

Religion and Estate Planning

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Religion and Estate Planning

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Religion and Estate Planning

**Some General
Thoughts**



All Advisers Should be Involved

- While attorneys will draft the documents involved, having a discussion with the client about the relevance of their religious considerations to their estate plan is something all advisers, not just the attorney, should be engaged with.
- Different advisers will have different relationships with the client. Depending on that relationship one adviser, perhaps the attorney but not necessarily the attorney, will have the relationship best suited to these discussions. In many cases the wealth advisor, CPA or insurance consultant will be better suited for these discussions.
- Each adviser brings a different knowledge and a different personal lens to the discussion.
- As but one example, charitable giving is a common theme that arises in faith-based discussions. Tailoring a charitable plan to not only maximize financial and tax benefits but to reflect a clients religious feelings, is something every adviser has a role in.

Religion in America

- See Diana Eck – “A New Religious America: How a “Christian Country” Has Become the World’s Most Religiously Diverse Nation.
- 2017 Gallup Poll – 37% of respondents identified as “Highly Religious.”
- In the same year Americans donated \$127B to religious organizations.
- While there is a documented decline in religiosity among American youth and millennials, most Americans still have religious affiliations and beliefs.

Religion and Diversity

- An analogy for diversity, is not the rainbow, but a third world bazaar with its infinite array of scents, colors, textures, sounds, and more. You can smell, taste, touch and embrace each unique stimuli.
- Martin Luther King, Jr. in *Where do We Go from Here? Chaos or Community* "We have inherited a large house...a great 'worldhouse' in which we have to live together – black and white, Easterner and Westerner, Gentile and Jew, Catholic and Protestant, Muslim and Hindu...a family separated by ideas, culture, and interest who ...must learn somehow to live with each other in peace." That is closer to the concept of what diversity truly encompasses.

Joseph Cambell

- Joseph Cambell, a noted professor and author, commented in his classic book *The Hero with a Thousand Faces*: “...there is a single pattern of heroic journey and ... all cultures share this essential pattern in their various heroic myths.”
- When you read Cambell’s works the common themes and sentiments of so many religions and cultures become apparent. Those common themes can provide the answer to the challenge posed by King of us all learning how “to live with each other in peace”.

Should an Attorney Address Religious Considerations?

- Many practitioners are reluctant to address religious issues, viewing them as outside of the purview of matters appropriate for an attorney or estate planner. The tremendous impact which religious rituals and traditions can have on each estate planning document, and many of the common estate planning techniques, practically assures that important personal goals of the religious client will be violated if the planner does not address them. No practitioner would knowingly violate a client's religious wishes.
- As you seek out and address client's religious and other personal wishes, you will create a bond with them that will take the relationship beyond that of being as mere Scribner or consultant, to that of being a confidant and family adviser. The rewards of providing that level of personal service, and the strengthened client bonds, will enhance your practice, client retention and more.

The Goal of Estate Planning

- Estate Planning should not be just about the transmission of wealth.
- Estate planning should be about the transmission of values.
- For many, it should encompass the transmission of beliefs as well as values. This can be done by integrating religious considerations into the estate planning process.

Do Clients Care about Religious Considerations?

- According to many surveys, 95+ percent of Americans believe in God or some type of higher power, yet few estate plans address any aspect of religion, or a particular philosophical outlook.
- This inadequacy has tremendous personal impact. No area of the law is more fraught with religious issues than estate planning.
- If you endeavored to live your life in conformity with your religious beliefs, then your final medical decisions, funeral arrangements and distributions under your will should be consistent with those beliefs.

Areas of Estate Planning Commonly Impacted by Religious Considerations

- Charitable giving.
- End of life medical decision making.
- Burial, funeral and post death arrangements (rituals, autopsies, etc.).
- Transmitting religious values to children and other heirs.
- Disposition of assets on death.
- Fiduciaries need authority to disburse funds for religious education (e.g., supplemental religious education, or private school), religious travel (pilgrimages to holy sites), charitable giving (to inculcate a core religious value), and other purposes consistent with religious goals.
- Fiduciaries must be selected that have the appropriate knowledge and sensitivity to address religious issues.
- Ethical and miscellaneous issues (disinheritance, in-terrorem clauses, mandatory arbitration of certain claims before a religious body, charging of interest, investment standards, etc.)

