

Will Basics

- It is absolutely critical to have a will if you have a child.
- If you have children, a will lets you determine who will take care of them and manage their money if, say, you and your spouse die together. In addition, you can use a will to set up a trust for your children, so they don't get the inheritance until they reach a certain age.
- If one parent dies, a will can make sure everything goes to the surviving spouse, and not partially to young children. If you don't do this, your spouse may have to go through hoops like filing certain papers and checking in constantly with a court to manage your children's money.
- You may want or need a will to direct what happens to valued possessions -- a car, an apartment you own, etc.-- in case of your early death.
- A will typically wouldn't control who gets "joint property" (such as a house you bought with your spouse) or accounts for which you have designated a beneficiary, such as 401(k)s and individual retirement accounts (and possibly bank and brokerage accounts as well).
- Regarding your other assets, if you die "intestate," or without a will, your state's laws will determine who gets what. The distribution laws vary by state, but generally your possessions pass first to your spouse and children, if you have any.
- If you don't, then most often your assets go to your parents, if they're still alive. If they aren't, then the order of succession is usually first to siblings, then to other living relatives, and finally to the state. Check your state's probate code for details.
- Unless you have a will, a significant other, such as a fiancée, won't get anything, nor would a favorite charity.
- A simple will is generally just a document that specifies how your assets will be distributed – “upon my death, take the assets that are in my name alone and here is who you give them to and how you give it to them”.
- You could consult do-it-yourself books or software programs from companies like Nolo that can guide you through simple will writing. A guide such as the American Bar Association Guide to Wills and Estates, available in bookstores for under \$20, also can help.
- If you hire a lawyer, charges for wills generally start at around \$250 and run up to more than \$1,000 for a young married couple who just had their first child.
- Getting help from an attorney could help ensure you don't miss important nuances of will writing or use words or terms that have legal meanings different from what you intend.
- If you have lots of assets, talk to an attorney about options to minimize probate fees and estate taxes, such as by using various trusts.
- Regardless of how you make the will, to be official it must say it's your will, it must be dated and signed by you, and it generally also must be signed by two people who witnessed your signature. The witnesses should not be people who will inherit your assets. You don't need your will notarized, but doing so can help save your witnesses later hassles of having to testify that the document is your will.
- Finally, you'll also want to include a living will and other health components in your final documents. In a living will, you can say how you would want to be

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treated if you can't make decisions about life-sustaining medical treatment. Generally, you'll also need documents naming someone to make health decisions for you and someone to handle your financial issues for you if you are not capable.

- Once you have all your end-of-life documents prepared, you'll need to put them somewhere for safekeeping. If you have a lawyer, the original documents are usually kept at his or her office. Keep a copy in a secure and easily accessible place where someone looking could find it -- say, with your other important papers in a file cabinet or in a fireproof box. A safe-deposit box is not usually a good idea since getting into the box could be a hassle for the people you leave behind and could require a court order.