

# DNA Estate Planning



Technical Bulletin 40-005

Setting the Standard for Quality DNA Identification

Regardless of net worth, it is important for all individuals to have a basic estate plan in place. Because biological children of deceased individuals generally have inheritance rights, DNA is being used more and more to challenge estates. In some instances, unknown children can appear without warning to claim paternity. In other instances, a greedy or disgruntled sibling may claim that another sibling is not a biological descendent of a deceased person. Depending on the timing of the claim, defending this claim could require costly exhumation or testing of autopsy specimens, neither of which is a pleasant process.



The power of DNA has emerged as a mainstream tool in modern human identification and has magnificent and unparalleled applications in modern society. The best defense is a strong offense. Proper legal registration of your DNA profile with your estate planner will help ensure legal and rightful administration of your estate, should the need arise.

The DNA relationship testing market has been growing steadily over the last twenty years, increasing on average at a rate of 12% per year. Today, it is projected that the annual number of persons that will participate in some type of paternity or extended relationship test will exceed 1 million. In sharp contrast, it is estimated that less than 200,000 persons were tested in 1988.

The increased demand for testing has been fueled by greater public awareness of the power of DNA and the accessibility of affordable DNA testing. The growth and popularity of the internet has also fueled demand through increased direct to consumer marketing.

2007 was a record year for births in the United States, according to the National Center for Health Statistics. There were 4,315,000 births in 2007. The last time that the annual rate was this high was in 1957, the middle of the baby boom era. Experts attribute the increase to a range of factors, including immigrants having more children, professional women who delayed pregnancy until their 40s and a larger population of women in their 20s and 30s. This, coupled with the fact that 38.5% of all U.S. births in 2006 were from unwed mothers translates into an increasing need for education of families about the importance of knowing ones biological parents.

## About DNA

DNA is the alphabet of life and defines the essence of our individuality. Despite the magnitude of the human genome, over 3.2 billion letters, 99.9% of the DNA in all unrelated people in the world is identical. Thus, the vast differences observed in the human race are created from the minute differences in only 0.1% of DNA. An individual's DNA can contain valuable information to help the lives of present and



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future generations. Locked in our DNA code are the secrets of our ancestry and medical conditions that scientists are only now beginning to understand.

## PATERNITY

It is natural for families to want to know who the biological father of their baby is. Nationwide, approximately 30% of tested men are excluded as the biological father. A child is entitled to the sense of identity that comes from knowing both biological parents. Knowledge of a child's biological heritage can also be extremely useful later in life for the diagnosis and treatment of genetic diseases. In addition, determination of paternity gives a child legal right to receive financial support from the father and to inherit from the father.

## RELATIONSHIP TESTING

Sometimes the family tree can grow branches in puzzling places. Relationship DNA testing can determine if a long lost brother or sister, grandparent, aunt or uncle is truly related. DNA testing can also reveal if twins are identical or fraternal. Modern DNA testing can help open a whole new world of fruitful relationships. Paternity testing can also be performed indirectly by testing relatives of an alleged father.

## FORENSIC PATERNITY

If a person is deceased or unavailable for testing, forensically valuable DNA can be found on evidence that is decades old. Common sources of forensic DNA evidence include: fingernail clippings, hair with roots or follicles, chewing gum, used beverage containers, eyeglasses, hats, lickable stamps or envelopes, teeth, post mortem tissue, a toothbrush, or cigarette butt.

## ANCESTRY

Until recently, tracing your ancestry usually meant connecting the dots through common relatives, family bibles, census information, and birth and death records added to family folklore. DNA technology in use today is an extremely powerful tool for measuring paternal and maternal ancestral lineage markers in human populations. Paternal lineage markers are located on the Y chromosome, while maternal lineage markers are found in mitochondrial DNA.

## IMMIGRATION

According to 2003 U.S. Census estimates, approximately 33.5 million foreign-born people live in the United States. U.S. citizens or lawful permanent residents of the United States can petition for an alien relative to immigrate to the U.S. United States citizens can petition for their spouses, parents, children or siblings to immigrate to the United States and permanent residents can do so for their spouses and unmarried children. Often a DNA test is necessary to establish proof of a biological relationship.



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## FORENSICS

DNA evidence has long been “the gold standard” of forensic science. Since its first introduction as evidence in 1987, it has been regarded as virtually infallible. While DNA technology is an extremely powerful forensic tool for including or excluding individuals from biological crime scene evidence, it is not foolproof and it is subject to ordinary errors in process control and judgment. Knowing your DNA can safeguard against false prosecution.

## ADOPTION

It is natural for families to want to know their biological connections to parents and children. It is estimated that there are over 6 million adopted children living in the United States today. Despite the wonders of adoption, there often comes a time in the lives of both adopted children and their biological parents to seek each other out. The decision to search can be varied, however it is often triggered by major life events such as marriage or the birth of a child. In modern medicine, the medical history of biological parents can be extremely useful in diagnosis and treatment of disease in descendants.

## MISSING PERSONS

The statistics surrounding missing children are staggering. According to the National Center for Missing and Exploited Children, “A child goes missing every 40 seconds in the U.S., that is over 2,100 per day...” “In excess of 800,000 children are reported missing each year.” DNA will degrade rapidly if not stored properly. Over 80% of ink-rolled child fingerprints are not suitable for proper identification. DNA samples and digital fingerprints are the preferred method. Knowing your child’s DNA profile is the only way to guarantee that it is available when you need it most.



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