



# Sibling Rivalry Rears Its Ugly Head After Death

by ELAINE M. WATROUS

Those times of a parent's attention certainly do not go unnoticed by either child and then adding a third child to the mix only helps pit the "two against one" mentality throughout all of eternity.

What is so heartbreaking for us as a law firm is that we see some form of sibling rivalry everyday. This occurs when one of the adult children prompts an initial consultation with the attorney to redo their parent's trust documents. It even occurs when mom or dad brings all of their children with them in an effort not to play favorites. The first hint of discord comes at a time 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, at a time when two or more siblings are involved and 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 seem to think they can still call the shots, do things as they've always done when dad was still alive, and put their vulnerable siblings at risk.

We also find it is challenging (to say the least), to ask a trustee to think and act like a trustee and not just like a beneficiary if they happen to be one and the same. Endless planning meetings, telephone calls and emails teaching the trustee what they need to do and correcting the mistakes made by the trustee that often requires untangling by the attorney's office, would not have been necessary in the first place if mom and dad had named a trained trustee who knows what to do.

Wise parents who want to avoid post-death shenanigans by their adult children should consider listing a professional fiduciary as their trustee and/or executor. A private professional fiduciary who is licensed, bonded and insured is well-versed in what needs to be done according to California standards, can accomplish the necessary tasks in a timely and cost-effective manner, and can even save your estate money in the long run by having systems and procedures in place to meet your goals. With your attorney's help and that of a private fiduciary, you can be sure that your final wishes will be accomplished, that your children will be able to enjoy each other's company while sharing special memories of you during this most difficult time, and that you can finally rest in peace, as you should.

Whoever said there are two things in life that are certain - Death and Taxes - really should have added a third one to that list: Sibling Rivalry. Unless you come from a family that subscribes to the old Chinese rule of having one child, chances are that you have experienced the ugliness of sibling rivalry in your own family from time to time. We do expect that youngsters will exhibit this undesirable behavior during their childhood but we certainly don't expect grown adults to show this side of their immature psyche in times when family members should be pulling together & cooperating with each other after the death of one or both of their parents.

Raising competitive kids in America unknowingly helps breed contempt by loving parents who only want the very best for their children by enlisting them in various sports, classes, and lessons designed to bring certain skills and accolades to the child participating in them. As praises are brought forth at the dinner table and in everyday conversations by parents in their effort to build on the child's self-esteem, 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 future point only to add another opportunity for eyes to roll or punches to throw.

For example, Timmy & Billy play for the same little league whose stats are being traced, not only by the coach, but by his proud mama or boastful dad. As each one jockeys for mom or dad's recognition, the other is left out in "left field" at that moment in time. It really doesn't matter that the very next week the other brother has earned dad's bragging rights because the seeds of envy have already sprouted. And, even though Susie and Sandra are in different activities, music and dance, they too want and need positive assurances from their parents that they are graceful and talented or any other descriptive adjective that will make them smile and delight with glee.



**Elaine Watrous is a licensed, professional fiduciary at the Law Offices of Donald A. Hunsberger. For more information, she can be reached at (714) 663-8000**