

THE SIMON LAW GROUP FIELD GUIDES · VOLUME III

The Estate Planning Starter Kit

A general, plain-language look at the foundational documents many New Jersey adults consider — with checklists you can fill in and bring to a consultation.

NEW JERSEY FOCUSED

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Includes 3 fill-in worksheets · New Jersey focused · Informational only, not legal advice.

HOW TO USE THIS GUIDE

This guide offers general suggestions and insights about estate planning in New Jersey. It is written for orientation, not as legal advice, and reading it does not create an attorney-client relationship. Every family's situation is different, and the law changes over time, so the ideas here are starting points for a conversation rather than instructions.

Consider using the checklists to gather your thoughts, then reviewing them with a licensed New Jersey attorney who can look at your specific circumstances. It is generally wise to keep confidential or time-sensitive details out of web forms and email until a representation is in place. When you are ready to talk, Simon Law Group offers an initial consultation; you are welcome to call **(800) 709-1131**.

Four documents many New Jersey adults consider

Estate planning can sound like a large undertaking, but for many people the foundation is a small set of documents. The four below come up in most New Jersey conversations. Whether each one fits you is a personal question worth discussing with counsel.

1. Last Will and Testament

A will generally names the person who would administer your estate (often called the executor), can name guardians for minor children, and directs how your probate assets are distributed.

Worth considering: many parents find it helpful to name a backup guardian and a backup executor, since people move, change circumstances, or may decline the role later.

2. Durable Financial Power of Attorney

A durable financial power of attorney generally lets a person you choose manage financial matters if you become unable to do so yourself. Families often look to it as a way to handle finances without a court guardianship proceeding.

Worth considering: some people prefer to name different individuals for the financial role and the medical role, since the qualities that suit one are not the qualities that suit the other.

3. Advance Healthcare Directive

An advance directive generally names a healthcare representative and records your treatment preferences. It can address the kinds of questions a hospital may ask if you are not able to speak for yourself.

Worth considering: it often helps to give copies to your primary doctor and the people you have named, so the document can be located at the moment it is needed.

4. HIPAA Authorization

A HIPAA authorization generally identifies the people who may receive your health information from providers. Without one, adult family members are sometimes told very little about a hospitalization.

Worth considering: families often revisit this once a child turns 18, because providers may stop sharing information with a parent at that point.

WHERE THIS LIVES IN THE LAW

In general terms, New Jersey statutes address wills, financial powers of attorney, guardianship, and advance directives, and federal rules address health-information authorizations. The formalities — for example, how a document is signed and witnessed — are details an attorney can walk through for your situation.

How New Jersey assets generally pass

A common surprise is that a will does not control everything. As a general matter, a will governs **probate** assets — those held in your name alone without a beneficiary designation. Several common assets often pass **outside** the will:

- **Retirement accounts** (such as a 401(k), 403(b), or IRA) — generally pass by beneficiary designation.
- **Life insurance** — generally passes by beneficiary designation.
- **Jointly owned property with right of survivorship** (often the marital home and many joint bank accounts) — generally passes to the surviving owner.
- **Property held in a trust** — generally passes under the trust terms.
- **Payable-on-death and transfer-on-death accounts** — generally pass to the named beneficiary.

AN INSIGHT WORTH KEEPING IN MIND

Because beneficiary designations and titling can override a will, many people find it useful to review them alongside the will so the whole plan points in the same direction. A designation that no longer reflects your wishes is often a quick update during life and considerably harder to address afterward. A frequent example: a will that leaves everything to several children equally, while a large retirement account still lists only one of them as beneficiary.

New Jersey inheritance tax, in general terms

New Jersey no longer imposes a separate state estate tax, but it does have an **inheritance tax** that depends on the beneficiary's relationship to the person who has died. As a general matter, close relatives tend to be exempt, while more distant beneficiaries and non-relatives may be taxed. The categories below are offered for general orientation; thresholds and rates can change over time, and an attorney can confirm what applies to a given situation.

General overview of New Jersey inheritance-tax beneficiary classes (orientation only; subject to change).

