

Does Your Will Need an Update?

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Preparing a will is the best way to be certain your property is distributed upon your death according to your wishes. What many people fail to realize is that keeping your will up to date is as important as having a will. Reviewing your will is an important part of the estate planning process. Working with your attorney will help to ensure that your will is in alignment with your financial and estate planning objectives. You should ask your attorney to review your will periodically, especially when changes occur in your personal circumstances, your financial situation, or tax laws. Here are some situations that should trigger an immediate will review:

- **Marriage, Divorce, and Remarriage** – These life events can have a major impact on financial planning documents. For example, in the event of a divorce, your financial condition and personal circumstances can change drastically and you should update your will accordingly. You should also have your will updated if you remarry. It is important that the will be updated to show how any children from the previous marriage and the new spouse should be provided for in the will.
- **A New Heir** – Updating a will is especially important when you have a child, because your will allows you to name a guardian to care for your child in the event that something happens to both you and your spouse. If you fail to name a guardian for your child, the courts will appoint one and it may not be someone you would have selected.
- **Death of Someone Named in the Will** – The death of a named executor, guardian, beneficiary, or trustee may require changes to those provisions in your will.
- **Substantial Increase/Decrease of Net Worth** - If your net worth increases significantly, additional tax planning might be necessary to minimize the taxes owed by your estate. On the other hand, a significant decline in your financial assets might dictate altering your specific bequests or making other modifications.
- **Relocation to Another State** – If you relocate, you should have an attorney in the state of your new residence review your will. This is especially important if you move to or from a community property state.
- **Tax Law Changes** – Updating your will allows you to take advantage of recent developments and new techniques in estate planning.
- **Change in Plans** – Changing your mind about something in your will should be handled as soon as the decision is made. From adding a new beneficiary or charitable donation to second thoughts about your executor or the guardian of your children, be sure to make these changes on a timely basis. If your revised plans do not make it into a signed and witnessed document, they will have no legal effect.

Make sure that any changes made to your will are handled by your attorney. Although you can modify your will through a codicil (a separate document supplementing your will), it is recommended that you obtain a new will revoking all prior wills. Once you have updated your will, keep it in a safe place, such as a safe deposit box, and make sure that your family members know where it is located.

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