



# BAD ACTORS AND INHERITANCES – CAN YOU LOSE YOUR RIGHT TO INHERIT?

Below is a 10-Point Checklist of Laws and Rules That Can Prevent Someone From Inheriting an Estate—including statutory protections (like *slayer statutes*), lesser-known rules in specific jurisdictions, and some surprising applications. For each item, I explain what the law is, why it matters, and real-life implications or examples where available.

Expanded Checklist: Laws & Legal Claims That Can Bar Inheritance

With Real-World Examples and Litigation Theories

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## 1. Slayer Statutes — Intentional Killing Bars Inheritance

### Rule:

A person who intentionally and feloniously kills the decedent is treated as having predeceased them and is barred from inheriting under any instrument or by intestacy.

**What it is:** Most U.S. states have a slayer statute preventing someone who intentionally and feloniously kills the decedent from inheriting under a will, trust, or intestate succession.

**Why it matters:** It stops an heir or beneficiary from profiting from their crime.

**Risks if ignored:** Without this rule, someone could inherit valuable assets despite having caused the decedent's death.

**Real-life example:** In the December 2025 case involving Rob Reiner and his wife Michele, their son Nick has been charged with their murder, and California's slayer

statute could bar him from inheriting if convicted or if a civil court finds he feloniously caused the death.

#### **Other Real-life examples:**

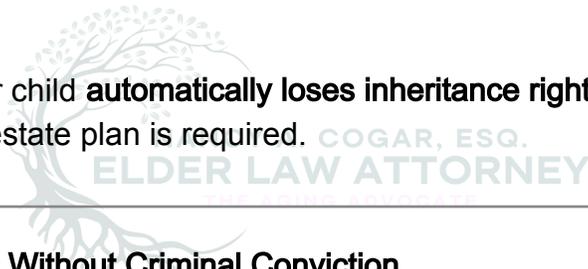
- **Menendez Brothers (California):** Convicted of murdering their parents; barred from inheriting the estate.
- **Pamela Smart case (New Hampshire):** Orchestrated husband's murder; disqualified from inheritance and insurance proceeds.

#### **Disinheritance of Slayer's Descendants (State-Specific)**

- **What it is:** In some states (e.g., Maryland), the slayer's children may also be barred from inheriting through the slayer beneficiary.  
**Why it matters:** Beneficiaries' children may lose inheritance rights if their parent is disqualified.  
**Risks if ignored:** Families assume grandchildren can still inherit; local law may differ.

#### **Caregiver relevance:**

A named beneficiary or child **automatically loses inheritance rights** if the statute applies, no amendment to the estate plan is required.



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## **2. Civil Slayer Findings Without Criminal Conviction**

### **Rule:**

Probate courts may apply slayer statutes based on **civil findings**, even if criminal prosecution fails.

### **2. Civil Application of Slayer Rule (No Criminal Conviction Needed)**

**What it is:** Even if no criminal conviction exists, a probate court can apply the slayer rule based on a lower civil standard of proof (preponderance of evidence).

**Why it matters:** A lack of criminal conviction doesn't automatically allow inheritance.

**Risks if ignored:** Families may assume a suspect can inherit if not convicted; probate courts may still disqualify them.

### **Real-life example:**

- **O.J. Simpson:** Acquitted criminally but found civilly liable; slayer principles prevented inheritance-related benefits connected to the victims.

### Caregiver relevance:

Families often wrongly believe “no conviction means they still inherit.”

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### 3. Self-Defense and Justifiable Homicide Exceptions

**What it is:** Most statutes exempt killings that are justified—e.g., self-defense, lawful defense of others—from disinheritance.

**Why it matters:** Protects heirs who acted lawfully, even if a death occurred.

**Risks if ignored:** Misclassification could unjustly disqualify rightful heirs.

### Participation, Conspiracy, or Procurement of Death

#### Rule:

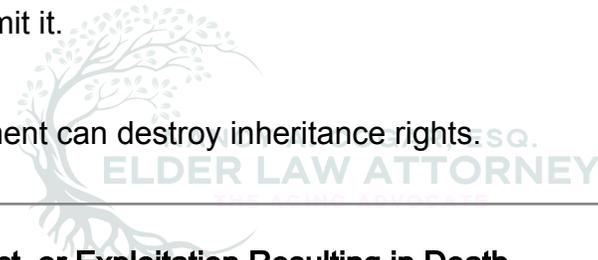
Beneficiaries who assist, encourage, or conspire in the killing may also be barred.

#### Real-life example:

- Contract-killing cases where the beneficiary arranged the killing but did not physically commit it.

### Caregiver relevance:

Even indirect involvement can destroy inheritance rights.<sup>50</sup>



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### 4. Elder Abuse, Neglect, or Exploitation Resulting in Death

#### Rule:

Some states extend forfeiture to **abuse or neglect**, particularly where it contributes to death.

#### Real-life examples:

- Adult children convicted of neglect after isolating or withholding care from elderly parents, later barred from inheriting.
- Financial exploitation cases where abuse directly accelerated decline.

