do I need a will?

You may have heard that if you do nothing else to take care of your legal affairs, you should have a will, and that is sound advice. If you don't make a will before your death, state law will determine who gets your property and a judge may decide who will raise your children. Most people need only a Simple Will - a single legal document that applies only to you (unlike a joint will for you and your spouse or partner, or a Complex Will). A simple will can name your beneficiaries, determine how your property is apportioned among the surviving heirs, and designate a guardian for your minor children.

- Simple Wills are for individuals, the client and spouse can each get their own will.
- A simple will is fairly standard and cannot include specific designation, for example you cannot stipulate that your green Chevy Malibu goes to your second cousin. A simple will will establish that your assets will go to your rightful heirs, usually your surviving spouse and your children.

Simple Will

Your EAP benefit provides discounts associated with the creation of a will. If your needs and circumstances fit the parameters of a Simple Will as defined by each state, then the attorney's time to create the will is covered at no cost to you.

If your needs and circumstances go beyond the parameters of a simple will, for example the addition of a minor's trust, then the will is covered under your benefits and you will owe the network attorney only a flat rate for the minor's trust portion.

A Will with a Simple Minor's Trust is for your surviving minor children. It does not cover other kinds of trusts, complex tax matters, administration or estate planning.

Complex Will

If your needs and circumstances go beyond the parameters of a Simple Will and you need a Complex Will, as defined by each state, you will receive 25% off the attorney's hourly rate if an hourly rate is charged and 10% off of a flat rate charged for a complex will.

A Complex Will means that you have a significant net worth and will benefit from tax planning, or the estate is subject to current state or federal estate taxation; you own a business that will continue in operation after death; you want to put restrictions on what heirs may do with the property; you want to leave money to someone in a trust because the person cannot manage his or her own affairs; or you want the property to be managed by a trustee for a period of time past the child's age of majority, for example; you think that someone will challenge the will; and you want to exclude any lawful dependents.

Should you want to contact an attorney to create either type of will, call your toll-free EAP number to arrange for a consultation to discuss your legal concerns.