

Dear Clients and Colleagues,
 We hope you are doing well and
 staying safe and healthy.

**NATIONAL ESTATE
 PLANNING WEEK**
 October 19-25

FREE ESTATE PLANNING
 CONSULTATION
 480-922-1010
 INFO@BIVENSLAW.COM



5 Reasons to Update Your Estate Plan by Megan Selvey, Esq.

Maybe you executed a Last Will and Testament when the kids were little back in 1985. It may be floating in the back of the closet somewhere. Oh wait, we moved, and where did we put those Wills? If this resonates with you, it may indeed be time to update your estate plan.

Here are a few additional reasons you might want to consider an update:

1. YOU MOVED STATES.

If you move across state lines, typically your estate plan will be legally valid in the new state. The issue is that Wills, Trusts, and Powers of Attorney are state specific and are governed by each state's own laws. There may be variations in your new state. You should have an estate planning attorney look over your documents and advise if anything needs an update. For example, in Arizona, we have a "Mental Health Power of Attorney" that other states do not have.

2. YOU GOT DIVORCED.

Even though most state laws provide that an ex-spouse can no longer inherit from you, there are other considerations as well. Did you name your ex-spouse or your in-laws in your documents? Did you have joint documents? Did you update your beneficiary designations on life insurance and retirement accounts? These are all items you want to discuss with your estate planning attorney as soon as possible.

To read the rest of the list go to: www.bivenslaw/blog/

“

ALL BUSINESS OWNERS NEED TO
 CONSIDER WHAT WILL
 HAPPEN TO THE
 BUSINESS IN THE
 EVENT OF RETIREMENT,
 DEATH, OR DISABILITY

”

Considerations for Family Business Succession

by Andrea Claus, Esq.

Many entrepreneurs spend a lifetime putting blood, sweat, and tears into building their own business. Too often, this dedication to the business falls short in one aspect: succession planning. All business owners need to consider what will happen to the business in the event of retirement, death, or disability. Making an advance plan can help preserve the business or preserve a legacy. There are several factors to keep in mind when planning for the succession of a small business. Below, several key factors regarding family business succession are discussed:

Identify a successor(s). Many small business owners plan to transfer their business to a child or children, or even grandchildren. In the case of multiple children, it is important to consider which of them has an interest, and the skill set, to step into the role of maintaining and/or growing the business successfully. When considering a successor within the line of descendants, skill and business acumen, rather than birth order, should be considered.

Encourage participation and familiarity with the business before transferring ownership and management duties. For the continued success of the business, your successor(s) should be familiar with the role they will fill and be trained to run the business before your departure. Training should be addressed before the official transfer of management and ownership. Many business owners transfer management control of the business to their successor(s), while staying involved as an advisor, then move to transfer of ownership.

To read the rest of the article, go to: www.bivenslaw.com/blog/

Retirement Account Beneficiary Designations & the SECURE Act

IT'S TIME TO DOUBLE CHECK YOUR BENEFICIARY DESIGNATIONS AND HAVE AN ESTATE PLAN REVIEW



The SECURE Act: Considerations in Designating Retirement Account Beneficiaries

by Stephanie Bivens, Esq.

On January 1, 2020, the SECURE Act significantly changed the rules for IRA and individual retirement account [401(k), 403(b), and 457(b)] beneficiaries. These changes will impact nearly every American and their family.

A review of your retirement account beneficiary designations should be undertaken promptly. While the new rules may appear somewhat straightforward, there is a lot to consider when designating retirement account beneficiaries based upon personal circumstances and estate plan objectives as illustrated below. Moreover, the SECURE Act is less than a year old and the IRS will certainly issue clarifying rulings on the SECURE Act in the future. You should always seek legal advice of an estate planning attorney, often in conjunction with your financial advisor and CPA or other tax professional, in making beneficiary designations on retirement accounts.

Prior to 2020, when a retirement account owner died any individual who inherited (and certain trusts) could use the old “stretch rules” to make withdrawals from the inherited retirement account over his or her lifetime. Now, the lifetime stretch rule has mostly been eliminated. The ability for the beneficiary to stretch out distributions from an inherited retirement account depends upon the beneficiary’s classification.

Under the Secure Act, there are 3 classifications of retirement account beneficiaries:

1. Designated Beneficiary (DB)
2. Eligible Designated Beneficiary (EDB)
3. Non- Designated Beneficiary (Non-DB)

To read the rest of this article go to: www.bivenslaw.com/blog/

How to Make an Advance Designation of Representative Payee (ADRP) to Manage Your Social Security Benefits

by Stephanie A. Bivens, Esq., CELA

The Social Security Administration (SSA) allows you to pre-designate up to three individuals who could serve as a Representative Payee to manage your Social Security (SS) benefits for you should the need ever arise. This can be a very useful tool because SSA does not recognize a Durable Financial Power of Attorney. In short, the SSA will appoint a Representative Payee to manage your SSA benefits if the SSA were ever to determine you incapable of managing SS monies yourself due to illness, injury, or other reason. By making an ADRP, you are naming individuals in advance as potential representative payees for SSA’s consideration. You may also change your advance designations at any time.

