

Estate Planning and Members of The Church of Jesus Christ of Latter-day Saints

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The third in a series of articles addressing the intersection of religious laws, beliefs, motivations, and estate planning.

INTRODUCTION

Estate planning involves more than distributing wealth—it encompasses values, beliefs, and personal legacies. For members of The Church of Jesus Christ of Latter-day Saints (the “Church”), religious beliefs are not peripheral but central to every aspect of life, including financial decisions and end-of-life planning. Doctrinal teachings such as agency, stewardship, eternal families, and sacred covenants provide a theological framework that shapes how Church members view wealth, inheritance, charitable giving, and family responsibilities.

Practitioners serving Latter-day Saint clients should not only be aware of the standard legal and tax considerations but also understand the doctrinal backdrop that informs and motivates many planning decisions. This article explores how Church doctrines—both spiritual and practical—can influence estate, tax, health care, and charitable planning, and offers guidance for integrating those beliefs respectfully and effectively into client plans. By gaining cultural and doctrinal fluency, estate planners can ensure that their work not only complies with the law but also resonates with their clients’ most sacred commitments.

NOTES ABOUT TERMINOLOGY AND CANNON

Members of the Church identify as devout Christians, though members of other Christian faiths may disagree with this classification.¹ The doctrines and scriptures of the Church center on the role that Jesus Christ plays as Redeemer, Savior, and Son of God.² As succinctly affirmed by Joseph Smith, the Church’s founder and first president, “The fundamental principles of our religion are the testimony of the Apostles

and Prophets, concerning Jesus Christ, that He died, was buried, and rose again the third day, and ascended into heaven; and all other things which pertain to our religion are only appendages to it.”³

Some have referred to Church members as “Mormons” because of the prominence of the Book of Mormon in Church canon. But the term was sometimes used as a label in a negative way to put the faith outside of Christianity. Thus, the appropriate terminology to refer to individual members of the Church is “Latter-day Saints,” or “members of The Church of Jesus Christ of Latter-day Saints.”

The Book of Mormon is prophetic record about a people that lived in the Americas long ago. It is another testament to the divinity of Jesus Christ that was translated by Joseph Smith, the first prophet of the restored Church of Jesus Christ. But the Book of Mormon is only one book in the Latter-day Saint canon. Others include the Doctrine and Covenants, which is a collection of divine revelations and instructions for the establishment and direction of the restored Church of Jesus Christ, and the Pearl of Great Price, which touches

many significant aspects of the faith and doctrine of the Church, which was also translated by Joseph Smith. Latter-day Saints also revere and study both the Old and New Testaments. Together, all of these are referred to as the “standard works” and comprise the Church’s canon, a measuring stick by which members of the Church may judge their decisions and actions. Other discourses made by Church leaders are also given great deference.

The Church’s impact on culture is more significant than many realize. It is the fourth largest denomination in the US.⁴ The Book of Mormon has been translated into at least 113 languages.⁵ The Church’s unique Christian theology includes belief in modern prophets, eternal families, and a restoration of the same priesthood authority held by the twelve apostles at the beginning of the First Century A.D. More than one hundred thousand unpaid full-time Church missionaries drive religious outreach efforts across the world.⁶ Its cultural impacts include the Church’s family-centered values, leading efforts in the field of genealogical research,⁷ and being featured in books, plays and

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TV shows which, for better or worse, shape public perception. Members of the Church, such as former Senator Mitt Romney and former Senate Majority Leader Harry Reid, have held key political positions.

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Historically, the Church's westward migration and pioneering efforts played a large role in settling the American West. Legally, early persecution of Latter-day Saints (e.g., the Missouri Extermination Order,⁸ the murder of Joseph Smith⁹), and 19th Century US cases concerning polygamy¹⁰ have become a significant part of US discourse on religious freedom and its limits. More recently, the Church has played a distinctive role in the national conversation on balancing religious expression with LGBTQ civil rights. In 2015 the Church supported pioneering legislation in Utah (SB 296) prohibiting housing and employment discrimination based on sexual orientation and gender identity while also strengthening protections for religious individuals and institutions,¹¹ and in 2022 the Church very pragmatically backed the federal Respect for Marriage Act, which codified civil protections for same-sex marriages, while also ensuring religious organizations would not be legally compelled to recognize or perform such marriages.¹²

This article explores how Church doctrine and culture may inform estate planning decisions. It also provides practical suggestions for incorporating faith-aligned principles into estate planning documents and estate and trust administrative processes. While individual Latter-day Saints may differ in application, foundational doctrines provide helpful guidance. But before reviewing specific possible planning implications some general background on the Latter-day Saint faith, and how it instructs planning, will be provided for practitioners

not familiar with Church doctrines and beliefs. Practitioners should note that the Church's website provides easily accessible resources should questions arise while undertaking estate planning for Latter-day Saint clients.¹³

LATTER-DAY SAINT VALUES AFFECT ESTATE AND RELATED PLANNING

The values that provide a foundation for Latter-day Saint beliefs are fundamental to planning for Church members.

Practitioners should be aware of the distinction between Church doctrine, Church policy, and personal opinion when addressing religious considerations in estate planning. Doctrines—core theological teachings of the Church—do not change, though they may be further clarified over time. In contrast, Church policies are administrative or procedural in nature and may evolve in response to cultural, legal, or regional circumstances and considerations. Personal opinion are the beliefs and wishes of a particular Church member within the guidelines of Church doctrine and policy.

