
HOUSE CONCURRENT RESOLUTION

URGING THE HAWAII STATE BAR ASSOCIATION TO MAKE RECOMMENDATIONS
TO ADDRESS SECTION 560:2-804, HAWAII REVISED STATUTES.
RELATING TO THE REVOCATION OF PROBATE AND NONPROBATE
TRANSFERS BY DIVORCE OR TERMINATION OF RECIPROCAL
BENEFICIARY RELATIONSHIPS.

1 WHEREAS, a person who obtains a divorce, annulment, or
2 termination of a reciprocal beneficiary relationship may wish to
3 keep the person's former spouse or reciprocal beneficiary as a
4 beneficiary on a life insurance policy, pension, or other
5 disposition or appointment of property, despite the legal
6 termination of a marriage or reciprocal beneficiary
7 relationship; and

8
9 WHEREAS, a designation of a spouse or reciprocal
10 beneficiary partner as a beneficiary of life insurance may be
11 revoked by operation of law at the time of divorce or
12 termination; and

13
14 WHEREAS, in Hawaii, section 560:2-804, Hawaii Revised
15 Statutes, among other things, provides that upon divorce,
16 annulment, or termination of a reciprocal beneficiary
17 relationship, any revocable disposition or appointment of
18 property shall be automatically revoked; and

19
20 WHEREAS, an attorney retained for the divorce or annulment
21 of a marriage, or the termination of a reciprocal beneficiary
22 relationship, should provide a document to the client that
23 explains in plain language the effect of the divorce, annulment,
24 or termination on the revocable probate or non-probate interests
25 of each party to the divorce, annulment, or termination, as
26 established under section 560:2-804, Hawaii Revised Statutes,
27 which shall be signed by the client and filed with any complaint
28 for divorce or annulment, or declaration of termination of
29 reciprocal beneficiary relationship; and



1
 2 WHEREAS, the Hawaii Supreme Court has conferred upon the
 3 Hawaii State Bar Association the power and responsibility to aid
 4 the Court in regulating, maintaining, and improving the legal
 5 profession; now, therefore,

6
 7 BE IT RESOLVED by the House of Representatives of the
 8 Twenty-sixth Legislature of the State of Hawaii, Regular Session
 9 of 2012, the Senate concurring, that the Hawaii State Bar
 10 Association is requested to implement a procedure that requires
 11 any attorney retained in connection with divorce, annulment, or
 12 termination of a marriage or termination of a reciprocal
 13 beneficiary relationship to provide clients with information
 14 concerning the effect on the assets of the couple and each
 15 individual pursuant to section 560:2-804, Hawaii Revised
 16 Statutes; and

17
 18 BE IT FURTHER RESOLVED that the Hawaii State Bar
 19 Association is requested to submit a report to the legislature,
 20 no later than twenty days prior to the 2013 Regular Session, on
 21 the progress of instituting such a requirement for members of
 22 the bar, particularly those members who practice family law, and

23
 24 BE IT FURTHER RESOLVED that certified copies of this
 25 Concurrent Resolution be transmitted to the Chief Justice of the
 26 Hawaii Supreme Court, the Administrative Director of the Courts,
 27 and the President and the Executive Director of the Hawaii State
 28 Bar Association.

29
 30
 31 OFFERED BY: Calvin K. Bay
 By Request

MAR 09 2012