

## Can grandchildren contest a will?



When a grandparent passes away, there are two ways a grandchild may challenge their will. If the grandchild thinks the will is invalid, they can challenge it on this basis. Alternatively, grandchildren can sometimes bring claims for financial provision under the Inheritance (Provision for Family and Dependants) Act 1975 (the '1975 Act'). We will look at these in turn.

### Invalid will

Anyone can challenge a will on the grounds that the will is invalid. A will is invalid if:

1. The Testator lacked the mental capacity to make a will;
2. The Testator didn't know of or approve of the contents of the will;
3. The will was not correctly executed;
4. The Testator was subject to undue influence;
5. The will is forged or fraudulent.

If the will is declared invalid, there may be an earlier will that is valid. If not, the estate will be distributed according to the intestacy rules. These state a surviving spouse inherits half the estate and the other half if divided between the deceased's children; if one of the children has died but left their own children, their share goes to their children – the grandchildren of the deceased.

### Financial support

To pursue a claim under the 1975 Act, you must first establish that you are eligible to do so. There are a number



of categories of eligible claimant but, for grandchildren, the most relevant are either that they were dependent on the Deceased or were treated by them as a “child of the family”. If eligibility can be shown, the Court will consider all of the circumstances of your claim to decide if an award should be made.

If you think you may have a claim against your late grandparent’s estate on these grounds, please contact a member of the [inheritance disputes team](#) to discuss your situation further.



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