

DYING WITHOUT A WILL

If you die without a will you are said to have died 'intestate', and your estate is distributed as follows:

- a. If you die leaving a spouse and no children – your spouse receives the estate.
- b. If you die leaving a spouse and children – your spouse receives \$150,000, household chattels, and half of the remainder of the estate (if they only have one child), or one third of the remainder of the estate (if they have more than one child). The children receive the remainder of the estate divided equally between them.
- c. If you die leaving children and no spouse, the estate is divided into equal shares among the surviving children. If any of your children predecease you, any children of the deceased children receive their parent's share.
- d. If you die without a spouse or children, your estate will go to the next of kin in the following order: parents; brothers and sisters (or their children); grandparents; uncles and aunts (or their children). Where there are no next of kin, the government receives the estate.

The rules of intestacy make no special provision for individuals with a disability, for instance no provision for establishment of a trust for a child with a disability. Depending on the assets you leave, this could mean your child with a disability's access to public housing and centrelink benefits could be jeopardised if you do not set up a will.

If you don't have a will, contact Disability Law Queensland about making an appointment to set one up. Ensuring you have a will can give you great peace of mind.

To find out more about setting up your will, call Disability Law Queensland on 3622 1250.