

# SENATE BILL REPORT

## SHB 2904

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As Reported By Senate Committee On:  
Judiciary, February 27, 2004

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

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

**Sponsors:** House Committee on Judiciary (originally sponsored by Representatives Lovick, Moeller, Kirby, McMahan and Newhouse; by request of Department of Social and Health Services).

**Brief History:**

**Committee Activity:** Judiciary: 2/26/04, 2/27/04 [DP].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Thibaudeau.

**Staff:** Jinnah Rose-McFadden (786-7421)

**Background:** "Probate" is the administration of a dead person's estate under the supervision of a court. Washington's Probate Code provides procedures for transferring a decedent's property and for protecting various potentially competing interests in that property.

The 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' (DSHS) Office of Financial Recovery. In some instances, 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 DSHS and other creditors are able to collect the decedent's debts.

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

**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.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This is a simple, but important, bill that saves the state money.

**Testimony Against:** None.

**Testified:** PRO: Representative John Lovick.