
HOUSE 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

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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

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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

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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

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31 WHEREAS, the Hawaii Supreme Court has conferred upon the
32 Hawaii State Bar Association the power and responsibility to aid



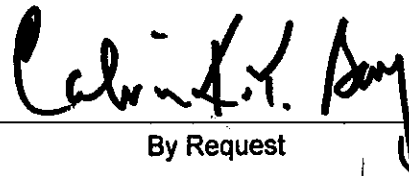
1 the Court in regulating, maintaining, and improving the legal
2 profession; now, therefore,
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4 BE IT RESOLVED by the House of Representatives of the
5 Twenty-sixth Legislature of the State of Hawaii, Regular Session
6 of 2012, that the Hawaii State Bar Association is requested to
7 implement a procedure that requires any attorney retained in
8 connection with divorce, annulment, or termination of a marriage
9 or termination of a reciprocal beneficiary relationship to
10 provide clients with information concerning the effect on the
11 assets of the couple and each individual pursuant to section
12 560:2-804, Hawaii Revised Statutes; and
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14 BE IT FURTHER RESOLVED that the Hawaii State Bar
15 Association is requested to submit a report to the legislature,
16 no later than twenty days prior to the 2013 Regular Session, on
17 the progress of instituting such a requirement for members of
18 the bar, particularly those members who practice family law, and
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20 BE IT FURTHER RESOLVED that certified copies of this
21 Resolution be transmitted to the Chief Justice of the Hawaii
22 Supreme Court, the Administrative Director of the Courts, and
23 the President and the Executive Director of the Hawaii State Bar
24 Association.
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OFFERED BY:


By Request

MAR 09 2012

