

ESTATE PLANNING FOR POLICE OFFICERS: A CALL TO ACTION

BY BRANDON GRYSKO

Platinum musician Prince died in 2016, leaving a multi-million-dollar estate and no will. Just two years later, Aretha Franklin also passed away without a will. Although both artists commanded powerful voices in life, sadly, in death, neither has any say in what happens to his or her legacy. You might be thinking, “Where’s he going with this in a police magazine?” This is a brief introduction to estate planning along with a call to action. As you read along, reflect on yourself, your family, and everything you have worked hard and sacrificed for. By the end, I hope you understand that—if you take action—your voice can do what those megastars’ voices never could.

“Estate Plan” is a broad term, but generally it is used to describe a strategy that provides for various personal and financial matters both before and after death. What is right for one person may not be right for another, which is why there is a variety of legal options available in preparing an Estate Plan for you and your family. If you choose to do it all yourself (which I strongly advise against), you need to become an expert on the Estates and Protected Individuals Code, MCL 700.1 to 700.8206—it is only 200 pages of light statutory reading!

There are so many issues involved in drafting a comprehensive Estate Plan. For example, someone with minor children may want to consider naming a guardian and conservator for their children, which is allowed under MCL 700.5202. If you have a special-needs child, you will require additional consideration, both in terms of who you want to provide care for the child and how you structure your Estate Plan. Unmarried couples have unique issues, so one must not assume that a long-term partner is automatically entitled to a share of your property.

An “estate” includes much of the property of a deceased person. If someone dies

without a will, Michigan law—rather than the person’s wishes—mandates how property is distributed. It would be nice to have a say in what happens to the property that you worked hard to acquire, or that may have been passed down to you by your parents or grandparents. Are you willing to leave that decision up to the government?

Police officers have concerns that the general civilian population may not necessarily think about, such as: who makes medical and financial decisions if they become incapacitated? Under MCL 700.5501, an

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officer could appoint a power of attorney for financial matters and MCL 700.5506 allows an officer to appoint a “patient advocate” for medical-type decisions. An officer who has not appointed someone to make these decisions runs the risk of leaving it up to the courts to determine guardianship for care and custody (*see* MCL 700.5303) and conservatorship for financial matters (*see* MCL 700.5401). Having powers of attorney prepared now will prevent your family from potentially having to go to court to sort those matters out during a highly stressful and emotional time.

Police officers deserve the peace of mind that comes from knowing that their family’s personal and financial affairs are in order before hitting the streets. According to Daniel McKenna, President of the Wills for Heroes Foundation, a majority of first responders do not have wills. Anecdotal evidence suggests that the percentage of first responders **without** wills is as high as 80% to 90%. A 2016 Gallup Poll indicated that 66% of Americans do not have wills. Just 14% of those under the age of 30 have a will and only 35% of those between 30 and 49 have one. In 2017, there

were 135 police line-of-duty deaths and the average fallen officer was just 43 years old. Of those 135 officers (if we borrow the 2016 Gallup numbers), only 47 of them had wills. Bear in mind, those numbers do not factor in more complex estate-planning strategies, like trusts and/or medical and financial powers of attorney. Estate planning is not just for front-line officers. While line-of-duty deaths are a major concern, there are thousands of police officers in the country, including many who work in an administrative capacity, that need to consider having an Estate

Plan. A study of police officers in Buffalo, New York found that the life expectancy of the average officer was significantly lower than that of the average American. Officers face not only the inherent risk of line-of-duty death, but also an overall reduced life expectancy.

As a former police officer, I recall hearing many times the old adage, *if you fail to prepare, you’re preparing to fail*. That saying is just as applicable to estate planning as it is to range training or defensive tactics. An officer’s job requires incredible sacrifices. Officers and their families deserve to have a voice. You may not feel the need for an Estate Plan right away. But when you take the initiative to prepare for that unforeseeable and unfortunate event, you and your family will have peace of mind in knowing that you created an Estate Plan to address your wishes and concerns. 🍀

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