For example, policies regarding burial versus cremation have become more flexible over time, while the doctrines regarding the sanctity of the body and the reality of a literal resurrection, have not varied. Traditional burial has long been preferred, yet cremation is increasingly chosen—particularly in areas and among Church members where legal, financial, or cultural circumstances make burial less feasible. The current policy as published in the Church's General Handbook states, "In all cases, the body should be treated with respect and reverence. Members should be reassured that the power of the Resurrection always applies (see Alma 11:42–45)."¹⁴ Among younger Latter-day Saints, cremation is

also becoming a more common choice, even when it differs from the preferences of older generations. The Church has many other official policies affecting estate and end-of-life planning which have been updated over time, such as policies on autopsies, euthanasia, medical marijuana, organ and tissue donation, and life support.¹⁵ More on these topics will be discussed below.

Moral agency and accountability

Latter-day Saints believe in honoring, obeying, and sustaining the law.¹⁶ Latter-day Saint values include having each member pay their obligations, including taxes, and support of spouses and children.

Additionally, practitioners should recognize that individual Church members hold personal views that may vary widely. These opinions are often shaped by family tradition, generational values, and local Church culture. Church doctrine includes the concept of moral agency and accountability. Each Latter-day Saint is believed to have the power of independent action and the ability to freely choose between right and wrong, good and evil.¹⁷ Personal responsibility thus may be a foundational character trait that testamentary plans for heirs should foster. This may be incorporated into trust dispositive provisions, precatory language, and letters of instruction.

Moral agency, however, is quite important for practitioners to understand from a broader perspective. Each Church member, because of the doctrine of moral agency, has latitude to make religious decisions about their own planning. For example, tithing—the donation of one-tenth of a member's income to the Church—is a core Latter-day Saint value.¹⁸ But the manner in which income may be defined, what is included and what is not included in determining the titheable amount, may be a matter left to each adherent's own personal discretion. To further illustrate the limits of explicit Church doctrine and policy in making personal decisions, several other questions—which are not directly answered by the Church—regarding what constitutes titheable increase and the ideal timing for its payment may include:

- Should tithing be paid on amounts contributed to a qualified tax-deferred retirement account (e.g., 401(k), 403(b), IRA) when received from the employer, or at the time of distribution?
- Should a bequest be made to the Church to pay on income not yet tithed at the time of death, such as unrealized gains or undistributed retirement funds?
- Should donees, heirs, and beneficiaries pay tithing on gifts, bequests, and life insurance proceeds received, or should the tithing already paid by donors, testators, settlors, and policy owners satisfy the requirement?
- Should tithing be paid on a grantor's income stream from charitable remainder trusts (CRTs) or grantor retained annuity trusts (GRATs), even if the principal had been tithed prior to funding, and would doing so constitute a "double tithe?"
- Should a tithe be paid on Social Security benefits or pension income during retirement if the individual has already tithed on gross income during working years? If so, how will gains and losses be accounted for?
- How should tithing be handled for minors or incapacitated beneficiaries who receive distributions through a custodial account, guardianship, or special needs trust?
- Should tithing be prepaid in a single tax year in order to "bunch" charitable deductions and then take the standard deduction in future years, especially considering the higher federal standard deduction rules introduced by the Tax Cuts and Jobs Act, as recently expanded and made permanent by the One Big Beautiful Bill Act?
- Who pays the tax on income attributable to completed gift Trusts: the grantor or beneficiary? When should it be paid?
- Should tithing be paid on amounts paid in income and other taxes, since an argument could be made that taxes paid to the government do not represent a direct increase to the taxpayer (this is the quintessential "net vs. gross" question)?

- Should a settlor's intent to promote tithe-paying habits be incorporated into incentive trust provisions? For example, a trust might contain precatory language encouraging (but not requiring) the payment of tithing by beneficiaries.

These questions highlight the limits of official Church doctrine and policy in answering every financial or estate planning scenario, and emphasize the importance of exercising personal agency in making decisions. While such matters are ultimately personal and spiritual, Church members are counseled to seek revelation and guidance from the Holy Ghost, using their agency to make decisions based on faith and individual conviction.¹⁹

doctrinal questions. Instead, clients should work closely with their advisors and families to reflect their values and intentions clearly during the planning process.

The doctrine of the eternal family

Family is central to Church life and belief. Family is the foundation of life.²¹ Members of the Church believe that the priesthood keys and sealing authority necessary to bind families together for time and all eternity were restored by God to the Prophet Joseph Smith as part of the latter-day restoration. This sacred authority, referenced in Doctrine and Covenants 132:19 and symbolically foreshadowed in Malachi 4:5–6, fulfills ancient promises made to patriarchs

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Thus, there may be more variability in how each member of the Church applies general Latter-day Saint doctrines to their personal planning. The Church believes that leadership and members may receive personal revelation, that "good inspiration is based upon good information." So, a Latter-day Saint may take time to consider and pray for insight on some of the profound decisions estate planning may entail.²⁰

The Church organizes its members geographically into wards (local congregations led by a bishop) and stakes (groups of wards led by a stake president). Unlike some religions where rabbis, priests, gurus, or imams provide authoritative rulings on doctrine or personal decisions, Latter-day Saints are taught to prioritize personal revelation. Bishops, Stake Presidents, and other Church leaders generally do not give specific counsel in matters involving personal values, legal interpretation, or financial decisions. For that reason, Church officers should generally not be named in estate documents to resolve

such as Abraham, Isaac, and Jacob—that through their seed, "all the families of the earth [shall] be blessed".²² Current Church President, Russell M. Nelson, taught, "The earth was created and this Church was restored so that families could be formed, sealed, and exalted eternally."²³

This eternal perspective on family relationships distinguishes Latter-day Saint theology from other faith traditions and deeply influences personal, legal, and estate planning decisions made by devout members. Thus, practitioners should expect planning that fosters or is consistent with family values to be important.

