

Chapter 11.84 RCW
INHERITANCE RIGHTS OF SLAYERS OR ABUSERS

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RCW 11.84.010 Definitions. As used in this chapter:

- (1) "Abuser" means any person who participates, either as a principal or an accessory before the fact, in the willful and unlawful financial exploitation of a vulnerable adult.
- (2) "Decedent" means:
 - (a) Any person whose life is taken by a slayer; or
 - (b) Any deceased person who, at any time during life in which he or she was a vulnerable adult, was the victim of financial exploitation by an abuser.
- (3) "Financial exploitation" has the same meaning as provided in RCW 74.34.020, as enacted or hereafter amended.
- (4) "Property" includes any real and personal property and any right or interest therein.
- (5) "Slayer" means any person who participates, either as a principal or an accessory before the fact, in the willful and unlawful killing of any other person as determined under RCW 11.84.140.
- (6) "Vulnerable adult" has the same meaning as provided in RCW 74.34.020. [2016 c 211 s 1; 2009 c 525 s 1; 1965 c 145 s 11.84.010. Prior: 1955 c 141 s 1.]

Short title—2016 c 211: "This act may be known and cited as Carol's law." [2016 c 211 s 3.]

RCW 11.84.020 Slayer or abuser not to benefit from death. No slayer or abuser shall in any way acquire any property or receive any benefit as the result of the death of the decedent, but such property shall pass as provided in the sections following. [2009 c 525 s 2; 1965 c 145 s 11.84.020. Prior: 1955 c 141 s 2.]

RCW 11.84.025 Disposition of retirement system proceeds payable to slayer or abuser. Proceeds payable to a slayer or abuser as the beneficiary of any benefits flowing from one of the retirement systems listed in RCW 41.50.030, by virtue of the decedent's membership in the department of retirement systems or by virtue of the death of decedent, shall be paid instead as designated in RCW 41.04.273. [2009 c 525 s 3; 1998 c 292 s 502.]

Application—Conflict with federal requirements—1998 c 292: See notes following RCW 41.04.273.

Effective dates—1998 c 292: See RCW 11.11.903.

RCW 11.84.030 Slayer or abuser deemed to predecease decedent. The slayer or abuser shall be deemed to have predeceased the decedent as to property which would have passed from the decedent or his or her estate to the slayer or abuser under the statutes of descent and distribution or have been acquired by statutory right as surviving spouse or surviving domestic partner or under any agreement made with the decedent under the provisions of RCW 26.16.120 as it now exists or is hereafter amended. [2009 c 525 s 4; 2008 c 6 s 624; 1965 c 145 s 11.84.030. Prior: 1955 c 141 s 3.]

Part headings not law—Severability—2008 c 6: See RCW 26.60.900 and 26.60.901.

RCW 11.84.040 Distribution of decedent's property. Property which would have passed to or for the benefit of the slayer or abuser by devise or legacy from the decedent shall be distributed as if he or she had predeceased the decedent. [2009 c 525 s 5; 1965 c 145 s 11.84.040. Prior: 1955 c 141 s 4.]

RCW 11.84.050 Distribution of property held jointly with slayer or abuser. (1) One-half of any property held by the slayer or abuser and the decedent as joint tenants, joint owners or joint obligees shall pass upon the death of the decedent to his or her estate, and the other half shall pass to his or her estate upon the death of the slayer or abuser, unless the slayer or abuser obtains a separation or severance of the property or a decree granting partition.

(2) As to property held jointly by three or more persons, including the slayer or abuser and the decedent, any enrichment which would have accrued to the slayer or abuser as a result of the death of the decedent shall pass to the estate of the decedent. If the slayer or abuser becomes the final survivor, one-half of the property shall immediately pass to the estate of the decedent and the other half shall pass to his or her estate upon the death of the slayer or

abuser, unless the slayer or abuser obtains a separation or severance of the property or a decree granting partition.

(3) The provisions of this section shall not affect any enforceable agreement between the parties or any trust arising because a greater proportion of the property has been contributed by one party than by the other. [2009 c 525 s 6; 1965 c 145 s 11.84.050. Prior: 1955 c 141 s 5.]

