

*NOTE TO MEDIA:* Will Sleeth is available as a resource for bylined articles or interviews on various issues related to trusts and estates.

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FOR IMMEDIATE RELEASE

**Disinheriting A Child Is Painful, and Must Be Done Carefully, Says LeClairRyan Attorney**  
*Proper planning may minimize additional disruptions, counsels William Sleeth*

WILLIAMSBURG, Va. (7/19/18)— While no parent wants to disinherit their child, when it becomes necessary, a parent or couple can take steps to bolster their will against a legal challenge, according to William Sleeth III, a Williamsburg-based member of LeClairRyan and leader of the national law firm’s Estate and Trust Litigation team.

“No parent should lightly undertake to disinherit their child,” he says. “But there are times when most people in society would find it to be appropriate,” adding that individual circumstances always need to be examined before taking this step.

Sleeth recently outlined five basic principles in a blog, [\*How to Disinherit a Child: 5 Tips to do so Successfully\*](#):

**Hire Legal Counsel.** Don’t try to draft your own estate planning documents, especially when it involves disinheriting a child, writes Sleeth in the post that appears in the firm’s [\*Estate Conflicts\*](#) blog, which focuses on disputes involving wills, trusts, guardianships, and celebrity estates. “It’s likely that the disinherited child will hire an attorney who will closely scrutinize the amendment to the will or trust to assess whether there’s a basis to challenge it.”

**Establish a Paper Trail.** A trail of evidence — including notes in a diary or journal —explaining and corroborating your decision will make it easier for your executor or trustee to defend your will amendment in court, he advises.

**Carefully State a Reason for the Disinheritance.** The best approach may be to state something general, like, “for reasons personal to me, I do not provide for John Doe in my will.” This is preferable to statements in a will like your child “never visited you” or “stole money.” That’s because if the reason cited in your will is anything less than 100% truthful, the disinherited child could try to challenge the will on the basis that it was the product of fraud, false information or even mental decline, he notes. “Or they could say you were unduly influenced by a jealous sibling into believing information that was false.”

**Consider Not Telling the Child.** A child who knows he or she has been disinherited may lash out at you, or try to pressure you to put them back into your estate plan. “It’s preferable that the child find out about it after the parent is deceased and the child can no longer lash out at the parent,” Sleeth counsels. “Some people argue that letting the child know will help them vent about it while the parent is alive, and hopefully come to peace with the situation. But in my experience, many disinherited children are never able to get over a disinheritance.”

**Consider a Modest Bequest Coupled with a No Contest Clause.** Another option is to provide a modest bequest to the child accompanied by a “no contest clause” that provides for complete disinheritance if they unsuccessfully challenge the validity of the will. But to effectively deter a contest, the bequest needs to be more than a minimal amount, he says.

“Disinheritance is a painful decision,” concludes Sleeth. “But once a parent decides to do this, they may be able to save themselves from additional anguish by addressing the issues early and effectively.”

The full column is available at: <https://estateconflicts.com/how-to-disinherit-a-child-5-tips-to-do-so-successfully/>

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