



Do You Know Who Your Beneficiaries Are?

Many employees take advantage of pretax contributions to their company's employer-sponsored retirement plan, and may make annual contributions to an IRA. However, if you participate in a qualified plan program you may be overlooking an important housekeeping issue: beneficiary designations.

An improper designation could make life difficult for your family in the event of your untimely death by putting assets out of reach of those you had hoped to provide for and possibly increasing their tax burdens. Further, if you have switched jobs, become a new parent, been divorced, or survived a spouse or even a child, your current beneficiary designations may need to be updated.

Consider the "What-ifs"

In the heat of divorce proceedings, for example, the task of revising one's beneficiary designations has been known to fall through the cracks. While a court decree that ends a marriage does terminate the provisions of a will that would otherwise leave estate proceeds to a now-former spouse, it does not automatically revise that former spouse's beneficiary status on separate documents such as employer-sponsored retirement accounts and IRAs.

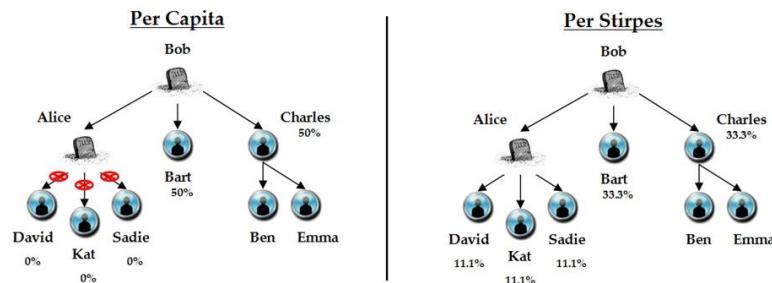
Many IRA owners may not be aware that after their death, the primary beneficiary -- usually the surviving spouse -- may have the right to transfer part or all of the IRA assets into another account. Take the case of the IRA owner who has children from a previous marriage. If, after the owner's death, the surviving spouse moved those assets into his or her own IRA and named his or her biological children as beneficiaries, the original IRA owner's children could legally be shut out of any benefits. Also keep in mind that law requires that a spouse be the primary beneficiary of a 401(k) or a profit-sharing account unless he or she waives that right in writing. A waiver may make sense in a second marriage -- if a new spouse is already financially set or if children from a first marriage are more likely to need the money. Single people can name whomever they choose. Fortunately, non-spouse beneficiaries are now eligible for a tax-free transfer to an IRA.

The IRS has also issued regulations that dramatically simplify the way certain distributions affect IRA owners and their beneficiaries. Consult your tax advisor on how these rule changes may affect your situation.

Per Stirpes vs Per Capita

Many people do not understand the difference between these two elections on their IRA beneficiary designation form, and subsequently make an election inconsistent with their intention. Upon death, an IRA is distributed *per capita* if each living branch of the family is to receive equal shares of the inheritance. Conversely, *per stirpes* means that if the heir in the first generation of a branch

predeceased the decedent, the share that would have been given to the heir would be distributed among the heir's issue in equal shares. It is important to understand this distinction as it will have a large impact on your children and grandchildren.



To Simplify, Consolidate

In today's workplace, it is not uncommon to switch employers every few years. If you have changed jobs and left your assets in your former employers' plans, you may want to consider moving these assets into a rollover IRA. Consolidating multiple retirement plans into a single tax-advantaged account can make it easier to track your investment performance and streamline your records, including beneficiary designations.

Review Your Current Situation

If you are currently contributing to an employer-sponsored retirement plan, and an IRA, you may want to contact your benefits administrator – or in the case of an IRA your financial advisor -- and request to review your current beneficiary designations. You may want to do this with the help of your tax advisor or estate planning professional to ensure that these documents are in sync with other aspects of your estate plan. Ask your estate planning attorney about the proper use of trusts to achieve certain estate planning goals. Your planning professional can help you focus on many important issues, including percentage breakdowns, especially when minor children and those with special needs are involved.

Finally, be sure to keep copies of all your designation forms in a safe place and let family members know where they can be found.