
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-2813.2/17 2nd draft

ATTY/TYPIST: KS:akl

BRIEF DESCRIPTION: Creating a rebuttable presumption regarding separate and community property.

1 AN ACT Relating to the creation of a rebuttable presumption
2 regarding separate and community property; and adding a new section
3 to chapter 26.16 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 26.16
6 RCW to read as follows:

7 (1) There is a rebuttable presumption that any property or
8 pecuniary right described in RCW 26.16.010 or 26.16.020 remains
9 separate property, any commingling of the property or pecuniary right
10 notwithstanding, when:

11 (a) Both spouses or domestic partners are at least sixty-five
12 years old;

13 (b) The spouses or domestic partners have had little or no
14 community income during the marriage or domestic partnership;

15 (c) Neither spouse or domestic partner has a qualifying child, as
16 defined in 26 U.S.C. Sec. 152; and

17 (d) The marriage or state registered domestic partnership existed
18 for less than three years.

19 (2) Any property determined to be separate property pursuant to
20 subsection (1) of this section may not be distributed to the

1 nonowning spouse or domestic partner, any other statutory provision
2 notwithstanding.

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