



## Young Parents NEED TO HAVE WILLS TOO

By Dorothy Hagel, JD, CFP, Barrister, Solicitor & Notary Public, Hagel Lawfirm



All parents need to have their wills done, even the young parents.

When children are involved, things get more complicated. The joy of parenthood comes with responsibility for the wellbeing of a whole new person.

It is the parents' obligation to think about, who would look after their children if they were not around. Like with babysitting arrangements, it is the parents' obligation to think about who would be qualified, willing and able to undertake the difficult task of raising their children if they were to die before the children were grown up. This decision is obviously very important for single parents. However, even married parents need to make this decision in the event something happens to both of them and they need to agree on the custodian. Competing applications for custody of a child is not something a grieving family should be going through.

It is also the parents' obligation to provide financial support for their children until the children are grown up. Similarly, when disposing of their estate, parents of young children have to ensure that sufficient amounts are left for support of the children; otherwise their estate may end up entangled in the litigation process in response to a dependant support application that could be launched against the estate.

Parents need to remember that minors (in Ontario, this means anyone below the age of 18) cannot hold property. Therefore, someone needs to be appointed as a trustee to hold the money for the child, until the child is mature enough to manage the finances. Otherwise the funds will be held by Public Guardian and Trustee ("PGT") and paid out to the child when the child turns 18 years old, which may not be the best age to get control over substantial amounts of money. Life insurance can be a great way for a young parent to create an estate for their children. However, the insurance proceeds cannot be paid to a minor child either. To avoid PGT's involvement, a trustee needs to be named to hold and manage the funds for the minor beneficiary.

We also need to mention that when a married person dies without a will, the surviving spouse does not automatically inherit everything. The property held in the deceased spouse's name will be divided in accordance with the succession law among the surviving spouse and the deceased's children and things could get very complicated, especially if the children are still young.