CLASS	RELATIONSHIP TO THE PERSON WHO DIED	GENERAL TREATMENT
Class A	Spouse, civil-union partner, child, stepchild, grandchild, parent, grandparent	Generally exempt.
Class C	Sibling, half-sibling, son- or daughter-in-law	An initial amount is generally exempt, with graduated rates above it.
Class D	Niece, nephew, cousin, friend, unmarried partner, and others not in another class	Generally taxed, with no exempt threshold for most gifts.
Class E	Qualified charities and certain government and educational organizations	Generally exempt.

AN INSIGHT WORTH KEEPING IN MIND

People who plan to leave gifts to friends, unmarried partners, nieces, or nephews are sometimes surprised by how the inheritance tax can affect those gifts. It is a topic worth raising early in the conversation, since there are general planning approaches an attorney can describe.

The federal estate tax, in context

For most New Jersey families, the federal estate tax is not the central concern. Federal law sets a high exemption — measured in the millions of dollars per person — and that figure can be adjusted

over time. Because it is large, the practical focus for many families tends to be less about federal tax and more about a few everyday goals:

- Helping assets reach the people you intend, in the way you intend.
- Keeping beneficiary designations and titling coordinated with the will.
- Considering whether to simplify or reduce probate where it makes sense.
- Planning for the possibility of incapacity, which can arise in any decade of life.

Checklist 1 • Estate-planning information to gather

Bring what you have. Missing items are not a reason to put off a first conversation, but gathering what you can tends to make a consultation more concrete and reduces the chance that an old deed, account, or agreement quietly contradicts the plan.

DOCUMENT OR INFORMATION	WHY IT CAN MATTER	STATUS
Existing will, trust, codicil, or amendment	Shows whether a new plan would revoke, restate, or replace older documents.	<input type="checkbox"/> Have <input type="checkbox"/> Need <input type="checkbox"/> N/A
Deed for each real-property interest	Title affects whether property passes through probate, by survivorship, or through a trust.	<input type="checkbox"/> Have <input type="checkbox"/> Need <input type="checkbox"/> N/A
Recent mortgage, HELOC, and property-tax statements	Debt and carrying costs can affect administration and liquidity decisions.	<input type="checkbox"/> Have <input type="checkbox"/> Need <input type="checkbox"/> N/A
Bank, brokerage, retirement, pension, and annuity statements	Beneficiary designations and titling can override the will.	<input type="checkbox"/> Have <input type="checkbox"/> Need <input type="checkbox"/> N/A
Life, disability, and long-term-care insurance policies	Policies can create liquidity or planning considerations.	<input type="checkbox"/> Have <input type="checkbox"/> Need <input type="checkbox"/> N/A
Business ownership documents	Operating agreements and buy-sell terms benefit from aligning with the plan.	<input type="checkbox"/> Have <input type="checkbox"/> Need <input type="checkbox"/> N/A
Names and contact details for fiduciary candidates	Executors, trustees, guardians, and agents each benefit from a backup.	<input type="checkbox"/> Have <input type="checkbox"/> Need <input type="checkbox"/> N/A
Beneficiary list with each person's relationship to you	New Jersey inheritance tax can depend on the relationship, not just the amount.	<input type="checkbox"/> Have <input type="checkbox"/> Need <input type="checkbox"/> N/A
Digital-asset and password-location notes	Helps fiduciaries find records without placing passwords in the will itself.	<input type="checkbox"/> Have <input type="checkbox"/> Need <input type="checkbox"/> N/A
Special-needs, elder-care, creditor, or family-conflict notes	These facts can change which planning options are a good fit.	<input type="checkbox"/> Have <input type="checkbox"/> Need <input type="checkbox"/> N/A

Checklist 2 · People and roles worksheet

Naming the people who would step into each role — and a backup for each — is one of the most useful things to think through before a consultation. There are no wrong drafts here; this is a working sheet.

ROLE	NAME	RELATIONSHIP	PHONE OR EMAIL
Executor			
Backup executor			
Trustee (if a trust)			
Financial power-of-attorney agent			
Backup agent			
Healthcare representative			
Backup representative			
Guardian for minor children			
Backup guardian			

Checklist 3 • Beneficiary-designation review

Because these accounts often pass outside the will, reviewing them periodically can be one of the higher-value, lower-effort steps in a plan. Use this sheet to note what each account currently shows and when you last checked.

