

# Your Rights as a California Trust Beneficiary

What You're Entitled to Know and How to Enforce It

## Section 1 — Your Basic Rights Under California Law

If you are a beneficiary of an irrevocable California trust (most trusts become irrevocable at the settlor's death), you are entitled to:

- **A true and complete copy of the trust** — including all amendments
- **Accountings** — generally at least annually, at termination, and on a change of trustee: assets, receipts, disbursements, trustee compensation
- **Timely distributions** — administration takes time, but unreasonable delay is actionable
- **Information about trust assets** — reasonable reports on what the trust holds and what the trustee is doing with it

## Section 2 — How to Request an Accounting

Put it in writing. A dated written demand creates a record and starts clocks that work in your favor. Sample language:

### SAMPLE WRITTEN REQUEST

"Dear [Trustee]: As a beneficiary of the [Name] Trust, I request, pursuant to California Probate Code §§ 16060–16064: (1) a true and complete copy of the trust instrument and all amendments; (2) an accounting of the trust covering the period from [date] to the present, including all assets, receipts, disbursements, and trustee compensation; and (3) a current inventory of trust assets. Please respond within 60 days of the date of this letter. [Signature, date]"

## Section 3 — If the Trustee Is Unresponsive or Delaying

A trustee who receives a proper written demand and does nothing for 60 days hands you leverage: under Probate Code § 17200, you can petition the Los Angeles County Superior Court to compel an accounting, order distributions, instruct the trustee, or remove them. Courts take accounting obligations seriously — a trustee who cannot account is a trustee with a problem. Often, a formal demand letter from an attorney resolves the matter without a petition.

## Section 4 — The 120-Day Clock

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If you received a notice under Probate Code § 16061.7 — the formal notice trustees must send when a trust becomes irrevocable — you generally have **120 days** to contest the trust. Missing the deadline can permanently bar a challenge regardless of its merits. If anything about the trust surprises you — an unexpected amendment, a late-life change, a new beneficiary — get the document reviewed **now**, not after the clock runs.

## Section 5 — Removing a Trustee

Under Probate Code § 17200, beneficiaries can petition for removal of a trustee for breach of trust, self-dealing, refusal to account, unfitness, or hostility that impairs administration. Removal often travels with **surchage** — a court order requiring the trustee to repay trust losses personally.

## Section 6 — Warning Signs: When to Contact an Attorney

- No copy of the trust after a written request
- No accounting after 60 days from a written demand
- Other beneficiaries paid while you are not, without explanation
- The trustee is living in, renting, or using trust property personally
- A late-life amendment benefits a caregiver or new acquaintance
- Eighteen months have passed with no distribution and no explanation

Not every grievance is worth litigating — and you deserve an honest assessment before you spend anything pursuing one. That assessment is where I start.