Every Aspect of Planning Can be Imbued with Religious Considerations

- Each aspect of your financial, retirement, insurance, death (dispositive scheme) and post-death (e.g., trusts for heirs) planning can all be imbued, to the extent you wish, with the same religious values that you live now.
- This process will not require a different type of financial plan, or a unique type of legal document, merely a bit of tailoring, a little dab, to each step and document in the traditional or typical estate planning process.
- Small changes, however, can make a tremendous impact to you, your faith and the organizations you are involved with, causes you believe in, to your family and your heirs.
- Each change can be planned and implemented to be consistent with your particular beliefs and wishes.

Non-Religion is Important to Address

- If you are not religious, assuming nothing needs to be addressed in that client's documents is wrong. This is a dangerously incorrect assumption.
- If you don't want religious principles to govern, that fact needs to be made known to avoid incorrect assumptions by family and others that religious restrictions or customs should be applied when they are not desired.
- The level of diversity of religious affiliation and observance among family members can be substantial. If you do not wish religious observances of other family members to be imposed on you, an express statement that certain rituals or practices should not be imposed is vital for others to understand your wishes.

Religion and Estate Planning

**Religion and
Letters of
Instruction**



Letters of Instruction

- A letter of last instruction should be written to family and loved ones addressing religious matters. A separate letter should be written to any institutional trustee. This will enable you to communicate your feelings in your own words.
- Description of the religious faith in which you were raised, as well as a current faith if different, affiliations and general religious desires.
- What type of funeral is desired?
- What type of mourning process should be observed?
- Which religious customs, if any, should govern?
- What about guidance for those that you leave behind? What type of life do you want your children or grandchildren to lead? Do you want them brought up with a particular religious value system?
- Within each religion there are tremendous variations of customs. Provide guidance to your heirs.

Religion and Estate Planning

**Religion and Living
Wills and Health
Proxies**



Living Wills and Health Proxies - 1

- What is defined as death? This has been a vital issue in many highly publicized cases and is fraught with controversy and complexity. Specifying specific beliefs about this can help your family and agents.
- Can your agent ever withhold nutrition and hydration without violating your religious precepts?
- Does quality of life have any relevance in light of your personal religious beliefs? Define with detail what quality of life might suffice to justify heroic measures even if you are terminally ill. Different religions, and different levels of observance within any particular religion, can have significant impact on this.
- Must certain medical procedures be avoided?
- Can your organs be donated? In some faiths this is linked to the definition of death.

Living Wills and Health Proxies - 2

- What of funeral and burial customs?
- Should maximum pain relief be tempered to preserve some consciousness to enable you to partake in end of life rituals?
- What religious end of life requests do you have?
- What type of memorial or monument, if any, should be used.
- Should you be informed, or not, of all medical conditions. Some faiths may restrict the need for full disclosure, especially if the disclosure would negatively impact your health.
- **Religious Statement**: I wish to condition the effectiveness of this directive upon its conforming to Name of Faith religious doctrines and beliefs to which I subscribe. In order to effectuate my Wishes, if any question arises as to the requirements of my religious beliefs, I authorize my Agent to seek the guidance of a *Priest *Imam *Rabbi *Other selected in accordance *Indicate Mechanism.

Living Wills and Health Proxies - 3

- The agent named in your health care proxy should agree to implement the religious, or non-religious, wishes you outlined in your living will. In states where a living will is not recognized, this instruction to your agent in the form of a living will can still be done, but the agreement to adhere to it may be morally rather than legally binding.
- What if you have no one to name as agent and instead rely on a POLST – Physician Order for Life Sustaining Treatment? Can that be modified to reflect your religious wishes or refer/incorporate your living will?

