

Estate litigation is a drawn out process. A case has been settled quickly if it has been resolved within 18 months of being filed. The average lawsuit takes between 2 to 3 years to resolve. For this reason, it helps to know a couple tips you can use today to help avoid a conflict tomorrow.

Create a Plan. Not having a plan in place creates uncertainty and conflict, especially when the ones you leave behind have to debate amongst themselves what you wanted. And keep in mind, for each of them, what you wanted is likely similar to what they want. Having a plan clears up confusion and hopefully does away with the preventable problems.

Don't Rely on Everyone Getting Along. Not all, but most conflicts occur between people that once got along. Leaving it up to your children to decide how to handle things is usually unwise. First, when someone says all their children get along and there are no issues, it is usually inaccurate. It is hard to be unbiased when it comes to family. But, even assuming you are right and they do get along, it is still not wise as people's circumstances change. Suddenly, and for reasons having nothing to do with ill intentions, your children's goals may no longer be aligned. As an example, a child's spouse could become very ill. That child's needs are now different than the other children's, causing conflict. The best thing you can do for your family is to make the tough decisions now and lay out the process as clearly as possible for them instead of forcing your children to reach compromise and consensus.

Be Careful When You Disinherit a Child. There are times when someone needs to be kept out of the Will. A chronic issue in the child's life may mean an inheritance will certainly be misused; a good example being drugs. Other times there is just a divide between the parents and the child. In these instances, it is natural to disinherit the child and it is sometimes even in the child's best interests. Be cautious, though, because a disinherited heir is one that is likely to contest your estate plan. To counter this, you may want to consider giving the child just enough so that they have something to lose if they bring a contest. This isn't always practical, especially where a child has a substance abuse issue. However, where the divide between parent and child is one of personalities, this strategy can protect against future litigation.

Communicate Your Plan to Your Children. There are very few rules that apply to every estate planning situation. Communicating your plan to your children and other beneficiaries is no different. It can be a good thing, but it is not always appropriate. If you are comfortable explaining your estate plan to your children—or at least some of it—it can help ease future tensions. Explain your intentions and your reasoning, but know you are not justifying your plan. This is especially useful where children are treated differently in the plan, a situation which often comes up when there is farmland, a business, or other assets that cannot be passed on equally to each child. Communication is also useful where some children live close to the parents and one or two others live at a distance, often feeling left out of the big picture. What you communicate is a personal choice, but communicating can help ease problems that come from uncertainty, lack of understanding, and perhaps hurt feelings.