

# The Telegraph

'I fell out with my parents 33 years ago and they left me nothing. Can I fight the will?'

Ask an Expert: We look at the options for family members who feel they've been wrongly denied an inheritance

By Nicole Blackmore

8:33AM BST 10 Sep 2015

*I fell out with my parents when I was 17. I am now nearly 50 years old. Over the years we have had some contact from time to time, but always end up arguing which results in long periods with no contact.*

*My parents are leaving the family house that I grew up in, which is worth about £150,000, to my brother. They also own another house, worth about £250,000, which is to be left to my brother's son, their grandson.*

*I have four children of my own aged between 14 to 23 years old. Can I, or my children, contest the will?*

**KR, via email**

It is a fundamental principle of English law that a person should be able to dispose of their estate as they see fit, but certain family members and other dependants can challenge a will if they feel they have not received "reasonable provision" from the deceased.

The Inheritance (Provision for Family and Dependents) Act 1975 allows certain individuals the right to bring a financial claim against the estate of a deceased person. A surviving spouse is entitled to a higher standard of provision than other claimants, such as children, who are limited to reasonable provision "for their maintenance".

Richard Manyon, of Payne Hicks Beach Solicitors, said while you (but probably not your children unless they have been maintained by the deceased) would qualify to make a claim, there is a serious question mark over whether this would be wise or worthwhile.

"In any claim by an adult child there would be no automatic entitlement to provision from your parents' wills", he said. "Instead, the court would look at whether the wills made provision for your maintenance as would be reasonable in all the circumstances.

**Answer from Richard Manyon, Dispute Resolution associate, at Payne Hicks Beach** first published online on 10 September 2015 in The Daily Telegraph and also at Yahoo Finance online - <http://www.telegraph.co.uk/finance/personalfinance/11853052/I-fell-out-with-my-parents-33-years-ago-and-they-left-me-nothing.-Can-I-fight-the-will.html>

“The term ‘maintenance’ is key, and the courts have defined this by reference to what it would be reasonable for a claimant to live on, at neither a luxurious nor a miserable level. Importantly, the court has historically been slow to grant relief to adult children who are capable of working and supporting themselves.”

The Court has a very broad discretion and bringing a claim such as the one you suggest is inherently uncertain. You could spend substantial sums on legal costs without achieving a positive result.

“A better approach would be to try to seek reconciliation with your parents while they are still alive and they may voluntarily change their wills,” Mr Manyon said.

“Alternatively after their deaths you might try appealing to your brother on the grounds that it would be morally appropriate for there to be some form of provision for you and your side of the family from your parents' estates. However, such steps are not legally enforceable.”



Richard Manyon  
Associate, Dispute Resolution