How to Protect Your Legal Documents in a Natural Disaster

Legal documents can feel abstract when nobody immediately needs them or you have never used them, in much the same way that the risk of a wildfire, hurricane, or other emergency can feel remote until you experience one firsthand.

Suddenly, the stakes are real, a plan is put to the test, and documents such as an insurance policy, a power of attorney, or an account record can become essential after sitting untouched for years.

To prepare for that possibility, you should adopt a "not if, but when" mindset that lets you take control, even in the uncertainty of a disaster, by understanding the risks, making a plan, and protecting critical records.

Being prepared can help your family survive a natural disaster, but if your documents do not survive along with you, it may be harder to put the pieces of your life back together after the dust settles.

Document Checklist

The Federal Emergency Management Agency's (FEMA's) preparedness process involves safeguarding documents, information, and valuables, including the following:

- **Documents that identify individuals and household members:** birth and marriage certificates, adoption records, and child custody papers
- **Financial and legal records:** housing and vehicle documents, financial account information, insurance policies, and estate planning documents
- **Medical information:** health insurance records, medical powers of attorney, medication information, and physician contacts
- **Household contacts:** employers, schools, social service providers, and home repair services
- **Valuables and personal items:** priceless mementos, keepsakes, and other belongings that may be difficult or impossible to replace

It is not enough to simply have this information and these items. You need to be able to access them at a moment's notice, and they should be protected against the same conditions that could force an evacuation.

FEMA recommends that key financial, legal, and contact information be

- stored as paper copies at home in a fireproof and waterproof box or safe, in a bank safe deposit box, or with a trusted friend or relative and
- stored electronically in a password-protected format on a flash drive or external hard drive kept in a fireproof and waterproof container, or through a secure cloud-based service.[1]

Before a Disaster: Identify and Close Document Gaps

[1] *Safeguard Critical Documents and Valuables*, Ready (July 2018), https://www.ready.gov/sites/default/files/2020-03/fema_safeguard-critical-documents-and-valuables.pdf.

- **Confirm that digital backups exist.** Ensure that your critical documents have been scanned and stored through a secure, password-protected cloud service or other protected digital system.
- **Create a home inventory record.** Photograph or record the contents of your home and store the file with your other protected digital records. A detailed inventory can help document property and support insurance or disaster assistance claims.
- **Establish plan access.** Documents are of limited use during an emergency if they are locked away or nobody can find them. Give fiduciaries, designated family members, and trusted contacts clear instructions on how to access physical documents and digital copies.
- **Verify physical storage.** Protect original documents in a fireproof, waterproof safe, and keep secondary copies in a separate location.
- **Review your document go-bag.** A sudden evacuation can leave little time to search through files. Keep a portable, protected set of essential records, including identification, Social Security cards, estate planning documents, insurance information, financial account details, and medication records.

After a Disaster: Recover and Reassess

- **Prioritize replacement of damaged or missing documents.** Begin with the records you are most likely to need right away, including identification, property records, insurance policies, and estate planning documents.
- **Locate tax and financial records.** Determine where prior returns, account statements, property records, and cost-basis information are stored. Your accountant, attorney, financial institutions, or other professionals may also have copies.
- **Apply for disaster assistance when available.** If the event receives a federal disaster declaration, determine whether you qualify for assistance and what records are needed to document your identity, income, residence, and losses.
- **Conduct a postdisaster planning review.** Treat the recovery period as a real-world test of your plan. Did the disaster expose problems with your estate plan, insurance coverage, emergency liquidity, or broader financial plan?
- **Reassess authority, access, and contact information.** Consider how well fiduciary appointments, account permissions, document access instructions, and emergency contacts worked during the crisis, and make updates where needed.

For the Best Recovery, Plan for the Worst

Emergencies do not wait until you are ready. Although many natural disasters follow predictable seasonal patterns, there is no telling exactly when and where they may strike.

A plan is only as strong as its weakest link. If important documents are missing, outdated, or inaccessible, information gaps can make a bad situation worse and turn temporary setbacks into prolonged crises.

Your plan's effectiveness may be revealed only at the final hour, but preparing it for action now by asking questions, testing assumptions, and thinking through possible consequences is the document equivalent of conducting an emergency drill.

The conversations that you have with an estate planning attorney now can prove both forward-looking and far-reaching when disaster strikes, setting you up to act faster and recover more effectively. Contact us today to further discuss how we can help you feel more prepared for the future.