



General Assembly

February Session, 2022

**Bill No. 455**

LCO No. 3418



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

**AN ACT CONCERNING REVOCATION BY DISSOLUTION OF MARRIAGE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective July 1, 2022*) (a) As used in this section:
- 2 (1) "Disposition or appointment of property" includes a transfer of an  
3 item of property or any other benefit to a beneficiary designated in a  
4 governing instrument;
- 5 (2) "Dissolution of marriage" means any divorce or annulment, or any  
6 dissolution or declaration of invalidity of a marriage that would exclude  
7 the spouse as a surviving spouse. "Dissolution of marriage" does not  
8 include a decree of legal separation that does not terminate an  
9 individual's status as a spouse;
- 10 (3) "Divorced individual" means an individual whose marriage has  
11 been dissolved;
- 12 (4) "Former spouse" means a person whose marriage to the divorced  
13 individual resulted in a dissolution of marriage;

14 (5) "Governing instrument" includes, but is not limited to, (A) a  
15 testamentary instrument; trust agreement; insurance or annuity policy;  
16 savings, retirement, transfer on death, pension, deferred compensation,  
17 death benefit, stock bonus or profit-sharing plan, account, arrangement,  
18 system or trust; agreement with a bank, brokerage firm or investment  
19 company; registration of securities in beneficiary form; other similar  
20 benefit plan; or a dispositive, appointive or nominative instrument of  
21 any similar type executed by the divorced individual prior to the date  
22 of dissolution of the individual's marriage from the former spouse.  
23 "Governing instrument" does not include a will, a court order, including  
24 a decree of dissolution of marriage, or a contract relating to the division  
25 of property made between the divorced individuals prior to or after the  
26 date of dissolution of marriage;

27 (6) "Payor" means a trustee, insurer, business entity, employer,  
28 government, governmental agency or subdivision, or any other person  
29 authorized or obligated by law or a governing instrument to make  
30 payments;

31 (7) "Relative of the divorced individual's former spouse" means an  
32 individual who is related to the divorced individual's former spouse by  
33 blood, adoption or affinity and who, after the divorce or annulment, is  
34 not related to the divorced individual by blood, adoption or affinity; and

35 (8) "Revocable," with respect to a disposition, appointment, provision  
36 or nomination, means one under which the divorced individual, at the  
37 time of the divorce or annulment, was empowered, by law or under the  
38 governing instrument, to cancel the designation in favor of the former  
39 spouse or former spouse's relative, whether or not the divorced  
40 individual was then empowered to designate himself or herself in place  
41 of the former spouse's relative and whether or not the divorced  
42 individual then had the capacity to exercise the power.

43 (b) Except as provided by the express terms of a governing  
44 instrument, a dissolution of marriage:

45 (1) Revokes any revocable:

46 (A) Disposition or appointment of property in a governing  
47 instrument made by a divorced individual to or for the benefit of the  
48 divorced individual's former spouse or a relative of the divorced  
49 individual's former spouse;

50 (B) Provision in a governing instrument conferring a general or  
51 nongeneral power of appointment on a former spouse or on a relative  
52 of an individual's former spouse; and

53 (C) Nomination in a governing instrument, nominating an  
54 individual's former spouse or a relative of the individual's former  
55 spouse to serve in any fiduciary or representative capacity, including as  
56 a personal representative, executor, trustee, conservator, agent or  
57 guardian; and

58 (2) Severs the interests of the former spouses in property held by the  
59 former spouses on the date of the dissolution of marriage as joint tenants  
60 with the right of survivorship, transforming the interests of the former  
61 spouses into equal tenancies in common.

62 (c) The provisions of subsection (b) of this section shall only apply to:  
63 (1) A disposition or appointment of property to a former spouse or a  
64 relative of an individual's former spouse, made prior to the date of  
65 dissolution of marriage; and (2) a provision in a governing instrument  
66 conferring a general or nongeneral power of appointment upon, or a  
67 nomination in a governing instrument to serve in any fiduciary or  
68 representative capacity on behalf of, a former spouse or a relative of an  
69 individual's former spouse, made prior to the date of dissolution of  
70 marriage.

71 (d) (1) Any provisions of a governing instrument shall be given effect  
72 as if the former spouse and relatives of the former spouse died  
73 immediately before the date of dissolution of marriage.

74 (2) A severance under subdivision (2) of subsection (b) of this section  
75 does not affect any third-party interest in property acquired for value in  
76 good faith reliance on an apparent title by survivorship in the survivor

77 of the former spouses unless a writing declaring the severance has been  
78 noted, registered, filed or recorded in records appropriate to the kind  
79 and location of the property which are relied upon, in the ordinary  
80 course of transactions involving such property, as evidence of  
81 ownership.

82 (e) Provisions of a governing instrument revoked solely by this  
83 section are revived by the divorced individual's remarriage to the  
84 former spouse or by a nullification of the dissolution of marriage.

85 (f) No change of circumstances other than the circumstances  
86 described in this section and section 45a- 447 of the general statutes  
87 effect a revocation.

88 (g) (1) A payor or other third party is not liable for having made a  
89 payment or transferred an item of property or any other benefit to a  
90 beneficiary designated in a governing instrument affected by a  
91 dissolution of marriage or remarriage, or for having taken any other  
92 action in good faith reliance on the validity of the governing instrument,  
93 before the payor or other third party received written notice of the  
94 dissolution of marriage or remarriage. A payor or other third party is  
95 liable for a payment made or other action taken after the payor or other  
96 third party received written notice of a claimed forfeiture or revocation  
97 under this section.

98 (2) Written notice of the dissolution of marriage or remarriage under  
99 subdivision (1) of this subsection shall be delivered to the payor's or  
100 other third party's home office or principal address, by registered or  
101 certified mail, return receipt requested. Upon receipt of such written  
102 notice of the dissolution of marriage or remarriage, a payor or other  
103 third party may pay any amount owed or transfer or deposit any item  
104 of property held by it to or with the court having jurisdiction of the  
105 probate proceedings relating to the decedent's estate or, if no  
106 proceedings have been commenced, to or with the court having  
107 jurisdiction of probate proceedings relating to decedents' estates located  
108 in the probate district of the decedent's residence. The Probate Court

109 shall hold the funds or item of property and, upon its determination  
110 under this section, order disbursement or transfer in accordance with  
111 the determination. Payments, transfers or deposits made to or with the  
112 Probate Court shall discharge the payor or other third party from all  
113 claims for the value of amounts paid to the Probate Court, or items of  
114 property transferred to or deposited with the Probate Court.

115 (h) A person who purchases property from a former spouse, relative  
116 of a former spouse or any other person for value and without notice, or  
117 who received from a former spouse, relative of a former spouse or any  
118 other person a payment, other item of property or benefit in partial or  
119 full satisfaction of a legally enforceable obligation, is not (1) obligated  
120 under this section to return the payment, item of property or benefit, or  
121 (2) liable under this section for the amount of the payment or the value  
122 of the item of property or benefit. Except, as may preempted by federal  
123 law, a former spouse, relative of a former spouse or other person who,  
124 not for value, received a payment, item of property or any other benefit  
125 to which the person is not entitled under this section, (A) shall return  
126 the payment, item of property or benefit, and (B) is personally liable for  
127 the amount of the payment or the value of the item of property or  
128 benefit, to the person who is entitled to such payment, property or  
129 benefit under this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2022	New section

**Statement of Purpose:**

To revoke certain beneficiary designations or testamentary transfers passing to a former spouse following a dissolution of marriage.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*