



# Planning for a Disclaimer in 5 Easy Steps

**What is a disclaimer?** A disclaimer is a formal refusal of an inheritance (or part of an inheritance) by a beneficiary. By creating a “path” for disclaimed assets to follow, a skilled planner can provide a beneficiary with the option to pass assets to alternate beneficiaries.

- 1. Make sure the you name contingent beneficiaries.** Naming a contingent beneficiary directly on the beneficiary form is good practice and a pivotal part of most disclaimer planning. When a disclaimer is executed, the person making the disclaimer is treated as if he or she had predeceased you. The contingent beneficiary would then inherit the property. If there is no contingent beneficiary listed, often times the funds will default to your estate.
- 2. Touch nothing after death!** In order to execute a disclaimer, your beneficiaries cannot have “accepted” the property. Typically, this includes taking distributions from the account, actively transferring the account or making investment changes within the account. An exception does exist, however, for a beneficiary taking the year of death required minimum distribution for a deceased account owner.
- 3. Consult with a qualified estate planning attorney.** A disclaimer isn’t a simple form your beneficiaries get from your IRA custodian that they just sign and send back. It’s a legal document generally prepared by an estate planning attorney. Since property law is governed primarily at the state level, there may be slight variations from state to state regarding how the disclaimer must actually be executed or worded.
- 4. Be mindful of the deadline.** Under the Tax Code, a disclaimer must be delivered to the IRA custodian, in writing, within nine months of the date of your death. In the case of a beneficiary who inherits prior to age 21, the disclaimer must be made within nine months of turning 21.
- 5. Review the disclaimer’s impact.** There is no changing course with a disclaimer. Once it’s been executed, beneficiaries can’t go back. Before they disclaim, they should make sure they’ve considered all implications. Will it trigger an estate or generation skipping tax? Will it leave a beneficiary with too little? Will it give another beneficiary too much?

1419 Highland Avenue, Manhattan Beach, CA 90266 ☎ 310.643.7472 🌐 [www.CRAadvisors.com](http://www.CRAadvisors.com)

Investment advisory services offered through Mutual Advisors, LLC DBA California Retirement Advisors, a SEC registered investment adviser. Securities offered through Mutual Securities, Inc., member FINRA/SIPC. Mutual Securities, Inc. and Mutual Advisors, LLC are affiliated companies. CA Insurance license #0B09076. Mutual Advisors, LLC and California Retirement Advisors takes no responsibility for the current accuracy of this information. Ed Slott and Company LLC is not affiliated with MutualAdvisors. © 2026 Ed Slott and Company LLC. Reprinted with permission. Ed Slott and Company LLC takes no responsibility for the current accuracy of this information.

This is being provided for informational purposes only and should not be construed as a recommendation to buy or sell any specific securities. Past performance is no guarantee of future results, and all investing involves risk. The views expressed are those of California Retirement Advisors (CRA) and do not necessarily reflect the views of Mutual Advisors, LLC or any of its affiliates. CRA, nor any of its members, are tax accountants or legal attorneys, and do not provide tax or legal advice.

For tax or legal advice, you should consult your tax or legal professional.