

# BowTieLawyer

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## 'Til Death, Even in Divorce

There is an old joke that the only sure things in life are death & taxes. Even in divorce you still have death and taxes.



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Death: I have had several pending cases ended by death. In one instance my client's spouse died in an accident. It ended a contested divorce and custody case that had been progressing very slowly and amicably. While the divorce and custody issues were over, it created new issues with the deceased's Grandparent visitation issues and intestacy issues arose, since the spouse died without a will (intending the surviving spouse and children equal beneficiaries. This was something the deceased's side of the family had to be keen about.

I was also involved in a case where the non-custodial parent got custody of the children when the other parent died after the case was "over." They had been divorced for a few years. But upon the custodial parent's death, the children went back to the surviving parent.

Death does not end the issues you have with the other parent or former spouse. I know a lot of divorcing couples think it will solve all of their problems if that so-and-so would just die, but it could leave your children with the other parent. It can create issues with the former in-laws, who now may be pursuing their rights to visitation. It can create financial uncertainty as support obligations end at death, usually, and there may not be enough insurance or enough insurance.

Be careful what you wish for...

*Matthew Thompson is a family law attorney that hopes your case is not prolonged or shortened due to attorney. (Taxes will be the subject of another riveting post).*

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You may also contact Matthew with your family law case, question or concern at (601) 850-8000 or [Matthew@wmtlawfirm.com](mailto:Matthew@wmtlawfirm.com).

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