

What is the latest judicial thinking on reasonable financial provision for adult children and the meaning of "*something more*" in moral claims?

Constance McDonnell KC



serle court

Oliver J in *Re Coventry*

“It cannot be enough to say ‘here is a son of the deceased; he is in necessitous circumstances; there is property of the deceased which could be made available to assist him but which is not available if the deceased's dispositions stand; therefore those dispositions do not make reasonable provision for the applicant.’ There must, as it seems to me, be established **some sort of moral claim** by the applicant to be maintained by the deceased or at the expense of his estate beyond the mere fact of a blood relationship, some reason why it can be said that, in the circumstances, it is unreasonable that no or no greater provision was in fact made.”

Lord Hughes in *Ilott v Blue Cross* at [20]

“There is no requirement for a moral claim as a sine qua non for all applications under the 1975 Act, and Oliver J did not impose one. He meant no more, but no less that in the case of an adult son well capable of living independently, **something more** than the qualifying relationship is needed to found a claim.”

Successful claims

25 July 2025, *Isaacs v Green* (David Rees KC, Fam Div)

22 Nov 2024, *Armstrong v Armstrong* (Andrew Sutcliffe KC, Ch D)

16 May 2023, *Re Bala* (Master Brightwell, Ch D)

28 March 2023, *Larsen v Annan* (Zacaroli J, Ch D) (one successful, one not)

14 March 2023, *Dignam-Thomas v McCourt* (Theis J, Fam Div)

7 May 2020, *Re H deceased* (Cohen J, Fam Div) [*Hirachand*]

Unsuccessful claims

3 Oct 2025, *Cockell v Cockell* (Master Bowles (sitting in retirement), Ch D)

27 June 2024, *McQuaid v McQuaid* ((NI), Humphreys J)

29 Nov 2022, *Lettice v Lettice* (Deputy Master McQuail, Ch D)

23 April 2021, *Miles v Shearer* (Sir Julian Flaux, C)

21 July 2021, *Re Mohammed (deceased)* (Deputy Master Glover, Ch D)

11 Jan 2019, *Wellesley v Earl Cowley* (Deputy Master Linwood, Ch D)

Key features of successful claims

saacs v Green (July 2025)

74-yr-old son, one of 3 children

C had lived in the family home with mother since 2011, had 'friendly' relationship with her (though her capacity was fading)

C had previously been equal beneficiary, excluded from will in 2006 because of temporary concerns about state of his marriage

C sought one-third of mother's c.£600,000 estate

C had no assets and lived in state pension and pension credit, lived frugally but spent money on collecting coins

All 3 siblings had financial needs, and C and 1 sister had significant ill health

C had demonstrated a need for accommodation

Award: 25% residuary estate (likely to be c.£150,000) which would enable C to re-house himself

Key features of successful claims

Armstrong v Armstrong (Nov 2024)

60-yr-old son of a farmer

Proprietary estoppel + 1975 Act claims

J found that deceased had promised C he would inherit the farm on which he worked for many years, and that C had relied to his substantial detriment

Parties had previously agreed that there would be separate hearing to determine how to satisfy C's equity

J found that C financially dependent on father for income and housing, but question of whether award under Act necessary (and if so, what it should be) had to be determined at same time as estoppel quantum

Key features of successful claims

Re Bala (May 2023)

30-yr-old daughter with substantial physical and mental disabilities, entirely dependent on father other than some state benefit income

3 other claimants: widow and her two very young children

At time of trial C lived in her stepmother's house, and was cared for by her (which was recognized as an enormous burden for stepmother)

Deceased had moral obligation towards all 4 claimants

Net estate of c.£1.6m not enough for all claimants

Claimants had agreed that their respective costs would be funded by estate

Award: first £550,000 to widow, next £300,000 equally between C and widow, remainder for widow (nothing for minors, who would benefit through their mother). (Income from award for C would fund some care and therapy)

Key features of successful claims

Dignam-Thomas v McCourt (March 2023)

Claimant daughters aged 61 and 67

Estate c.£255,000

Sons disinherited because regarded as not having 'behaved well' (one had killed another family member and convicted of manslaughter, other gambled)

Sons were not maintained by father. One son had assets and was able to support himself, the other was 'chronically disabled' and dependent on state (though still gambled) for income and accommodation