Living Wills and Health Proxies - 4

- **Buddhist Handling the Body Following Death:** In the Buddhist tradition, it is a common belief that incense should be burned near death to help provide symbolism of the path upward toward enlightenment and to guide your last thoughts upward. Many Buddhists believe that for a period following death, often for a minimum of at least one week, the spirit may remain with the body and, therefore, the body should not be tampered with or even moved. These traditions may be impossible to carry out in any medical or health care facility so it could be quite important to make advance arrangements to spend one's last days in a hospice sensitive to these religious beliefs or at home. Unless this is addressed in a living will, it is unlikely to be known to many and, therefore, unlikely to occur.

Living Wills and Health Proxies - 5

- **Pregnancy**: Pregnant women should carefully address the issues of pregnancy in a living will since considerations of mother versus fetus vary greatly between different religions.
- **Catholic View**: Generally speaking, in Catholicism no direct action may be taken that would likely cause the death of the unborn child. Thus you cannot choose the life of the mother over the life of the unborn child since the church views that all life is sacred and is in God's hand. Unless this is expressly set forth in the living will, no one may know the degree of your devotion and you cannot expect health care providers not schooled in these rules to have the knowledge necessary to carry out your wishes.
- **Jewish and Islamic View**: Under Jewish and Islamic law saving the mother's life is generally given preference. This is quite different than the Catholic view, highlighting the importance of people of all faiths to communicate their wishes to health care providers.

Living Wills and Health Proxies - 6

- **Pain Relief**: Many people and health care providers view the alleviation of all pain to be an essential and critical goal.
- **Orthodox Christian View**: However, for an Orthodox Christian, for example, the act of suffering can be an experience providing for purification, redemption, and salvation. While suffering is clearly not encouraged, pain relief to the point of making someone unconscious during their last days may prevent them from addressing profound and moving observances essential to their religious beliefs. The customs of the Christian Orthodox church encourage you to be lucid during your last days so that you may be free to confess sins and receive Holy Communion. If the attending physicians are not aware of this, they cannot be assumed to respect and foster this type of care.

Living Wills and Health Proxies - 6

- **Greek Orthodox Sample Pain Relief Provision:** I wish that all treatment and measures for my comfort, and to alleviate my pain, be provided, so long as they do not arise to the level of constituting euthanasia. In making decisions concerning the administration of pain relief I request that consideration be given to my Orthodox Christian beliefs, and in particular the importance of my having some level of consciousness prior to death to be able to participate in accepting Holy Communion and making a final confession of my sins, as well as participating in certain prescribed prayer services. I request that my health care agent and medical care providers endeavor to humanely and compassionately balance my desire for pain relief and my desire to participate in these my last religious observances.

Living Wills and Health Proxies - 7

- **Christian Sample Pain Relief Provision:** From a Christian perspective, how should the provisions of pain relief, a possible desire for mental clarity to participate in end of life decisions or prayer, and these decisions be dealt with. Consider: *“I wish to have pain relief to the extent permissible in accordance with Christian religious principles. I wish that all treatment and measures for my comfort, and to alleviate my pain, be continued, so long as they do not actively hasten the onset of death. I recognize that the alleviation of suffering is a value in the Bible, but that the Bible also points out suffering's redemptive nature. I request that discretion be used to balance these objectives to the extent feasible.”*

Living Wills and Health Proxies - 8

- **Jewish Law and Autopsies**: I specifically request that my funeral be in accordance with Jewish religious customs. Autopsies and dissections are, absent extenuating circumstances, generally prohibited by Jewish law. Therefore, I request that unless extenuating circumstances exist, such procedures not be permitted. This provision shall not affect my Wishes regarding organ donation, if any.
- **Burial and Funeral**: Many religions mandate, or at least have preference for, certain burial and funeral arrangements. These need to be specified. This is especially important in that there can be significant variations among religions. Buddhist customs in this regard, for example, will be heavily influenced by the region or country in which the family resided. Without clarity, the desired result will not be known simply from a general statement to adhere to Buddhist traditions. As the degree of religiosity of many families has varied more over time, the wishes concerning funeral and burial may have veered from a more traditional religious approach.

