



## Common Issues in Estate Planning for Blended Families in Ohio

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Estate planning is a crucial process for every family as it can ensure that the family's assets will be distributed in accordance with the family's wishes, in the event of the demise of a member of that family. Effective estate planning allows for members of the family to plan affirmatively for their future, providing peace of mind to the family members that they or their loved ones will be cared for, notwithstanding Ohio's intestacy laws. While estate planning is critical, and potentially complex, for all families, it is especially so for blended families – families formed when one or both spouses have children from another relationship – as such families face unique estate-planning considerations.

If a person dies without a valid Will in Ohio, their estate will be distributed in accordance with Ohio's intestate succession law. However, such distribution will vary based upon the structure of the decedent's family. Given the complexity of intestate succession law, blended families who are subject to such intestate succession law may face unexpected issues, such as unintended disinheritance or an unequal distribution of an estate. As such, for blended families, failure to engage in proper estate planning poses a heightened risk of conflict related to the distribution of estate assets under Ohio intestacy law.

For example, under such laws, if a decedent is survived by their spouse and children from the surviving spouse, the entirety of a decedent's estate will pass to the decedent's surviving spouse. However, if the decedent is survived by their spouse and children from a different relationship, the estate will be split evenly between the spouse and children. Moreover, stepchildren do not automatically inherit under Ohio law unless they have been legally adopted – reflecting an often misunderstood concept. Thus, there is often a misalignment between the expectations of members of blended families and the law, which can lead to conflict, and even litigation, between the family members.

Given the risk and uncertainty associated with allowing assets to be distributed under Ohio intestacy law as discussed herein, it is imperative that families seek competent estate-planning counsel. Careful estate planning can provide clarity and peace-of-mind, better ensure that a decedent's estate-planning intent is realized, and even help to preserve familial relationships, as such families with carefully-designed estate plans can better ensure that their estates will be divided in accordance with their specific wants or needs.

*This article provides an overview and summary of the matters described therein. It is not intended to be and should not be construed as legal advice on the particular subject.*