

2025

Sibling Inheritance Conflict Prevention Worksheet



**WHEN SIBLINGS FIGHT OVER
SPECIAL NEEDS INHERITANCE**

Memorial Merits

MemorialMerits.com

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Sibling Inheritance Conflict Prevention Worksheet

Problem Identification & Solution Planning for Special Needs Families

Purpose: This worksheet helps parents identify sibling resentment triggers in their current estate plan and create actionable solutions to prevent family warfare after death. Complete Part 1 to diagnose potential conflicts, then use Part 2 to build your prevention strategy.

Structure:

- Part 1: Conflict Diagnostic — Identify where your plan creates sibling resentment
- Part 2: Solution Action Plan — Build strategies to prevent litigation and relationship destruction

Important: This worksheet identifies planning gaps and provides implementation frameworks. Share completed worksheets with your estate planning attorney to ensure legal compliance and proper trust language. This is not legal advice.

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PART 1: CONFLICT DIAGNOSTIC

Identify the triggers in your current plan that create predictable sibling conflicts.

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Section 1: Current Plan Assessment Checklist

Check all boxes that apply to your current estate plan or family situation:

FINANCIAL INEQUALITY TRIGGERS

- ☐ Special needs child inherits \$1M+ while healthy children inherit significantly less
- ☐ Inheritance ratio is 5:1 or greater (special needs trust vs. healthy children)
- ☐ Healthy children receive lump sums while special needs child gets lifetime trust management
- ☐ No conversation has occurred about why inheritances are unequal

TRUSTEE BURDEN TRIGGERS

- ☐ Healthy sibling is named as trustee with no compensation structure
- ☐ Trustee responsibilities have not been explained to the person you named
- ☐ No successor trustee named if first choice refuses or becomes unable
- ☐ Trust language requires trustee to serve (doesn't allow resignation)
- ☐ Professional trustee fees have not been discussed as alternative option

CHILDHOOD RESENTMENT TRIGGERS

- ☐ Special needs child received 70%+ of parental attention during childhood
- ☐ Healthy children had to "help out" or take on caregiving responsibilities
- ☐ Family vacations, activities, or choices were limited by special needs sibling
- ☐ Parents spent significant money (\$50K+) on special needs care before death
- ☐ Healthy children moved away or show signs of emotional distance from family

CAREGIVING EXPECTATION TRIGGERS

- ☐ You assume healthy siblings will visit/maintain relationship after your death
- ☐ Trust distribution requires sibling involvement (approving care decisions, etc.)
- ☐ You haven't explicitly stated caregiving is optional, not required
- ☐ Siblings have different levels of involvement now (one helps, others don't)
- ☐ Trustee is also expected to personally provide care/oversight (dual burden)

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RESIDUAL BENEFICIARY TRIGGERS

- ☐ Healthy siblings are named as residual beneficiaries (inherit what remains at death)
- ☐ Trust language encourages preserving assets vs. spending for quality of life
- ☐ Healthy siblings could challenge spending decisions to preserve "their" inheritance
- ☐ No clear guidance on quality-of-life vs. asset-preservation priorities
- ☐ Siblings have expressed interest in "what happens to the money" after special needs sibling dies

TOTAL CHECKED: _____

Risk Assessment:

- 0-3 boxes: Low conflict risk (still address checked items)
- 4-8 boxes: Moderate conflict risk (prevention planning essential)
- 9-15 boxes: High conflict risk (trust challenges highly likely without intervention)
- 16+ boxes: Severe conflict risk (family warfare nearly guaranteed without immediate action)

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Section 2: Sibling Resentment Risk Calculator

Rate each factor from 0-10 (0 = not applicable, 10 = severe issue). Add scores to calculate total resentment risk.

Resentment Factor	Rating (0-10)	Notes
Financial inequality (inheritance gap)	_____	_____
Lifetime attention inequality (childhood care differences)	_____	_____
Uncompensated trustee burden expected	_____	_____
Lack of explanation or family conversation	_____	_____
Perceived favoritism during parents' lifetime	_____	_____
Healthy sibling sacrifices (delayed education, career limitations)	_____	_____
Trust restricts healthy siblings' life choices as trustee	_____	_____
Residual beneficiary creates incentive to underspend	_____	_____
Parent mortality spent retirement savings on special needs care	_____	_____
Siblings already show emotional distance or conflict	_____	_____
TOTAL SCORE (add all ratings above)	_____	