You can submit your advance designation request when you apply for benefits or after you are already receiving benefits. You may do so by direct electronic submission through your mySSA account (<https://www.ssa.gov/myaccount/>), by telephone, in person at the field office, or in writing using Form SSA-4547-Advance Designation of Representative Payee.

If an incapable SS beneficiary has an advance designation, SSA will consider the advance designees, one at a time, in the order listed by the SS beneficiary. Of course, SSA must still determine the advance designee meets criteria for payee selection and the advance designee must be able, willing and suitable to serve as payee. By making an advance designation, you are taking an important step to assist SSA in contacting and selecting the best person(s) to manage your SS benefits if ever when needed.





WELCOME, DARREN RICHARDSON

We are excited to announce that attorney Darren Richardson, has joined our firm. His practice areas include: Estate Planning, Probate and Trust Administration.

Having grown up working on his grandfather's farm, Darren has an appreciation of hard work, doing things the right way, and understands the importance of building and leaving a legacy to families. Darren has significant legal experience and has a way of putting everyone at ease.

Darren and his wife, Melissa, have three children and they love camping, fishing, and other outdoor activities.

CONGRATULATIONS, JENNIFER SCHNEIDER

September 2020 marked Jennifer Schneider's, our lead legal assistant's, 20th Anniversary year of working with attorney Stephanie Bivens.

Thank you for your hard work and many years of service and years and dedication. We appreciate what you bring to our team and clients every single day! We celebrate you, thank you, and look forward to many more years together.



This year marks UMOM's 11th Annual Buckles and Bangles Gala. Andrea Claus, Esq., is honored to serve on the UMOM Board of Directors and Co-Chair of Buckles and Bangles event this year. Over the last 10 years, the community has helped raise over \$5 million for families and youth experiencing homelessness.

Join Andrea Claus, Esq. on Friday, October 23, for the first ever Virtual Gala. UMOM will honor and celebrate Darlene Newsom's 18 years as UMOM's Chief Executive Officer and her incredible impact within the community.

To find out more go to: <https://umom.org/special-events/1-buckles-bangles-2020/>



**FRIDAY
OCTOBER 23, 2020**

Let's Talk Medicare

Thursday, October 15, at 5:30 pm - FREE Virtual Event

Hosted by Bivens & Associates, PLLC

Guest Speaker: Howard Segal with Segal Group LLC

Register TODAY: <https://1L.INK/2LSLHQQ>

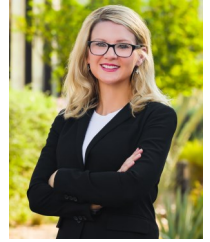
Open Enrollment for Medicare begins October 15; Are you ready?

- Do you know what your options are?
- Do you know what Medicare Coverage is Right for you?
- What is the Difference Between Medicare and Medicaid?
- Can you afford your current plan?
- How much traveling will you do next year and why is that important?
- Do you need a separate prescription drug plan? What about Dental or Vision Coverage?

Plan on joining us for this Free Virtual Event and get some answers to your questions.

Ask the Attorney

Andrea L. Claus, Attorney at Law



Q: How does the CARES Act impact my planning and do I need to update my estate plan prior to 2021?

A: The CARES Act includes a waiver of required minimum distributions (RMDs) for 2020. This waiver applies to IRAs, including both traditional and Roth IRAs, and company savings plans like 401(k), 403(b), and 457(b) plans. The RMD waiver is useful for those who would have to take a 2020 RMD based on higher account values on December 31, 2019.

Depending on the outcome of the election, there could be a significant reduction in the federal estate and gift tax exemption. Those individuals that would be affected by the reduction should consider updates and/or gifting prior to the end of the year, as a reduction would likely be retroactively effective to January 01, 2021.

Call today to request a complimentary review of your estate plan.



The PLANit Group's Shana Despres CFP®, ChFC®, CASL®, Robert Gershkowitz, and Howard Gershkowitz LUTCF invite you to attend a

FREE ZOOM WEBINAR

Wednesday, October 28, at 5:15 pm

Special Guests Presenters are:

Attorney, Stephanie Bivens, Esq., CELA with Bivens & Associates, PLLC
"Educational Discussion on Estate Planning and Long-Term Care"

Advice and Financial Planning, David Hermann, Mass Mutual's Regional Director
"Presentation on Retirement Income Framework"

JOIN WEBINAR—PASSCODE: 092971

MARK YOUR CALENDARS



Come and join us on these virtual walks.



Follow us on Facebook



Join us on Twitter



Connect with us on Linked In

Bivens & Associates, P.L.L.C.
 480-922-1010 | www.bivenslaw.com