

RCW 11.54.050 Decrease in amount of award—Factors for consideration. (Effective until August 1, 2024.) (1) The court may decrease the amount of the award below the amount provided in RCW 11.54.020 in the exercise of its discretion if the recipient is entitled to receive probate or nonprobate property, including insurance, by reason of the death of the decedent. In such a case the award must be decreased by no more than the value of such other property as is received by reason of the death of the decedent. The court shall consider the factors presented in RCW 11.54.040(2) in determining the propriety of the award and the proper amount of the award, if any.

(2) An award to a surviving spouse or surviving domestic partner is also discretionary and the amount otherwise allowable may be reduced if: (a) The decedent is survived by children who are not the children of the surviving spouse or surviving domestic partner and the award would decrease amounts otherwise distributable to such children; or (b) the award would have the effect of reducing amounts otherwise distributable to any of the decedent's minor children. In either case the court shall consider the factors presented in RCW 11.54.040 (2) and (3) and whether the needs of the minor children with respect to basic maintenance and support are and will be adequately provided for, both during and after the pendency of any probate proceedings if such proceedings are pending, considering support from any source, including support from the surviving spouse or surviving domestic partner. [2008 c 6 s 920; 1997 c 252 s 52.]

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 11.54.050 Decrease in amount of award—Factors for consideration. (Effective August 1, 2024.) The court may decrease the amount of the award below the amount provided in RCW 11.54.020(1) in the exercise of its discretion if:

(1) The recipient is entitled to receive probate or nonprobate property, including insurance, by reason of the death of the decedent. In such a case the award may not be decreased by more than the value of the other property that is received by reason of the death of the decedent. The court shall consider the factors presented in RCW 11.54.040(2) in determining the propriety of the award and the proper amount of the award, if any; or

(2) (a) The decedent is survived by one or more dependent children who are not the children of the surviving spouse or surviving registered domestic partner and the award would decrease amounts otherwise distributable to those children; or (b) the award would have the effect of reducing amounts otherwise distributable to any of the decedent's dependent children. In either of the cases specified in this subsection (2), the court must consider the factors presented in RCW 11.54.040 (2) and (3) and 11.54.055 and whether the needs of the dependent children with respect to basic maintenance and support are and will be adequately provided for, both during and after any proceedings under this title relating to the decedent's probate or nonprobate assets, considering support from any source, including

support from the decedent's surviving spouse or surviving registered domestic partner. [2024 c 20 s 8; 2008 c 6 s 920; 1997 c 252 s 52.]

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.