For example, the divorce rate among Church members is lower than the national rate.²⁴ That fact can have a profound impact on planning. The potential risk of divorce that permeates much of estate planning, e.g., the entire concept of a floating spouse clause in trust planning,²⁵ may not be of as much concern to many Latter-day Saints. This does not mean that divorce does not occur—and

even though some members of the Church, because of their spiritual beliefs, may be less willing to engage in discussions on dissolution of marriage—in many instances such planning remains relevant. As such, practitioners should be aware of these attitudes and convictions so they can nevertheless sensitively raise these issues and counsel clients on important related legal considerations.

While the authors couldn't find any official Church-published articles directly addressing prenuptial and postnuptial agreements, and it doesn't seem that the Church itself has issued doctrinal statements or policies endorsing or rejecting legal agreements in consideration of marriage, a broader search of family and temple-related teachings gives insight into the Church's attitude toward marriage commitments. For example, Church periodicals and seminary materials suggest that approaching marriage with a mindset focused on material (i.e., financial) security—such as insisting on a prenuptial agreement—may be inconsistent with gospel ideals of unity, sacrifice, and eternal covenant.²⁶ At the same time, some Latter-day Saint commentary acknowledges that prenuptial agreements may serve a practical role in specific circumstances, particularly when significant premarital assets are involved, though such use should be carefully balanced with spiritual and relational priorities.²⁷ Similarly, when advising married clients who are members of the Church on the characterization of their property—as separate, joint, community, or held in tenancy by the entirety—practitioners should remain mindful of these deeply held religious and familial values. Such values surrounding marriage and family may not always align neatly with traditional tax strategies, asset protection objectives, or other conventional estate planning norms, and should be thoughtfully integrated into the planning process.

Consistent with marriage stability, Church families tend to have more children than the average American. "[Latter-day Saints] ages 40–59 have had an average of 3.4 children in their lifetime, well above the comparable figure for all Americans in that age range (2.1) and

higher than any other religious group,"²⁸ except for possibly Orthodox Jews.²⁹ This might suggest saving for college, integrating family values in trust and estate planning documents, etc., may all be common in Latter-day Saints' estate plans. Tailoring trust distribution language to express some of these values and goals may be desirable, even if the same results might be achieved with more generic discretionary distribution language. It may also mean utilizing a "sprinkle trust" or "pot trust," especially in estates of modest to moderate size, as the number of descendants may be quite large making separate trusts by family line less practical, especially in smaller estates. This approach can be particularly beneficial in families where there is a wide age spread among children. For example, younger children who are still minors or in the early stages of their education or career development may have more immediate and essential financial needs than their older, more financially independent siblings. A "pot trust" structure empowers the trustee to prioritize distributions in a way that supports the overall well-being and development of all beneficiaries, ensuring that resources are used where they are most needed during the administration period, and helping make sure younger children have the same opportunities for education and enrichment as their older siblings may have had.³⁰

With such a strong emphasis on family values, and the belief in building eternal families, fostering harmony and avoiding contention is preferable. Contention is a negative, and should be avoided.³¹ While most clients want to avoid family acrimony, for Church members there is an added religious directive for this. This should guide all planning so that if there are approaches that may lessen the potential for disharmony, those should be suggested for discussion. Encouraging, facilitating, or even participating in these family conversations and councils may be a role that the estate planner plays.³²

Unmet expectations by beneficiaries, a lack of transparency in the planning process, and the failure to hold family councils or communicate clearly can all become sources of bitterness,

contention, and prolonged disputes—particularly after the death of a matriarch or patriarch. For Latter-day Saint families, where unity is both a moral ideal and a spiritual aspiration tied to eternal progression, these risks carry even greater weight. If a practitioner objectively believes that a particular dispositive plan may foster contention, alternative structures could be proposed—ones that prioritize clarity, fairness, and the avoidance of ambiguity.

In terrorem, or no-contest clauses, may be helpful in this regard. They create disincentives for challenging the will or trust, thereby reducing the likelihood of litigation and the damage it can inflict on family relationships. In some cases, planners may consider including a particularly strong deterrent—for example, a provision stating that if any beneficiary contests the plan, all estate assets will instead be distributed to the Church or another designated charitable institution. Such a clause sends a clear signal about the testator's intent to avoid contention and preserve peace and harmony, while also reinforcing spiritual values. These clauses must be carefully drafted in accordance with applicable state law and public policy considerations.³³

In drafting estate plans or structuring business succession documents, consideration might be given to having the parties or those affected agree to resolve any future disagreements through binding arbitration, rather than public litigation. This private and often less adversarial forum may help preserve relationships, minimize expenses, and maintain confidentiality. Arbitration provisions, when carefully drafted, can serve both legal and spiritual goals by helping to prevent the kind of contention that Church teachings counsel members to avoid.³⁴

WILLS AND TRUSTS: OTHER CONSIDERATIONS

Throughout this article, faith-based values and goals, as well as somewhat unique Latter-day Saint spending patterns have been noted. It may be advantageous to incorporate some of these concepts into legal documents. Others may be better left to letters of instruction

rather than included in formal documentation. While one practical approach may be to name other Church members who would be familiar with these concepts in fiduciary roles (and perhaps in special power of appointment or trust protector roles as well), that may not suffice. Considering the concept of agency, a particular Latter-day Saint may have different views on a particular matter than other Latter-day Saints. Also, if a person is named who leaves the faith, or if an institutional trustee is named (for example, to secure situs in a better jurisdiction for tax, legal or other purposes) and that trustee, or a successor, is not sensitive to Church doctrines, having a framework in the governing instrument may be important.

