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TO: All WAPG Members
FROM: Chris Neil, President, WAPG
RE: Probate Law Changes Effective June 11, 2026, EHB 2445
DATE: June 8, 2026

Dear Fellow Members,

I want to bring to your attention a new Washington State law that is not directly targeted at our work as professional guardians and conservators, but which may affect some of you who also serve as personal representatives (PRs) in probate proceedings. Before diving into the details, please read this quick summary of who is, and who is not, significantly affected.

If you were named in the will as personal representative: **No impact**. Testamentary appointments are unaffected by the new restrictions. You can still seek nonintervention powers, and the new reporting requirements do not apply to you.

If you previously served the decedent as conservator, guardian, trustee, or agent under a durable power of attorney: **Very limited impact**. The new law expressly treats you as a priority person, the same tier as next of kin, under RCW 11.28.120(1)(c). You may petition for letters of administration at any time, with no waiting period, no annual cap, full eligibility for nonintervention powers, and no new reporting requirements. See the detailed bullets below.

If you had no prior relationship to the decedent and are being asked to serve as a PR based upon being a suitable person (e.g., in a conflicted case): **Significant impact**. This is where HB 2445 applies with full force, and where the restrictions described below will affect your practice. Please read the full bullet list carefully.

Engrossed House Bill 2445 takes effect June 11, 2026 — eight days from now. Its stated purpose is “ending probates for profit.” Here is what it does:

KEY CHANGES UNDER HB 2445 EFFECTIVE JUNE 11, 2026

- **Waiting period to appoint a suitable person extended from 40 to 90 days.** Under prior law, if no priority person (spouse, next of kin, named fiduciary, or creditor) petitioned for letters within 40 days of death, the court could appoint any “suitable person”. HB 2445 eliminates that 40-day window entirely. The soonest a “suitable person” can now be appointed is 90 days after death. There is a limited exception at 60 days: the court may appoint a contract service provider through the Office of Public



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- Guardianship and Conservatorship (chapter 2.72 RCW) or, curiously, a guardian ad litem—though the practical role of a guardian ad litem as estate administrator remains unclear.
- **Two-appointment annual cap for suitable persons.** If you are appointed as a PR as a "suitable person" under RCW 11.28.120(3), you are limited to two such appointments per calendar year. This applies to individuals and to nonprofit corporations alike.
- **No nonintervention powers: full court supervision required.** The "suitable person" appointees under RCW 11.28.120(3) are categorically barred from obtaining nonintervention powers. Every significant estate action, including real property sales, mortgages, and distributions, will require a separate court petition, hearing, and order.
- **Mandatory bond.** Suitable person appointees who do not fall under the exempt categories (see below) must post bond in an amount commensurate with the major probate assets of the estate. No bond waiver is available.
- **New mandatory filings within 30 days of appointment.** All PRs without nonintervention powers must file (1) a sworn notice report documenting all known heirs and the manner in which notice was provided, and (2) a sworn financial account report identifying the estate bank account and signatories.
- **24-month closure presumption.** Courts may presume an estate is ready to close 24 months after the PR's appointment. If a final report has not been filed by then, the court may order one on a date certain.
- **Compensation from estate only.** A "suitable person" PR may receive compensation only from the estate itself, and only in such amount as the court deems just. No compensation from any other person or entity is permitted without court approval.
- **No purchase or acquisition of estate assets.** Suitable person PRs may not purchase, acquire, or receive proceeds from the sale of estate assets for their own account without court approval after full notice to all interested parties. Violations carry sanctions of up to three times the asset value.
- **New conflict-of-interest disqualification.** Persons who are principals or agents of any entity likely to be involved in the sale, purchase, repair, or transfer of a major probate asset are disqualified from appointment under RCW 11.28.120(3). Review your vendor and service provider relationships accordingly.

WHO ARE EXEMPT AND NOT EXEMPT

- **EXEMPT: Attorney-owned law firms.** Professional service corporations, PLLCs, and LLPs whose members are exclusively attorneys (RCW 11.36.010(3)) are fully exempt from all of the above restrictions — no cap, no nonintervention powers bar, no mandatory bond under this provision.



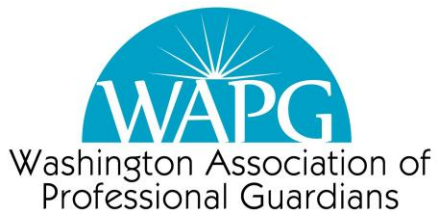
Washington Association of
Professional Guardians

- **EXEMPT: Trust companies and national banks.** Trust companies organized under Washington law and authorized national banks (RCW 11.36.010(2)) are similarly fully exempt.
- **NOT EXEMPT: Nonprofit corporations .** Nonprofit corporations authorized under RCW 11.36.010(4) to serve as PRs are NOT included among the exempt entities.
- **NOT EXEMPT: Individual CPGCs serving as suitable persons.** Individual members appointed as “suitable persons” are likewise subject to all restrictions including the two-per-year cap, unless... (see next bullet).
- **IMPORTANT: If you served the decedent as conservator, guardian, trustee, or agent under a durable power of attorney, you are a PRIORITY PERSON, not a “suitable person”, and the new restrictions do not apply to you.** RCW 11.28.120(1)(c), as preserved by HB 2445, expressly lists the conservator, guardian, and agent of the decedent as a priority person entitled to petition for letters of administration alongside the surviving spouse, next of kin, and named trustees. *The only condition is that you controlled or potentially controlled substantially all of the decedent's probate and nonprobate assets, which a full conservator almost always does by definition.* As a priority person, you may petition at any time with no waiting period, no two-per-year cap, full eligibility for nonintervention powers, and none of the other suitable person restrictions. You are in the same tier as family.
- **Additional conservatorship pathway via RCW 11.130.550.** Separately, if you are serving as conservator when a client dies and no PR has been appointed within 40 days, you may also apply under RCW 11.130.550 to exercise PR powers by having the court endorse your existing conservatorship letters, a streamlined procedure that avoids opening a new probate proceeding. Both this route and the direct (1)(c) priority petition are available to full conservators and place you outside the new “suitable person” procedures.
- **Named-in-will appointments are unaffected.** If a client has named you directly in their will as personal representative, that testamentary appointment is not subject to any of the new restrictions. We strongly encourage members to discuss this option with clients in estate planning contexts.

WHAT WAPG IS DOING

WAPG has rescheduled our next **Zoom Lunchtime Learning to Wednesday, June 24, 2026, at noon** to discuss the new law and its implications. As always, Lunchtime Learning are free to all WAPG members who wish to participate. We will discuss how the new law may affect your practice, answer questions, and begin coordinating WAPG's response.

In the meantime, please take stock of your current PR appointments, review your pending petitions for appointment, and consult with your legal counsel regarding any cases where the new restrictions may apply. Given the June 11 effective date, there is very little time before these rules are in force



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Thank you for your continued dedication to the vulnerable citizens we serve!

Respectfully,

Chris Neil
President, WAPG

P.S. Special thanks to Attorneys Deborah Jameson, David Morganthaler, and Peter Haroldson for their contributions to this analysis. They helped with the thinking. Any mistakes, bad guesses, or statutory misadventures are the author's alone.