

## What the Nostrums Taught Me About Seeing Around Corners

John Laster

*In 2008, I was invited to contribute the following article to a book of stories and essays written by special needs planners, who share their own experiences with clients and family members, and offer observations on critical issues affecting people with special needs. I hope you enjoy it.*

When Charlene Nostrum was born, the doctors gave her parents the following advice: "Don't take her home from the hospital. She won't walk. She won't talk. She'll pull your family apart." Charlene's parents, however, were stubborn, "can-do" folks, with a hint of suspicion regarding authority figures. They ignored this advice, and

instead took Charlene home – Down Syndrome, club feet, and all.

Years passed. Charlene brought a great deal of love to the Nostrum household. She hugged everyone – her parents, her brothers, her sisters – all the time. She smiled at them, even when they weren't smiling at each other. Even burdened with leg braces, she would run to kiss her family members, whether they wanted kisses right then or not. This unconditional love helped to oil the machinery of an otherwise fractious, argumentative,



*"She smiled at them, even when they weren't smiling at each other"*

and competitive family.

Along the way, the Nostrums formed a fam-

*(continued on pg. 3)*

### Inside this Issue:

**Front Page:**

- Seeing Around Corners
- Don't Call Off the Dogs

**Page 2:**

- Over My Dead Body!

**Page 3:**

- Seeing Around Corners (cont.)

**Back Page**

- Don't Call Off the Dogs (cont.)
- Cartoon

### DID YOU KNOW?

In the United States, we take many things for granted — including the freedom to dispose of our property as we wish when we die. Many countries — often those that follow "civil law" or religious law — do not fully recognize this right! In these countries, all or some of your estate *must* pass according to the country's inheritance laws. This is called *forced heirship*.

Its origin dates back to ancient times, when the leaders of empires and religions sought to protect heirs and encourage the survival and growth of their tribe. While forced heirship might sound unfair to us, remember that we have our version, called intestacy. In the absence of a will, your estate might be distributed according to state law. So, we should always remember that designing our own estate plan is another way to exercise the freedom we have in the United States.

## Don't Call Off the Dogs (or cats!)

Pets and older people — a winning combination



Chris Tomlin

Many studies have shown that pet ownership can provide very real health benefits for older people. For example, on average, compared to their non-pet-owning counterparts, older pet owners:

- Use fewer prescription medications
- Make fewer trips to the doctor
- Recover faster from surgery and illness
- Are less likely to suffer from depression, indigestion, or insomnia
- Have lower blood pressure and lower cholesterol
- Live longer (!)

Why is this? What is it about pet ownership that brings about such dramatic

health benefits? Of course, this varies from person to person, but most explanations focus on these themes:

- Pets can provide reliable, non-judgmental companionship, and help fight loneliness
- Pets can be "social magnets", inspiring socialization and positive interactions with others

