

# Doing your will online could be dangerous

By Linda T. Cammuso

Thousands of individuals sidestep using an estate planning attorney to create their wills and other estate planning documents. Instead, they turn to online “will kits” in the belief that the overall cost is less. While the desire to save money is understandable, in the end, this choice can be far more costly than paying an attorney.



## Legal Briefs

As an estate planning tool, a will ensures that your wishes are carried out regarding the inheritance of your assets and who will be in charge of your estate. However, estate planning is not just about a set of documents, it is about decisions and advice that are particular to your situation. The process can involve complex issues that may not be apparent at first glance.

There are many reasons for working with an estate planning expert to prepare your will, including:

- Compliance with state laws: Often when people use online forms they make inadvertent mistakes. Massachusetts law is specific about formalities regarding signing documents — witnesses, notary publics, etc. Even minor mistakes can invalidate your entire will or certain provisions within it.

- Personal credibility: In creating a will, the person must be of sound mind and under no outside influence. If it is later suspected that he/she was not mentally competent when the will was created or if another person was influencing the provisions, the document could be challenged. Signing with an attorney and professional witnesses ensures that there is an objective record of the document execution.

- Capturing all your assets: The fact is that a will only applies to certain of your assets — do you know which ones? It's unlikely an online do-it-yourself kit will be able to properly guide you. An estate planning

attorney can help you understand which assets need to be handled outside your will.

- Taxes: Estate planning attorneys understand state and federal tax laws (estate, gift and income) and the consequences of lifetime gifts as well as transfers at death. Without that knowledge, your estate or heirs could face unnecessary tax liabilities.

- Online wills lack flexibility: The online forms are fairly standardized and restrict your choices to tailor your wishes.

- Gifting: Gifting is an important estate planning tool. Failing to consult with an attorney before making a gift or adding someone's name to your assets could have devastating consequences such as rendering a loved one with disabilities ineligible for public assistance or a college-bound grandchild ineligible for a scholarship, or inadvertently excluding other family members.

- Ownership of a business or other unique asset.

Lifestyle situations also play an important role in this discussion. For example, if you

have a so-called “blended family” (married with children from prior relationships), are in a non-traditional relationship or are divorced or widowed, each of these situations demands special planning considerations. Additionally, circumstances regarding your children may warrant specific attention — for example, if any children are minors, disabled or nonbiological.

Do-it-yourself estate planning is just not worth the risks. Many estate planning attorneys offer free consultations, so it will only cost you time to become educated on whether your situation could benefit from working with a professional.

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