

# What Is a Certificate of Independent Review?

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California law treats certain gifts with special caution. When someone leaves a substantial gift to a person in a position of trust — such as a caregiver, a drafter of the document, or a fiduciary — the law may presume the gift resulted from fraud or undue influence. A Certificate of Independent Review (COIR) is one way to address that concern.

## The problem it solves

The presumption exists to protect people who may be vulnerable to pressure. But there are situations where a gift to a caregiver or similar person is entirely genuine — for example, a longtime companion who has become like family. Without a safeguard, a legitimate gift could later be challenged and lost.

## What a Certificate of Independent Review is

A COIR is a document prepared by an independent attorney — one who is not connected to the beneficiary — after meeting privately with the person making the gift. The attorney reviews the proposed transfer, counsels the person out of the presence of the beneficiary, and, if satisfied, certifies that the gift is not the product of fraud or undue influence.

## When it is used

- ♦ A gift to a paid or unpaid caregiver
- ♦ A gift to the person who drafted the instrument, or someone related to them
- ♦ Other transfers that could fall within California's presumption for gifts to certain recipients

## What the review involves

The independent attorney typically meets alone with the person making the gift, confirms that they understand and intend it, and evaluates whether it reflects their free choice. When the attorney is satisfied, the certificate can help support the validity of the gift if it is later questioned. Because the requirements are specific, this process should be handled carefully and well before it is needed.

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**Prudential Advocate, APC · Responsible attorney: Robert W. J. Heaven, Esq.**

**Century City 310.955.9907 · Irvine 949.675.3885**

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