



hethertons
SOLICITORS

Why is it important to write a Will during divorce proceedings?

Hayley Crossman-Shaw, Family Solicitor.

The provisions which you make in your Will during your marriage will, most likely, be completely different to what you would like to happen to your estate if you were to divorce or separate.

Most traditional Wills see assets pass between spouses upon the first death and then to children or other beneficiaries when the survivor has passed away. In the event of a divorce, the natural assumption is that everything should instead pass to the children of that marriage and / or any children from previous relationships or other beneficiaries and not to the spouse.

Until the divorce has been made final though, any Will which is in place will still stand. Similarly, if you were to die without making a Will then at least the first £270,000 from your Estate would pass to your spouse under the Intestacy Rules.

This is why making a Will during divorce proceedings is so important, especially due to the new 20-week period between the Divorce Application being made and the Conditional Order of Divorce (previously Decree Nisi) being granted. It will be at least another six weeks from that point before the divorce can be finalised.

If you are going through a separation and divorce and you would like to talk to us about this and how to protect your assets both within the divorce process and after your death, then please do not hesitate to contact us.

You can contact one of the Hethertons Family Team on **01904 528200**.

