

# HOUSE BILL 541

N2  
HB 625/15 – HGO

6lr2759  
CF SB 451

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By: **Delegate Kelly**

Introduced and read first time: February 3, 2016

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Trust Act – Revocable Trust – Partial Revocation by Divorce or**  
3 **Annulment**

4 FOR the purpose of providing for the revocation of certain terms of a revocable trust on the  
5 absolute divorce of the settlor and the settlor's spouse or the annulment of their  
6 marriage occurring after the creation of the settlor's revocable trust, except under  
7 certain circumstances; requiring removal of the spouse as a trustee or an advisor on  
8 the date of the divorce or annulment; prohibiting the spouse from serving as a trustee  
9 or an advisor or exercising certain powers after the divorce or annulment; providing  
10 for the application of this Act; and generally relating to the effects of divorce or  
11 annulment on a revocable trust.

12 BY adding to  
13 Article – Estates and Trusts  
14 Section 14.5–604  
15 Annotated Code of Maryland  
16 (2011 Replacement Volume and 2015 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
18 That the Laws of Maryland read as follows:

19 **Article – Estates and Trusts**

20 **14.5–604.**

21 **(A) THIS SECTION APPLIES:**

22 **(1) (I) WITH RESPECT TO A FINAL JUDGMENT OF ABSOLUTE**  
23 **DIVORCE OF THE SETTLOR AND THE SETTLOR'S SPOUSE, IF THE FINAL JUDGMENT**  
24 **WAS ENTERED INTO ON OR AFTER OCTOBER 1, 2016; OR**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   **(II) WITH RESPECT TO AN ANNULMENT OF THE MARRIAGE, IF**  
2 **THE ANNULMENT OCCURRED ON OR AFTER OCTOBER 1, 2016; AND**

3                   **(2) UNLESS OTHERWISE EXPRESSLY PROVIDED:**

4                   **(I) IN THE TRUST INSTRUMENT;**

5                   **(II) BY COURT ORDER; OR**

6                   **(III) BY WRITTEN AGREEMENT BETWEEN THE SETTLOR AND THE**  
7 **SETTLOR'S SPOUSE OR FORMER SPOUSE.**

8                   **(B) ON THE ABSOLUTE DIVORCE OF THE SETTLOR AND THE SETTLOR'S**  
9 **SPOUSE OR THE ANNULMENT OF THE MARRIAGE OCCURRING AFTER THE CREATION**  
10 **OF THE SETTLOR'S REVOCABLE TRUST:**

11                   **(1) ALL TERMS OF THE TRUST RELATING TO TRUST DISTRIBUTIONS**  
12 **TO OR FOR THE BENEFIT OF THE SPOUSE SHALL BE REVOKED, AND, FOR THE**  
13 **PURPOSES OF THE TRUST, THE SPOUSE SHALL BE DEEMED TO HAVE DIED ON THE**  
14 **DATE OF THE ABSOLUTE DIVORCE OR ANNULMENT;**

15                   **(2) IF THE SPOUSE IS SERVING AS A TRUSTEE OR AS AN ADVISOR TO**  
16 **THE TRUSTEE OF THE TRUST, THE SPOUSE SHALL BE REMOVED AS A TRUSTEE OR AN**  
17 **ADVISOR ON THE DATE OF THE ABSOLUTE DIVORCE OR ANNULMENT WITHOUT**  
18 **FURTHER COURT ACTION; AND**

19                   **(3) AFTER THE DIVORCE OR ANNULMENT, THE FORMER SPOUSE MAY**  
20 **NOT:**

21                   **(I) SERVE AS A TRUSTEE OR AS AN ADVISOR TO THE TRUSTEE**  
22 **OF THE TRUST; OR**

23                   **(II) EXERCISE ANY TRUST OR FIDUCIARY POWERS PROVIDED IN**  
24 **THE TERMS OF THE TRUST, INCLUDING ANY POWER OF APPOINTMENT.**

25                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2016.