

Two Weddings and A Funeral - Second Marriages & Estate Planning Implications

Around 45 % of marriages now end in divorce and 38 % of those affected marry for a second time. From an estate planning perspective second marriages can be fraught with tense and complex challenges. Each spouse may have children from prior marriages and children may result from the second marriage. Spouses may come to the second marriage from vastly different financial positions. The needs of children and assets from previous marriages or relationships may need to be balanced with those from the new marriage and estate planning needs to reflect such competing interests and relationships rather than just concentrating on “numbers”.

Issues to be considered upon a second marriage might include :-

- balancing provision for a second wife and children whilst ensuring that children from a previous marriage are adequately catered for;
- allowing a second wife to remain in occupation of a property brought into the marriage from a previous relationship rather than directly transferring legal ownership in that property;
- if assets are owned jointly in a second marriage but arise from a first relationship steps may wish to be taken to ensure those assets pass to children of the first marriage and not to stepchildren;
- checking how pension provision will be paid out on death.

Setting up a family trust may be one way to ring fence assets and potentially avoid such problems. Each second marriage is unique. Each couple have their own set of goals to accomplish. Proper estate planning can tailor a solution to help a couple meet those goals. To find out how best to protect your assets please contact Geoff Dootson (geoffdootson@hhlegal.co.uk) on 01704 531991 or Gordon Hatton

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