In their ecclesiastical capacity, Church officers should not be named as personal representatives or trustees. The exception to this might be when a Church officer has been retained by the Church member to render services in a professional capacity (e.g. attorney or trust officer) with the Church member as a client. It should be noted that most Church leaders serve as volunteers and have full-time jobs to support themselves and their families. That full-time job may be as an attorney, CPA, financial planner, or trust officer.

Latter-day Saints believe that God is light and truth which encompasses intelligence. To become more like God, they believe they need to become more intelligent. The corollary of this is that becoming educated is a religious responsibility. That might suggest that in the planning and administration of trusts for heirs, their education is such an important objective that express provisions, precatory language, and a letter of instruction might be completed to provide guidance.

Missionary work is common aspect of Latter-day Saint life.³⁵ Missionary work may require special financial considerations. Young adult males typically spend two years on missions, and young adult females spend eighteen months. Senior missionaries, such as retirees, may again pursue missions, typically for one to two years. Although the Church may pay or defray the costs

of this service, the costs are often born by families for the young adults serving, and by the retirees serving when they undertake missionary assignments. For the young adults this service may defer college or obtaining employment. For retirees it may be a factor in their retirement planning. Traditional estate planning, including trusts, might encourage and authorize expenditures for these endeavors.³⁶

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Many Latter-day Saints encourage their children to participate in paying some or all of the cost of their mission by saving for mission expenses from an early age. Having some "skin in the game" (making a personal sacrifice) may make for a more meaningful experience. Nonetheless, many parents and grandparents wish to support missionary service through their estate plans. Practitioners drafting such provisions may consider explicitly including missionary service within the definition of "education" or enumerating missionary expenses as a separate, permissible standard for discretionary distributions.

Because the Church has standardized the cost of full-time proselyting missions for young (non-senior) missionaries globally, the recommended financial support is both predictable and readily ascertainable.³⁷ As such, it is particularly suitable for inclusion in trusts or wills that provide for specific educational or religious purposes. Including these costs alongside traditional health, education, maintenance, and support standards can help fiduciaries administer such provisions with clarity and confidence. It should be noted that donations to the Church for missionary support are generally tax-deductible under IRC Section 170, so long as they are made through the Church's official channels,

since the Church treats such contributions as its own property and retains full discretion over their use, rather than treating them as personal gifts to individual missionaries. Practitioners should advise clients to direct missionary-related gifts through such official Church channels to preserve deductibility and ensure compliance with both tax law and Church policy.³⁸

Latter-day Saints are encouraged to avoid the potential of financial adversity by managing their finances prudently.³⁹ They are urged to be modest in their expenditures, discipline themselves in their purchases to avoid debt, and save for unexpected expenses. Paying an honest tithe and living within one's means are essential parts of financial stability. Church members are encouraged to maintain a record of their expenditures, review monthly income and expenses, and establish a family budget. Some of these concepts will affect how distributions from trusts are made, steps trustees and other fiduciaries might consider in carrying out their duties, and even the language that an estate planner might draft in the various financial related documents.

Investment provisions in governing documents, and the investment allocations and specific choices a fiduciary may make, will be guided by Church philosophy. Latter-day Saints are instructed to avoid investments that involve speculation and excessive risk, favor socially conscious investing, and avoid investments such as bars, alcohol manufacture, etc. Latter-day Saints are taught not to drink any kind of alcohol.⁴⁰ They should also abstain from using illegal drugs.⁴¹ In light of these prohibitions it would seem investing in businesses that foster what is impermissible would itself be undesirable. Thus, these and other Church doctrines may be reflected in investment decisions. For fiduciaries, express authorization in the governing instrument to pursue such socially oriented investing may be advisable. If a trust or family LLC is used to own a family cottage or vacation home, the rules and regulations governing the use of that property may prohibit alcohol on the premises, etc.

STEWARSHIP AND CHARITABLE GIVING CONSIDERATIONS

Stewardship is another fundamental concept that will influence various aspects of financial and estate planning for a Latter-day Saint. All things on earth belong to the Lord, and members are accountable to the Lord for how they manage these blessings. The Lord will make every man accountable as a steward over earthly blessings.⁴² Responsibility for how a person uses their wealth is important. The saying found in Proverbs 30:8-9 "Give me neither poverty nor riches," embodies this philosophy. Stewardship encompasses both temporal and spiritual responsibilities. Too much wealth can be a negative as it could change a person's focus from God to material possessions. Instead, wealth should be seen as a stewardship to bless others. These concepts may manifest in guidance to fiduciaries, the distribution of wealth to help family members beyond the immediate family, to charity, and so forth.

In addition to the general principle of stewardship, faithful Latter-day Saints enter into sacred covenants in their temples to live the law of consecration and the law of sacrifice. These covenants reflect a commitment to dedicate one's time, talents, and material resources to building up the kingdom of God and serving others. The law of consecration teaches that all we have ultimately belongs to the Lord, and that we are to use our means to do His work. The law of sacrifice underscores the willingness to give up personal desires or possessions in favor of higher, eternal purposes.⁴³ These covenants can deeply shape a person's financial worldview, leading many Church members to give generously, to prioritize eternal relationships over temporal gain, and to consider how their estate can further spiritual as well as familial goals. Estate planning for Latter-day Saints, therefore, often includes not only legal and tax efficiency, but also an intentional alignment with sacred commitments to selflessness, charity, and gospel service.

