

SENATE BILL REPORT

SB 5941

As Reported By Senate Committee On:
Judiciary, February 27, 2001

Title: An act relating to inheritance rights of parents.

Brief Description: Revising inheritance rights of parents who did not provide regular support for a minor child.

Sponsors: Senators Regala, McCaslin, Kline and Oke.

Brief History:

Committee Activity: Judiciary: 2/20/01, 2/27/01 [DPS, DNP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5941 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Kastama and McCaslin.

Minority Report: Do not pass.

Signed by Senators Johnson and Zarelli.

Staff: Lilah Amos (786-7421)

Background: The estate of a Washington resident who dies without a will is distributed to his or her surviving spouse and relatives according to statutes regarding descent and distribution. The portion which is not distributed to a surviving spouse goes first to the children of the decedent. If there is no surviving child, the parents who survive the decedent receive the inheritance equally. The statute does not distinguish between those parents who have provided support to the decedent and those who did not support the decedent during his or her minority. Concerns have arisen about potential inequity resulting from distribution based solely on existence of a legal relationship without regard to support of the decedent by that parent during minority.

Summary of Substitute Bill: When a person with no spouse or children dies without a will, the estate is distributed to the surviving parents of the decedent who have supported the child during minority. However, if a parent wilfully abandoned the child and wilfully failed to contribute to the emotional, psychological, or financial support of the child during minority, that parent cannot inherit and is deemed to have predeceased the child. A parent who resumed a parental relationship which continued until the death of the child is allowed to inherit.

Substitute Bill Compared to Original Bill: A parent cannot inherit from a child if the parent has wilfully abandoned the child and wilfully failed to contribute to the child's

emotional, psychological, or financial support. A parent who has abandoned a child but later resumed a parental relationship until the death of the child is allowed to inherit.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Persons who claim money from a child's estate after wilfully failing to emotionally and financially support that child during minority should not be allowed to inherit. Nine states have similar legislation. This is not intended to address those parents who were unable to provide financial support but were still involved in the child's life and provided emotional guidance.

Testimony Against: The bill is too broad and includes too many family situations which do not warrant a prohibition against inheritance.

Testified: Senator Debbie Regala (pro); Judge Thomas Larkin, Pierce County Superior Court (pro); Gail Stone, WSBA (con).