Total Risk Interpretation:

- 0-20: Minimal resentment triggers (address specific high-scoring items)
- 21-45: Moderate resentment (prevention strategies recommended)
- 46-70: High resentment (trust challenges likely, immediate planning needed)
- 71-100: Severe resentment (litigation almost certain without comprehensive intervention)

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Section 3: Financial Inequality Mapping Worksheet

Map current inheritance allocation to visualize the inequality siblings will see:

Child Name	Type of Inheritance	Amount	% of Total Estate
Child #1:		\$	%
Child #2:		\$	%
Child #3:		\$	%
Child #4:		\$	%
TOTAL ESTATE VALUE		\$	100%

Largest inheritance gap: \$ (difference between highest and lowest inheritance)

Inheritance ratio: :1 (divide largest inheritance by smallest)

Healthy Sibling Perspective:

What will your healthy children think when they see these numbers?

Child 1 reaction:

Child 2 reaction:

Child 3 reaction:

Have you explained this inequality while alive? ☐ Yes ☐ No ☐ Partially

If no, when will you have this conversation?

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Section 4: Trustee Burden Assessment

Calculate the actual work required of your trustee and whether compensation is fair:

Trustee you've named: _____

Relationship to special needs child:

Estimated Annual Trustee Responsibilities (hours per year):

Trustee Duty	Hours/Year	Notes/Complexity
Trust accounting and recordkeeping	_____	_____
Bill payment and expense tracking	_____	_____
Tax preparation and filing (or CPA coordination)	_____	_____
Government benefit coordination (SSI/Medicaid)	_____	_____
Care provider communication and oversight	_____	_____
Housing arrangement management	_____	_____
Medical decision coordination	_____	_____
Annual trust distributions and planning	_____	_____
Investment monitoring (or advisor meetings)	_____	_____
Legal compliance and documentation	_____	_____
Family communication and updates	_____	_____
Crisis management and emergency response	_____	_____
TOTAL ANNUAL HOURS	_____	

Current trustee compensation in your trust: ☐ No compensation ☐ \$_____/year

☐ ____% of trust assets ☐ Not sure

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If total hours = _____ hours/year and compensation = \$_____, hourly rate = \$_____ /hour

Compare to: Professional trustees charge \$95-\$150/hour or 1-2% of trust assets annually.

Is this trustee burden fair and sustainable for 20-40 years?

- ☐ Yes, compensation is fair for work required
- ☐ No, work is unpaid or severely underpaid
- ☐ Unsure, need to discuss with named trustee

Have you told the trustee what this job actually entails? ☐ Yes ☐ No

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PART 2: SOLUTION ACTION PLAN

Use the conflicts identified in Part 1 to build your prevention strategy.

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Section 5: Family Conversation Planning Guide

The conversation about inheritance inequality prevents resentment from calcifying into legal action.

When to Have This Conversation:

- ☐ When you finalize the estate plan (before you die)
- ☐ When special needs child turns 18 or receives diagnosis
- ☐ During annual family meeting or holiday gathering
- ☐ Other: _____

Who Should Be Present:

- ☐ Both parents
- ☐ All healthy adult children (individually or together)
- ☐ Estate planning attorney (to explain legal structure)
- ☐ Special needs child (if age and ability appropriate)
- ☐ Other: _____

Conversation Script Framework:

1. State the facts directly:

"We need to talk about our estate plan. Your sibling will inherit a \$_____ trust for lifetime care. You will each inherit \$_____. This is unequal, and we want to explain why."

2. Explain the "why" (choose what applies):

- ☐ Lifetime care costs: "Their care will cost \$_____ over their lifetime. This isn't extra, it's survival."
- ☐ Government benefit protection: "This must be in trust or they lose SSI/Medicaid."
- ☐ You have capacity we gave them: "We invested in your education, independence, earning ability. They need financial security you don't."
- ☐ Other reason: _____

3. Address trustee expectations:

"We've named [NAME] as trustee. This is _____ hours/year of work for decades. We are compensating \$_____ /year for this because it's a real job, not a favor."

4. Clarify caregiving expectations:

- ☐ "You are NOT required to provide personal care or visits. That's optional, not

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mandatory."

☐ "If you choose to be involved, here's what that might look like:

"

☐ "If you can't be involved, we understand and have backup plans."

5. Explain residual beneficiary reality:

"You're named as residual beneficiaries, inheriting what remains when they die. Assume you inherit nothing. If there's something left, it's a bonus, not a guarantee. The trust exists for their life, not your inheritance."