Living Wills and Health Proxies - 9

- **Baha'i Funeral Provision:** I direct that all burial and funeral arrangements conform with Baha'i law and tradition, and shall include: No cremation or embalming (unless required by applicable law). My body should be buried in a [five] white cotton or silk sheets in accordance with Baha'i custom. My body should be buried in a durable casket made, if feasible, from crystal, hard resistant stone, or hard wood. My body should be buried, to the extent feasible, within one hour's traveling distance from the place of my death. I should have a special engraved Baha'i burial ring placed on my finger bearing the inscription: "I came forth from God and return unto Him, detached from all save Him, holding fast to His name, the Merciful and the Compassionate." The Baha'i Prayers for the Dead should be recited at my funeral.

Living Wills and Health Proxies - 10

- **Catholic Nutrition/Hydration**: Any artificially administered nutrition and hydration (feeding and fluids), if considered extraordinary and heroic measures in accordance with standards and principles as set forth by the Catholic Church, may be withheld or withdrawn. For purposes of this provision, nutrition and hydration shall include, by way of example, and not limitation, tube feedings, Corpak tubes, nasogastric tubes, Levin tubes, gastrostomy tube, or hyperalimentation.
- **Catholic Pain Relief**: Where the objective is to relieve pain, any action is always proper. If the objective is to actively hasten the onset of death it is inappropriate to authorize such an action in the Church's view. God is the Lord and Master of life, we are not. The Church believes that we are always safe in God's hands because he loves us more than we love ourselves. Therefore, to actively hasten death would be a violation of these fundamental beliefs.

Religion and Estate Planning

**Religion and
Powers of Attorney**



Powers of Attorney - 1

- Every major religious sect promotes charitable giving. If you have been charitable during your lifetime and would wish such charitable giving to continue, or even if you have not but would like charitable giving to be a factor considered in your last days, enabling an agent under a durable power of attorney to make charitable gifts on your behalf in the event of your disability or incapacitation is essential. Otherwise, no one may have access to your funds to do so.
- If children or grandchildren are to be aided with religious education you may wish to expressly provide your agent with the authority under your power of attorney to pay such expenses. Addressing this in your will alone may not suffice in many situations. If paying for grandchildren's religious education is an important objective, then specifying the authority for such gifts and expenditures in your power of attorney is likely to be advisable.

Powers of Attorney - 2

- If your faith prohibits lending money for interest then the rather generic provisions that authorize an agent to make loans need to be modified. This issue may affect a Muslim or Jewish client.
- Dispute resolution mechanisms that comport with Buddhist or Baha'i faiths may be included into the documents.

Religion and Estate Planning

Religion and Wills



Will - 1

- Many religions have special customs attending to burial that often can create considerable expense. Authorizing these in your will can assure that your executor will have the legal authority to pay for them without any arguments from dissenting heirs who may have different views. If you are Hindu, to be cremated and have your ashes spread over the Ganges River is an act of importance. For an Orthodox religious Jew, to be buried in the ancient land of Israel can be an important rite.
- It is often common for many people to provide for some type of continued remembrance in their will through a donation or contribution to perpetuate their memory. This might include payments for perpetual grave site maintenance, donation to a religious organization for annual or other periodic rites in your memory to be carried out.

Will - 2

- Some hope for their descendants to follow in the same path. How far you wish to go can be reflected in your will. For example, you could specifically authorize the payment of private school education, if and only if it is for a certain religious denomination for grandchildren.
- Some people have gone so far to have even tied bequests to a descendant marrying within their faith. Great care, however, must be exercised in this type of planning. If you are seeking to encourage someone to follow a particular religious path, this stick is not always the best approach. If descendants stray from the path hoped for, threatening them with disinheritance may only encourage their never returning. A more effective long-term is to instead give the descendant a full inheritance in trust, with a trustee who is sensitive to the parent's religious feelings, and the child's situation, to distribute funds in a positive way. For example, paying the child's expenses to attend family functions, holiday celebrations and the like may heal strained family relations.

