

FINAL BILL REPORT

SHB 2904

C 193 L 04

Synopsis as Enacted

Brief Description: Modifying estate adjudication provisions.

Sponsors: By House Committee on Judiciary (originally sponsored by Representatives Lovick, Moeller, Kirby, McMahan and Newhouse; by request of Department of Social and Health Services).

House Committee on Judiciary
Senate Committee on Judiciary

Background:

"Probate" is the administration of a dead person's estate under a court's supervision. Washington's probate code covers estates whether or not the decedent has left a will. The probate code provides procedures for transferring a decedent's property and for protecting various potentially competing interests in that property. These interests may be held by family members, joint owners, creditors, and taxing authorities.

Washington's probate code requires that personal representatives be appointed to administer an estate after a person's death. The personal representative is required to publish a general notice to creditors who may have a claim against the estate. If the representative does not publish a general notice, then the representative is required to mail notice of his or her appointment and the pending probate proceedings to the Washington Department of Social and Health Services' Office of Financial Recovery (DSHS).

In some instances, however, no personal representative is appointed to administer an estate, and probate is never initiated. In this case, a person may petition the court for an adjudication of testacy or intestacy and heirship in order to transfer a decedent's property. A person transferring property under such an adjudication is released from liability to the same extent as the person would be if he or she had dealt with a personal representative. The person who obtains the adjudication must only provide notice to the potential heirs, legatees, or devisees of the estate. As a result, estate property may be transferred to the heirs before the DSHS and other creditors are able to collect the decedent's debts.

The DSHS pays more than one hundred million dollars each year to defray the long-term care expenses of the elderly. Federal and state statutes require the DSHS to recover these payments from the estates of deceased elderly recipients of such services.

Summary:

When no personal representative has been appointed, the person obtaining the adjudication of testacy, intestacy, or heirship must, within 30 days, provide notice of the adjudication to the

Washington Department of Social and Health Services' Office of Financial Recovery along with the decedent's name and social security number.

Any person paying, delivering, transferring, or issuing property to the heir of an estate is not released from liability for assets transferred from the estate until four months after providing notice of adjudication.

Votes on Final Passage:

House	95	2
Senate	49	0

Effective: June 10, 2004