



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-6031/1
SWB&JAM:amn

2023 ASSEMBLY BILL 1209

April 11, 2024 - Introduced by Representatives SNYDER, SINICKI and PALMERI.
Referred to Committee on Family Law.

AN ACT *to amend* 767.375 (2) of the statutes; **relating to:** notification of
automatic revocation of certain revocable transfers from former spouse upon
divorce, annulment, or legal separation.

Analysis by the Legislative Reference Bureau

This bill provides that before a court enters a judgment of annulment, divorce, or legal separation, the court must provide each of the parties to the action with notice in plain language of statutory provisions under which a divorce, annulment, or similar event effects, with certain exceptions, an automatic revocation of certain provisions from a former spouse or domestic partner.

Under current law, a divorce, annulment, or similar event automatically does all of the following: 1) revokes any revocable disposition of property made by one spouse to the former spouse or a relative of the former spouse in a governing instrument; 2) revokes any disposition created by law to the former spouse or a relative of the former spouse; 3) revokes any revocable provision made by the spouse in a governing instrument conferring a power of appointment on the former spouse or a relative of the former spouse; 4) revokes the spouse's revocable nomination of the former spouse or a relative of the former spouse to serve in any fiduciary or representative capacity; and 5) severs the interests of a spouse and former spouse in property held by them as joint tenants with the right of survivorship or as survivorship marital property and transforms the interests of the spouse and

ASSEMBLY BILL 1209**SECTION 1**

former spouse into tenancies in common. Certain exceptions to these provisions may apply if the parties have a marital property agreement, and the automatic revocation provisions do not apply if the express terms of a governing instrument, court order, or contract relating to the division of the spouse's and former spouse's property made between the spouse and the former spouse provide otherwise; if the divorce, annulment, or similar event is nullified; if the spouse and former spouse have remarried or entered into a new domestic partnership before the death of the spouse; or if the transfer is made under a governing instrument and the person who executed the governing instrument had an intent contrary to any of the automatic revocation provisions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 767.375 (2) of the statutes is amended to read:

767.375 (2) REVOCATION OF REVOCABLE TRANSFERS AT DEATH. Unless sub. (1) applies, revocation of revocable transfers at death by a former spouse to the other former spouse, or to relatives of the other former spouse, under an instrument executed before the judgment of annulment, divorce or legal separation is governed by s. 854.15. Before a court enters a judgment of annulment, divorce, or legal separation, the court shall provide each of the parties notice in plain language of the provisions of s. 854.15.

(END)