

A GUIDE TO WILLS FOLLOWING SEPARATION OR DIVORCE



Whatever stage in life you have reached, there is almost always a good reason to make a will.

The breakdown of a marriage or relationship can be a stressful time and making or updating your will may not feel like a priority. However, if you are separating from your partner or spouse, it is important to have an up to date will in place to ensure your family and assets are protected in the event of your death.

Here are some key reasons why having an up to date will when you are separating is important.

- If you already have a will, it is likely that you have made provision for your partner. If you are planning to separate or have already separated, do you wish your partner to have the same inheritance rights? If not, you must change your will to reflect that change in your wishes.
- If your current will remains in place your spouse or civil partner continues to be entitled to inherit until final order or of divorce/dissolution and any unmarried partner (whether co-habiting or not) continues to be entitled until you change your will.
- Divorce and financial provision can take time to be resolved and when everything is finalised you should review your will again. Nonetheless you should ensure your wishes are correctly reflected in your will at this early stage.
- If you are married or in a civil partnership and do not have a will in place your partner will inherit a substantial part of your wealth until such time as the marriage is formally ended by final order of divorce/dissolution.
- If you jointly own a property, your co-owner may inherit your share whether you have a will or not. You should check the details of your joint ownership and make plans to change that arrangement giving you control of your share of a jointly owned property.
- If you do not have a will then your children's surviving parent will be able to control any property or money that your children are entitled to inherit from you.
- You can appoint a guardian for your children if you are their only surviving parent or are their sole legal guardian

The Machins Private Client team is here to help you with making or amending your will. Further information is available on the Machins Solicitors website or you can call the Private Client team on 01582 514000 or 01442 872311.