

# HOUSE BILL REPORT

## SSB 6531

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**As Reported by House Committee On:**  
Judiciary

**Title:** An act relating to estate adjudication for the department of social and health services.

**Brief Description:** Modifying estate adjudication provisions.

**Sponsors:** Senate Committee on Judiciary (originally sponsored by Senators Johnson, Kline and Esser; by request of Department of Social and Health Services).

**Brief History:**

**Committee Activity:**

Judiciary: 2/20/04, 2/26/04 [DP].

**Brief Summary of Substitute Bill**

- Requires that notice of estate adjudications be sent to the Washington Department of Social and Health Services; and
- Requires that the heir of an estate wait four months after providing notice of adjudication before being released from liability for assets transferred from the estate.

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### 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); Bill Perry (786-7123).

**Background:**

"Probate" is the administration of a deceased person's estate under the supervision of a court. The probate code covers estates whether or not the decedent has left a will. Washington's Probate Code provides procedures for transferring a decedent's property and for protecting various potentially competing interests in that property. These interests may be held by family members, joint owners, creditors, and taxing authorities.

Washington's probate code requires that personal representatives be appointed to administer an estate after a person's death. The personal representative is required to publish a general notice to creditors who may have a claim against the estate. If the representative does not publish a general notice, then the representative is required to mail notice of his or her appointment and the pending probate proceedings to the Washington Department of Social and Health Services' Office of Financial Recovery (DSHS).

In some instances, however, no personal representative is appointed to administer an estate, and probate is never initiated. In this case, a person may petition the court for an adjudication of testacy or intestacy and heirship in order to transfer a decedent's property. The person who obtains the adjudication must only provide notice to the potential heirs, legatees, or devisees of the estate. As a result, estate property may be transferred to the heirs before the DSHS and other creditors are able to collect the decedent's debts.

The DSHS pays more than \$100 million each year to defray the long-term care expenses of the elderly. Federal and state statutes require the DSHS to recover these payments from the estates of deceased elderly recipients of such services.

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**Summary of Bill:**

When no personal representative has been appointed, the person obtaining the adjudication of testacy, intestacy, or heirship has 30 days to provide notice of the adjudication to the Washington Department of Social and Health Services' Office of Financial Recovery along with the decedent's name and social security number.

Any person paying, delivering, transferring, or issuing property to the heir of an estate is not released from liability for assets transferred from the estate for four months after providing notice of adjudication.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** The DSHS supports the Senate and House's versions of the bill, as they are substantively the same. The DSHS has no preference as to which one should be enacted.

**Testimony Against:** None.

**Persons Testifying:** Denise Gaither, Department of Social and Health Services.

**Persons Signed In To Testify But Not Testifying:** None.