

### **How to prepare a Will**

(From "Developing Distinctive Bahá'í Communities" a manual for Local Spiritual Assemblies, prepared by the National Spiritual Assembly of the United States)

#### *The Need for a Will*

It is incumbent upon everyone to write his testament...

(Bahá'u'lláh, quoted in a letter written on behalf of the Universal House of Justice, August 24, 1982, to a National Spiritual Assembly)

Every Bahá'í is strongly recommended to make his own Will and he is perfectly free to dispose of his estate in whatever way he wishes.

(Letter from the Universal House of Justice, dated August 24, 1982, to a National Spiritual Assembly)

The friends should be strongly advised to make wills specifying that they want their funerals to be conducted under the auspices of the Bahá'í Faith, or at least in conformity with its requirements and they should make this known both to the Local Spiritual Assembly and to their own relatives, while they are still alive. In this way it is quite possible that agreements may be reached with non Bahá'í relatives before death takes place.

(Letter from the Universal House of Justice, dated August 18, 1972)

#### *Will Preparation*

Other points to remember are that an individual is entirely free to leave his or her possessions as he wishes, provided all his debts are paid, and provided there are no legal limits on the freedom of individuals to bequeath their property. A person's will is sacred and therefore a Baha'i is not permitted to challenge the provisions of another's will. The civil law in relation to the making of wills is sometimes quite complex. It is, therefore, highly advisable for an individual to consult a lawyer when he makes his will to ensure that his intention is not nullified by some possible breach of the requirements of the law in the drawing up or execution of the will. It is also highly desirable for a Baha'i to take steps during his

A will is particularly essential if a person wants the Baha'i Faith to have a share of his property. A Baha'i can use it also to record his wishes for the proper disposition of his Baha'i literature, files, and records, and to ensure that his children receive Baha'i training.

While most states permit a person to prepare his own will, it is often advisable to seek the assistance of an attorney. Writing and executing the Will to conform to the state law will help ensure that the person's wishes will be carried out after his death. A pamphlet, *The Writing of a Will*, giving instructions about will preparation, is available from the Treasurer's Office at the Baha'i National Center.

Often a will is neither read nor even located until after the burial. It is, therefore, preferable to keep an additional copy of the burial instructions separate from the will and in an easily accessible location. Family members or friends should know where the

instructions are kept, and a copy could be given to a Local Spiritual Assembly. It should be noted that burial instructions are usually not legally binding.

*Responsibilities of the Local Spiritual Assembly*

While it is appropriate and advisable for the friends to deposit a copy of their Wills with the Spiritual Assembly, they should not be required to do so, but should be left free in this matter.

The friends are free to formulate the provisions of their Wills as they please, and the Spiritual Assembly has the obligation to enforce these provisions unless, of course, they are in conflict with the interests of the Faith.

It is not necessary for the Spiritual Assembly to publish the text to a "model" Will. Each believer should compose his Will according to his own wishes...

The execution of the provisions of the will causes the spirit of the deceased to rejoice in the Abhá Kingdom.

(Written on behalf of Shoghi Effendi, quoted in a letter written on behalf of the Universal House of Justice, dated August 24, 1982, to a National Spiritual Assembly)

If the testator, being a Bahá'í, makes a provision in his will that is contrary to Bahá'í Law (e.g., to bury his remains in a place more than one hour's journey from the place of death), that provision is null and void in Bahá'í law and the Assembly must not fulfill it even.