These sacred principles of stewardship, consecration, and sacrifice naturally extend into how Latter-day Saints

view giving—including tithes, offerings, and other charitable contributions—as expressions of devotion and instruments for building God's kingdom. Giving to charitable causes, and specifically paying tithes and offerings to the Church, as discussed in more detail above, is another core Latter-day Saint principal.⁴⁴ Tithing is not merely adhering to a commandment, but for members of the Church it is an act of faith, even if and especially when it is difficult to do. But, as noted above in the discussion on moral agency, determining what income is, ultimately is a personal decision thoughtfully and prayerfully made by each Church member.

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Because charitable giving is a foundational value in the Church, Latter-day Saints will generally be charitably inclined. Using tax efficient charitable planning, such as gifting appreciated assets, bunching deductions, etc. should be employed. Practitioners may find that for many clients, the desire to give is the primary driver, with tax benefits being secondary and appreciated but not determinative.

Charitable causes can include the full spectrum of charitable efforts, but Latter-day Saint clients may also particularly wish to consider gifting to causes that foster Church operations including financial support for the educational institutions of the Church, missionary activities, or the Church's humanitarian work. Senior Church leadership has identified the following charitable priorities:⁴⁵

Universities & Colleges

- Brigham Young University

- BYU-Hawaii
- BYU-Idaho
- BYU-Pathway Worldwide
- Ensign College

Church Institutions & Special Projects

- Humanitarian Services
- Missionary Fund
- Church General Fund

Practitioners should also note that a specific section of the Church's Philanthropies department website is dedicated to gift planning where they can find suggested testamentary language and Tax Identification Numbers to include in planning documents.⁴⁶ The Philanthropies' website further describes the complimentary services provided to professional advisors as they assist clients who wish to include charitable giving in their planning.⁴⁷

For Latter-day Saints (and others) who wish to benefit Church charities through a planned gift, Deseret Trust Company, an integrated auxiliary of the Church, is an excellent option to serve as trustee for Charitable Remainder Trusts. Deseret Trust Company also administers a Charitable Gift Annuity program and offers a Donor Advised Fund.⁴⁸

A Donor Advised Fund (DAF), administered by Deseret Trust Company or another provider, can be an excellent vehicle to help Latter-day Saints (and others) achieve their charitable giving goals in a tax efficient manner.⁴⁹ Clients who consistently give to charity may welcome a strategy of "bunching" or "stacking" their donations, aided by a DAF.

For example, a Latter-day Saint might wish to donate funds to a DAF in an amount sufficient to pay tithing, support the Church missionary fund, and aid other IRS qualified charitable causes for a two- or three-year period. The donor would then choose to itemize their contribution to the DAF in that year's tax return. The following years, the donor would advise the DAF to make distributions to their favorite charitable causes and claim the standard deduction on their tax return.⁵⁰

Many DAFs allow donors to name successor advisors. Accordingly, a DAF may

be a useful instrument allowing donors to create a pool of charitable funds available to children and grandchildren to continue supporting causes important to the family. A DAF can also be named a beneficiary of a qualified retirement account which may have highly beneficial tax implications.⁵¹

As Latter-day Saint clients explore specific vehicles for charitable giving, attention must also be given to the legal mechanics of trusts to ensure that charitable intent can be properly fulfilled—particularly when irrevocable trusts are involved. Including charitable beneficiaries in irrevocable trusts as permissible beneficiaries is important as there would be a legal impediment to making charitable gifts if not permitted by the governing document.

If the original governing instrument (e.g., the initial trust document, not a modified or decanted version of it) does not permit charitable donations, the income tax deduction for those donations would be lost.⁵² The settlor of a trust, for example, could list one or more Church sponsored charities as permissible beneficiaries for this purpose. The client might also appreciate the flexibility in a grantor trust afforded by appointing a person, in a non-fiduciary capacity, that is given the power to add charitable beneficiaries. Further, instead of designating a named person to hold this power, the settlor of the trust might designate a person by title and position so that the position does not lapse. Clearly, it would be beneficial for the representative or organization named to be familiar with the client's charitable inclinations and to be acquainted with the funding opportunities available within the Church.

HEALTH CARE DECISIONS AND DOCUMENTS

Latter-day Saints believe that God created man in his own image. Our bodies are therefore sacred and it is incumbent on each of us to respect our body. This concept weighs against using substances that may harm the body.⁵³ It may also inform health care decision making and hence the language in health care estate planning documents.⁵⁴

Members of the Church believe that God alone should give and take life. Life is a sacred gift from God so that euthanasia and physician-assisted suicide are not permitted.⁵⁵ "The Church of Jesus Christ of Latter-day Saints does not believe that allowing a person to die from natural causes by removing a patient from artificial means of life support, as in the case of a long-term illness, falls within the definition of euthanasia. When dying from such an illness or an accident becomes inevitable, it should be seen as a blessing and a purposeful part of eternal existence. Members should not feel obligated to extend mortal life by means that are unreasonable. These judgments are best made by family members after receiving wise and competent medical advice and seeking divine guidance through fasting and prayer."⁵⁶ Considering the concept of agency discussed above, Latter-day Saints may each exercise their own free will in making decisions as to end-of-life care, heroic medical measures,⁵⁷ and organ donation.⁵⁸

Stewardship is another fundamental concept that will influence various aspects of financial and estate planning for a Latter-day Saint.