Will – 3 Buddhism

- **Buddhism and Disputes**: Dispute resolution raises additional issues. Buddhism has an interesting perspective in using disinheritance, sadly something I have seen too many parents do over the years, to achieve a certain result. The Buddhist theory of Karma provides that everything done in a particular life, as well as in past lives, influences and affects future lives. If you undertake an act of disinheriting an heir out of anger, it can be viewed as creating a negative influence that may be carried on through rebirth to the next life. Buddhism would advocate that you take action out of compassion and not anger.

Will – 4 Christian

- Christian Orthodox requires that you provide for your family and own relatives. If not, it is as if, according to many, you have disowned the faith and are worse than a non-believer. The church encourages you to give consideration to the needs of family members, even beyond spouse and children. A simple pot trust which can serve as a safety net for family members may prove appropriate.
- For Catholics, general guidelines of charity and justice are vital.

Will – 5 Islam

- Lifetime gifts have no restrictions.
- Upon death, up to 1/3 can be left as discretionary bequest.
- Remaining assets must be distributed in predetermined shares to Islamic heirs – a la intestacy scheme.
- Most of the rules are derived directly from the Quran itself – Chapter 4 verses 11-12.

Will – 6 Islam

- **Islamic Bequest**: The mandates of the Quran are mandatory for every Muslim to use as their dispositive scheme in their wills.
- **Sample Clause**: It is my express intent that certain dispositive provisions of my Will be interpreted in accordance with the laws of inheritance specified in the Koran. In the event of any issue arising as to the interpretation of those provisions of this Will, or the application of Koranic law, I expressly direct and authorize my Executor to consult with *KORANIC-AUTHORITY for the resolution of same. If any beneficiary under my Will in any manner, directly or indirectly, contests this will or any of its provisions, in particular any interpretation given to the dispositive provisions intended to be in accordance with the dictates of the Koran, or brings suit or other action against any other beneficiary with respect to any matter hereunder, or with respect to any asset received hereunder, then such contest or dispute shall be submitted to binding, non-appealable, arbitration, in *CITY, *STATE, in accordance with the rules of the
* _____ Islamic Court ...

Will – 7 Jewish

- For an Orthodox Jew, the biblical laws of inheritance often do not comport with modern economic realities so additional steps of creating a side document is often used as a mechanism to technically comply with biblical law while addressing current norms.
- **Jewish Will Supplement**: WHEREAS, I, the undersigned Client-Name, hereby accepts upon myself this Chov to Daughter-Names, the sum of * Million Dollars (\$*,000,000), effective immediately, but not payable until one minute before my death, on the condition that I do not retract this obligation at any time prior to my death. All the property which is mine at that time, both real and personal, shall serve as security for the payment of the said obligation. I hereby stipulate that my heirs, as defined by Biblical law (Torah) as interpreted in accordance with Orthodox Jewish law (Halacha) (the "Heirs") shall be given the option of paying the above obligation, or, in lieu thereof, of carrying out the terms as specified in my Last Will and Testament executed on Date-Signed, and in addition, carrying out all transfers of property on my death which are considered "non-testamentary transfers" in accordance with the laws of the State of State-Name. Should my Heirs choose and comply with this option, then this Conditional Shtar Chov shall become void. The above condition(s) is (are) made in accordance with the laws of the Torah, as derived from Numbers XXVII, 5-11. Any dispute arising out of this document, or the transactions contemplated hereunder, shall be brought before, and settled in a court of Jewish Law, a Bet-Din.

