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**SUBSTITUTE SENATE BILL 5941**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** Senate Committee on Judiciary (originally sponsored by Senators Regala, McCaslin, Kline and Oke)

READ FIRST TIME 03/05/01.

1 AN ACT Relating to inheritance rights of parents; and amending RCW  
2 11.04.015.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 11.04.015 and 1974 ex.s. c 117 s 6 are each amended to  
5 read as follows:

6 The net estate of a person dying intestate, or that portion thereof  
7 with respect to which the person shall have died intestate, shall  
8 descend subject to the provisions of RCW 11.04.250 and 11.02.070, and  
9 shall be distributed as follows:

10 (1) Share of surviving spouse. The surviving spouse shall receive  
11 the following share:

12 (a) All of the decedent's share of the net community estate; and

13 (b) One-half of the net separate estate if the intestate is  
14 survived by issue; or

15 (c) Three-quarters of the net separate estate if there is no  
16 surviving issue, but the intestate is survived by one or more of his or  
17 her parents, or by one or more of the issue of one or more of his or  
18 her parents; or

1 (d) All of the net separate estate, if there is no surviving issue  
2 nor parent nor issue of parent.

3 (2) Shares of others than surviving spouse. The share of the net  
4 estate not distributable to the surviving spouse, or the entire net  
5 estate if there is no surviving spouse, shall descend and be  
6 distributed as follows:

7 (a) To the issue of the intestate; if they are all in the same  
8 degree of kinship to the intestate, they shall take equally, or if of  
9 unequal degree, then those of more remote degree shall take by  
10 representation.

11 (b) If the intestate not be survived by issue, then to the parent  
12 or parents who survive the intestate, except that a parent who  
13 willfully abandoned the intestate and willfully failed to regularly  
14 contribute to the emotional, psychological, or financial support of the  
15 intestate when the intestate was a minor may not inherit under this  
16 section unless the parent resumed the parental relationship and such  
17 parental relationship continued until the death of the child. A parent  
18 who is prohibited from inheriting shall be deemed to have predeceased  
19 the intestate as to property that would have passed to the parent under  
20 this section. For purposes of this subsection, "abandon" means an  
21 expression, either by statement or conduct, of an intent to forgo, for  
22 an extended period, parental rights or responsibilities despite an  
23 ability to exercise such rights and responsibilities.

24 (c) If the intestate not be survived by issue or by either parent,  
25 then to those issue of the parent or parents who survive the intestate;  
26 if they are all in the same degree of kinship to the intestate, they  
27 shall take equally, or, if of unequal degree, then those of more remote  
28 degree shall take by representation.

29 (d) If the intestate not be survived by issue or by either parent,  
30 or by any issue of the parent or parents who survive the intestate,  
31 then to the grandparent or grandparents who survive the intestate; if  
32 both maternal and paternal grandparents survive the intestate, the  
33 maternal grandparent or grandparents shall take one-half and the  
34 paternal grandparent or grandparents shall take one-half.

35 (e) If the intestate not be survived by issue or by either parent,  
36 or by any issue of the parent or parents or by any grandparent or  
37 grandparents, then to those issue of any grandparent or grandparents  
38 who survive the intestate; taken as a group, the issue of the maternal  
39 grandparent or grandparents shall share equally with the issue of the

1 paternal grandparent or grandparents, also taken as a group; within  
2 each such group, all members share equally if they are all in the same  
3 degree of kinship to the intestate, or, if some be of unequal degree,  
4 then those of more remote degree shall take by representation.

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