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# Robin Williams' Trust - No Longer a Private Matter

By Richard F. Roth

After the shocking news of Robin Williams' passing, there was more shocking news when trusts that Robin Williams had established for his three children were publicized. This news was shocking because trusts, unlike Wills, are generally maintained privately and do not have to be filed with a court upon someone's passing. There are exceptions, however, as in the case of Robin Williams' irrevocable trust for which a court petition was filed to appoint a successor co-trustee upon the death of a co-trustee. Because of this court action, tabloid journalists were able to obtain copies of the irrevocable trusts which, unfortunately, have now become far from private. To make matters worse, Robin Williams' address and his children's names and personal residence addresses are disclosed in the online documents. (Before the 2011 court action, the petitioner could have requested the documents be sealed to remain confidential.)

In most cases, trusts would remain private and avoid internet publicity. To ensure privacy is maintained, a trust should first identify two or three successor trustees. In the event those persons named as trustees are unable to serve in such capacity, the living adult beneficiaries (or their guardians) could be given authority to appoint a successor trustee, or alternatively, the trust could identify individuals or professional advisors to serve as the trust protector and successor trust protectors, who have the authority to remove and/or appoint a trustee. If Robin Williams' trust contained provisions authorizing a trust protector or the adult beneficiaries to appoint a successor trustee, a court action could have been avoided and the trust documents would have remained private.

Since all Wills in Michigan (and other states) must be filed with the probate court upon one's death, the Will, along with any trust provisions in the Will, and the probate estate, will be available for the public to see. Revocable living trusts are not filed with the probate court and, therefore, trusts should be established to hold one's assets and provide for disposition of those assets to loved ones before or after one's passing.

The right to privacy is becoming elusive in a world now dominated by the internet

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and social media. Importantly, as we have seen in the case of Robin Williams, effective estate planning with alternatives for the appointment or removal of a trustee, can help ensure privacy.

If you would like more information about trusts, please contact Richard Roth at 248.827.1895 or [rroth@maddinhauser.com](mailto:rroth@maddinhauser.com).

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