INHERITANCE PLANNING COMPANY

Disinheriting: Know Your Legal Risks

What Is Disinheriting?

Disinheriting refers to the act of excluding a person from receiving an inheritance in your will. While it is your legal right to decide how your estate is distributed, disinheriting close family members, such as children or spouses, can lead to legal disputes and challenges against your will.

Disinheriting often arises in situations involving estranged relationships, blended families, or specific conditions where the individual is deemed unsuitable to inherit.

Why Is Disinheriting a Legal Risk?

Disinheriting close family members comes with significant legal risks. In the UK, family members who are excluded from a will may contest it under the **Inheritance (Provision for Family and Dependants) Act 1975.** This act allows certain individuals, such as spouses, children, and dependants, to claim reasonable financial provision from the estate if they believe the will does not adequately provide for them.

Challenges can arise if:

- The will is ambiguous or unclear.
- The excluded individual was financially dependent on the deceased.
- There is evidence of undue influence or lack of mental capacity when the will was made.

How to Minimise Risks When Disinheriting

Use a Professional Will-Writing Service

Professionally drafted wills reduce the risk of legal challenges by ensuring clarity and compliance with legal requirements.

Provide a Letter of Wishes

A letter of wishes is a separate document explaining the reasons behind your decision to disinherit. While not legally binding, it can provide valuable context during disputes.

Consider Alternative Arrangements

Instead of complete disinheritance, consider leaving a token inheritance or establishing conditional provisions to reduce the likelihood of challenges.

Seek Legal Advice

Professional advice ensures your will is watertight and aligned with current inheritance laws.

Recent Updates

As of 2024, courts in the UK continue to emphasise the importance of fairness in will disputes. Judges have increasingly considered the financial needs of disinherited dependants, particularly adult children and former spouses, when determining outcomes. This highlights the need for thorough planning and documentation when excluding individuals from your estate.

Additionally, legal practitioners recommend keeping wills and supporting documents up to date, particularly in cases of remarriage or changing family dynamics. Ambiguities or outdated wills are among the leading causes of successful challenges.

Why Choose Professional Guidance

At the Inheritance Planning Company, we help clients:

- **Draft Robust Wills**: Tailored to your wishes while minimising the risk of legal disputes.
- **Document Your Intentions:** Ensure your reasons for disinheritance are clearly recorded.
- **Protect Your Estate:** Develop strategies to safeguard your assets and ensure your wishes are upheld.

Disinheriting a family member is a sensitive and complex decision. Contact us today to ensure your estate plan reflects your wishes while minimising the potential for legal challenges.

Fact checked as of 14th December 2024.

Disclaimer:

This information is correct as of September 2024. Legal updates or changes may have occurred since then. For the most current advice, please contact **Inheritance Planning Company Ltd** at:

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