

PUBLICATION

Child Support Life Insurance Beneficiary Claim Against the Estate? A Few Things to Consider

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When marriages break down couples would usually enter into a separation agreement that deals with issues such as child support. Child support may be provided by being designated as the beneficiary of an ex-spouse's life insurance policy. In the event that the ex-spouse ('Father' for illustration purposes) never updated his policy to address the needs of his child of his previous marriage, and the Father died unexpectedly, issues as to entitlement to the Father's life insurance proceeds would arise. On one hand we have the child or the child's Mother claiming that the proceeds should go to the child by virtue of their separation agreement and on the other we may have the Father's new family claiming the proceeds form part of the estate or, even more complicating the proceeds accrue to the current named beneficiary, perhaps that person being a new spouse. The issues are many but the initial visit with the client is how to enforce the child support provision stipulated in the separation agreement.

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