6. Validate their feelings:

"This might feel unfair. You're allowed to feel that way. Fair doesn't mean equal. It means needs are met. We love you all equally. The money isn't a measure of that."

Follow-Up Actions:

- ☐ Provide written summary of trust structure
- ☐ Offer individual conversations for processing
- ☐ Schedule meeting with attorney for questions
- ☐ Revisit conversation annually or when circumstances change
- ☐ Create written letter (use template in Section 8)

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Section 6: Trustee Compensation Calculator

Calculate fair annual trustee compensation based on trust complexity and work required:

Trust asset value: \$ _____

Annual hours required (from Part 1, Section 4): _____ hours

Trust complexity level: ☐ Low ☐ Moderate ☐ High

Complexity Guide:

- Low: Simple distributions, stable housing, minimal care coordination, healthy beneficiary
- Moderate: Government benefit compliance, periodic care changes, some medical decisions
- High: Complex medical needs, frequent care transitions, behavioral challenges, multi-state assets

Compensation Calculation Methods:

Method 1: Hourly Rate

Annual hours (_____) × Fair hourly rate (\$75-\$125) = \$_____ - \$_____/year

Your calculation: _____ hours × \$_____/hour = \$_____/year

Method 2: Percentage of Trust Assets

Trust value (\$_____) × Annual fee (0.75% - 1.5%) = \$_____ - \$_____/year

Your calculation: \$_____ × _____% = \$_____/year

Method 3: Fixed Annual Fee

Based on comparable professional trustee fees in your state:

Research shows: \$_____/year is typical for similar trust size and complexity

Your fixed fee: \$_____/year

Your Trustee Compensation Decision:

We will compensate our trustee: \$_____ per year

Payment frequency: ☐ Monthly ☐ Quarterly ☐ Annually

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Adjustment clause: ☐ Annual inflation adjustment ☐ Review every _____ years ☐
Fixed amount

Attorney Action: Bring this worksheet to attorney to add trustee compensation clause to trust document.

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Section 7: Equalization Strategy Worksheet

Strategies to narrow the inheritance gap without compromising special needs funding:

Current Inheritance Gap:

Special needs child: \$ _____

Each healthy child: \$ _____

Gap to close: \$ _____

Strategy Options (check all that apply):

☐ STRATEGY 1: Life Insurance on Parents

Purchase \$ _____ policy on each parent

Beneficiaries: Healthy children equally (NOT the special needs trust)

Each healthy child receives additional: \$ _____ after your death

New inheritance totals: Special needs \$ _____ | Each healthy child \$ _____

Estimated annual premium: \$ _____ (obtain quotes)

☐ STRATEGY 2: Separate Equalization Trusts

Create smaller trusts for healthy children: \$ _____ each

Stagger distributions (age 25, 30, 35) to match special needs trust timeline

Source of funding: ☐ Life insurance ☐ Current assets ☐ Retirement accounts

Benefit: Provides structured inheritance vs. lump sum disparity

☐ STRATEGY 3: Education/Business Funding for Healthy Children

Allocate \$ _____ for each healthy child's education/business startup

Paid during your lifetime or as first distribution after death

Rationale: Investment in their capacity vs. lifetime support for special needs sibling

Source: ☐ 529 plans ☐ Roth IRA conversions ☐ Current savings

☐ STRATEGY 4: Trustee Compensation as Partial Equalization

If healthy sibling serves as trustee for 30 years at \$ _____/year = \$ _____ total

This partially equalizes inheritance through compensation for work

Note: Only works if trustee actually serves; have backup plan if they refuse

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☐ STRATEGY 5: Residual Beneficiary Clarity

Cannot fund equalization now, but: Clarify healthy siblings inherit residual trust assets
If special needs sibling dies young: Remaining \$_____ splits to healthy children
Critical: Explain this is POSSIBLE, not GUARANTEED. They should expect nothing.
WARNING: Creates incentive to underspend on special needs sibling's care

☐ STRATEGY 6: No Equalization (Full Explanation Approach)

We cannot narrow the gap financially, but we will:

- ☐ Have thorough conversation explaining why (Section 5)
- ☐ Validate their feelings about inequality
- ☐ Provide written letter explaining our reasoning (Section 8)
- ☐ Remove trustee burden (use professional) so they're not working for free
- ☐ Make caregiving optional, not required

Strategy We Will Implement:

Implementation Timeline:

Step 1: _____ by (date)

Step 2: _____ by (date)

Step 3: _____ by (date)

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Section 8: Implementation Checklist

Use this checklist to ensure all prevention strategies are legally documented and communicated:

- ☐ Complete this entire worksheet (both diagnostic and solution sections)
- ☐ Have family conversation using Section 5 framework
- ☐ Schedule meeting with estate planning attorney

Bring to Attorney Meeting:

- ☐ This completed worksheet
- ☐ Current trust documents
- ☐ Financial inequality mapping (Section 3)
- ☐ Trustee compensation calculation (Section 6)
- ☐ Equalization strategy decision (Section 7)

Attorney Should Update Trust Language For:

- ☐ Trustee compensation clause (annual amount or percentage)
- ☐ Trustee resignation rights (allow them to refuse without penalty)
- ☐ Successor trustee nominations (if first choice refuses)
- ☐ Professional trustee as backup (if no family willing to serve)
- ☐ Residual beneficiary language (clarity on what happens to remaining funds)
- ☐ Quality-of-life vs. asset-preservation guidance for trustee
- ☐ Emergency distribution provisions for healthy children (if needed)
- ☐ Caregiving expectations (explicitly optional, not required)

Complete After Attorney Meeting:

- ☐ Sign amended trust documents
- ☐ Fund life insurance policies (if using equalization strategy)
- ☐ Update beneficiary designations on retirement accounts/insurance
- ☐ Create or update letter to healthy children (template in Section 9)

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- ☐ Provide copies of updated trust to all family members
- ☐ Schedule annual review to update as circumstances change

Consider Professional Trustee? ☐ Yes ☐ No ☐ As successor only

If yes, obtain quotes from:

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Section 9: Letter to Healthy Children Template

Customize this letter and provide to your healthy children while you're alive:

Dear [Child's Name],

We need to talk to you about something important: our estate plan and what you'll inherit when we die.

Your sibling, [Special Needs Child Name], will inherit a trust worth approximately \$_____. You will inherit \$_____. This is unequal, and we want you to understand why.

[Choose the explanation that fits your family:]

☐ **Lifetime Care Costs:** Your sibling's care will cost an estimated \$_____ over their lifetime. They cannot work, cannot earn, cannot build their own security. This isn't "extra" money—it's survival. We're not choosing them over you. We're funding what they cannot fund themselves.

☐ **Your Advantages:** We invested \$_____ in your education, gave you independence, capacity, and the ability to build your own life. We gave your sibling what they needed too—it just looks different. You got opportunity. They need security.

☐ **Government Benefits:** This money must be in a special needs trust or your sibling loses SSI and Medicaid—the programs paying for their care. A lump sum inheritance would disqualify them and destroy their safety net.

We know this might feel unfair. You're allowed to feel that way. But fair doesn't mean equal. It means needs are met. We love you equally. The dollar amounts don't measure that.

Here's what we need you to know:

1. About being trustee: We've named [Trustee Name] as trustee. This is _____ hours/year for decades. We are compensating \$_____ annually because it's real work, not a favor. If you're the trustee, you deserve fair payment. If you can't serve, we understand—there are successors named.

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2. About caregiving: You are NOT required to provide personal care, visits, or hands-on help. That's optional. We hope you stay connected, but we won't guilt you if circumstances make that impossible. We have backup plans.

3. About residual inheritance: You're named to inherit whatever remains in the trust when your sibling dies. Assume you inherit nothing. If there's something left, it's a bonus. The trust is for their lifetime, not your eventual inheritance. Don't preserve assets at their expense.

4. About what we're doing to help: [Describe any equalization strategy: life insurance, separate trust, education funding, etc.]

We're having this conversation now, while we're alive, because we don't want you discovering this after we're gone and feeling blindsided or resentful. You can be angry. You can disagree. But you can't say we didn't tell you.

We hope you'll talk to us about this—ask questions, voice concerns, tell us what you're feeling. This isn't a decree. It's a conversation.

We love you. That hasn't changed and never will.

Mom and Dad

[Date: _____]

How to Deliver This Letter:

- ☐ In-person conversation, followed by letter
- ☐ Family meeting with all children together, then individual letters
- ☐ One-on-one conversations with each child separately
- ☐ Letter first, then scheduled conversation to discuss
- ☐ Delivered during meeting with estate attorney present

When Will You Deliver This? (Set specific date): _____

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