ACCOUNT TYPE	PRIMARY BENEFICIARY	CONTINGENT BENEFICIARY	LAST REVIEWED
Employer retirement plan (401(k) / 403(b))			
IRA / Roth IRA			
Pension or annuity			
Life insurance			
Bank payable-on-death account			
Brokerage transfer-on-death account			
Education account (529)			

Common questions

Can I write my own will in New Jersey?

New Jersey law recognizes more than one way a will can be prepared. Many people find that working with an attorney helps the document fit their situation and reduces the chance of later confusion, while some prepare simpler documents on their own. What fits tends to depend on the circumstances.

What generally happens if someone passes away without a will in New Jersey?

When there is no will, New Jersey law generally directs how assets pass — often to a spouse or civil-union partner and children, and then to other relatives in an order set by statute. The result can differ from what a person might have chosen, which is part of why many people consider putting a plan in place.

What is the difference between a will and a trust?

In general terms, a will takes effect after death and directs how probate assets are distributed, while a trust can hold and manage assets during life and afterward. Some families use one, some use both. Which approach fits is a good topic for a consultation.

Does a will cover everything I own?

Not in every case. As a general matter, assets with a beneficiary designation (such as retirement accounts and life insurance), jointly held property with right of survivorship, and payable-on-death accounts often pass outside the will. Coordinating these with the will is something many people find worthwhile.

How often is it worth reviewing an estate plan?

Many people revisit a plan after a major life event — a marriage or divorce, a new child or grandchild, a move to or from New Jersey, or a meaningful change in assets. A periodic review, even without a specific event, is something a number of people find reassuring.

Is there a New Jersey estate tax?

New Jersey no longer imposes a separate state estate tax. It does have an inheritance tax that can apply depending on the beneficiary's relationship to the person who has died, as described earlier in this guide. How it applies to a particular situation is something an attorney can review.

Plain-English terms

A few terms that come up often in New Jersey estate planning, in everyday language:

Estate	Generally, the property and assets a person leaves behind, along with any debts to be settled.
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Probate	The general court-supervised process of proving a will and administering the assets it governs.
Executor	The person named in a will to carry out its terms and administer the estate.
Intestate	A term used when someone passes away without a valid will; state law then generally directs how assets pass.
Beneficiary	A person or organization named to receive assets under a will, a trust, or a beneficiary designation.
Beneficiary designation	A direction on an account or policy (such as an IRA or life insurance) naming who receives it, often outside the will.
Power of attorney	A document authorizing someone to act on another person's behalf, often for financial matters.
Advance directive	A document that names a healthcare representative and records treatment preferences.
Trust	A legal arrangement in which a trustee holds and manages assets for others under set terms.
Fiduciary	A person, such as an executor or trustee, held to a high standard of care when acting for someone else.

Questions worth discussing with a New Jersey attorney

Some situations benefit from more than the four foundational documents. If any of the following describe your family, they are good topics to raise during a consultation:

- A blended family or a second marriage.
- A beneficiary who receives, or may receive, public benefits (special-needs planning).
- A family business, professional practice, or rental property.
- Long-term-care and Medicaid considerations for yourself or a parent.
- Charitable goals you would like the plan to reflect.
- Real estate located in more than one state.
- Digital assets and online accounts.
- Care for a pet after your lifetime.
- Concerns about a beneficiary's circumstances, such as creditors or conflict within the family.

BRINGING IT TOGETHER

There is no single right plan; there is the plan that fits your family. Gathering the information above tends to make the first conversation more productive. When you are ready, a New Jersey estate-planning attorney can review your situation and outline options. Simon Law Group offers an initial consultation — you are welcome to call **(800) 709-1131** or read more at **www.simonattorneys.com/estate-planning**.

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Important information about this guide

About this guide

This guide is provided by Simon Law Group, LLC for general informational and educational purposes about New Jersey law. It offers general suggestions and insights only and is not legal advice. Every situation is different, and statutes, regulations, and court rules change over time. For guidance about a specific matter, consider speaking with a licensed New Jersey attorney who can review your circumstances. This guide reflects general information as of 2026.

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About Simon Law Group, LLC

Simon Law Group is a New Jersey law firm serving clients across the state from three offices, with a practice that includes estate planning, family law, personal injury, criminal defense, real estate, and bankruptcy and foreclosure.

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