INHERITANCE
PLANNING COMPANY

Understanding Your Rights When Disinherited

Being excluded from a loved one's will can be a distressing experience, especially if you feel the decision was unfair or unexpected. Fortunately, under the **Inheritance (Provision for Family and Dependants) Act 1975**, certain individuals may challenge a will or intestacy rules if they believe they have not received reasonable financial provision.

Who Can Challenge a Will?

You may be able to make a claim against the estate if you fall into one of the following categories:

1. **Spouse or Civil Partner:**
   - o Entitled to a reasonable standard of living based on the deceased's estate.
2. **Children, Including Stepchildren:**
   - o Minors, disabled children, or those dependent on the deceased may have stronger claims.
3. **Former Spouse or Civil Partner:**
   - o May claim unless their right was explicitly waived during divorce or separation agreements.
4. **Cohabiting Partners:**
   - o Must have lived with the deceased for at least two years before their death.
5. **Other Dependants:**
   - o Anyone financially reliant on the deceased before their passing.

Grounds for Contesting a Will

1. **Failure to Provide Reasonable Financial Support:**

o Claims can be made if the deceased failed to make adequate provisions for eligible dependants.

2. **Undue Influence or Coercion:**

o If the will was made under pressure, it could be invalidated.

3. Fraud or Forgery:
o Any evidence of tampering or fraud can render a will void.
4. Mental Capacity Issues:
o The will may be challenged if the deceased lacked the mental capacity to make informed decisions.

Potential Outcomes of a Claim

If the court finds the claim valid, the will or intestacy provisions may be altered to provide:

- A lump sum payment.
- Ongoing financial support.
- Specific assets (e.g., property or shares) from the estate.

Example: A Challenged Will

Sarah's Case:
Sarah, a cohabiting partner, was left out of her partner James's will, which left everything to his siblings. Sarah made a claim under the Inheritance Act, citing her reliance on James's financial support. The court awarded Sarah a lump sum to cover her housing and living expenses, recognising her financial dependency.

How to Proceed if You've Been Disinherited

1. Seek Professional Advice:
o Consult a specialist to assess your eligibility to make a claim.
2. Act Quickly:
o You typically have six months from the date of probate to file a claim
. 3. Explore Mediation:
o Mediation can often resolve disputes faster and more amicably than litigation.

How We Can Help

At the Inheritance Planning Company, we assist individuals in navigating the complexities of disinheritance claims:

- Providing expert legal advice on your rights.
- Supporting mediation to avoid lengthy court battles.
- Guiding you through the claims process to ensure your case is presented effectively.

Contact Us Today

If you've been disinherited and need advice, reach out for a no-obligation consultation. Let us help you protect your rights and secure the support you deserve.

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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