

Why You Need to Update Your Estate Planning After a Divorce

April 14, 2025

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Divorce is a major life change that affects far more than just your relationship status. One crucial—but often overlooked—aspect that needs immediate attention after a divorce is your estate plan. Failing to update your estate planning documents can lead to unintended consequences that may not align with your new reality or wishes.

Here's why updating your estate plan after a divorce is essential:

Your Ex-Spouse May Still Be in Control

Many people name their spouse as the executor of their will, trustee of a trust, or as a power of attorney for healthcare and finances. If you don't change these designations after a divorce, your former spouse could still be legally empowered to make life-altering decisions on your behalf or manage your assets if something happens to you.

What to update:

- Will and trust documents
- Powers of attorney (medical and financial)
- Health care directives

Your Beneficiaries Might Not Reflect Your Current Intentions

A divorce doesn't automatically remove your ex-spouse as a beneficiary from all accounts and policies. Life insurance, retirement accounts (like IRAs or 401(k)s), and transfer-on-death designations often bypass your will—meaning your ex could still inherit these assets unless you update them.

What to review:

- Life insurance policies
- Retirement accounts and pensions
- Payable-on-death or transfer-on-death accounts
- Investment accounts and bank accounts

Guardianship of Minor Children

If you have minor children, your estate plan likely includes a guardian designation. While the surviving parent (your ex) is usually the default guardian, you might want to designate a backup guardian if your ex becomes unable or unwilling to care for the children.

What to consider:

- Updating guardian nominations in your will
- Including provisions for minor children in trusts

Your Financial Picture Has Changed

Divorce usually involves the division of assets and liabilities, which can dramatically alter your financial situation. Your estate plan should reflect your current assets, liabilities, and goals—whether that means protecting your children's inheritance, funding a trust, or planning for long-term care.

What to update:

- Asset and debt inventory
- Trust funding and asset titling
- New financial goals and obligations

You Might Want to Name New Trusted Individuals

Whether it's a sibling, adult child, new partner, or trusted friend, you'll likely want to name new individuals to serve in key roles within your estate plan—such as executor, trustee, or power of attorney—now that your former spouse is no longer in the picture.

Divorce is emotionally and logistically complex, and it's easy to overlook your estate plan in the process. But making these updates is vital to protect your assets, your wishes, and your loved ones. Consulting with an experienced estate planning attorney can help ensure everything is properly revised and legally sound.

Remember: an outdated estate plan can be just as risky as not having one at all.