

# THE RISELING REPORT . . . . .

EXCLUSIVELY FOR THE ESTATE PLANNING PROFESSIONAL

---

## DON'T THROW THE BABY OUT WITH THE BATH WATER: PRETERMITTED HEIRS IN OKLAHOMA

Oklahoma law (84 O.S. §132) provides that:

**“When any testator omits to provide in his will for any of his children, or for the issue of any deceased child unless it appears that such omission was intentional, such child, or the issue of such child, must have the same share in the estate of the testator, as if he had died intestate . . .”**

(The “**Pretermitted Heir Statute**” or “**§132**”)

Sometimes individuals desire not to leave property to a child.

Oklahoma law does not prevent a parent from *intentionally* excluding a child from a Will, but it does prevent the *unintentional* omission of a living child (or issue of a deceased child). The law presumes that parents wish to leave their children an inheritance. Thus, if a parent does not *intentionally* exclude the child from the Will, then the child will still receive a share of the parent’s estate.

How do you *intentionally* exclude a child from your Will?

To intentionally omit a child, one must make that intention known on the face of the will through the use of ***strong and convincing language***. Simply leaving one’s property to an individual or individuals to the exclusion of a child is not sufficient in Oklahoma. To exclude a child from a Will, (1) specifically and precisely as possible **name** the child in the Will and (2) expressly state that the child receives nothing or a nominal amount. **Simply not mentioning a child will not work**. To properly exclude a child from your Will, we recommend you consult an experienced estate planning attorney so that your wishes are carried out.

---

### RISELING & RHODES, P.C.

Ted M. Riseling ● Jeff K. Rhodes ● Jason M. Fields

2510 E. 21st St.  
Inverness Park  
Tulsa, OK 74114  
(918) 747-0111

Eastern Oklahoma

Toll Free Nationwide  
(866) 747-0111

WWW.OKTRUSTLAW.COM