
A BILL FOR AN ACT

RELATING TO ATTORNEYS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 605, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:
4 "§605- Attorney for divorce, annulment, or termination of
5 reciprocal beneficiary relationship. (a) An attorney retained
6 for the divorce or annulment of a marriage, or the termination
7 of a reciprocal beneficiary relationship, shall provide a
8 document to the client that explains in plain language the
9 effect of the divorce, annulment, or termination on the
10 revocable probate or non-probate interests of each party to the
11 divorce, annulment, or termination, as established under section
12 560:2-804, which shall be signed by the client and filed with
13 any complaint for divorce or annulment, or declaration of
14 termination of reciprocal beneficiary relationship. The
15 following sample form may be used. This form may be duplicated.
16 This form may be modified to suit the situation, or a completely
17 different form may be used that contains the substance of the
18 following form.



1 "STATEMENT OF UNDERSTANDING:

2 EFFECT OF DIVORCE, ANNULMENT, OR TERMINATION OF THE RECIPROCAL
3 BENEFICIARY RELATIONSHIP ON PROBATE AND NON-PROBATE INTERESTS

4 (1) I have been informed by my attorney and understand that,
5 except in limited circumstances, the divorce or annulment of
6 this marriage, or the termination of this reciprocal beneficiary
7 relationship, will completely sever all inheritance rights,
8 insurance or retirement benefit arrangements, or representative
9 or fiduciary appointments or arrangements currently in place
10 between my spouse or reciprocal beneficiary, and me.

11 (2) I have been informed by my attorney and understand that
12 it is my spouse's or reciprocal beneficiary's, or my
13 responsibility to contact the issuing agency to appoint or re-
14 appoint a beneficiary to all inheritance rights, insurance or
15 retirement benefit arrangements, or representative or fiduciary
16 appointments or arrangements currently in place between my
17 spouse or reciprocal beneficiary, and me, even where we do not
18 wish the beneficiary to change after the divorce, annulment, or
19 termination, and that we do not need to wait until the divorce,
20 annulment, or termination is final to contact the issuing
21 agencies of the affected interests.



1 (3) I have been informed by my attorney and understand that
2 my spouse or reciprocal beneficiary's, or my failure to appoint
3 or re-appoint each other as a beneficiary after the divorce,
4 annulment, or termination will, except in limited circumstances,
5 result in the loss of his or her, or my interest in all
6 inheritance rights, insurance or retirement benefit
7 arrangements, or representative or fiduciary appointments or
8 arrangements currently in place between my spouse or reciprocal
9 beneficiary, and me.

10 SIGNATURES: Sign and date the form here:

11	_____	_____
12		
13	(Sign your name here)	(Date)
14		
15	_____	_____
16	(Print your name)	(Address)
17		
18		_____
19		(City) (State)
20		

21 (c) The attorney shall offer to assist the client to
22 initiate contact with the issuing agencies of all revocable
23 probate or non-probate interests affected by the divorce,
24 annulment, or termination of the reciprocal beneficiary
25 relationship."



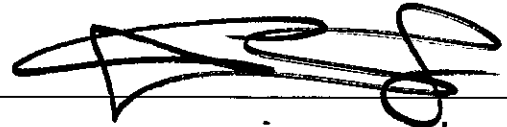
H.B. NO. 1161

1 SECTION 2. New statutory material is underscored.

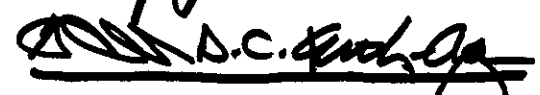
2 SECTION 3. This Act shall take effect upon its approval.

3

INTRODUCED BY:



Minnie Thorne



JAN 25 2011



Report Title:

Attorney; Divorce; Termination; Probate or Non-probate Transfers

Description:

Adds notice requirements for counsel retained for divorce, annulment or termination of reciprocal beneficiary relationships regarding the effects on beneficiaries of probate or non-probate transfers.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent

