



**KANSAS BAR
ASSOCIATION**

TO: The Honorable Jeff King
And Members of the Senate Judiciary Committee

FROM: Joseph Molina
On Behalf of the Kansas Bar Association

RE: HB 2014 - Relating to Revocation of Inheritance Rights of Divorced Spouse

DATE: March 13, 2013

Chairman King and Members of the Senate Judiciary Committee I am Joseph Molina and I provide this written testimony on behalf of the Kansas Bar Association in support of HB 2014 that automatically revokes the inheritance rights of a divorced spouse.

This very issue was before the Kansas Legislature in 2012 and HB 2014 is identical to that initial proposal. This issue has been reviewed by the Kansas Judicial Council and the KBA supports the work product and process the Kansas Judicial Council employed to draft this piece of legislation.

The KBA supports the Judicial Council's analysis that an ex-spouse should not receive a financial windfall from a decedent's estate simply because the ex-spouse was not removed as the designated beneficiary from a life insurance policy, IRA or other financial instrument. This outcome is unreasonable given the fact that the Kansas Probate Code already prohibits an ex-spouse from inheriting assets under a Will after that Will has been executed. However, this provision in the Kansas Probate Code plays less of a role in after-death financial transfers since many people are moving away from Wills and passing property to others using revocable trusts or pay on death designations.

By adopting the policy in HB 2014 Kansas property transfer laws will be more consistent and it will avoid any unfair outcomes.

On behalf of the Kansas Bar Association, I thank you for the opportunity to appear before the committee in support of HB 2014.

About the Kansas Bar Association:

The Kansas Bar Association (KBA) was founded in 1882 as a voluntary association for dedicated legal professionals and has more than 7,000 members, including lawyers, judges, law students, and paralegals. www.ksbar.org