



## Cultural and Religious Considerations in Estate Planning

As the demographics of the United States shift and evolve, engaging in culturally competent estate planning becomes increasingly important. To act with cultural competence is to be mindful of clients' unique cultural values, traditions, and preferences. You can foster this understanding by becoming familiar with traditions that people from different religions and cultures might have and being aware of these differences. Some examples can include different naming conventions, including using multiple family names by Latin American individuals or using the last name first in Asian cultures. End-of-life, funeral, and burial traditions can also diverge between cultures and religions. By learning and understanding these differences, you can tailor an estate plan that adequately addresses the client's needs.

Special considerations can come about when planning for immigrant families. Members of these families may be dual citizens, which can complicate the distribution of their assets from their estate since the laws of both countries may apply. Immigrant families may also own assets in a foreign country and need an additional will or trust set up in that country to ensure that their assets are correctly devised. Furthermore, they may have family living outside of the U.S. named as beneficiaries of their estates. In such circumstances, these families should have a plan for informing these individuals of the process for receiving their inheritance across international boundaries. If any of these situations arise, the estate planning attorney needs to do additional research into which other nations' laws may apply and plan accordingly. Lastly, the language barrier can be another hurdle that comes up during estate planning for immigrant families. There are a few ways to address this issue, such as providing the

services of an interpreter or translator familiar with legal documents.



Religion can also significantly affect how an individual wants to conduct their estate planning. There may be special moral clauses that a religious individual may use; for example, an individual may wish to leave a legacy to a charitable religious organization, or they may wish to include specific ethical guidelines for a desired charitable bequest. Some religions have laws regarding inheritance and the legal process that must be followed. Depending on the religion, particular restrictions may exist regarding an estate's distribution, arbitration, dispute resolution, and using a living will or advance directive documents. Increased awareness of these unique preferences and restrictions can help enhance the cultural competence of an estate planner. So, it is essential to ask a client about their religious beliefs and understand how those beliefs may impact how you craft their estate plan.

Attorneys should strive to become more culturally competent in an ever-diversifying world. Estate planning attorneys should remember to take into account cultural and religious differences when preparing estate plans for clients; this will lead to greater understanding and an overall better relationship with the client.