RCW 11.84.060 Reversion and vested remainder. Property in which the slayer holds a reversion or vested remainder and would have obtained the right of present possession upon the death of the decedent shall pass to the estate of the decedent during the period of the life expectancy of decedent; if he or she held the particular estate or if the particular estate is held by a third person it shall remain in his or her hands for such period. [2010 c 8 s 2086; 1965 c 145 s 11.84.060. Prior: 1955 c 141 s 6.]

RCW 11.84.070 Property subject to divestment, etc. Any interest in property whether vested or not, held by the slayer or abuser, subject to be divested, diminished in any way or extinguished, if the decedent survives him or her or lives to a certain age, shall be held by the slayer or abuser during his or her lifetime or until the decedent would have reached such age, but shall then pass as if the decedent had died immediately thereafter. [2009 c 525 s 7; 1965 c 145 s 11.84.070. Prior: 1955 c 141 s 7.]

RCW 11.84.080 Contingent remainders and future interests. As to any contingent remainder or executory or other future interest held by the slayer or abuser, subject to become vested in him or her or increased in any way for him or her upon the condition of the death of the decedent:

(1) If the interest would not have become vested or increased if he or she had predeceased the decedent, he or she shall be deemed to have so predeceased the decedent;

(2) In any case the interest shall not be vested or increased during the period of the life expectancy of the decedent. [2009 c 525 s 8; 1965 c 145 s 11.84.080. Prior: 1955 c 141 s 8.]

RCW 11.84.090 Property appointed—Powers of revocation or appointment. (1) Property appointed by the will of the decedent to or for the benefit of the slayer or abuser shall be distributed as if the slayer or abuser had predeceased the decedent.

(2) Property held either presently or in remainder by the slayer or abuser, subject to be divested by the exercise by the decedent of a power of revocation or a general power of appointment shall pass to the estate of the decedent, and property so held by the slayer or abuser, subject to be divested by the exercise by the decedent of a power of appointment to a particular person or persons or to a class of persons, shall pass to such person or persons, or in equal shares to the members of such class of persons, exclusive of the slayer or abuser. [2009 c 525 s 9; 1965 c 145 s 11.84.090. Prior: 1955 c 141 s 9.]

RCW 11.84.100 Insurance proceeds. (1) Insurance proceeds payable to the slayer or abuser as the beneficiary or assignee of any policy or certificate of insurance on the life of the decedent, or as the survivor of a joint life policy, shall be paid instead to the estate of the decedent, unless the policy or certificate designate some person other than the slayer or abuser or his or her estate as secondary beneficiary to him or her and in which case such proceeds shall be paid to such secondary beneficiary in accordance with the applicable terms of the policy.

(2) If the decedent is beneficiary or assignee of any policy or certificate of insurance on the life of the slayer or abuser, the proceeds shall be paid to the estate of the decedent upon the death of the slayer or abuser, unless the policy names some person other than the slayer or abuser or his or her estate as secondary beneficiary, or unless the slayer or abuser by naming a new beneficiary or assigning the policy performs an act which would have deprived the decedent of his or her interest in the policy if he or she had been living. [2009 c 525 s 10; 1965 c 145 s 11.84.100. Prior: 1955 c 141 s 10.]

RCW 11.84.110 Payment by insurance company, bank, etc.—No additional liability. Any insurance company making payment according to the terms of its policy or any bank or other person performing an obligation for the slayer or abuser as one of several joint obligees shall not be subjected to additional liability by the terms of this chapter if such payment or performance is made without written notice, at its home office or at an individual's home or business address, of the killing by a slayer or financial exploitation by an abuser. [2009 c 525 s 11; 1965 c 145 s 11.84.110. Prior: 1955 c 141 s 11.]

RCW 11.84.120 Rights of persons without notice dealing with slayer or abuser. The provisions of this chapter shall not affect the rights of any person who, before the interests of the slayer or abuser have been adjudicated, purchases or has agreed to purchase, from the slayer or abuser for value and without notice property which the slayer or abuser would have acquired except for the terms of this chapter, but all proceeds received by the slayer or abuser from such sale shall be held by him or her in trust for the persons entitled to the property under the provisions of this chapter, and the slayer or abuser shall also be liable both for any portion of such proceeds which he or she may have dissipated and for any difference between the actual value of the property and the amount of such proceeds. [2009 c 525 s 12; 1965 c 145 s 11.84.120. Prior: 1955 c 141 s 12.]

