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**APFM/ADFP/MCFM CONFERENCE**

**ESTATE PLANNING AND DIVORCE MEDIATION**

**THIRD AREA – EFFECT OF DIVORCE ON ESTATE PLANS OF PARTIES/BENEFICIARY DESIGNATIONS**

**Uniform Probate Code –**

* **Section 2-804 – comprehensive treatment of effect of divorce on provisions for the spouse in Wills, Revocable Trusts, etc. Also converts jointly held property into tenancy in common.**

**Effect of death of party during process –**

* **Have parties already changed beneficiaries.**
* **Beneficiary status of accounts.**
* **Status of agreement if signed but not had hearing yet.**
* **Should agreement include something like the language in Section 2-804.**
* **Can party enforce a signed separation agreement against estate of other party.**

**Post-divorce issues –**

* **Change of beneficiary for retirement accounts, life insurance, etc. (depending on provisions in agreement)**
* **Change of fiduciary (power of attorney, health care proxy, etc.)**
* **What if not changed (unintended consequences).**