
OLR Bill Analysis

HB 7142

AN ACT ESTABLISHING A CAUSE OF ACTION FOR TORTIOUS INTERFERENCE WITH THE RIGHT OF AN INHERITANCE.

SUMMARY

This bill creates a civil cause of action for tortious interference with the right of an inheritance by allowing a person to bring an action in Superior Court against someone the person believes obstructed an expected inheritance. An aggrieved person may seek to recover damages, costs, and a reasonable attorney's fee. The bill also creates a three-year statute of limitations within which the aggrieved person may bring an action, starting from the date of the alleged tortious act.

The bill allows someone to bring an action for tortious interference with an expected inheritance if the following conditions are met:

1. the person has an expectation of receiving an inheritance,
2. another person has knowledge of the expected inheritance and engages in conduct that demonstrates an intent to interfere with the expected inheritance,
3. that other person's conduct was tortious (i.e. a wrongful act or infringement of a right) causing the expected inheritance to fail, and
4. the person bringing the action suffered actual economic loss because of the other person's tortious conduct.

State law does not currently provide for this cause of action. However, tortious interference with an expected inheritance is recognized as a valid cause of action in the *Restatement of the Law Second, Torts* and is also generally recognized by the Superior Court. Additionally, the Connecticut Supreme Court recently specified the

common law elements of the tort in a recent case before it, which are substantially similar to the elements outlined under the bill (see BACKGROUND).

EFFECTIVE DATE: October 1, 2025

BACKGROUND

Restatement of the Law Second, Torts

The restatement specifies that a person is liable to another person for loss of inheritance or gift, if the person, by fraud, duress, or other tortious mean, intentionally prevents the other person from receiving an inheritance they would otherwise have received (Restatement (Second) of Torts § 774B).

Markowitz et al. v. Villa

In *Markowitz et al. v. Villa*, 63 Conn. L. Rptr. 787 (2017), the Superior Court (New Haven Judicial District) stated that based on the court's research, there is a split of authority amongst the judges of the Superior Court as to whether a claim of tortious interference with an expected inheritance is a valid cause of action in Connecticut, but the majority of the decisions considering this issue have held that it is a viable claim in Connecticut.

Elements of Tortious Interference With the Right of Inheritance

The Connecticut Supreme Court noted in *Solon v. Slater*, 345 Conn. 794 (2023), that Connecticut's Appellate Court has not yet addressed whether tortious interference with the right of inheritance is a cognizable cause of action. However, without deciding on that matter, the court stated that assuming the cause of action was recognized, the essential elements of tortious interference with the right of inheritance are "(1) an expected inheritance, (2) the defendant's knowledge of the expected inheritance, (3) the defendant's intent to interfere with the expected inheritance, (4) the interference was tortious, and (5) actual loss suffered by the plaintiff as a result of the defendant's tortious conduct."

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 31 Nay 8 (04/10/2025)