*(continued on pg. 4)*



**The author's cat, Charlie.**

## Over My Dead Body! The final decision — your final arrangements

Chris Tomlin

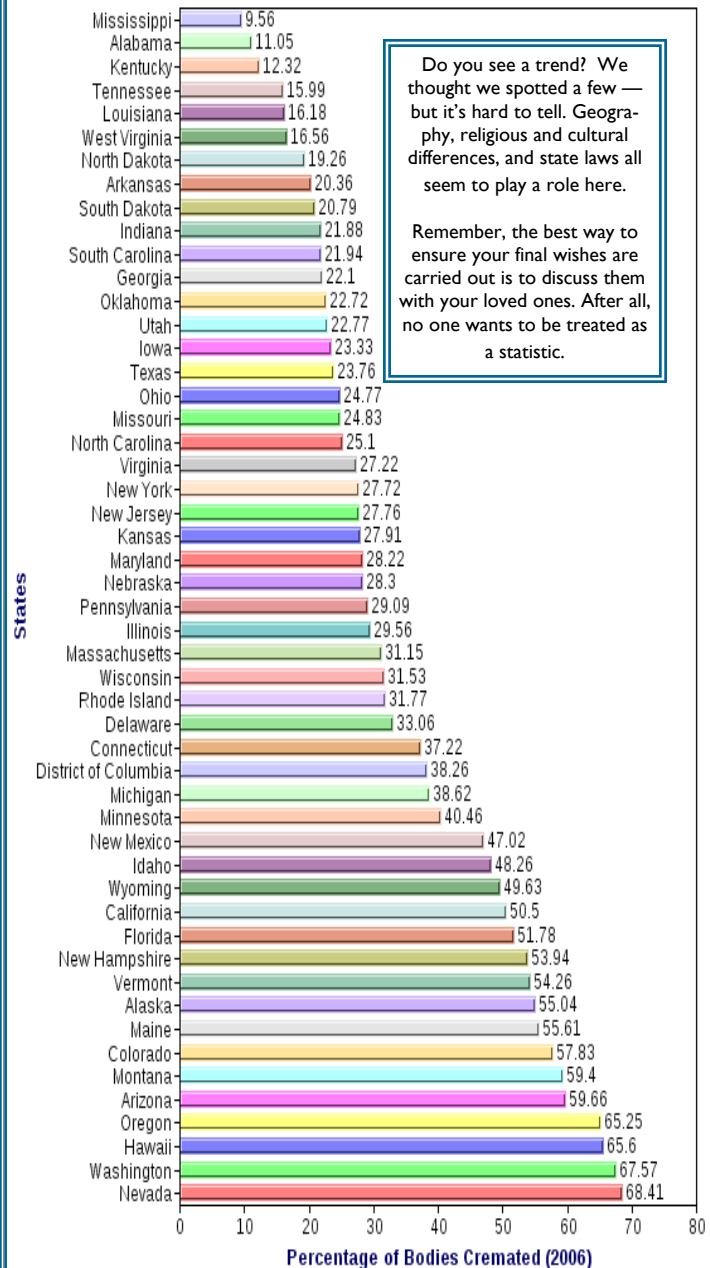
When it comes time to talk to us and figure out how to dispose of your property, one topic that naturally comes to mind is how to dispose of your most precious asset – your body itself. "I want to donate my body to science." "I don't want my body cremated under any circumstances." "I want so-and-so to preside over my funeral service." "So-and-so shouldn't plan my funeral – they'd be too extravagant." "I want my ashes scattered at such-and-such a place." These are common concerns. So, how do you go about making sure that the right people do the right things with your body once you're gone?

The first thought is usually to put instructions in the will. Usually, the will is not the best place to do this – mainly because people usually aren't reading the will until after you've been buried, cremated, embalmed, entombed, or otherwise disposed of. By then, you'll be "rolling in your grave" as your loved ones read your will and realize that no, you actually *didn't* want your ashes shot into the sky as part of a July 4<sup>th</sup> fireworks display. (Some people actually do this – famously, journalist Hunter S. Thompson.) It's usually best to leave these sorts of instructions in a separate writing to your loved ones, trusting that they'll follow your wishes. Better yet, in many states, including Virginia, Maryland, and DC, you can designate a specific person to take care of these matters for you. DC takes things a step further – not only can you appoint an agent, you can spell out specific directions about the disposition of your remains.

In some states the only way to ensure compliance with your wishes is through a pre-paid funeral arrangement – which must be quite a boon for the funeral industries in those states! Some other states have no legal mechanisms like this at all – your "next of kin" automatically has the right to handle the disposition of your remains. These laws can be particularly important for those who would rather have a close friend (such as a same-sex partner) handle these arrangements, instead of family members.



### Cremation Rates by State



Do you see a trend? We thought we spotted a few — but it's hard to tell. Geography, religious and cultural differences, and state laws all seem to play a role here.

Remember, the best way to ensure your final wishes are carried out is to discuss them with your loved ones. After all, no one wants to be treated as a statistic.

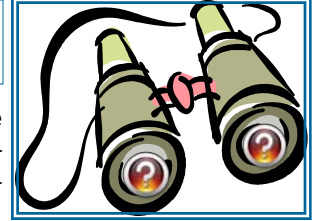
Cremation Association of North America

### Want to read more?

For an interesting rundown of the laws in different states, visit:

<http://www.funerals.org/your-legal-rights/funeral-decision-rights>

## Seeing Around Corners (continued from pg. 1)



ily pact: a shared pledge that everyone would pitch in to look after Charlene's needs, especially after Mr. and Mrs. Nostrum could no longer do so. When prospective in-laws showed up at the Nostrum home, they were taken aside and interviewed. In addition to the usual questions about livelihood ("can you support my daughter?") and values, these prospective in-laws would also be asked about their willingness to join the family pact to care for Charlene.