As stated above, Latter-day Saints, consistent with Article of Faith 12⁵⁹ and Church policy, are taught to obey and honor civil laws, including those requiring autopsies.⁶⁰ The Church does not object to legally mandated autopsies, and in other cases, the decision is left to the family. There is no doctrinal prohibition against autopsies, and they are fully compatible with the Church's beliefs about resurrection and respect for law.⁶¹

FUNERALS AND DISPOSITION OF FINAL REMAINS

While a solemn religious service, funerals for Latter-day Saints are hopeful and encouraging. Funeral speakers emphasize and bear witness of the resurrection through the Atonement of Jesus Christ

and of the happy reunion of families and loved ones on the other side of the veil.⁶²

As referenced repeatedly in this article, the Church's *General Handbook: Serving in the Church of Jesus Christ of Latter-day Saints*, is a public source of information that may be helpful to practitioners in understanding Church doctrine and policy concerning funerals and many other questions and concerns.⁶³ The Handbook now even includes an AI-powered search assistant to make it easy to research questions.⁶⁴

As to the disposition of final remains, and as summarized above, consider the following excerpted from the Church's handbook: "The family of the deceased person decides whether his or her body should be buried or cremated. They respect the desires of the individual.⁶⁵ "In some countries, the law requires cremation. In other cases, burial is not practical or affordable for the family. In all cases, the body should be treated with respect and reverence. Members should be reassured that the power of the Resurrection always applies (see Alma 11:42–45).⁶⁶ "If possible, deceased members who are endowed should be buried or cremated in temple clothing."⁶⁷

For Latter-day Saints, to be endowed means to receive sacred ordinances and make covenants in the temple that are essential for exaltation. The General Handbook defines "exaltation" as "the highest state of happiness and glory in the celestial kingdom...granted to those who receive and honor the ordinances and covenants of the temple."⁶⁸ Regarding the temple endowment, the Handbook also says that it "is a sacred ordinance in which members make covenants and receive instruction and power from God" and that "[i]t includes a series of teachings, promises, and blessings that prepare faithful members to return to God's presence."⁶⁹ This eternal perspective helps explain why endowed members of the Church place deep spiritual significance on being buried in their temple clothing—it symbolizes their sacred covenants and their hope in the promises of reunion with God and their families.

The Church's Handbook also provides important guidance on who may dress

the endowed member's deceased body in temple clothing, and clarifies that a person's activity level at the time of death—whether active or less active—does not disqualify them from being dressed in the temple clothing. It further addresses sensitive circumstances such as what to do if a decedent's membership was withdrawn (formerly referred to as being excommunicated) during lifetime, and the condition of the body at the time of burial or cremation. Notably, it affirms that endowed members who die by suicide may still be dressed in temple clothing, emphasizing the Church's position of compassion, reverence, and trust in the redemptive power of the Atonement and Resurrection of Jesus Christ.⁷⁰

To avoid confusion and contention among surviving loved ones, it is advisable for Latter-day Saint individuals to clearly state their funeral and burial wishes in their estate planning documents. Because the Bishop of the ward where the deceased resided typically conducts the funeral service, specifying this preference in a will or accompanying letter of wishes can prevent confusion or disputes. Likewise, since members of the Church generally prefer to have their bodies buried (or cremated) while dressed in their temple clothing, including this instruction helps ensure that end-of-life arrangements reflect the decedent's religious beliefs and minimizes the likelihood of family disagreement during a sensitive time.

CONCLUSION

Estate planning for Latter-day Saints can be viewed as more than a legal exercise—it may be seen as a spiritual stewardship. It reflects a desire to live gospel principles, to promote family unity, to plan wisely with faith in God's eternal purposes, and to align legal and financial structures with covenants made in temples. From planning for missionary service and charitable giving, to choosing trustees who honor religious values, to preserving harmony through arbitration or no-contest clauses, every detail may hold eternal significance for devout Church members.

For practitioners, understanding the core doctrines of agency, eternal

families, stewardship, and consecration will not only deepen client trust, but will elevate the quality and spiritual resonance of the plans created for Church members. This article serves as an invitation for advisors to recognize the sacred context in which many Latter-day Saints approach financial and estate decisions, and to tailor professional guidance accordingly—so that both legal outcomes and religious priorities may be thoughtfully achieved.

End Notes

¹ Some Christian denominations don't consider Latter-day Saints to be Christians because of key doctrinal differences, such as their belief in the Godhead instead of the Trinity, acceptance of additional scripture beyond the Bible, and teachings about Jesus Christ's nature and humanity's potential divinity. They also view Latter-day Saint beliefs about salvation and exaltation, and the need for a restored church as outside the more common orthodoxy. For a Latter-day Saint perspective on the subject, see Millet & Johnson, *Bridging the Divide: The Continuing Conversation Between a Mormon & an Evangelical* (Rhinebeck, N.Y.: Monfish Book Publishing Co. 2007).

² Newsroom, The Church of Jesus Christ of Latter-day Saints, "Latter day Saints 101: What Church Members Believe," <https://newsroom.churchofjesuschrist.org/article/latter-day-saints-101>.

³ Smith, *Teachings of the Prophet Joseph Smith*, 121 (Deseret Book Co. 1976).

⁴ Sweat, *Mormons An Open Book*, (Ensign Peak 2012), Introduction page 1.

⁵ Schneider, "How Many Languages Have Book of Mormon Translations?" *Church News*, 12/31/2023, <https://www.thechurchnews.com/living-faith/2023/12/31/24020386/book-of-mormon-translations-how-many-languages/>.

⁶ Taylor, "2024 Statistical Report of The Church of Jesus Christ of Latter-day Saints." *Church News*, 5 Apr. 2025, <https://www.thechurchnews.com/general-conference/2025/04/05/april-2025-church-statistical-report-2024>.

