

Vermont General Assembly

BILL AS INTRODUCED

H. ____

Introduced by Representative _____

Referred to Committee on _____

Date: _____

AN ACT RELATING TO DISQUALIFICATION OF A PERSON WHO FINANCIALLY EXPLOITS A DECEDENT FROM INHERITING

Sec. 1. 14 V.S.A. chapter ____ is amended by adding § ____ to read:

§ ____ . Disqualification for financial exploitation of a decedent

(a) Definitions.

As used in this section:

1. “Financial exploitation” means the wrongful or unauthorized taking, withholding, appropriation, or use of a decedent’s money, assets, or property for the benefit of a person other than the decedent.
2. “Interested person” means a person who has a property right in or claim against the estate of the decedent.

(b) Disqualification from inheritance.

A person who is found by a court to have committed financial exploitation against a decedent shall not inherit from or receive any property or benefit from the estate of the decedent.

The disqualification applies to:

1. property passing by will;
 2. property passing by intestate succession;
 3. nonprobate transfers; and
 4. any other contractual or beneficiary designation transferring property at death.
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(c) Effect of disqualification.

Property that would otherwise pass to the person disqualified under this section shall pass as if that person had predeceased the decedent.

(d) Court determination.

A determination that a person committed financial exploitation may be established by:

1. a criminal conviction; or
 2. a civil determination by the Probate Division of the Superior Court based on a preponderance of the evidence.
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(e) Petition to determine disqualification.

An interested person, personal representative, or fiduciary of the estate may petition the Probate Division of the Superior Court to determine whether a person is disqualified from inheriting under this section.

(f) Remedies.

If a court determines that a person has received property from the estate in violation of this section, the court may order:

1. restitution of property or its value;
 2. the imposition of a constructive trust; or
 3. any other equitable relief necessary to prevent unjust enrichment.
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Sec. 2. Applicability

This act shall apply to the estates of decedents dying on or after the effective date of this act.

Sec. 3. Effective date

This act shall take effect on July 1 following passage.

Purpose of the Amendment

This statute:

- prevents individuals who financially exploit a decedent from benefiting from that wrongdoing
- aligns with the policy underlying Vermont's **slayer rule**
- allows courts to make determinations even when criminal charges are not filed

DRAFT FOR REVIEW