

# *Missouri Revised Statutes*

## **Chapter 461**

### **Nonprobate Transfers Law**

#### **Section 461.051**

August 28, 2007

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#### **Marriage dissolution or annulment--revocation of transfer to former spouse or relative of spouse, exception--remarriage to spouse, nullification of annulment, effect, relative of the owner's spouse, defined.**

461.051. 1. If, after an owner makes a beneficiary designation, the owner's marriage is dissolved or annulled, any provision of the beneficiary designation in favor of the owner's former spouse or a relative of the owner's former spouse is revoked on the date the marriage is dissolved or annulled, whether or not the beneficiary designation refers to marital status. The beneficiary designation shall be given effect as if the former spouse or relative of the former spouse had disclaimed the revoked provision.

2. Subsection 1 of this section does not apply to a provision of a beneficiary designation that has been made irrevocable, or revocable only with the spouse's consent, or that is made after the marriage was dissolved, or that expressly states that marriage dissolution shall not affect the designation of a spouse or relative of a spouse as beneficiary.

3. Any provision of a beneficiary designation revoked solely by this section is revived by the owner's remarriage to the former spouse or by a nullification of the marriage dissolution or annulment.

4. In this section, "a relative of the owner's former spouse" means an individual who is related to the owner's former spouse by blood, adoption or affinity and who, after the divorce or annulment, is not related to the owner by blood, adoption or affinity.

(L. 1989 H.B. 145 § 34, A.L. 1995 S.B. 116)

(2001) State statute providing that designation of spouse as beneficiary of a nonprobate asset was automatically revoked upon divorce held to be invalid as preempted by Employee Retirement Income Security Act (ERISA). *Egelhoff v. Egelhoff ex rel. Breiner*, 121 S.Ct. 1322, 149 L.Ed.2d 264.

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