Choosing beneficiaries for a Will

When selecting beneficiaries for a Wisconsin will, consider their reliability, relationship to you, financial needs, and potential challenges like incapacity or disputes. A structured checklist helps ensure thoughtful, legally sound choices that align with Wis. Stat. Ch. 853.

Key Considerations

- **Relationship and Intent**: Who do you want to benefit (family, friends, charities)? Prioritize based on closeness, dependency, or loyalty; avoid surprises for heirs like stepchildren unless intentional.
- **Age and Capacity**: Are they adults (18+)? Minors need guardians or trusts; special needs beneficiaries require supplemental needs trusts to protect eligibility.
- **Reliability**: Will they manage inheritance responsibly? Consider addiction, financial instability, or creditor issues; use trusts for spendthrifts.
- **Tax Implications**: How does selection affect estate taxes? Equal shares minimize disputes but may not fit unequal needs.
- **Contingencies**: What if they predecease you? Name alternates to avoid intestacy.
- **Conflicts**: Avoid naming witnesses as beneficiaries to prevent invalidation risks.

Beneficiary Checklist

Use this step-by-step list when drafting:

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Step	Question	Action
1	List all intended beneficiaries	Write full names, relationships, addresses, DOBs, SSNs.
2	Assess capacity/future needs	Flag minors/special needs; spendthrift, drugs, alcohol, or on government benefits - plan trusts.
3	Define shares	Specific items, percentages (total 100%), or residue.
4	Add contingents	Name backups if primary dies first.
5	Check conflicts	Ensure no overlap with witnesses/executors.
6	Review updates	Life events (births, deaths, divorce) trigger revisions.
7	Consult attorney	Validate against WI law (sound mind, no undue influence).

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