

I am married for a second time and have children from my first marriage. How can I provide for my children in my will and also leave something to my spouse?

The estate planner's concern in such a case is normally that the surviving spouse will not properly look after his or her children and will also not nominate them as beneficiaries in his or her will.

There is unfortunately no simple solution to cater for this problem, but several options can be considered.

One is to trust the surviving spouse and to accept that he or she will based on a moral duty indeed provide for the children and cater for them in a will. This does, however, not always provide sufficient certainty for the estate planner.

Another option would be to divide the estate between the surviving spouse and the children, by, for example, leaving half of your estate to the surviving spouse and the other half to the children in equal shares.

A further possibility would be to leave the estate to the children in equal shares subject to a usufruct in favour of the surviving spouse.

Alternatively everything can be bequeathed to a trust of which the surviving spouse and the children are joint beneficiaries with an independent third party as one of the trustees.

Each of these alternatives can, however, create problems. It is therefore important that proper planning be done with an expert so that the most appropriate option for your specific circumstance is chosen.

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You can download a will instruction sheet, fill it in and email it to us: [Testament](#)

