

Estate Planning: How Does a Divorce Impact a Trust Where the Spouse is the Beneficiary?

Divorces are complicated. Having named a spouse in a trust and then unwinding that or figuring out what to do with that in a divorce can make it even more so.

The idea here is that proper planning and drafting of a trust, where a spouse is named, can reduce the complications. For instance, naming my current spouse rather than by naming the spouse with their proper name in the trust, potentially could be a significant help.

In addition, there are divorce ways to help this, whether you do a modification of the trust, whether you terminate the trust, whether the divorce agreement amongst the parties somehow incorporates the burden on one party or the other. Those things need to be considered in a divorce or as I pointed out, at the outset before the divorce.

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