⁷ Otterstrom, "Genealogy as Religious Ritual: The Doctrine and Practice of Family History in the Church of Jesus Christ of Latter-day Saints." *Geography and Genealogy: Locating Personal Pasts*, edited by Dydia DeLyser and Jack Giesecking (Ashgate, 2008), pp. 107–124.

⁸ Frampton, "Some Savage Tribe": Race, Legal Violence, and the Mormon War of 1838," 40 *Journal of Mormon History* 175 (Winter 2014); and Baugh, "Missouri Governor Lilburn W. Boggs and the Mormons" 18 *The John Whitmer Historical Association Journal* 111 (1998).

⁹ Oaks and Hill. *Carthage Conspiracy: The Trial of the Accused Assassins of Joseph Smith* (University of Illinois Press, 1975).

¹⁰ *Reynolds v. United States*, 98 U.S. 145 (1878).

¹¹ Utah State Legislature, "Senate Bill 296: Antidiscrimination and Religious Freedom Amendments," 2015 General Session, 12 Mar. 2015, <https://le.utah.gov/~2015/bills/static/SB0296.html>.

¹² United States Congress, "Respect for Marriage Act," Public Law 117-228, December 13, 2022, <https://www.congress.gov/bill/117th-congress/house-bill/8404>.

¹³ <https://www.churchofjesuschrist.org/>.

¹⁴ *General Handbook: Serving in The Church of Jesus Christ of Latter-day Saints* § 38.7.2, <https://www.churchofjesuschrist.org/study/manual/general-handbook/38-church-policies-and-guidelines>.

¹⁵ *Id* at § 38.7.

¹⁶ *The Articles of Faith of the Church of Jesus Christ of Latter-day Saints*, Art. 12, <https://www.churchofjesuschrist.org/study/scripts/pgsql/a-of-f/12>.

¹⁷ Book of Mormon, 2 Nephi 2:27 referenced in: <https://www.churchofjesuschrist.org/study/manual/gospel-topics/agency-and-accountability>.

¹⁸ Note 14, *supra*, at § 34.3.1. See also Doctrine and Covenants 119:3–4, Genesis 14:18–20, Leviticus 27:30–32, and Malachi 3:10.

¹⁹ See Doctrine and Covenants 58:26–28.

²⁰ See James 1:5–6, and Nelson, "Revelation for the Church, Revelation for Our Lives," Apr. 2018 Gen. Conf., <https://www.churchofjesuschrist.org/study/general-conference/2018/04/revelation-for-the-church-revelation-for-our-lives>.

²¹ See "The Family: A Proclamation to the World," <https://www.churchofjesuschrist.org/study/scripts/the-family-a-proclamation-to-the-world/the-family-a-proclamation-to-the-world>.

²² See Genesis 12:3, Abraham 2:11.

²³ Nelson, "The Temple and Your Spiritual Foundation," Oct. 2021 Gen. Conf., <https://www.churchofjesuschrist.org/study/general-conference/2021/10/47nelson>.

²⁴ "The divorce rate for temple marriages [for those who are sealed in Church temples] is three times lower than the national divorce rate." https://mormonr.org/qnas/0uQ4aB/latter_day_saint_marriage_and_divorce_statistics. The 2023 Current and Former Latter-day Saint Survey from the B. H. Roberts Foundation surveyed 2,625 members and 1,183 former members.

²⁵ See Oshins, "The Floating Spouse Provision and More: Designing a Spousal Lifetime Access Trust for Maximum Access and Maximum Divorce Protection", *Ultimate Estate Planner* (Aug. 4, 2021), <https://ultimateestateplanner.com/2021/08/04/the-floating-spouse-provision-and-more-designing-a-spousal-lifetime-access-trust-for-maximum-access-and-maximum-divorce-protection/>.

²⁶ See Kopischke, "Family: The Fountain of Happiness," *Ensign*, Mar. 2018, <https://www.churchofjesuschrist.org/study/ensign/2018/03/family-the-fountain-of-happiness>.

²⁷ Ramsey, "Dave Says: Why You Should (or Should Not) Sign a Prenup," *LDS Living* (June 5, 2014), <https://www.lds.org/dave-says-why-you-should-or-should-not-sign-a-prenup/s/75991>.

²⁸ Lipka, "Mormons More Likely to Marry, Have More Children Than Other U.S. Religious Groups," Pew Research Ctr. (May 22, 2015), <https://www.pewresearch.org/short-reads/2015/05/22/mormons-more-likely-to-marry-have-more-children-than-other-u-s-religious-groups/>.

²⁹ "The 2013 Pew Research report noted that Orthodox Jewish respondents ages 40-59 have had an average of 4.1 children in their lifetime, compared with an average of 1.7 born to all other U.S. Jews in that age group." Pew Research Ctr., "Report: A Portrait of American Orthodox Jews" (Aug. 26, 2015), <https://www.pewresearch.org/religion/2015/08/26/a-portrait-of-american-orthodox-jews>.

³⁰ See Bart, "Designing Flexible Trusts: Sprinkle Provisions and Trustee Discretion," 37 ACTEC L.J. 145 (2011); and Ausness, "Discretionary Trusts: An Update," 43 ACTEC L.J. 231 (2018).

³¹ Hudson, "7 Ways to Resolve Conflict and Achieve Harmony," Oct 1, 2021, <https://www.churchofjesuschrist.org/inspiration/7-ways-to-resolve-conflict-and-achieve-harmony>; see also 3 Nephi 11:29, which says "...he that hath the spirit of contention is not of me, but is of the devil, who is the father of contention, and he stirreth up the hearts of men to contend with anger, one with another."

