

---

HOUSE BILL 2550

---

State of Washington                      53rd Legislature                      1994 Regular Session

By Representatives Appelwick, Forner, King and Conway; by request of Department of Veterans Affairs

Read first time 01/17/94. Referred to Committee on Judiciary.

1            AN ACT Relating to the veteran estate management program; amending  
2 RCW 73.04.130 and 73.36.040; and adding new sections to chapter 73.04  
3 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 73.04 RCW  
6 to read as follows:

7            Unless the context clearly requires otherwise, the definitions in  
8 this section apply throughout this title.

9            (1) "Director" means the director of the department of veterans  
10 affairs or the director's designee.

11            (2) "Veteran estate management program" means the program under  
12 which the director serves as administrator, guardian of the estate or  
13 federal fiduciary of an incapacitated veteran's estate or incapacitated  
14 veteran's dependent's estate, or the executor of a deceased veteran's  
15 estate.

16            **Sec. 2.** RCW 73.04.130 and 1979 c 64 s 1 are each amended to read  
17 as follows:

1       The director (~~((of the department of veterans affairs or his~~  
2 ~~designee))~~) is authorized to (~~((act as executor under the last will, or~~  
3 ~~as administrator of the estate of any deceased veteran, or as the~~  
4 ~~guardian or duly appointed federal fiduciary of the estate of any~~  
5 ~~insane or incompetent veteran, or as guardian or duly appointed federal~~  
6 ~~fiduciary of the estate of any person))~~) implement a veteran estate  
7 management program and manage the estate of any incapacitated veteran  
8 or incapacitated veteran's dependent who:

9       (1) Is a bona fide resident of the state of Washington ((and who is  
10 certified by the veterans' administration as having money due from the  
11 veterans' administration,));

12       (2) The United States department of veterans affairs or the social  
13 security administration has determined that the payment of ((which))  
14 benefits or entitlements is dependent upon the appointment of a  
15 ((guardian or other type fiduciary. No fee shall be allowed or paid to  
16 the director or his designee for acting as executor, administrator,  
17 guardian or fiduciary, or to any attorney for the director or his  
18 designee)) federal fiduciary or representative payee;

19       (3) Requires the services of a court-appointed guardian or other  
20 type of fiduciary and a responsible family member is not available to  
21 serve as guardian; or

22       (4) Is deceased and has not designated an executor to dispose of  
23 the estate.

24       The director (~~((or his designee,))~~) or any other interested person  
25 may petition the appropriate court or authority for the appointment  
26 (~~((of the director or his designee. Any such petition by the director~~  
27 ~~or his designee shall be without cost and without fee))~~) as guardian or  
28 other type of fiduciary for an incapacitated veteran. If appointed,  
29 the director (~~((or his designee))~~) may serve without bond. This section  
30 shall not affect the prior right to act as administrator of a  
31 (~~((veterans')~~) veteran's estate of such persons as are denominated in  
32 RCW 11.28.120 (1) and (2), nor shall this section affect the  
33 appointment of executor made in the last will of any veteran(~~(, nor~~  
34 ~~shall this section apply to estates larger than fifteen thousand~~  
35 ~~dollars))~~).

36       NEW SECTION. Sec. 3. A new section is added to chapter 73.04 RCW  
37 to read as follows:

1 (1) The director may place a claim against the estate of an  
2 incapacitated or deceased veteran who is a veteran estate management  
3 program client. The claim shall not exceed five percent of the monthly  
4 income to the estate and charges for reasonable expenses incurred in  
5 the execution or administration of the estate including, but not  
6 limited to, filing fees, home visitations, and legal counsel for the  
7 performance of any service under the program.

8 (2) The director may contract with private legal counsel to provide  
9 legal services for veteran estate management program clients.

10 (3) Any fees collected shall be deposited in the veteran estate  
11 management program fund, under section 5 of this act, and shall be  
12 available for the cost of managing and supporting the veteran estate  
13 management program.

14 **Sec. 4.** RCW 73.36.040 and 1951 c 53 s 4 are each amended to read  
15 as follows:

16 No person other than a bank (~~(or)~~), a trust company, or the  
17 department of veterans affairs shall be guardian of more than five  
18 wards at one time, unless all the wards are members of one family.  
19 Upon presentation of a petition by an attorney of the veterans  
20 administration or other interested person, alleging that a guardian is  
21 acting in a fiduciary capacity for more than five wards as herein  
22 provided and requesting his or her discharge for that reason, the  
23 court, upon proof substantiating the petition, shall require a final  
24 accounting forthwith from such guardian and shall discharge him or her  
25 from guardianships in excess of five and forthwith appoint a successor.

26 NEW SECTION. **Sec. 5.** A new section is added to chapter 73.04 RCW  
27 to read as follows:

28 The veteran estate management program account is created in the  
29 custody of the state treasurer. All receipts from fees collected under  
30 section 3 of this act shall be deposited into the account.  
31 Expenditures from the account may be used only for managing and  
32 supporting the veteran estate management program. Only the director of  
33 veterans affairs or the director's designee may authorize expenditures  
34 from the account. The account is subject to allotment procedures under  
35 chapter 43.88 RCW, but no appropriation is required for expenditures.

--- END ---