

STATEMENT OF PURPOSE

RS24220

Existing Idaho law provides for certain effects of divorce on Wills and some other situations. However, a great number of situations are not covered by existing Idaho law and can present major problems if the divorcing spouses are not aware of the need to make changes. Therefore this bill creates a default provision for revocation of certain designations in event of a divorce. It does not preclude court orders overriding such default provisions, nor the spouses agreeing to continuation of the designations. Section 1 corrects some technical problems in §15-2-802. First, under the Idaho Probate Code, "person" is a very wide group of not just individuals, but also many entities such as corporations, partnerships, limited liability companies and so forth. The proper term therefore in this code section should be "individual". Also the provisions of (b)(2) properly only apply to an invalid decree of divorce. This section is from the Uniform Probate Code, which was adopted in Idaho in 1972, and these changes have been made in updated provisions of the Uniform Probate Code. Section 2 adds a new section to the code, also contained in the updated Uniform Probate Code, to expand the effects of a divorce past existing provisions to include to a number of other things such as powers of appointment, nominations to act as a fiduciary (such as a trustee or power of attorney) and so forth and severs Joint Tenancy With Right of Survivorship ownership into equal tenancies in common. All of these are effects that parties to a divorce would expect, but often miss carrying out.

FISCAL NOTE

This bill will have no fiscal impact.

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