

## DIVORCE & ESTATE PLANNING

If you are divorced or are in the process of a divorce, it is important for you to know and understand recent amendments to Pennsylvania estate law and the potential impact of these amendments on your personal situation.

### Forfeiture and Modification of Will

The new law changes the existing law by providing additional circumstances for the automatic modification of a will and forfeiture of an interest in a spouse's estate where (1) the other spouse dies domiciled in Pennsylvania during the course of a divorce proceeding; (2) no decree of divorce has been entered; and (3) grounds have been established pursuant to the Divorce Code.

### Designation of Beneficiaries and Conveyances

The new law also contains a provision regarding the effect of a divorce or pending divorce on the designation of beneficiaries and conveyances. This provision, in general, renders ineffective a beneficiary designation or revocable conveyance, such as a revocable trust, in favor of the deceased individual's spouse under the following circumstances:

- the individual is domiciled in Pennsylvania at the time of his death; and
- the deceased individual was either divorced from his spouse or was in the course of divorce proceedings; and
- no decree of divorce had been entered before his death: and
- grounds for divorce were established pursuant to the Divorce Code.

There are exceptions to this provision which may affect your personal situation.

If you have any questions about the impact of the status of your divorce on your estate or beneficiary designations, or any related matter, please feel free to contact me.

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