



Will Your Kids Be Unintentionally Disinherited?

Taking ballroom dancing lessons helped Claire cope with the recent death of her husband of 40 years. Her instructor provided her with the companionship she was missing. Claire, with a new sense of self-esteem, soon fell head-over-heels in love. Her children were shocked when their mother announced she had married her instructor.

But the real shock came a few months later when Claire died: the children learned their mother had placed all her assets in joint ownership with her new husband. Even though Claire's will left everything to her children, *they were completely disinherited.*

How have you planned your estate? Have you followed the traditional approach of leaving everything to your spouse? Have you thought about what could happen if you die first? Even if your spouse doesn't remarry, will he or she be a good money manager? Have you thought about how age, illness or mental incapacity could affect your spouse's judgment? Chances are that your children could become unintentionally disinherited!

With second and third marriages becoming more and more common, this problem of how to provide for your current spouse without disinheriting your children (especially those from a previous marriage) has become even more complicated and widespread.

There are solutions. For example, a trust can provide for your surviving spouse while he or she is living; then, upon your spouse's death, the remaining assets will go to your children. If you have more than enough assets to provide for your spouse, some could be carved out separately for your children and/or grandchildren. Instead of leaving the assets outright to your children (either at your death, or upon the death of your spouse), consider using one or more trusts. A trust will give you added assurance: it can protect your children's inheritances from creditors, irresponsible spending and even from their spouses, especially if they should divorce.

If you can afford it, you may want to give your children some of their inheritance now so you see the results of your gifts. That can be very rewarding.

Exactly how this problem is resolved for you will depend on your situation and the size of your estate. It takes careful planning with an experienced attorney who can be objective and look at your situation from all angles and possibilities.