

**FINAL BILL REPORT**

**2SSB 6237**

**C 147 L 94**

**SYNOPSIS AS ENACTED**

**Brief Description:** Implementing the veteran estate management program.

**SPONSORS:** 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)

**SENATE COMMITTEE ON GOVERNMENT OPERATIONS**

**SENATE COMMITTEE ON WAYS & MEANS**

**BACKGROUND:**

The Director of the Department of Veterans Affairs or the director's designee is authorized to act as (1) executor under the last will of any deceased veteran; (2) administrator of the estate of any deceased veteran; (3) guardian or duly appointed federal fiduciary of the estate of any insane or incompetent veteran; (4) or guardian or duly appointed federal fiduciary of the estate of any person who (a) resides in the state of Washington, and (b) who is certified as having money due from the Veterans Administration, the payment of which is dependent upon the appointment of a guardian or other type of fiduciary.

No fee to the director or the director's designee or to any attorney may be charged to the estate. The director or the director's designee or any other interested person may petition the court for the appointment of the director or the director's designee. This petition is again without cost or fee.

Currently, this only applies to estates valued at \$15,000 or less.

**SUMMARY:**

The Veteran Estate Management Program is created in order to allow the Director of the Department of Veterans Affairs or the director's designee to serve as administrator, guardian of the estate or federal fiduciary of an incapacitated veteran's estate or as the executor of a deceased veteran's estate. The estate of an incapacitated veteran's dependant is newly brought under the statute's purview.

Some veterans or their dependents are incapacitated. In order to receive benefits or entitlements, these incapacitated people may be required by the United States Department of

Veterans Affairs or by the Social Security Administration to have a federal fiduciary or representative payee to receive their benefits on their behalf. When a family member is not available to serve as guardian and the incapacitated person requires the services of a court appointed guardian or other type of fiduciary, the Director of Veterans Affairs or any other interested party may petition a court or authority to be appointed as guardian or fiduciary. Likewise, when a veteran is deceased and has not designated an executor, the director or any other interested person may petition the court to be appointed as executor.

There is no limitation on the size of the estate which may come under the Veteran Estate Management Program's jurisdiction. The Veteran Estate Management Program is authorized, but not required, to charge the estate of the incapacitated or deceased veteran, but not the estate of the incapacitated dependent, who is a client of the program. The fees are set at the amount allowed by federal Department of Veterans Affairs rules. The director is allowed to waive all or part of that claim that poses a hardship to the veteran. Any fees collected are to be deposited in the state general fund-local and shall be available for the cost of managing and supporting the program. No member of the department may serve as guardian for a resident of the state veterans' homes.

**VOTES ON FINAL PASSAGE:**

Senate	46	0
House	94	1

**EFFECTIVE:** June 9, 1994