

CBA LPRC POSITION REQUEST FORM

The CBA Elder Law **position request** is as follows:

- 1) Proposed legislative or regulatory concept:

Legislation that would provide a Probate Court judge with the discretion to award a surviving spouse a statutory share of an estate that exceeds one-third of all property passing under a will based on the equities of the case.

- 2) A plain language explanation and rationale for advancing this position:

The Elder Law section *opposes* legislation that would provide a Probate Court judge with the discretion to award a surviving spouse a statutory share of an estate that exceeds one-third of all property passing under a will based on the equities of the case.

- 3) Is draft regulation, legislation or proposed bill included?

No.

- 4) What is the date of any legislative hearing, if known?

N/A.

- 5) Was this position previously approved by the CBA? If so, when does/did it expire?

Yes. The position expires in 2020.

- 6) Is the CBA section or committee seeking to join a previously approved CBA section or committee position?

No.

- 7) Potential or actual CBA opposition from another CBA section or committee?

No.

- 8) Strength of section position (including process and results of section vote taken on issue):

- 9) Fiscal impact (on the state):

None.

- 10) Are you seeking "fast-track"¹ approval?

No.

¹ A "fast track" recommendation will be submitted to the House of Delegates (HOD) or Board of Governors (BOG) at its next scheduled meeting (or, if between meetings of the HOD or BOG and during the legislative session, to the Executive Committee), and is warranted only when the Legislative Policy & Review Committee concludes that further analysis and study is unnecessary and where there is legitimate time pressure to address pending legislation.