Religion and Estate Planning

**Religion and
Vacation Home
Agreements**



Vacation Home Tenants in Common Agreement- 1

- Example: Three families purchase a beach house for shared use. A tenants in common agreement governing the use of a vacation home is prepared. In addition to the usual issues concerning repair and maintenance, financing, sale, etc. However, religious sensibilities can be important in such an agreement. Consider:
- Rotation of dates of use considering religious holidays (e.g., family A gets Christmas usage every third year).
- Should religious dietary restrictions be observed in the kitchen (e.g., Jewish Kosher religious restrictions must be maintained).
- Should the financing of the property be structured to comport with religious restrictions against charging interest (e.g., Islamic law restrictions on Ribba).

Vacation Home Tenants in Common Agreement - 2

- A dispute resolution mechanism can be included that respects religious sensibilities (e.g., a provision reflective of the Baha'i faith's views of striving for consensus and harmony, and a mandatory mediation clause consistent with Baha'i principles, perhaps supervised by a local or regional counsel, mandated if a consensus decision is not achieved).
- Even if there are no particular religious doctrines that affect a particular transaction or matter, general religious concepts of equity, charity, honesty, etc. may be important to reflect.

Religion and Estate Planning

**Religion and
Loans/Interest**

Loans

- **Jewish Law**: Consider the use of a Heter 'Iska form to address the prohibition of interests, called "Ribbis." Clearly the intent of a Heter 'Iska is to address commercial realities while complying with Torah requirements prohibiting interest.
- **Islamic Law**: There are different scholarly views on what constitutes "riba". Some say modern interest comes under the concept "riba" which connotes usury in a modern concept. If there is no change in form, such as money is repaid with interest as money, it may be viewed as "riba". Other scholars say that modern interest, such as a mortgage is not "riba". Therefore, there must be care exercised in any estate planning transaction which is based on an interest payment.

Religion and Estate Planning

**Religion and
Financial Planning**



Financial Planning and Religion

- How you spend money, the allocation to charitable purposes, religious education for children and more, can all have a significant impact on your budget. Relying on general estimates for expenses may miss the mark.

Christian Financial Planning - 1

- The concept of stewardship stems from a simple premise: “The earth is the Lord’s, and everything in it.” Psalms 24:1. We are not the owners of wealth, merely the stewards of it for the time we have.
- 17 You may say to yourself, “My power and the strength of my hands have produced this wealth for me.” 18 But remember the Lord your God, for it is he who gives you the ability to produce wealth, and so confirms his covenant, which he swore to your ancestors, as it is today. Deuteronomy 8:17-18.
- You have or will spend much of your lifetime accumulating wealth. Accumulating wealth certainly should be achieved with due regards to your Christian values. Every component of your financial life can be intelligently planned and can also be implemented in a manner consistent with your values. Consider:
- Legitimate earnings from activities that are consistent with your values - robbing a bank to build your wealth hardly seems an ideal track.

Christian Financial Planning - 2

- Budgeting - do you spend your income in a manner consistent with your values? Investing – you can also invest in mutual funds that are consistent with your religious, social or other values.
- How you ultimately dispose of or distribute the wealth you have accumulated during your lifetime is the final act of proper financial stewardship and should be done with as much care and attention as you marshalled to accumulate your wealth. This includes gifts during your lifetime (to family, friends and charity), and how your assets are distributed on your death.
- Christians have received riches of God's grace, and are to respond with generosity and giving. Christians are called to a life of service, sharing and stewardship. We have an obligation to do good. When we give ourselves to the Lord, we will give generously. Jesus often taught about money. "Sell everything you have and give to the poor, and you will have treasure in heaven. Then come, follow me," said Jesus to a rich man (Luke 18:22).

Islamic Financial Planning

- *Riba* (interest) and *Gharar* (excessive speculation) are prohibited.

Investment Provisions and IPS - 1

- “The duty of loyalty requires the trustee to act exclusively for the beneficiaries---no form of ‘social investing’ is consistent with the duty of loyalty if the investment activity entails sacrificing the interests of trust beneficiaries – for example, by accepting below-market returns – in favor of the interests of the persons supposedly benefited by pursuing the particular social cause.”
- What the above comment means practically is that if a testator or grantor wishes a socially acceptable method of investing, he or she must carefully word the governing instrument to make this an exception to the Prudent Investor Rule.

