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Your Legacy of Justice:
Planned Giving Questions & Answers for LGBT People

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Q: Why plan now?

Let's face it: many of us put off estate planning. Maybe we do so because it seems very complicated. Or maybe we're afraid that we will have to think about death and dying. But estate planning doesn't have to be complicated at all. And, far from being somber, it's really about taking control over your own life and legacy – and providing for whom and what you love.

Not planning, of course, means letting someone else plan for you. And, in estate planning, that means letting the government do the planning. If you are like most LGBT people, the government's plan is likely to be very different from your own. The state will not necessarily recognize your partner, your family or friends, or causes you care about unless you take action. In fact, without the right planning, only the state or *legally recognized* relatives – no matter how distant – will be able to determine the disposition of your assets, or even make fundamental medical, legal, and financial decisions if you should become incapacitated prior to your death.

And the unfortunate reality – that NCLR works to fight, every day – is that in almost every state, even registered domestic partners are not recognized as relatives. As NCLR works to change these discriminatory laws, we cannot stress enough the importance for LGBT people to put their plans – their wishes – into writing and legal documents. (For more information on other ways besides making estate plans to legally protect yourself and your loved ones, download NCLR's *Lifelines* at www.nclrights.org/publications/lifelines or contact our office to have a copy sent to you.)

Estate planning, in the end, is an opportunity. It's an opportunity to protect yourself and those you love. It's an opportunity to give back to your community. It's an opportunity to ensure that your legacy reflects your life's work, your values, and your

commitments. For LGBT people, it can be an opportunity to help create a world free of the discrimination and isolation that so many of us have experienced.

Quite simply, with a plan in place, you create your own legacy. And by including NCLR in your plans, you ensure that you leave a legacy of justice.

Q: How should I begin?

For the great majority of us, estate planning doesn't need to be extremely complex. Here are the steps to take to create a basic estate plan that includes the people, causes, and organizations that mean the most to you:

1. Make a preliminary plan
Think about what you would like your bequests to accomplish. You may find it helpful to write a brief statement of personal and charitable goals. Decide whom and what you would like to benefit from your estate. Also think about whom you would like to make medical, financial, or other important decisions should you become incapacitated and are unable to make them yourself.

2. Take stock
Make an inventory of your assets.

3. Read NCLR's *Lifelines*
Be sure to get a copy of NCLR's publication on protecting yourself and your family by writing the proper legal documents. *Lifelines* provides basic information about these documents – including wills and trusts, documents protecting choices of medical care, autopsy and disposition of remains, hospital visitation authorization, durable power of attorney for finances, authorization for consent to medical treatment of a minor, and nomination of guardian for a minor. You can download *Lifelines* at www.nclrights.org/publications/lifelines or contact NCLR to have a copy sent to you.

4. Get an attorney
Identify an attorney who regularly drafts trusts, wills, and other estate plans for LGBT people to help you make legal the appropriate documents for you and your family.

If you don't have an attorney, here are some ways to find one:

- Ask your friends or family for recommendations
- Contact your local LGBT organization for recommendations
- Contact NCLR to be connected to our network of cooperating attorneys who are LGBT-friendly and LGBT-knowledgeable.

Most attorneys will not charge for an initial discussion and can give you an estimate of the time and cost involved to draft your estate plan.

5. Include NCLR in your plans
Many people are able to make their most generous gifts out of their estates – gifts that can have a tremendous impact on a cause or organization you care about. If LGBT civil and human rights are important to you, consider making an estate gift to NCLR. By doing so, your legacy of justice will live on.

6. Let NCLR and any other charitable beneficiaries know about your gifts
You'll need sample bequest language and an organization's legal name and tax ID number to share with your attorney in order to include a charitable organization in your estate plans.

Also, be sure to tell NCLR, and any other charities you might be including, about your plans so that they may thank you directly and acknowledge you properly. By including NCLR in your estate plans, you will join the Kathryn Friebe Legacy Circle, a society that honors and recognizes individuals who have confirmed their commitment to the future of LGBT civil rights.

- For sample bequest language for NCLR, see "Is There Sample Bequest Language I Can Use?" below.
- NCLR's legal name is "National Center for Lesbian Rights" – please be sure to use the full name and not the acronym, so there is no mix-up with any other charitable organization that might share the acronym.
- NCLR's tax identification number is 94-3086885.

7. Inspire others
If you are comfortable doing so, share with friends and family the gifts you are planning for the community. Your example may well inspire others to make gift provisions in their own plans.

Q: What are the most common ways to give through estate planning?

NCLR offers several ways for you to make planned gifts that provide for your loved ones and your community. The following is a summary list of some of the most common and most useful ways:

1. Retirement plans and life insurance
Naming NCLR as the beneficiary of your life insurance, 401(k), 403(b), IRA, or other retirement plan is a highly tax-efficient and powerful way to provide for the LGBT civil rights movement. Retirement plan assets left to an heir can be subject to taxes as high as 70%, yet a non-profit organization can receive all of the assets without tax. You also have the option of designating that a portion of the benefits go to NCLR.

2. Living trusts and wills
You can leave a percentage of your estate, a fixed amount, or a residual bequest (the amount left after gifts to loved ones or charity have been made) to NCLR.

3. Securities
A donation of appreciated stock, mutual funds, bonds, or other appreciated assets maximizes your charitable gift while minimizing the estate tax burden and eliminating capital gains tax.

4. Real estate
Complete or partial gifts of real estate can provide significant resources to NCLR and the future of LGBT civil rights, while reducing multiple tax liabilities.

5. Charitable trusts
Charitable remainder trusts and charitable lead trusts can be highly effective vehicles for providing for yourself, your partner or other heirs, and the LGBT community.

Q: I already have an estate plan. How can I include NCLR?

You can easily amend an existing estate plan. Any expense or professional fee involved will be minimal. Here are some very simple possibilities that can have great impact:

1. Add a gift to your existing plans
Instruct your lawyer to prepare a simple, inexpensive "Codicil" to your existing will or living trust, creating a bequest for NCLR. This can be a specific amount of money or a percentage of your estate.

2. Change your retirement plan or life insurance designation
Designate NCLR as the remainder beneficiary for your retirement plan or insurance policy. All you have to do is change the designation and send the form to your plan administrator or insurance company. You can also designate a percentage of any remainder for NCLR.

3. Name a contingent beneficiary
Consider naming NCLR as Contingent Beneficiary of your will or living trust, insurance, and retirement plans, to receive your estate in the event that you outlive all your heirs.

Q: Is there sample bequest language I can use?

Below are examples of language you can use for different types of bequests to be included in your will or trust. Be sure to consult an attorney in preparing legal documents.

Percentage of your estate
"I give _____% of my estate to the National Center for Lesbian Rights, located in San Francisco, California, for its general charitable uses and purposes."

Fixed amount of money
"I give $_____ to the National Center for Lesbian Rights, located in San Francisco, California, for its general charitable uses and purposes."

Real estate or other property
"I give [description of the property, including exact location] to the National Center for Lesbian Rights, located in San Francisco, California, for its general charitable uses and purposes."

Residual bequest
"I give the residue of my estate to the National Center for Lesbian Rights, located in San Francisco, California, for its general charitable uses and purposes."

How can I get further information?

Please contact NCLR's Director of Development:

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