

Subject Harmless Error Rule for Wills and Trusts

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Overview

The harmless error rule allows a court to consider evidence in a probate matter about whether or not all the formalities of a will have been met. The court may determine by clear and convincing evidence that the person making the document, such as a will or the revocation of the will, did intend for the document to be valid even if all the formal requirements for executing a will have not been met. A number of states have adopted the rule in whole or part, including: California, Colorado, Hawaii, Michigan, Montana, New Jersey, South Dakota, Utah, and Virginia.

Summary

Section	Description
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1	Harmless error.
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	Amends the temporary harmless error rule that was passed in 2020, so that it no longer expires on February 15, 2021, making it a permanent part of the probate code.
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