

## Legal Matters: What happens to a will when you divorce?

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**Q:** What Happens To My Will If I Get Divorced?

**A:** Unlike a marriage, which revokes your entire Will, a divorce revokes only those provisions in your Will that refer to your former spouse, whether that is your intention or not. This means that your former spouse will no longer be your executor, trustee or guardian of your minor children in the event of your death. Any gifts or bequests that you had left to your former spouse will no longer go to them. Who exactly those gifts go to, depends on the structure of your Will.

Beneficiary designations that you have may have made outside of your Will, such as RRSPs, RRIFs, life insurance policies and pensions, are in most cases not affected by divorce or separation from a partner. You will need to take appropriate steps to remove the spouse as the listed beneficiary to prevent them from receiving the asset, but it may only be appropriate to do so after the completion of your separation or divorce proceedings.

It is important to note that separation from either a common law or married spouse generally does not change the effect of your Will; even if you have been separated for many years, you are leaving your ex-partner with a potential continuing interest in your estate. Whether dealing with separation or divorce, it is advisable to revise your Will to make sure your intentions are preserved.

Your friends at Shank Law.