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Do You Have the Right to Challenge a Trust or Estate?

How to tell if you have "standing" in a California trust and estate dispute

Before you can bring a claim in probate court, you need standing. In simple terms, standing means you have a real, legal stake in the outcome. If you don't have it, the court won't hear your case, no matter how strong your concerns are. The good news is that California law gives standing to more people than you might think.

You may have standing if you are:

- A current beneficiary of a trust or will
- A former beneficiary who was cut out or reduced by a later amendment or new document
- An heir at law who would inherit if the will or trust were found invalid
- A current or successor trustee with duties to the trust
- A named executor or personal representative of an estate
- An "interested person" under the California Probate Code, which can include creditors and others with a property right in the estate

When standing gets complicated:

- **The trust creator is still alive.** While a revocable trust can still be changed, beneficiaries usually can't challenge it. The trustee answers to the person who created the trust.



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- **You were disinherited.** California courts have recognized that people removed from a trust by a later amendment can still challenge whether that amendment is valid.
- **There's a no-contest clause.** Filing the wrong kind of challenge could put your inheritance at risk. Get legal counsel from an experienced trust and estate litigator before you file anything.
- **You're pursuing an elder abuse claim.** Only certain people, such as a personal representative or successor in interest, can bring these claims after someone passes away.

Don't wait. Deadlines are strict.

If you've received a trust notification under Probate Code Section 16061.7, you may have as little as 120 days to contest the trust. Will contests move just as fast. You can object to a will before the court admits it to probate, or you can file a contest within 120 days after the will is admitted under Probate Code Section 8270.

Missing a deadline can end your case before it starts. Consult an experienced trust and estate litigation attorney as soon as possible to review the facts of your case and review your options.

Not sure where you stand? Let's find out.

Fox Law focuses exclusively on trust and estate litigation. We represent both beneficiaries and trustees across California. We'll review your situation, explain your rights, and help you decide on your next steps.

Contact Fox Law to schedule a no-cost initial consultation at foxtrustlaw.com, or call (916) 404-6620.

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