

The DAILY PLAN-ITTM

Deaths of Bourdain, Spade offer cautionary tales

When fashion designer Kate Spade and chef/author/storyteller Anthony Bourdain each committed suicide in early June, they left behind grieving family and fans from around the world. They also left behind complicated estates.

Both Spade and Bourdain were separated from their spouses, and at least in Bourdain's case it was a permanent separation, according to a recent article in [Forbes](#). Because neither officially divorced their spouse, it has led to a litany of estate planning issues.

If you have a client who is separated from a spouse, keeping the estate in order in the event of death or divorce can be a tall order. Bourdain and Spade offer cautionary examples.

Owners and executors

If your client's estranged spouse dies, the situation will be similar to what Bourdain's widow and Spade's widower faced after their deaths. Without an official divorce decree, your client might own and be in charge of their late spouse's estate because estranged or not, in most states a surviving spouse is granted privileges that cohabitating couples don't enjoy.

First, an estranged spouse is the deceased's beneficiary. Bourdain and Spade's surviving spouses are also the owners of their late spouses' respective legacies, *Forbes* says. More to the point, in most cases they're also in charge of the body and funeral arrangements.

In purely monetary terms, your separated client could be in line for Social Security benefits, and if the house is in both of their names, your surviving client can stay in it or sell it as he or she pleases.

Division of personal property, even if your client's split wasn't exactly amicable, should follow the deceased's wishes as laid out in his will. That isn't always the case, but you can encourage your client to follow the will - especially if there are children involved. Better to err on the side of caution than irreparably split family bonds.

Everything in order

If your client doesn't want her spouse to plan her funeral - or deal with health issues - she should have a new healthcare directive in place. In this document, she isn't legally bound to name her estranged spouse as executor, *Forbes* says.

Changing beneficiaries on life insurance policies, retirement plans or personal property is another area where you can help your client. Beneficiaries might be children, an alma mater or a favorite charity.

To make sure her wishes are carried out, reports [CNBC](#), your client needs to be organized and have copies of all the relevant documents you have prepared for her. This will help avoid any confusion or ambiguity that may arise.

CNBC also advises that your surviving client hold off on making major financial decisions for at least one year. Waiting helps ensure that your client doesn't do something that will give her buyer's remorse. If she needs to make a major financial move, you can help her or point her to an objective third party to weigh the pro and cons of a move.

Help your client prepare for the unexpected. A will, power of attorney and healthcare directive take most of the guesswork out of the unexpected. Your client's family should know - in general terms - what these documents say. Finally, your client needs to keep her plans up to date, staying abreast of any changes in the law that might change her plans.

With proper planning, an estranged spouse's death doesn't have to leave the survivor in the dark.

We hope this information is useful to you and helps your client and their families. If you have a specific case or question, please don't hesitate to call our office.

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