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Estates & Wills & Trusts

If marriage breaks down, review will and beneficiary designations

By Kirsten McMahon, Associate Editor



The issue of where former and current spouses stand when it comes time to distribute wealth from an estate continues to draw the attention of the courts on many levels, Toronto-area estates litigator and mediator [Charles B. Ticker](#) tells [Law Times](#).

He points to a 2012 Ontario Court of Appeal [decision](#), in which the testator was separated but not divorced and was living with another woman when he died.

“The question posed to the court was whether his former wife or his common-law partner should receive his pension benefits. His named beneficiary — his former wife — was determined to be entitled to the benefit,” the article states. “But the Ontario Court of Appeal was split on the issue, and the statute was changed to entitle common-law spouses benefits.”

Ticker, who practises estates litigation and mediation at [Charles B. Ticker Law Office](#), tells the legal publication the lesson learned is that a lawyer needs to review what the individual wants to do with their assets — including pension benefits — upon death and remind clients to file a current beneficiary designation with the administrator of any plans they may have.

“There’s much greater risk with blended families,” he tells [Law Times](#). “The key word is to get everything signed and delivered when your relationship breaks down.”

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