

# SENATE BILL REPORT

## SB 6531

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As Reported By Senate Committee On:  
Judiciary, February 6, 2004

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

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

**Sponsors:** Senators Johnson, Kline and Esser; by request of Department of Social and Health Services.

**Brief History:**

**Committee Activity:** Judiciary: 2/5/04, 2/6/04 [DPS].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** That Substitute Senate Bill No. 6531 be substituted therefor, and the substitute bill do pass.

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

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

**Background:** Under current law, when no representative is appointed to administer the estate of a deceased person, the person who attains the adjudication of testacy, or intestacy and heirship, is required to mail written notice of the adjudication to each heir, legatee, and devisee of the decedent.

There is currently no requirement that the Department of Social and Health Services (DSHS) be provided notice of such an adjudication. However, under federal law, DSHS may recover Medicaid payments from a decedent's estate, where feasible.

**Summary of Substitute Bill:** DSHS, Office of Financial Recovery, must be notified of orders adjudicating testacy, or intestacy and heirship, of deceased persons. The effect of this bill allows DSHS to recover funds from a decedent's estate.

DSHS, as well as each heir, legatee and devisee of the decedent, must be notified of the adjudication within 30 days. The notice may be personally served or mailed.

**Substitute Bill Compared to Original Bill:** The original bill was not considered.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** The Department of Social and Health Services (DSHS) is required, in some instances, to recoup Medicaid payments for long-term care. Under various sections of the state code, DSHS is statutorily required to receive notice of probate proceedings. This notification allows DSHS to recoup Medicaid payments where appropriate. The money recouped by DSHS is returned to the Medicaid long-term care program. The instance addressed by this bill is one of the few instances where DSHS is not required by statute to receive notice of an estate adjudication. This bill supports the Governor's budget, by assisting DSHS in recouping funds for the long-term care program. DSHS estimates that \$500,000 can be recouped.

**Testimony Against:** None.

**Testified:** PRO: Denise Gaither, Department of Social and Health Services.