



Have you been unfairly treated in a Will?

What can you do about it? If you have been left out of a Will, or are receiving less than you expected it can be a devastating experience, particularly if the deceased was your partner, parent or someone you cared for or were dependent on.

Instead of wondering how you are going to cope, you should contact us to find out about making a Family Provision Claim under the Succession Act.

What is a Family Provision Claim?

A Family Provision claim is a claim made by a person to adjust the provisions of a will because they have been inadequately provided for in the will. If a settlement of the claim cannot be made by negotiation with the Executor of the will then an application can be made to the Supreme Court for the Will to be altered to allow adequate provision for you in light of your circumstances and the degree to which you were dependent upon the deceased.

Who can make a Family Provision Claim?

A wide range of people are eligible to make a claim. Eligible persons include the spouse or partner of the deceased, a child of the deceased, a former partner or spouse of the deceased or other persons who were wholly or partly dependent upon the deceased such as grandchildren and carers. We can help you determine whether you are an eligible person to make a claim.

Will my claim be successful?

The circumstances of every claim are different. To be successful, you need to show that you are an eligible person and that you require adequate provision to be made from the deceased's estate. You also need to show that your needs have not been adequately catered for in the Will.

What if there was no Will?

When there is no Will the estate is distributed in accordance with a statutory order set by the Probate and Administration Act. The provisions of the Act favour the next of kin of the deceased. Notwithstanding this, you may still be able to make a Family Provision Claim and the same eligibility requirements will apply.

How long do you have to claim?



You have twelve (12) months from the date of the deceased's death to lodge a claim with the Court. A claim can be made within that 12 month period even if the deceased's estate has already been distributed. If you think you could be eligible to make a claim, it's best to contact us to seek legal advice as soon as possible, otherwise it may be too late.

Who should I contact for more information?

Please feel free to contact either Scott Johnson or John Bateman at Bateman Battersby on (02) 4731 5899 or email us at: willsstates@batemanbattersby.com.au to enquire about making a Family Provision Claim.