one child, chances are you have experienced the ugliness of sibling rivalry in your own family.

We expect to see this undesirable behavior during childhood but we certainly don't expect grown adults to exhibit this immaturity after the death of one or both of their parents when they should be pulling together & cooperating with each other.

Raising competitive kids in America unknowingly helps breed contempt when parents who want the best for their children enlist them in various sports, classes, and lessons designed to bring certain skills and accolades to their child. As praises are brought forth in everyday conversations by parents, these forms of flattery are often seen by the child who is not getting the attention as an eyeball-rolling event. Parents will try to even out the score by praising the other child at some point in the future only to add another opportunity for eyes to roll or punches to throw. These times certainly are not unnoticed by either child and adding a third child to the mix only helps pit the "two against one" mentality throughout all of eternity.

What is heartbreaking is that we see some form of sibling rivalry every day at our law firm. It occurs when one of the adult children prompts a consultation with the attorney to redo their parent's trust documents. It even occurs when mom or dad brings all of their children in an effort not to play favorites. The first hint of discord comes when we ask the "kids" to leave the room as they whisper something in our ears that we *should know* about mom or dad.

Family discord also occurs after mom or dad passes away when two or more siblings disagree on how their assets should be treated. As each one excuses themselves to make a phone call or take a bathroom break, we get the Campbell's Soup condensed version of why the other sibling isn't fit for service. Even though the trust documents and California law leave a blueprint of instructions for those who are put in positions of trust, many adult children

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seem to think they can still call the shots and do things as they've always done in the past, putting their vulnerable siblings at risk.

It is challenging to ask a trustee to think and act like a trustee, not just like a beneficiary, if they happen to be one and the same. Mistakes made by the trustee-beneficiary often require untangling by the attorney's office which would have not been necessary if mom and dad had named a trained trustee who knew what to do. Wise parents who want to avoid post-death shenanigans or mistakes by their adult children should consider listing a private professional fiduciary in their trust documents. A private professional fiduciary is well-trained in what needs to be done, can accomplish the necessary tasks in a timely and cost-effective manner, and can even save your estate money in the long run. With your attorney's help and that of a private fiduciary, you can be sure that your final wishes will be honored and your children will avoid the all-too-often emotionally charged conflicts that tears families apart.



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