



The delicate matter of mental “issues”

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By Dorothy Hagel

Naming the right estate trustee to administer the money for beneficiaries is the most important decision that has to be made during the estate planning process for any estate. Family dynamics, relationships, conflicts, personalities, acumen, skills, age and health have to be taken into consideration.

However, where the family is affected by a mental illness, this decision is more important than ever. Mental “issues” are often difficult to address because people find them difficult to discuss. There are cases of obvious mental illnesses that have been named, such as schizophrenia or depression, and people get medication to treat them. Most often than not, however, mental “issues” are subtle. These are the less obvious inflictions, such as different emotional and personality disorders often co-existing with alcohol or drug addictions.

The job of the estate trustee is difficult enough without dealing with emotionally unstable beneficiaries. Maintaining clear thought and an objective decision process can be extremely difficult for the estate trustees when mentally ill or emotionally unstable beneficiaries are involved. And because people find mental “issues” difficult to discuss, it seems that very little guidance exists for estate trustees about how to deal with unstable beneficiaries and avoid their own emotional involvement in the family matters.

When a person chosen as an estate trustee is already emotionally involved with these difficult beneficiaries or other influential but unstable family members, who tend to meddle with the distribution of the estate, it may be impossible for the estate trustees to fulfill their role. The situation gets even worse, when the estate trustee himself suffers from a mental disorder. As a result, it may take years or even decades to finally get the estate settled. In the meantime the beneficiaries are waiting for their inheritance.

I generally do not recommend appointing strangers to manage family money unless there are compelling reasons to do this. Mental illness in the family would be one of these reasons.

Strangers, such as professional trustees, will simply not care as much for the emotional upheavals of the beneficiaries and are better positioned to ignore meddling family members. They will simply carry on their duties to conclude the orderly administration of the estate.

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