I just got divorced, do I really need to draft a new will

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There are critical issues recently divorced individuals need to be aware of regarding estate planning needs after a judgment for divorce becomes final. While it is true that under Massachusetts law, a final judgment of divorce will automatically revoke any gifts made in your last will and testament to your ex-spouse, any unfunded revocable trust, and any fiduciary appointments of your ex-spouse, as well as your former in-laws, as a safeguard, recently divorced individuals should review their estate planning needs to determine how their assets should be held. A careful review of a divorce/separation agreement is necessary to determine whether a divorced individual must provide for an ex-spouse through testamentary obligations. For example, often, an individual is under the obligation to pay alimony and/or child support following a divorce agreement and is required to provide support in the event of his or her death by providing for an ex-spouse in his/her last will. It is strongly advisable for recently divorced individuals to consult with an estate planning attorney to determine their needs and not rely entirely on a legislative safeguard. Following an entry for judgment of divorce, it is imperative that both probate (i.e., gifts under a will) and non-probate assets (e.g., life insurance policies) are reviewed to ensure that your final wishes will be carried out. Accordingly, after a change in marital status, an individual should seek the advice of how to hold his/her assets in a manner that offers the maximum protection, an estate planning attorney can advise you of tools and strategy to achieve that goal.

Please feel free to contact our office at 508-880-6677 to speak with one of our Estate Plan attorneys today.

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