RCW 11.84.130 Record of conviction as evidence against claimant of property. Any record of conviction for having participated in the willful and unlawful killing of the decedent or for conduct constituting financial exploitation against the decedent, including but not limited to theft, forgery, fraud, identity theft, robbery, burglary, or extortion, shall be admissible in evidence against a claimant of property in any civil proceeding arising under this chapter. [2009 c 525 s 13; 1965 c 145 s 11.84.130. Prior: 1955 c 141 s 13.]

RCW 11.84.140 Slayer determination—Conviction—Preponderance of evidence. (1) A final judgment of conviction for the willful and unlawful killing of the decedent is conclusive for purposes of determining whether a person is a slayer under this section. A finding of not guilty by reason of insanity for the willful and unlawful killing of the decedent carries the same meaning as a judgment of conviction.

(2) In the absence of a criminal conviction or a finding of not guilty by reason of insanity, a superior court finding by a preponderance of the evidence that a person participated in the willful and unlawful killing of the decedent is conclusive for purposes of determining whether a person is a slayer under this section. [2016 c 211 s 2; 2009 c 525 s 14.]

Short title—2016 c 211: See note following RCW 11.84.010.

RCW 11.84.150 Abuser determination—Conviction—Clear, cogent, and convincing evidence. (1) A final judgment of conviction for conduct constituting financial exploitation against the decedent, including but not limited to theft, forgery, fraud, identity theft, robbery, burglary, or extortion, is conclusive for purposes of determining whether a person is an abuser under this section.

(2) In the absence of a criminal conviction, a superior court finding by clear, cogent, and convincing evidence that a person participated in conduct constituting financial exploitation against the decedent is conclusive for purposes of determining whether a person is an abuser under this section. [2009 c 525 s 15.]

RCW 11.84.160 Abuser determination—Evidence factors. (1) In determining whether a person is an abuser for purposes of this chapter, the court must find by clear, cogent, and convincing evidence that:

(a) The decedent was a vulnerable adult at the time the alleged financial exploitation took place; and

(b) The conduct constituting financial exploitation was willful action or willful inaction causing injury to the property of the vulnerable adult.

(2) A finding of abuse by the department of social and health services is not admissible for any purpose in any claim or proceeding under this chapter.

(3) Except as provided in subsection (2) of this section, evidence of financial exploitation is admissible if it is not inadmissible pursuant to the rules of evidence. [2009 c 525 s 16.]

RCW 11.84.170 Abuser—When entitled to property interest. Notwithstanding the provisions of this chapter:

(1) An abuser is entitled to acquire or receive an interest in property or any other benefit described in this chapter if the court

determines by clear, cogent, and convincing evidence that the decedent:

- (a) Knew of the financial exploitation; and
 - (b) Subsequently ratified his or her intent to transfer the property interest or benefit to that person.
- (2) The court may consider the record of proceedings and in its discretion allow an abuser to acquire or receive an interest in property or any other benefit described in this chapter in any manner the court deems equitable. In determining what is equitable, the court may consider, among other things:
- (a) The various elements of the decedent's dispositive scheme;
 - (b) The decedent's likely intent given the totality of the circumstances; and
 - (c) The degree of harm resulting from the abuser's financial exploitation of the decedent. [2009 c 525 s 17.]

RCW 11.84.180 Application—Relation to other laws. The provisions of this act are supplemental to, and do not derogate from, any other statutory or common law proceedings, theories, or remedies including, but not limited to, the common law allocation of the burden of proof or production among the parties. [2009 c 525 s 21.]

RCW 11.84.900 Chapter to be construed broadly. This chapter shall be construed broadly to effect the policy of this state that no person shall be allowed to profit by his or her own wrong, wherever committed. [2010 c 8 s 2087; 1998 c 292 s 503; 1965 c 145 s 11.84.900. Prior: 1955 c 141 s 14.]

Application—Conflict with federal requirements—1998 c 292: See notes following RCW 41.04.273.

Effective dates—1998 c 292: See RCW 11.11.903.