

Who we are

The mission of Legal Services of Northern California is to provide quality legal services to empower the poor to identify and defeat the causes and effects of poverty within our community, efficiently utilizing all available resources.

- Our office provides civil legal assistance on a variety of issues to income eligible individuals and seniors living in our five county service area.
- Our office priorities include preservation of housing, health care, enhancing economic stability, supporting families, family safety and stability, civil rights, education, and serving populations with special vulnerabilities.

Contact Us

Our office is located in Downtown Redding in Shasta County. We provide services over the phone, in person, or through outreach events throughout our five county service area (Shasta, Trinity, Lassen, Modoc, and Siskiyou).

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Probate and Estate Planning: An Informational Guide

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Shasta Regional Office

Where do I start?

Often, clients come to us for assistance with estate planning. Because there are many misconceptions about the “best” probate documents to prepare, we focus on providing information and education to our clients about the various probate documents and options available to them. We then discuss individual concerns and assist each client to determine what is “best” for him or her.

*When beginning the estate planning process, it is important to determine what is best for **you**.*

Understanding your Estate

Before you get started filling out forms or drafting your probate documents, you should prepare a detailed list of what is in your estate and how you want it to be passed on when you die. Understanding what you own and how you want it disbursed is crucial in deciding what is best for you.

Organizations and Agencies

If you suspect you have been scammed, the agencies below may be able to provide you assistance.

Adult Protective Services

Please contact LSNC to learn more about getting help from APS or making a report of abuse or neglect.

Fraud Hotline (Federal)

855-303-9470

Elder Financial Protection Network

707-981-8403

Legal Services of Northern California

530-241-3565

*Senior Programs Funded by
PSA2 Area Agency on Aging and California
Department of Aging.*

Avoiding Elder Financial Abuse

Elder financial abuse is the illegal or improper use of an elder's funds, property, or assets. It can include forging a senior's signature, cashing checks without authorization or permission, or misusing or stealing a senior's money or possessions.

Unfortunately, the probate and estate planning business is ripe for elder abuse. Individuals who volunteer to be an agent for one's power of attorney may have ulterior motives, companies that promise to draft a living trust may draft the document but not transfer the trustee's property into it, and family members and others who pressure seniors into transferring assets before they die can all be perpetrators of elder abuse.

If you believe you may be a victim of elder abuse, please reach out to our office for assistance.

If you are unsure or uncomfortable, seek advice

If you have concerns about advice you have received, decisions you have made, or want to make changes to your existing estate planning documents, please contact us for assistance.

Getting Started

Common Misconceptions

Many clients approach the estate planning process with a firm belief they need a trust prepared. Often, this is the result of a "one-size-fits-all" approach to estate planning. Unfortunately, preparing and amending trusts for seniors has become a lucrative business, and an industry of "trust mills" perpetuate misinformation about the need for a trust.

While a trust *may* be a good option for you, it may not be the only option. A full evaluation of your estate is necessary before preparing an estate plan.

Often, clients are concerned about their families going through probate, but for a relatively small estate, probate can be simple and straightforward. If your estate is valued less than \$150,000 at the time of your death and does not include a home, your estate will not require formal probate. Personal property can be transferred by affidavit.

Our office can provide information about ways you can appropriately prepare probate documents.

Probate Document Options

Wills



A will is a probate instrument a person (testator) prepares to document her wishes regarding property disposition after her death.

California law allows for three types of wills: a formal (attorney prepared), statutory (fill-in-the-blanks form), or holographic (hand written) will.

Trusts



A trust is a legal document that partially substitutes for a will. An individual's assets are put into the trust, a legal entity that owns the property. It is administered for the testator's benefit during her life and then transferred to her beneficiaries at her death.

As a general guideline, the larger or more complicated one's estate, the more likely a trust is a useful and beneficial estate planning option.

Other Important Probate Documents

Advanced Healthcare Directive



This document is also known as a living will. It allows an individual to name an agent to make healthcare decisions on her behalf if or when a doctor determines the individual cannot make decisions on her own.

California law allows for an individual to state her wishes and make individual instructions about healthcare decisions when she can no longer speak for herself.

Financial Power of Attorney



A financial power of attorney is a document that allows an individual to designate an agent who can manage one's property and financial affairs. It can be prepared at any age, but must be signed and notarized prior to incapacitation.

Our office is careful to advise on a power of attorney as it grants broad powers to another person. An untrustworthy agent could use the document to harm an individual's financial or personal interests.