

Revision to new probate law requested by the Washington Association of Professional Guardians.

DRAFT AMENDATORY LANGUAGE

New matter is underlined; deleted matter is ((struck through)). Amends chapter 204, Laws of 2026 (EHB 2445).

Sec. 1. RCW 11.36.010 and 2026 c 204 s 5 are each amended to read as follows:

(1) The following persons are not qualified to act as personal representatives:

(a) Corporations, limited liability companies, and limited liability partnerships, except as provided in subsections (2) through ~~((4))~~ (5) of this section;

(b) through (g) [No changes.]

(2) [Trust companies and national banks — no changes.]

(3) [Attorney-owned professional entities — no changes.]

(4) Individual and Agency Certified Professional Guardian and Conservator holding an active certification in good standing may act as personal representatives.

~~((4))~~ (5) Any nonprofit corporation may act as personal representative if the articles of incorporation or bylaws of that corporation permit the action and the corporation is in compliance with all applicable provisions of Title 24 RCW.

~~((5))~~ (6) When any person to whom letters testamentary or of administration have been issued becomes disqualified to act because of becoming of unsound mind or receiving an adverse adjudication described in subsection (1) of this section, the court having jurisdiction must revoke his or her letters. [Remainder of subsection unchanged.]

~~((6))~~ (7) A nonresident may be appointed to act as personal representative . . . [No further changes.]

Sec. 2. RCW 11.28.120 and 2026 c 204 s 2 are each amended to read as follows:

(3) If the persons entitled as set forth in this section shall fail for more than 90 days after the death of the decedent to present a petition for letters of administration, then the court may appoint any suitable person to administer such estate. Such person shall receive only such compensation in connection with administration of the estate as is provided under RCW 11.48.210, and shall not purchase, acquire, or receive proceeds from the sale of estate assets except as provided under RCW 11.48.020. Unless such person is ~~((an entity))~~ a person or entity described under RCW 11.36.010 (2)~~((or))~~ (3), or (4), such person (a) shall be ineligible to receive nonintervention powers, and (b) shall be limited to two petitions for appointment under this subsection per year.

Sec. 3. RCW 11.28.185 and 2026 c 204 s 3 are each amended to read as follows:

. . . In all cases where a personal representative is appointed under RCW 11.28.120(3) and is not ~~((an entity))~~ a person or entity described under RCW 11.36.010 (2)~~((-or))~~ , (3), or (4), bond shall be required in an amount commensurate with the major probate assets identified under RCW 11.28.110(1)(d). In all other cases, unless waived by the court, the personal representative shall give such bond or other security, in such amount and with such surety or sureties, as the court may direct. [Remainder of section unchanged.]

Sec. 4. RCW 11.68.011 and 2026 c 204 s 9 are each amended to read as follows:

(1) A personal representative may petition the court for nonintervention powers, whether the decedent died testate or intestate. However, a personal representative who is appointed under RCW 11.28.120(3) and who is not ~~((an entity))~~ a person or entity described under RCW 11.36.010 (2)~~((-or))~~ , (3), or (4) may not petition the court for nonintervention powers and may not be granted nonintervention powers.

(2) and (3) [No changes.]