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They Found Relatives on 23andMe— and Asked for a Cut of the Inheritance

Surprise heirs are showing up and sowing disorder for people handling their loved ones' estates

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ELENA SCOTTI/WSJ; ISTOCK

When Carmen Thomas was growing up in Boston, her mom told her that her absent dad's name was Joe Brown. So when she sent a saliva sample to [23andMe](#) in her 20s and got a match with a Brown, she was excited.

It turned out the man she believed to be her father had died five years earlier, but she connected with two likely half sisters. They went out for boba tea and at a sleepover at their grandmother's, she looked through family albums and held a pillow with his photo printed on it.

A year later, she was suing the Brown sisters and their mother. Thomas wanted a share of a multimillion-dollar medical-malpractice award they had won after Joe

Brown died of an undiagnosed aortic aneurysm. After all, she was his daughter too, Thomas said in a court complaint early last year.

Surprise heirs like Thomas are popping up because of DNA test kits, lawyers say, and wreaking havoc for families handling their loved ones' estates. States are grappling with how to rewrite laws to address the issue, and lawyers are encouraging people [to rethink their estate plans](#).

The lawyer representing the Brown sisters and their mother said his clients were taken aback by Thomas's claims.

"The death of their father was extraordinarily traumatic, as you can imagine. That was compounded by this putative heir all of a sudden showing up and demanding money," said Joseph Lipchitz, a litigator in Boston.

Lipchitz said the case settled and "was resolved favorably" for his clients in part because Thomas made the claim too long after Joe Brown's death. The Brown sisters, their mother and Thomas declined to comment.

In many states, genetics determine who can make a claim on inheritances in the absence of a will or trust. People can inherit from their biological father even if he never knew of them. Other states consider factors such as if there was a relationship with the deceased. It also matters how long after death the claim is made.

Even if there is a will or trust, common phrases such as "to my descendants" or "to my children" can open the door for a surprise relative to make a claim.

"The affairs have always been going on, but now they're getting discovered," said Sarah Moore Johnson, an estate-planning lawyer in Washington, D.C., with expertise on how DNA testing is affecting inheritance claims.

Surprise heirs might have stronger cases if they can show their father supported or openly acknowledged them.

A brother and sister in Utah were fighting over their late father John Heater's estate when the brother reached out to a man he thought might be their half brother. Their DNA matched. The man's mother had apparently had an affair with Heater when she worked for him, according to court documents.

Heater didn't have a will. The man argued his claim in part by noting that Heater had sent him birthday cards with \$100 for years.

The Utah Supreme Court ruled in 2021 that the man was entitled to a third of Heater's estate. For inheritance purposes, the court said he had two fathers—the one who raised him and Heater, his biological dad.

To avoid any unexpected disputes, lawyers advise people to have a will or a will and a revocable trust that accounts for such scenarios. Estate-planning documents can spell out whether biological children who aren't known to the family will inherit, overriding state definitions of descendants, said Carole M. Bass, an estate lawyer in New York.

When a surprise heir shows up, family members might unite. Frank McGuire, a Buffalo, N.Y., businessman died with a will in 2020, leaving behind a multimillion-dollar estate. His beneficiaries included his fourth wife, seven children, grandchildren and the Roman Catholic Diocese of Buffalo, which was left \$2 million. Then, a woman turned up saying she thought McGuire was her father.

Jordan Tripi, a mental-health counselor in Palm Beach Gardens, Fla., had taken a mail-order DNA test that connected her to the family. Soon after, she asserted a right to a share of the estate and demanded a formal DNA test to prove McGuire was her father.

The seven children eventually put up a united front opposing Tripi's requests.

A New York appellate court upheld a surrogate court's decision to compel the DNA test in July.

The parties were nearing a settlement before Thanksgiving.

"I hope that other families in the future can avoid the pain we've suffered," said Jeannie-Marie McGuire, one of the siblings.

Tripi was also still processing the experience. "I'm still working through how I feel about all of it," she said.

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