



A Division of the New York Legal Assistance Group

LegalHealth
Professional Partnership to Promote Well Being

This is general information, not legal advice. Patients should consult an attorney for specific guidance.

Information on Wills

One service offered by LegalHealth attorneys is the preparation of a Last Will and Testament for patients who meet our income and asset eligibility guidelines. Here are some common questions and answers

When should patients consider doing a Will?

Anyone with assets, including bank accounts or property, should consider a Will. This is particularly true for someone not married, but in a relationship who wants to ensure their partner inherits some or all of their property. Also, a Will is beneficial to a parent who wants to express their wishes regarding a guardian for their minor children and/or at what age their children will inherit property.

When isn't it necessary for a patient to do a Will?

Certain assets will pass upon death without a will.

- Pensions and retirement plans with designated beneficiaries
- Life insurance if beneficiary named
- Joint ownerships with rights of survivorship
- Certain bank accounts; joint, in trust for, or transfer on death

Even if someone has a Will, these jointly held assets or those with a named beneficiary pass automatically and outside the estate.

What happens if a client dies without a Will and they have assets?

New York law provides a list of relatives who will receive the assets of someone who dies without a Will (called intestacy). Here is the list of who will inherit if a person dies without a will:

Person has:

- A spouse and no children → Spouse inherits everything
- Children but no spouse → Children inherit everything
- Spouse and children → Spouse inherits the first \$50,000 plus half the balance. The children inherit everything else
- No spouse and no children → Parents
- No spouse, children or parents → Siblings

If someone wants to ensure that someone who is not on the list receives their property, they should do a Will.

Who can benefit from free legal services for will drafting from LegalHealth?

LegalHealth attorneys can provide advice to patients on the need for a Will. We will draft Wills for lower income patients with assets under \$50,000. If the patient has cancer or other life threatening illness, our eligibility limit is \$100,000. If the patient is married, the income and assets for both spouses is taken into consideration.

More questions? Refer patients for an appointment with a LegalHealth attorney

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