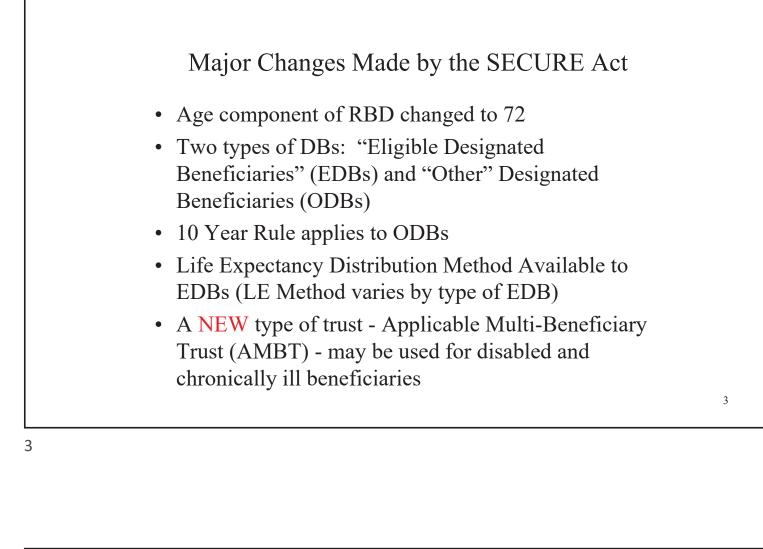
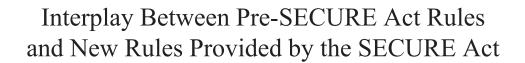
## Estate Planning For Retirement Plans In View of the SECURE Act

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THE UNIVERSITY OF TEXAS SCHOOL OF LAW 23<sup>RD</sup> ANNUAL ESTATE PLANNING, GUARDIANSHIP AND ELDER LAW CONFERENCE August 5-6, 2020

Background		
Pla	ef History of Federal Legislation Relating to Retirement ns fined Terms	
	ecent) History of the SECURE Act	
• Pre	-SECURE Act MRD Rules	
• Eff	ective Date Rules	
_	Applicable in the case of Participants who die after December 31, 2019	
	Applicable to successor beneficiaries of DBs receiving distributions from a retirement plan inherited from the Participant in the case of (i) a Participant who died <i>before</i> January 1, 2020 and (ii) a DB who dies <i>after</i> December 31, 2019	





- Very few pre-SECURE Act rules repealed
- Which pre-SECURE Act rules are still effective?
- Many unclear issues due to lack of coordination between pre-SECURE Act rules and "New Rules"
- ACTEC SECURE Act Guidance Task Force has identified over 40 issues that need clarification and has submitted those issues to Treasury
- Expect regulations to address numerous issues

## Trusts for Beneficiaries

- Conduit Trust (example in pre-Secure regs)
- Accumulation Trust (example in pre-Secure regs)
- Grantor Trust (PLRs only)
- Applicable Multi-Beneficiary Trust (NEW)
- Non-qualifying Trust (Non DB)
- Charitable Remainder Trust

## Eligible Designated Beneficiaries (NEW)

- 1. Participant's Surviving Spouse
- 2. Participant's Minor Child
- 3. Disabled Beneficiary
- 4. Chronically Ill Beneficiary
- 5. Beneficiary (not in any other category) who is *not more than 10 years younger* than the Participant

NOTE: Determination of whether a beneficiary is an EDB is made *as of the Participant's date of death* 

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## Title search: Estate Planning for Retirement Plans in View of the SECURE Act

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