

# Have you considered the effect of your child's divorce on your Will?

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Please contact Samantha Downs on 0116 262 8596 for a no-obligation free half an hour meeting to discuss protecting your child's inheritance on divorce.



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## **T**he Problem

Spouses have a duty to look after each other financially, in other words “What’s mine is his”. This includes any inheritance your child receives. In particular, the problem exists where your child is divorcing their spouse at the time of your death when your child will receive their inheritance. Your child’s inheritance is added into the pot of matrimonial assets to be divided between your child and their spouse. You may be unlikely to want your child’s inheritance to be re-diverted to your ex-son-in-law or ex-daughter-in-law through the divorce.

## **T**he Solution

You may consider placing your child’s inheritance into a Discretionary Trust within your Will. You must ensure that you appoint trustees whom you trust to look after the Discretionary Trust. You must also include other possible people who can benefit from the Discretionary Trust. This is very important as the Trustees must have the choice (also known as discretion) to pick someone else other than your child to benefit from the contents of the Discretionary Trust, otherwise it is not a Discretionary Trust. Of course, in reality, the Trustees whom you trust will wait until your child’s divorce and financial proceedings have finished and will then give the contents of the Discretionary Trust to your child as you always intended.

