
SUBSTITUTE SENATE BILL 6237

State of Washington

53rd Legislature

1994 Regular Session

By Senate Committee on Government Operations (originally sponsored by Senators Franklin, M. Rasmussen, Winsley, Erwin, Quigley, Sellar and Oke; by request of Department of Veterans Affairs)

Read first time 02/04/94.

1 AN ACT Relating to the veteran estate management program; amending
2 RCW 73.04.130 and 73.36.050; adding new sections to chapter 73.04 RCW;
3 and repealing RCW 73.36.070.

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 or federal fiduciary of an
13 incapacitated veteran's estate or incapacitated veteran's dependent's
14 estate, or the executor of a deceased veteran's estate.

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

17 The director (~~((of the department of veterans affairs or his~~
18 ~~designee))~~) is authorized to (~~((act as executor under the last will, or~~

1 ~~as administrator of the estate of any deceased veteran, or as the~~
2 ~~guardian or duly appointed federal fiduciary of the estate of any~~
3 ~~insane or incompetent veteran, or as guardian or duly appointed federal~~
4 ~~fiduciary of the estate of any person)) implement a veteran estate
5 management program and manage the estate of any incapacitated veteran
6 or incapacitated veteran's dependent who:~~

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

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

17 (3) Requires the services of a fiduciary and a responsible family
18 member is not available; or

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

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

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

35 (1) The director may place a claim against the estate of an
36 incapacitated or deceased veteran who is a veteran estate management
37 program client. The claim shall not exceed five percent of the monthly
38 income to the estate and charges for reasonable expenses incurred in

1 the execution or administration of the estate. The director shall
2 waive all or any portion of the claim if the payment or a portion
3 thereof would pose a hardship to the veteran.

4 (2) Any fees collected shall be deposited in the veteran estate
5 management program fund, under section 4 of this act, and shall be
6 available for the cost of managing and supporting the veteran estate
7 management program.

8 NEW SECTION. **Sec. 4.** A new section is added to chapter 73.04 RCW
9 to read as follows:

10 The veteran estate management program account is created in the
11 custody of the state treasurer. All receipts from fees collected under
12 section 3 of this act shall be deposited into the account.
13 Expenditures from the account may be used only for managing and
14 supporting the veteran estate management program. Only the director of
15 veterans affairs or the director's designee may authorize expenditures
16 from the account. The account is subject to allotment procedures under
17 chapter 43.88 RCW, but no appropriation is required for expenditures.

18 **Sec. 5.** RCW 73.36.050 and 1951 c 53 s 5 are each amended to read
19 as follows:

20 (1) A petition for the appointment of a guardian may be filed by
21 any relative or friend of the ward or by any person who is authorized
22 by law to file such a petition. If there is no person so authorized or
23 if the person so authorized refuses or fails to file such a petition
24 within thirty days after mailing of notice by the veterans
25 administration to the last known address of the person, if any,
26 indicating the necessity for the same, a petition for appointment may
27 be filed by any resident of this state.

28 (2) The petition for appointment shall set forth the name, age,
29 place of residence of the ward, the name and place of residence of the
30 nearest relative, if known, and the fact that the ward is entitled to
31 receive benefits payable by or through the veterans administration and
32 shall set forth the amount of moneys then due and the amount of
33 probable future payments.

34 (3) The petition shall also set forth the name and address of the
35 person or institution, if any, having actual custody of the ward and
36 the name, age, relationship, if any, occupation and address of the
37 proposed guardian and if the nominee is a natural person, the number of

1 wards for whom the nominee is presently acting as guardian.
2 Notwithstanding any law as to priority of persons entitled to
3 appointment, or the nomination in the petition, the court may appoint
4 some other individual or a bank or trust company as guardian, if the
5 court determines it is for the best interest of the ward.

6 (4) In the case of a mentally incompetent ward the petition shall
7 show that such ward has been rated incompetent by the veterans
8 administration on examination in accordance with the laws and
9 regulations governing the veterans administration.

10 (5) All proceedings under this chapter shall be governed by the
11 provisions of chapters 11.88 and 11.92 RCW which shall prevail over any
12 conflicting provisions of this chapter.

13 NEW SECTION. Sec. 6. A new section is added to chapter 73.04 RCW
14 to read as follows:

15 The director or any other department of veterans affairs employee
16 shall not serve as guardian for any resident at the Washington state
17 veterans' homes.

18 NEW SECTION. Sec. 7. RCW 73.36.070 and 1951 c 53 s 7 are each
19 repealed.

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