

HOUSE BILL REPORT

SB 6121

As Passed House:

March 3, 2004

Title: An act relating to filing a will under seal before the testator's death.

Brief Description: Filing a will under seal before the testator's death.

Sponsors: By Senators Johnson, Kline, McCaslin, Esser and Winsley.

Brief History:

Committee Activity:

Judiciary: 2/19/04, 2/26/04 [DP].

Floor Activity:

Passed House: 3/3/04, 96-0.

Brief Summary of Bill

- Allows sealed wills to be submitted to the court before the death of the testator.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 9 members: Representatives Lantz, Chair; Moeller, Vice Chair; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell, Flannigan, Kirby, Lovick and Newhouse.

Staff: Sarah Shirey (786-5793); Edie Adams (786-7180).

Background:

Attorneys often store their clients' wills as a courtesy. Frequently these wills remain in storage at the drafter's law office longer than the attorney remains in practice. If the attorney has not made provisions for the proper disposition of a client's will prior to the attorney's death, retirement, or out-of-state relocation, these stored wills are transferred to the State Bar Association. The State Bar has the burden of locating each testator.

Summary of Bill:

Wills under seal may be submitted to the court clerk for safekeeping before a testator's death. A testator may withdraw a sealed original will from the court by showing proper identification. A testator's attorney or guardian may withdraw the will only after obtaining a court order by demonstrating good cause. The clerk may unseal the will only upon request and a showing of a testator's death certificate.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: The State Bar has requested this bill as a way to ease the burden on thousands of law firms around the state and the State Bar Association. Not only does this bill provide a safe and easy way for retiring attorneys to deal with the hundreds of wills they have stored at their offices, it also helps to protect elderly people from financial abuse or predatory practices. By having a will repository at the court house, a paper trail is created that helps establish the testamentary intent of the testator and assists beneficiaries in locating the original will.

Testimony Against: None.

Persons Testifying: Michael Olver, Washington State Bar Association and National Academy of Elder Law.

Persons Signed In To Testify But Not Testifying: None.