³² See Ballard, *Counseling with Our Councils: Learning to Minister Together in the Church and in the Family*, rev. ed. (Deseret Book Co. 2012).

³³ See Blattmachr, "Reducing Estate and Trust Litigation Through Disclosure, In Terrorem Clauses, Mediation and Arbitration," 9 Cardozo J. Conflict Resol. 237 (2008), reprinted in NAEPC Journal of Estate & Tax Planning, Issue 09, (Third Quarter 2011), <https://www.naepcjournal.org/journal/issue09g.pdf>.

³⁴ See Logstrom, "Arbitration in Estate and Trust Disputes: Friend or Foe?," 30 ACTEC L.J. 266 (Spring 2005); and Love & Sterk, "Leaving More Than Money: Mediation Clauses in Estate Planning Documents," 65 Wash. & Lee L. Rev. 539 (2008).

³⁵ Doctrine and Covenants 4:3.

³⁶ "Missionary Finances Guidelines," <https://www.churchofjesuschrist.org/tools/help/misionary-finances>.

³⁷ Full-time young missionaries and those who provide their financial support are asked to pay an equalized monthly amount (currently \$400 USD), regardless of the specific costs which can vary widely across the world. The Church generally covers all amounts above such commitment.

³⁸ This distinction was upheld in *Winchester*, 42 T.C. 492 (1964), where the Tax Court confirmed that contributions to the Church-controlled missionary fund qualified as charitable deductions; however, in *Davis*, 495 U.S. 472 (1990), the Supreme Court ruled that money given directly to individual missionaries is not tax deductible. The IRS later clarified that contributions made to the Church's "Equalized Funding Program"—its structured, ward-level missionary support mechanism—are deductible charitable contributions. See "Internal Revenue Service allows deduction for contributions," *Church News* (Feb. 29, 1992) (noting IRS approval of the Equalized Funding Program) <https://www.thechurchnews.com/1992/2/29/23259788/internal-revenue-service-allows-deduction-for-contributions/>; "Donations for Mission Work Are Deductible, IRS Says," *Deseret News* (Mar. 7, 1992) <https://www.deseret.com/1992/3/7/18971681/donations-for-mission-work-are-deductible-irs-says/>. See also Barnes, Lewis & Boneck, "Charitable Contributions Deduction – Elevating Congressional Intent," 19 J. Legal, Ethical & Reg. Issues 1 (2016).

³⁹ Chapter 13: Principles of Financial Security, Teachings of Presidents of the Church: Heber J. Grant, <https://www.churchofjesuschrist.org/study/manual/teachings-heber-j-grant/chapter-13>.

⁴⁰ Doctrine and Covenants 89:5-7.

⁴¹ "For the Strength of Youth: A Guide for Making Choices," <https://www.churchofjesuschrist.org/study/manual/for-the-strength-of-youth/06-body>.

⁴² Doctrine and Covenants 104:11-17.

⁴³ *Doctrine and Covenants Seminary Teacher Manual* § 6.13,

⁴⁴ Doctrine and Covenants, Section 119; "Tithing" <https://www.churchofjesuschrist.org/study/manual/gospel-topics/tithing-study-guide>.

⁴⁵ Professional advisors and their clients can learn about these charitable funding priorities by accessing the Philanthropies' website: <https://philanthropies.churchofjesuschrist.org/>.

⁴⁶ *Id.*, see also <https://philanthropies.churchofjesuschrist.org/gift-planning/>.

⁴⁷ *Id.*

⁴⁸ For more information, see <https://www.deserettrust.com/>.

⁴⁹ Donor Advised Fund (DAF), Philanthropies, The Church of Jesus Christ of Latter-day Saints, <https://philanthropies.churchofjesuschrist.org/gift-planning/how-to-give/family-directed-giving-tools/donor-advised-fund-daf/>.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² IRC Section 642(c).

⁵³ *Supra* note 14, at § 34.714.

⁵⁴ Diane L. Spangler, "The Body, a Sacred Gift," <https://www.churchofjesuschrist.org/study/ensign/2005/07/the-body-a-sacred-gift>.

⁵⁵ See *Supra* note 14, at § 34.74.

⁵⁶ "Euthanasia and Prolonging Life," <https://newsroom.churchofjesuschrist.org/official-statement/euthanasia-and-prolonging-life>.

⁵⁷ *Supra* note 14, at § 34.711.

⁵⁸ *Supra* note 14, at § 34.710.

⁵⁹ The Articles of Faith of the Church of Jesus Christ of Latter-day Saints, Art. 12, <https://www.churchofjesuschrist.org/study/scriptures/pgp/a-of-f/1.12>.

⁶⁰ *Supra* note 14, at § 34.71.

⁶¹ *Id.*

⁶² *Supra* note 14, at § 295.4.

⁶³ *Supra* note 14.

⁶⁴ The Church of Jesus Christ of Latter-day Saints, "The Latest 'General Handbook' Updated Includes an AI-Powered Search Assistant," News Release (March 21, 2025), <https://newsroom.churchofjesuschrist.org/article/general-handbook-artificial-intelligence-search-assistant>.

⁶⁵ *Supra* note 14, at §38.72.

⁶⁶ *Id.*

⁶⁷ *Supra* note 14, at §38.5.10.

⁶⁸ *Supra* note 14, at §1.3.2.

⁶⁹ *Supra* note 14, at §27.2.2.

⁷⁰ *Id.*