

**I HAVE REMARRIED!
HOW DO I MAKE SURE
MY CHILDREN
GET MY MONEY?**

Timothy P. Crawford
CPA - CELA *

**840 Lake Avenue
Suite 200
Racine, WI 53403
(262) 634-6659**

**E-Mail: tpc@tpcelderlaw.com
(Website: [/www.TpcLaw.com](http://www.TpcLaw.com))**



**Timothy P. Crawford past Board Member and Current Member of the
National Academy of Elder Law Attorneys**

*** Attorney Timothy P. Crawford has
been Board Certified as an Elder
Law Attorney by the National Elder
Law Foundation which has been
approved as the Sole Certifying
Organization for Elder Law Attorneys
by The American Bar Association**

This pamphlet is issued to inform, not to advise. This pamphlet is not intended to render specific legal advice. For specific legal advice, see Attorney Timothy P. Crawford.

**Copyright
Attorney Timothy P. Crawford
All Rights Reserve**

Many families will want to have special features in their estate plan if there are step-children involved. This happens in second marriage situations where the husband or the wife have children of their own and they want to make sure that either their children, or all of the children, and not only their spouse's children, will eventually receive their property. An A/B Trust makes sure that the children of the first person to die (usually the husband) will eventually receive the property. The property does not go to the wife. She simply gets to use it. At her subsequent death, the husband's Trust provides that the remaining assets at the time of the wife's death will go to the husband's children.

How does an A/B Trust work?

The best way to show you how this can work is with an example. Assume that the husband has three sons of his own and the wife has two daughters of her own, and they have no children together.

The husband may want to put a Trust together that, at his death, leaves his assets to his three sons, but before they get it, he wants his wife to use it for her lifetime, and then, at the wife's death, to give husband's assets only to husband's three sons.

Another way to structure the husband's Trust would be, at his death, to hold everything in husband's Trust for the benefit of his wife, and then at her subsequent death, it would be held in the husband's Trust to be used for all five children. Obviously, in this estate plan the husband is taking the risk that his wife, subsequent to the husband's death, would change her Trust and leave all of her assets only to her two daughters. At least he got partial protection for his three sons. Some of his assets would get to his three sons at his wife's death.

Another structure would be for him to leave all of his assets immediately upon his death to his three sons. This would assure the husband, that the husband's children would get the husband's assets. However, this is usually not a desirable plan, as it prevents the wife from being able to use the assets during the wife's lifetime.

Another structure would be for the husband, at his death, to leave only part of his assets to his three sons. This could be either outright to his three sons, or held back in the husband's Trust where his three sons would only have the right to use these assets. Also, at the time of his death, he would leave the remaining part of his assets to his wife, either outright or held back in the Trust, where she would have the right to use these assets, and then at her death, the husband's assets remaining in the Trust would go to the husband's three sons.

Another way to structure the husband's Trust would be in a combination of the above. That is to say, at the time of his death, he may have assets being distributed, either outright or held back in the husband's Trust, for the benefit of his three sons, his two step-daughters and/or his wife. How this is handled depends on the family dynamics. These include such factors as have the step-children lived with him since a young age. Is this a late in life second marriage where the two step-daughters have been out of the house for a number of years before the second marriage took place. What are the needs of his three sons? What are the needs of his two step-daughters? What are the needs of his wife for income to live on? All of these factors need to be taken into account in determining to whom the husband's assets should be left at the time of his death. You also need to give consideration to lifetime gifts. There may be someone out there who has a need now and that you may want to help with a lifetime gift. Again, this could be the husband's three sons or his two step-daughters.

Now remember, the examples I used were with the husband dying first. But the same works in reverse, if the wife were to die first, the A/B Trust plan gives the wife's children protection.

What Is A Certified Elder Law Attorney?

Less than 20 attorneys from the state of Wisconsin have passed the national exam out of over 800 Elder Law Attorneys that we have in the state of Wisconsin.

Attorney Timothy P. Crawford was the first Attorney to have passed the exam to become **Board Certified**. He has been **Nationally Board Certified** as an **Elder Law Attorney** by the National Elder Law Foundation which has been approved as the Sole Certifying Organization for Elder Law Attorneys by the American Bar Association.

What is your next step?

To get more information concerning the above, call for your free conference. Please call Attorney Timothy P. Crawford at 262-634-6659. We have offices located in Brookfield, Glendale, Milwaukee, Oak Creek and Racine.

(AUGUST 2015)