

**RCW 11.54.010 Award to surviving spouse, domestic partner, or children—Petition. (Effective until August 1, 2024.)** (1) Subject to RCW 11.54.030, the surviving spouse or surviving domestic partner of a decedent may petition the court for an award from the property of the decedent. If the decedent is survived by children of the decedent who are not also the children of the surviving spouse or surviving domestic partner, on petition of such a child the court may divide the award between the surviving spouse or surviving domestic partner and all or any of such children as it deems appropriate. If there is not a surviving spouse or surviving domestic partner, the minor children of the decedent may petition for an award.

(2) The award may be made from either the community property or separate property of the decedent. Unless otherwise ordered by the court, the probate and nonprobate assets of the decedent abate in accordance with chapter 11.10 RCW in satisfaction of the award.

(3) The award may be made whether or not probate proceedings have been commenced in the state of Washington. The court may not make this award unless the petition for the award is filed before the earliest of:

(a) Eighteen months from the date of the decedent's death if within twelve months of the decedent's death either:

(i) A personal representative has been appointed; or

(ii) A notice agent has filed a declaration and oath as required in RCW 11.42.010(3)(a)(ii); or

(b) The termination of any probate proceeding for the decedent's estate that has been commenced in the state of Washington; or

(c) Six years from the date of the death of the decedent. [2008 c 6 s 916; 1997 c 252 s 48.]

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

**Application—1997 c 252 ss 1-73:** See note following RCW 11.02.005.

**RCW 11.54.010 Award to surviving spouse, domestic partner, or children—Petition. (Effective August 1, 2024.)** (1) Any one or more of a decedent's surviving spouse, surviving registered domestic partner, and dependent children may commence a judicial proceeding under chapter 11.96A RCW for an award from the decedent's separate property and from the community property of the decedent and the decedent's spouse or registered domestic partner that are exempt from attachment, execution, and forced sale under RCW 11.54.008. The petition must:

(a) Set forth facts to establish that the claimant is entitled to an award under this chapter;

(b) State the nature and value of those assets held by all potential claimants that are exempt from the claims of creditors and that are known to the claimant or could be known to the claimant with reasonable diligence; and

(c) Describe all other assets then held by the claimants, including any interest the claimants may have in any of the decedent's probate or nonprobate property.

(2) If a claimant proves by a preponderance of the evidence that an award of property exempt from the claims of creditors to the

claimant would fulfill one or more of the purposes of this chapter, the court may grant the claimant an award that the court determines to be equitable.

(3) If the decedent is survived by one or more dependent children, the court may divide the award between the surviving spouse or surviving registered domestic partner and all or any of the decedent's surviving dependent children as the court deems appropriate.

(4) The awards under this chapter may be made either from the community property of the decedent and the decedent's spouse or registered domestic partner or from the separate property of the decedent.

(5) Any and all homestead or other property exempt from attachment, execution, and forced sale under Title 6 RCW immediately before the decedent's death shall be included in the basic award.

(6) The basic award may be made whether or not any proceedings have been commenced under this title relating to the decedent's probate or nonprobate assets. [2024 c 20 s 4; 2008 c 6 s 916; 1997 c 252 s 48.]

**Effective date—Savings—2024 c 20:** See notes following RCW 11.54.001.

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

**Application—1997 c 252 ss 1-73:** See note following RCW 11.02.005.