

DIY Online Wills

I recently came across an article about DIY Wills, which I prepared 15 years ago. Back then, the number of online Will services available were fairly limited.

15 years on – how have things changed?

Today, a quick search on Google for '*DIY Wills online'* produces a staggering 22 pages of results. That is not surprising when you consider how people now use and rely upon the internet.

However, when you take a closer look at the Google search results, they include both companies offering online Will services and articles highlighting the potential pitfalls of using some DIY and online Will services.

These articles appear to be at odds with the positive reviews of some online Will services, which often mention how 'cheap' and 'quickly' an online Will can be produced. This may be because most of the reviews tend to by people who have used the services to prepare their Will and, it is often not until after someone's death, that any problems with their Will or estate usually come to light.

It is, therefore, executors and beneficiaries who may have to deal with any problems caused by a Will.

That is not to suggest that all DIY or online Will services are bad or problematic, simply that anyone making a DIY or online Will should be aware that the quality of Will services varies greatly. One reason for this is that the Will writing industry (whether online or not) is unregulated in England & Wales. This means that anyone can set up a business offering to prepare your Will.

What is the best type of Will service for me?

The best type of Will service usually depends upon personal circumstances. For example, someone with complex family dynamics or substantial assets may require specialist legal or estate planning advice.

However, it is easy to see why online Will services are attractive. Some offer Wills at a low price, there is no need to visit someone's office and many suggest that the process involved is so quick, that it could take less than 15 minutes. This may sound great, but there are also some other points to consider:

- A Will needs to effectively deal with the distribution of a lifetime's worth of assets. It may, also, need to include funeral wishes or confirm who will look after any minor children. It is, therefore, worthwhile investing in the Will making process and consider the costs involved in making a Will in conjunction with

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the total value of your estate.

- The validity of a Will can be challenged and parts (or all) of a Will can also be deemed void if the Will is poorly drafted. This can leave executors with a headache and it can also mean that intended beneficiaries might not receive estate assets.
- The costs and time involved in resolving Will disputes or claims against estates can be substantial.
- Claims involving estates can affect the relationships of those involved. For example, a dispute between siblings about the validity of a parent's Will.
- Check terms and conditions - are the costs involved in making a Will and (if applicable) appointing the company as an executor clear?
- Consider whether you need estate planning or advice at the time the Will is made in order to identify and (if possible), reduce any future tax liabilities of the estate.
- Don't only rely on reviews. If possible, seek recommendations from others who may have used a service. Also, check whether the company you use has a complaints procedure and whether there would be any recourse for your executors or beneficiaries if things go wrong. For example, solicitors have indemnity insurance and they are regulated.
- Consider whether you also need a Lasting Power of Attorney (LPA). Many people make a Will and LPA at the same time (though you do not have to do so). This document can ensure that you receive the right help in the future when making financial or health and welfare decisions, should your health deteriorate.

What does the future hold for Wills?

In the next 15 years, there are likely to be changes to the ways in which people make Wills.

A Law Commission public consultation on Wills was closed in 2017. The Commission stated that; *"The law of Wills needs to be modernised to take account of the changes in society, technology and medical understanding that have taken place since the Victorian era."*

It was, therefore, anticipated that some reform would follow, but the reporting phase of the project was then paused and no changes have yet been announced.

However, as the Law Commission also stated that it wanted to; *"[...] pave the way for the introduction of*

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electronic Wills, to better reflect the modern world," it is likely that technology will play a role in the future of Will making.

If you need any further advice with regard to Will validity, disputes or problems you can contact our Disputed Wills Solicitors on 01202 786152, or alternatively email online.enquiries@la-law.com

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