Father did not acknowledge any obligation to support disabled son

J found that disabled son needed provision for further care costs only

Award: £25,000 for disabled son in discretionary trust (partly because of gambling, partly so as not to reduce state benefit income)

Key features of successful claims

arsen v Annan (March 2023)

Claimant sons aged 58 and 59

Estate c.£330,000

Father had previously said he would make some provision, and acknowledged their support of him

Both claimants had financial needs and ill health, as did beneficiary (son)

Award: £70,000 to C1, £90,000 to C2 (son would receive balance of c.£173,000)

Key features of successful claims

Re H deceased (May 2020) [Hirachand]

50-yr-old daughter, she had 2 young children

Estate c.£127,000 + interest in jointly owned family home

C lived on state benefits, had trauma-related mental health issues

C estranged from parents for 20 years, and no support from them

Award: c.£122,000 to C (excluding CFA success fee!), calculated to include cost of some therapy, income for 3 years by which time C should be able to work, rental deposit, and replacement of car and white goods)

Key features of unsuccessful claims

Cockell v Cockell (Oct 2025)

57-yr-old daughter in Australia (born when parents were 19 and 16)

C on state benefits in Australia, but able to work as a nanny

5 half siblings did not know of her existence until after death of father (a tattoo artist) whose estate was worth a few hundred pounds

Court refused to exercise power under s.9 to bring in severable share of jointly owned property

Widow in poor mental health and disabled, entirely reliant on estate

Claim dismissed because estate of no value and therefore no failure to make provision

In any event, C had not been dependent on father, though close secret relationship

NB. judge envisaged that if she had acted at all on promises made by father, result might have been different



Key features of unsuccessful claims

McQuaid v McQuaid (N.Ireland, June 2024)

55-yr-old son, eldest of 6 children

C carried on business as proprietor of amusement arcade and owned 8 properties

‘difficult and fractured’ relationship between father and son

Claim motivated in part by C’s desire to hurt mother

C entirely able to maintain himself

Judge noted that court entitled to take into account conduct of plaintiff, which in this case had been ‘quite appalling’, non-existent relationship with father for years, therefore no moral claim



Key features of unsuccessful claims

Lettice v Lettice (Nov 2022)

70-yr-old daughter, one of 6 children

C had voluntarily given up paid employment and become a minister, lived with mother at that time

No relationship with siblings

C was v unsatisfactory witness including as to her finances

C would receive c.£100,000 (out of £900,000 estate) under will, and received state benefits as well as other (unexplained) income, appeared able to maintain herself at modest level

C had failed to show that will did not make reasonable financial provision for her in all the circs

Key features of unsuccessful claims

Miles v Shearer (April 2021)

Daughters aged 39 and 40

‘a sense of entitlement’ and ‘lack of objectivity’
called father ‘The ChequeBook’

Gifts of c.£180,000 to each daughter in 2008 as legacy which father expected them to invest wisely in property (with message that he would not be providing further financial assistance). They did invest.

Neither daughter was maintained by father during last 10 years of his life, and he refused further requests for money

Both had earning capacity, and their mother indicated in evidence that she would help them financially

[curiously 1 daughter’s obligations to maintain her minor disabled daughter, were disregarded as part of her financial need]

Cs had failed to show that will did not make reasonable provision for them



Key features of unsuccessful claims

Re Mohammed (July 2021)

52-yr-old daughter

Mother's estate c.£390,000 all left to other daughter

C had understated her income and overstated her needs, v unsatisfactory evidence

No medical evidence to support allegation that she could not work for health reasons

C could maintain herself from her own resources

She was estranged from her mother for many years before her death

C had failed to show that will did not make reasonable financial provision for her in all the circs

Key features of unsuccessful claims

Vellesley v Earl Cowley (Jan 2019)



56-yr-old daughter, v troubled upbringing, taken into care, homeless, fostered as a child, history of drug and alcohol abuse

She was estranged from her father for many years before his death

C said she was destitute, but had strong sense of entitlement as of right

Her evidence as to finances was not reliable

Judge found that claimant was able to, and did, live within her means

C's conduct (which caused her to be responsible for the v long estrangement from her father) outweighed all favourable factors

C had failed to show that will did not make reasonable financial provision for her in all the circs

serle court

Any questions?

