

Will Contests in California: Common Grounds and Key Deadlines

By Prudential Advocate · June 10, 2026 · 5 min read

When a loved one's will does not reflect what family members expected — or what the person seemed to intend — the law provides a way to challenge it. A will contest is a formal objection to the validity of a will. These matters are sensitive and time-limited, so it helps to understand the basics early.

Common grounds for a contest

A will is not set aside simply because someone is unhappy with it. A contest must rest on a recognized legal ground, such as:

- ♦ Lack of testamentary capacity — the person did not understand the nature of the document, their property, or the people who would ordinarily inherit
- ♦ Undue influence — someone in a position of power over the person overcame their free will
- ♦ Fraud — the person was deceived about what they were signing or about facts that shaped their decisions
- ♦ Improper execution — the will was not signed and witnessed as the law requires
- ♦ Revocation — a later valid will or act revoked the document being offered

Who can contest a will?

Not everyone may bring a contest. Generally, a person must have standing — typically an heir, a beneficiary named in the current or a prior will, or someone else whose interest is affected by whether the will is valid.

Why timing matters

Will contests are subject to strict deadlines, and the window can be short once formal notice is given in a probate proceeding. Missing a deadline can end a challenge before it is heard, regardless of its merits. If you are considering a contest, it is important to get advice promptly rather than waiting.

A note on no-contest clauses

Many wills and trusts include a no-contest clause, which can penalize a beneficiary who challenges the document without sufficient legal basis. California limits when these clauses can be enforced, but they are a real consideration. An attorney can help you weigh the risk before you act.