
SECOND SUBSTITUTE SENATE BILL 6237

State of Washington

53rd Legislature

1994 Regular Session

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

Read first time 02/25/94.

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 the amount allowed by rule
38 of the United States department of veterans affairs and charges for

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

4 (2) Any fees collected shall be deposited in the state general
5 fund--local and shall be available for the cost of managing and
6 supporting the veteran estate management program. All expenditures and
7 revenue control shall be subject to chapter 43.88 RCW.

8 **Sec. 4.** RCW 73.36.050 and 1951 c 53 s 5 are each amended to read
9 as follows:

10 (1) A petition for the appointment of a guardian may be filed by
11 any relative or friend of the ward or by any person who is authorized
12 by law to file such a petition. If there is no person so authorized or
13 if the person so authorized refuses or fails to file such a petition
14 within thirty days after mailing of notice by the veterans
15 administration to the last known address of the person, if any,
16 indicating the necessity for the same, a petition for appointment may
17 be filed by any resident of this state.

18 (2) The petition for appointment shall set forth the name, age,
19 place of residence of the ward, the name and place of residence of the
20 nearest relative, if known, and the fact that the ward is entitled to
21 receive benefits payable by or through the veterans administration and
22 shall set forth the amount of moneys then due and the amount of
23 probable future payments.

24 (3) The petition shall also set forth the name and address of the
25 person or institution, if any, having actual custody of the ward and
26 the name, age, relationship, if any, occupation and address of the
27 proposed guardian and if the nominee is a natural person, the number of
28 wards for whom the nominee is presently acting as guardian.
29 Notwithstanding any law as to priority of persons entitled to
30 appointment, or the nomination in the petition, the court may appoint
31 some other individual or a bank or trust company as guardian, if the
32 court determines it is for the best interest of the ward.

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

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

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

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

9 NEW SECTION. Sec. 6. RCW 73.36.070 and 1951 c 53 s 7 are each
10 repealed.

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