

What every older Canadian should know about

6

HAVING A WILL AND MAKING FUNERAL PLANS



**FEDERAL/PROVINCIAL/TERRITORIAL
MINISTERS RESPONSIBLE FOR SENIORS**



When we die, our families and friends will want to honour us by carrying out our funeral wishes. They will want to see that our property and possessions are distributed the way we want. In both cases, we can take the stress and worry out of these decisions by letting our family and trusted friends know what we want by having a will that specifies our wishes.

SOPHIA'S STORY:

From the time her daughter Rose was an adult, Sophia made sure Rose knew where to find Sophia's will and understood what it said. Over the years, Sophia changed her will several times as family members died and were born, but she always made sure that Rose knew about the changes. They also talked several times and wrote down information about what kind of funeral Sophia wanted. Rose knew that when the time came she would make choices her mother would approve of.

Wills and estate planning

Why make a will?

Your will is the easiest and most effective way to tell others how you want your property and possessions—called your estate—to be distributed. Even if you don't have much money or property, it's still a good idea to have a will so you can name an executor and make it clear who you want making decisions after you die.

What happens if I don't make a will?

Under the law in most provinces and territories, your nearest relatives are the people who will share in your estate if you die without making a will. Depending how complicated your estate is, your relatives may need to hire a lawyer and go to court to deal with your estate. Sometimes, a government agency will get involved to make sure that your estate is dealt with properly.

Who should I name as my executor?

Your executor (also called your trustee, personal representative or liquidator) is the person you name in your will to be in charge of your property and possessions after your death. Your executor carries out the instructions you have written in your will. Being an executor can take quite a bit of time and involve a lot of paperwork. If there is no one close to you who can act as your executor, you might be able to appoint a professional such as a trust company, accountant, lawyer, or the provincial or territorial Public Trustee. If you are thinking about doing this, make sure that the person or organization is willing to take on the job before you name them in your will. Also check to see what their fees will be.

What is estate planning?

Estate planning means having a plan for passing on everything you own either through your will or by some other means. There are some things you may want to

distribute before you die, and others that you may want to deal with separately from the rest of your estate, such as any business interests. For some of these things, you will need to make legal documents in addition to your will.

A lawyer or other estate planning professional can give you advice and help you choose how to deal with your estate.

Do I need legal advice?

You do not need to get legal advice, but because a will and other estate planning documents are legal documents, it is a good idea to have your will prepared by a lawyer. Will kits and guides can help you get organized, but they can't deal with everything. A lawyer will make sure that all your documents are prepared and witnessed properly. In Quebec and B.C., a notary public can also prepare a will.

Funeral planning

Can I make my own funeral plans?

Planning your own funeral can be as simple as telling your family and close friends what you want, or as complicated as pre-arranging or even pre-paying your own funeral.

Pre-arranging a funeral means making arrangements for your funeral with a funeral home or memorial society.

Pre-paying means you also pay for your funeral ahead of time.

TIPS AND SAFEGUARDS

It pays to get professional advice when preparing legal documents such as a will.

Make sure your family knows where to find your will and other legal documents and can access them. A family member might not be allowed access to your personal safety deposit box.

Review your will every five years, or sooner if there has been a change in your family, to make sure it continues to reflect your wishes.

If you marry, you will need to make a new will as your old one will not be valid.

Talk to your family—the sooner the better—about your funeral wishes or plans, or tell them where you have them written down. You can't be sure they will find your written instructions in time if they don't know where to look.

Don't pre-pay for a funeral unless you know you can get your money back if you move or change your mind, or if the funeral home goes out of business.

OTHER BROCHURES IN THIS SERIES

What every older Canadian should know about:

1. Financial planning
2. Income and benefits from government programs
3. Managing and protecting their assets
4. Planning for possible loss of independence
5. Planning for their future housing needs
6. Having a will and making funeral plans
7. Financial abuse
8. Frauds and scams

Where can I find out more?

The Government of Canada Web site www.seniors.gc.ca provides information about wills and estates under the heading “legal matters.” Your provincial or territorial Public Trustee, or Public Guardian and Trustee, and public legal education organizations also have information about preparing a will.

For information about pre-arranging or pre-paying funerals, contact your provincial or territorial consumer affairs office (ask for the funeral services regulator). Canada’s Office of Consumer Affairs also provides

information and consumer tips about funerals. Call 1-800-328-6189; TTY: 1-866-694-8389.

For more information, visit www.seniors.gc.ca or visit your local Service Canada office. To order additional copies of this publication, or for help finding a phone number in your province or territory, call 1 800 O-Canada (1-800-622-6232), TTY: 1-800-926-9105.

This document has been jointly prepared by the **Federal/Provincial/Territorial Ministers Responsible for Seniors Forum**. The Forum is an intergovernmental body established to share information, discuss new and emerging issues related to seniors, and work collaboratively on key projects.

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