

# SENATE BILL REPORT

## SB 5067

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As of January 29, 2013

**Title:** An act relating to will provisions.

**Brief Description:** Concerning will provisions after a testator's marriage or domestic partnership is dissolved, invalidated, or terminated.

**Sponsors:** Senators Padden and Schoesler.

**Brief History:**

**Committee Activity:** Law & Justice: 1/28/13.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Sharon Swanson (786-7447)

**Background:** Any person of sound mind who is at least 18 years old may, by last will, devise all their estate, both real and personal.

Current law provides that the provisions in a will that relate to a former spouse or former domestic partner are revoked when the marriage or domestic partnership is dissolved, invalidated, or terminated, unless the will expressly provides otherwise. Current law is silent as to the legal status of a former stepchild regarding the provisions in a will, when the marriage that established the stepchild relationship is dissolved, invalidated, or terminated.

**Summary of Bill:** The provisions in a will regarding stepchildren from a former spouse or domestic partner are revoked when the marriage or domestic partnership is dissolved, invalidated, or terminated, unless the will expressly provides otherwise.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff Summary of Public Testimony:** PRO: Current law provides that a spouse does not inherit under a will that was written prior to a divorce, however current law does not provide the same revocation of benefits for stepchildren. In many instances, people may have limited contact with stepchildren and, post-divorce, may lose all contact. Why should the law allow for a step-child to inherit even if the former spouse cannot? It is costly for families to go to court to try to get a step-child removed. This bill allows statutory determination that a step-child cannot inherit under a will if the marriage between the step-child's parent and the testator ends prior to the testator's death. Public policy will dictate that a person can take an extra step if they truly want a step-child to inherit regardless of the status of a marriage.

**Persons Testifying:** PRO: John Kragt, attorney Ritzville, Washington