

## Protecting your children in case you die

No-one wants to think about dying. But, if you've got children, you should plan ahead for their sakes. There are two issues you need to sort out:-

- what you want to leave them; and
- who you want to look after them if you were to die while they're still young.

You can do both of these things by making a will.

If you die without making a will, the law decides who inherits your money and property. It will not be based on your wishes or even what is sensible for people in your situation. If you have children under the age of 18, you will need to think about how you will provide for them in your will. If you want to leave them money or property you will need to set up a 'trust'.

If you are an unmarried parent, everything you leave behind will be divided equally between your children. Your partner won't get anything automatically. If they were dependent on you for financial support, they might be able to apply to court for some provision to be made for them - but this is far from ideal and will take a great deal of money, effort and stress. Going to court is probably the last thing they'll want to face at such a difficult time.

Even worse, is if you die while you are still technically married to someone else, no matter how long ago you split up, your ex-husband or wife will get all your personal possessions, the first £250,000 of your property and savings and half of anything that is left - not your current partner, your children, or your step-children.

### For step-parents

If you have step-children they won't inherit anything from you automatically if you die without making a will. If they were dependent on you for financial support, they might be able to apply to court for some provision to be made for them but this isn't something you should rely on. If you'd like them to inherit from you, you need to make a will.

If you are a step-parent and you play a big part in the children's lives, it might make sense for you to be appointed as guardian in the event of your partner's death. Be aware that, if there is another parent who has parental responsibility, the appointment as guardian may not work automatically.

### Kerry's story

"I divorced Adam's dad when Adam was just a toddler. A couple of years later I met Mark and we'd been together ever since. We had a boy of our own, James, but Mark has always treated both of them equally - as if Adam was his own son too. In fact I doubt Adam can even remember his real dad.

But Mark died a year ago and he'd never got round to making a will. I've since found out that this means James inherits everything: Adam and I aren't entitled to anything automatically. I know that's not what Mark would have wanted. I know he would have wanted to provide for all of us so I'm trying to make a claim against his estate at the moment. But it's so stressful, trying to hold everything together on my own. I just wish we'd both thought about making wills before it came to this."

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