### Participation in Procuring the Death

- **What it is:** Slayer laws in some states bar inheritance not just from the killer but also from someone who participated or assisted in causing the death.

**Why it matters:** Prevents indirect profiting from a wrongful death.

**Risks if ignored:** Beneficiaries who assisted or abetted a killing could otherwise benefit

**Caregiver relevance:**

Caregivers must understand that misconduct—even short of murder—can carry inheritance penalties.

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**5. Financial Exploitation & Undue Influence (Even Without Death)****Rule:**

Beneficiaries may be disqualified if they wrongfully manipulated transfers before death.

**Real-life examples:**

- Caregivers who coerced deed transfers or beneficiary changes shortly before death.
- “Deathbed wills” invalidated due to dominance and isolation.

**Caregiver relevance:**

This is one of the **most common probate lawsuits** involving family caregivers.

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**6. Undue Influence Claims to Invalidate Gifts or Wills****Rule:**

Courts may invalidate gifts, trusts, or wills if procured through undue influence.

**Typical fact pattern:**

- Isolated elder
- Dependent on one child or spouse
- Sudden estate plan changes
- Disinheritance of prior beneficiaries

**Caregiver relevance:**

Even well-intentioned caregivers can be accused if safeguards are not in place.

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**7. Lack of Capacity (Testamentary or Contractual)**

**Rule:**

If the decedent lacked capacity when executing documents, those documents may be void.

**Real-life examples:**

- Wills signed during advanced dementia
- Trust amendments executed shortly after hospitalization

**Caregiver relevance:**

Capacity challenges frequently accompany second-marriage disputes.

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## 8. Fraud, Forgery, or Document Tampering

**Rule:**

Forgery or fraud voids inheritance instruments and may disqualify the perpetrator.

**Real-life examples:**

- Forged signatures on beneficiary forms
- Altered wills discovered after death

**Caregiver relevance:**

These cases often arise when one person controls document access.

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## 9. Constructive Trust Claims (Equitable Remedies)

**Rule:**

Courts may impose a constructive trust to prevent unjust enrichment—even if documents appear valid.

**Real-life examples:**

- Beneficiary promised to hold assets for siblings but kept them
- Abuse of power of attorney to self-transfer assets

**Caregiver relevance:**

Equity can override paperwork.

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## 10. No-Contest (In Terrorem) Clauses — With Limits

### Rule:

Some wills penalize beneficiaries who challenge the estate, but many states limit enforceability.

### Real-life example:

- California allows challenges based on probable cause despite no-contest clauses.

### Caregiver relevance:

Threats of disinheritance do not always stop valid claims.

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## ADDITIONAL CAUSES OF ACTION Commonly Used to Block Inheritance

Beneficiaries frequently file the following to **preclude or reduce another person's share**:

- Breach of fiduciary duty (POA abuse)
  - Accounting actions against caregivers
  - Conversion or embezzlement
  - Elder abuse civil actions
  - Lack of standing / improper execution
  - Equitable surcharge
  - Constructive fraud
  - Declaratory judgment actions
  - Trust reformation or rescission
  - Guardianship-era misconduct claims
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## Why This Matters for Caregivers & Second Marriages

- Inheritance disputes are **conduct-driven**, not just document-driven.
- Caregivers are often **both essential and legally exposed**.

- Second marriages amplify suspicion, especially where assets shift late in life.
- Planning **before** decline is the best litigation avoidance strategy.

## STATE-SPECIFIC LEGAL ANNOTATIONS (SELECT STATES)

**Important:** These are high-level summaries for education only. State law varies and changes.

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### CALIFORNIA

- Slayer statute applies with **civil standard of proof**
- No-contest clauses enforceable **only in limited circumstances**
- Undue influence claims are common and broadly construed
- Strong remedies for elder financial abuse

**Practice note:** Caregivers frequently face elder-abuse surcharge claims.

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### FLORIDA

- Slayer statute expressly includes **elder abuse and exploitation**
- Broad statutory protections for elderly and disabled adults
- Aggressive remedies against fiduciaries

**Practice note:** Exploitation alone may bar inheritance.

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### TENNESSEE

- Slayer statute applies; civil findings permitted
- Undue influence heavily litigated in caregiver and second-marriage cases
- Confidential relationships shift burden of proof

**Practice note:** Isolation + benefit = presumption of undue influence.

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### NEW YORK

- Slayer statute well developed in case law
- Strong accounting requirements for fiduciaries
- Constructive trust remedies frequently used

**Practice note:** Equity plays a major role even when documents appear valid.

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## TEXAS

- Slayer statute applies, but courts focus on intent
- No-contest clauses more strictly enforced
- Strong homestead protections affect inheritance outcomes

**Practice note:** Spousal rights can override expectations.

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## LOUISIANA

- Forced heirship for minor or permanently disabled children
- Disinheritance requires strict statutory compliance

**Practice note:** Out-of-state estate plans often partially fail here.

