

CORRECTED
SESSION OF 2011

**SUPPLEMENTAL NOTE ON
HOUSE BILL NO. 2071**

As Recommended by House Committee on
Judiciary

Brief*

HB 2071 would create a new section providing for the automatic revocation of inheritance rights upon divorce or annulment of a marriage. Pursuant to the bill, absent express terms in a governing instrument, a divorce or annulment would revoke the following when made to a former spouse or a former spouse's relatives: a disposition or appointment of property; a general or nongeneral power of appointment; and a nomination to serve in a fiduciary or representative capacity. Further, it would sever the interest of a former spouse in property held at the time of the divorce or annulment as joint tenants with right of survivorship, making the interest instead a tenancy in common. This severance would not affect any third-party interest in property acquired for value and in good faith unless otherwise declared in a writing.

A revocation or severance would be treated as though the former spouse or former spouse's relatives disclaimed the interest, or in the case of a revoked nomination to serve in a fiduciary or representative capacity, as though the former spouse or former spouse's relatives died immediately before the divorce or annulment.

Two other subsections would describe the effect of this bill on third parties. The first would provide that a payor or third party would not be liable for having made a payment or

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

transferred an item of property or any other benefit to a former spouse based on a good faith reliance on the validity of a governing document and without having notice of the annulment or divorce. The first subsection also would outline the notice required to third parties of the divorce or annulment. The second subsection would allow a person who purchases or receives property in fulfillment of a debt to keep the property while specifying that a former spouse or former spouse's relative who receives payment, property, or other benefit to which that person is not entitled under the provisions of this bill will be required to return it.

The bill also would define some of the terms used in the bill.

Background

In the House Committee on Judiciary, a representative of the Kansas Judicial Council, which also requested introduction of HB 2071, appeared in support of the bill. No opponents were present at the hearing.

HB 2071 would have no fiscal effect on state government.