

Wills – what you need to think about when you separate

Do you know what will happen to your property, or who will look after your children if you die?

It is always a good idea to have a will and to regularly review it especially if you separate from your partner. If you don't, your opinions or decisions may not take place.

If you have children under 18 the usual rule is that the surviving parent will look after them. But what will happen if you and their other parent should die? You can use a will to appoint guardians to care for your children.

You also need to think about how you would like to divide your money and other property if you die. You choose executors who have the legal obligation to collect your assets together, pay any debts (such as inheritance tax or funeral expenses) and then distribute them. You can set up trusts if you have young children, or if you have difficult family relationships, to avoid any unpleasantness later on and to ensure fairness. You can also plan your finances so that you don't pay too much inheritance tax.

Dying without a will is called dying 'intestate'. There are a set of legal rules that then determine who should get what. It is easy to make mistakes when you write a will yourself; do it yourself kits are available but we would always recommend that you take proper legal advice to ensure that everything happens just the way you want it to.

If you are married and you already have a will, then you should always review it when you finalise your divorce.

If you appoint a solicitor to prepare a will for you, you will usually be asked to fill out a detailed questionnaire and you will probably meet with them to go through it all so that you both know exactly what you are expecting to happen.

Be prepared, and help your loved ones carry out your wishes.