

IF YOU DO NOT LEAVE A WILL

In France, you cannot leave your estate to anyone you want if this person or entity falls outside of the French law. Under current French law, an estate not covered by a will is automatically divided equally amongst all the people on the same 'level' of succession. The levels are (in order):

- Children
- Parents
- Surviving spouse
- Siblings
- Grandparents
- Cousins, uncles and aunts (anyone coming from same great-grandparents)

The surviving spouse has the right to stay in the family home for a year free of charge. Even if a property was bought in both spouses' names, the children, not the spouse, have prior claim over the deceased's half of the house.

It is best to have life insurance, or assurance décès, as these payouts are not included in an estate, provided the beneficiary is not the deceased. You can also take out multiple policies for various family members, your children, your spouse, a friend or lover.

WHY HAVE A WILL, WHAT DIFFERENCE WILL IT MAKE?

French law tries to prohibit disinheriting certain members of your family, but a will can make a huge difference:

- A will would allow you to leave a 'donation', that is, a specific asset, animal or a sum of money, to a spouse, partner, child, friend or association.
- A will would allow your spouse to live in the family home until his/her death.
- A will could mean one or more of your heirs receive their inheritance over time instead of in a bulk sum.
- A will specifies the guardians of minor children, including guardians living outside France. If there is no will, the judge will automatically appoint guardianship to your surviving parents but a will means you can select the guardian of your choice and that the children would be placed under their care more easily and quickly.
- A will allows you to detail funeral or cremation arrangements.

HOW TO WRITE A FRENCH WILL

The two most commonly used wills in France are the testament 'olographe', a handwritten will, and the testament 'authentique', written by a notary.

For a testament OLAGRAPHE, you will be asked to write out the will by hand based on the legal advice of your notary. The notaire will then check the document and have it registered and kept at an official location in France.

For a testament AUTHENTIQUE, you dictate your wishes orally to a notaire, who then types the document and reads it back to you and this is more difficult to contest.

You can also write your will in English, or another language, if you wish under an 'international will' introduced in 1994 for foreigners and French citizens living abroad.