Investment Provisions and IPS - 2

- For many people, maintaining a portfolio which is consistent with their underlying social morals is important. However, this may not always be reconcilable with a Prudent Investor Standard. For example, is it still feasible to use index funds if those indices would include investments which violate the social goals? Presumably, the universe of appropriate investments would be narrowed to exclude those investments which are inappropriate. Thus, a more personalized portfolio may have to be developed. If this occurs, it may affect the fees which can be charged.

Investment Provisions and IPS - 3

- Similar to the issue of socially responsible investing is the matter of investing in accordance with a prescribed religious standard. Each of the issues raised in the preceding paragraphs concerning socially responsible investing must be addressed where a religious standard applies. Can a fiduciary invest in a manner under the Prudent Investor Rule that is consistent with both the rule and the religious beliefs of the grantor, testator, or beneficiaries?

Religion and Estate Planning

**Religion and
Charitable Giving**



Making a Charitable Statement

- Add to your will a bequest to an organization that has been to your life, or which embodies the values you hold dear. “I give and bequeath \$10,000 to *NAME-OF-ORGANIZATION.” Making a charitable bequest to a religious organization is a wonderful way to demonstrate the importance of charitable giving, religious values, priorities and more for your heirs. But, with a modicum of additional effort you can perhaps emphasize those values even more. What if the will included the bequest written in the following manner: “I give and bequeath \$10,000 to *NAME-OF-ORGANIZATION to demonstrate to my children the importance of my religious value of charity, and the importance of the *ORGANIZATION/RELIGION in my life, with the hopes that each of my children establish a similar bond with the *Church/FAITH/ORGANIZATION.”
- Write a letter of final instructions, often referred to as an ethical will, to your heirs.

Christian View of Charitable Giving

- “I...give a tenth of all I get.” Luke 18:12. How much do you want to give to charity each year? How much on your death? Some use a 10% figure based on the Biblical concept of tithing. But a tithe was, according to some views, a percentage of income, of a year’s agricultural crop. It was not correlated to principal or wealth. But consider: “Every tithe of the herd and flock—every tenth animal that passes under the shepherd’s rod—will be holy to the Lord.” Leviticus 27:32. Thus, some choose to give more, much more.
- Another approach used by many is to treat charitable causes as an additional child. If they have four children they divide their estate into fifths, giving each child one-fifth and the charitable causes they wish to support the final fifth.
- Consider: “Each of you should give what you have decided in your heart to give, not reluctantly or under compulsion, for God loves a cheerful giver.” 2 Corinthians 9:7.

Baha'i Charitable Bequest

- I give, devise and bequeath, the pecuniary sum necessary to discharge my personal obligation, and the obligation of my estate, of making a charitable donation to the Baha'i Faith as mandated by Baha'i law. This sum shall be calculated based on Baha'i law governing the payment of 19% of my "profits", as defined and adjusted as mandated under Baha'i law, for any year or partial year prior to the date of my death which remains unpaid, and 19% of the "profits" earned by my estate to "Huququ'llah". This bequest should be made payable to "The Baha'i Huququ'llah Trust", 21300 Avalon Drive, Rocky River, Ohio 44116. Telephone 440-333-1506; email ddh999@aol.com. EIN36-3297839.

Religion and Estate Planning

Conclusion



Conclusion

- A surprisingly large number of clients want some aspects of their faith reflected in their financial, charitable, estate and related planning.
- If advisers would both ask and explain that there are broad implications more clients would wish these matters to be addressed.
- The changes required often only require a minor effort in terms of drafting but can have a profound impact on heirs and others.

Conclusion

- Yaser Ali's new ABA book titled "Estate Planning for the Muslim Client"
- <https://www.americanbar.org/products/inv/book/347245059/>

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