I learned all of this from Jack, the oldest Nostrum son, who came to visit me after Mrs. Nostrum died (Mr. Nostrum had died about 10 years before). Jack had a problem: while Charlene, now 40, was undoubtedly the "glue" of the family, Jack found that his ideas about what was best for Charlene were very different from those of his siblings. Now that Mrs. Nostrum had died, however, the pact was left in the hands of all of Charlene's siblings and their spouses. To no surprise, they were still a fractious, argumentative and competitive family. To make matters even more challenging, the Nostrum parents left behind a special needs trust that left *everybody* in charge. Two children were supposed to act together as trustees; other children were supposed to act together as guardians. And no guidance existed about how to resolve differences of opinion – either between the trustees, or among the guardians, or between the trustees and the guardians!

Jack had another problem. When Mr. Nostrum had had the special needs trust prepared, about 25 years before his death, he assumed that taxpayer financing would supply Charlene with most of the services she would need. He also assumed that \$100,000 would take care of anything above and beyond her basic needs, and so he instructed the lawyer who was writing the trust (against the lawyer's advice) to authorize the trustee to distribute anything above \$100,000 to Charlene's brothers and sisters, even if Charlene were still alive! (After all, in 1975, \$100,000 was a pretty big chunk of cash.)

As it turned out, the taxpayers paid nothing for Charlene's services, so her care cost about \$50,000 per year – all payable from the \$100,000 trust. Her life expectancy was at least 30 more years. Naturally, Jack was concerned that they would run out of money for Charlene, even if distributions for her benefit weren't overly-generous.

Eventually, we worked it out to make sure that there would be enough money in the trust for Charlene's needs – and that the money would not be distributed to anyone else during her lifetime. Most importantly, we

managed to create a structure that would avoid direct confrontations among Charlene's siblings.

Over and over, what I have learned is that it is not our weaknesses that cause us to make mistakes; it's overuse of our strengths. The Nostrums' strength came from knowing how to create their own path in life, without relying on the advice of "professionals." When Charlene was born, following such instincts led to a wonderful life for Charlene – and their family – that they otherwise wouldn't have had. When the Nostrums were planning for the future, however, following their instincts against the advice of professionals meant trying to keep the family pact intact even after the deaths of the parents. That was a sad – and expensive – result of using their strengths to excess.

### An ode to one of our favorite estate planning tools, the revocable trust:

Rare is the person not filled with despair  
Each time they must handle a loved one's affairs  
Very often this process is fraught with frustration  
Or haunted by fears of excessive taxation  
Courts need receipts and accountings and fees  
And the auditors never seem to be pleased  
But a trust can help to temper this grief  
Leaving your loved ones a little relief  
Even making the process a little more brief

Transferring stuff to a trust you can revoke  
Really moves things along when you finally croak  
Understand that a trust is not always best  
Sometimes a will is all we suggest  
To find out some more – please come be our guest!

Your referral of friends and family is the  
greatest compliment we can receive. We are  
honored to serve the people whom you send.

**Law Offices of  
John L. Laster**

Old Brickhouse Square  
103 Rowell Court  
Falls Church, VA 22046

Phone: 703.538.3600  
Fax: 703.538.3601  
E-mail: [admin@TrustToLast.com](mailto:admin@TrustToLast.com)

Can't get enough of us? Check out our  
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**www. TRUST TO LAST.com**

Please update your  
e-mail address at:  
[admin @TrustToLast.com](mailto:admin@TrustToLast.com)

**Don't Call off the Dogs** (continued from pg. 1)

- Owning a pet can lead to greater opportunities for exercise
- The act of caring for a pet can help someone stick to a routine, and give them a sense of responsibility. This can be an "alarm clock" for older people – caring for a pet can remind them to take care of themselves, too.

Many older people are reluctant to take on the responsibility of caring for a pet. They worry that they might become incapacitated and unable to care for the pet, or that they might die while the pet is still alive, leaving nobody to care for the pet. A "pet trust" – which is now valid in Virginia, Maryland, and DC – might provide peace of mind for an elderly pet owner. Call us if you'd like to learn more about pet trusts. Meanwhile, here is some interesting advice on which dog breeds are best for older people:

*Generally, small lap dogs tend to make the best companions for older people – most need less exercise, have lower activity levels, and are very adaptable to apartment or condominium living spaces. Below are some breeds that are commonly considered to make the best pets for elderly dog owners:*

PUG	SCHNAUZER	COCKER SPANIEL
BEAGLE	COCKER SPANIEL	YORKSHIRE TERRIER
SHIH TZU	POMERANIAN	SCOTTISH TERRIER
PEKINGESE	CHIHUAHUA	BOSTON TERRIER



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