Guillen Pujol

Date: November 14, 2026

Is Your Trust Structure Still Effective in 2025? What to Review After the New Tax Law

Share this post

By The Guillen Pujol CPA Group Newsroom

Business Owner, GPCPAs Guides

The One Big Beautiful Bill Act (OBBBA), enacted July 4, 2025, has rewritten core tax rules. Deductions, Alternative Minimum Tax (AMT) thresholds, and federal estate tax exemptions have all been reset—changes that can upend even recently created trusts. Many structures now rest on outdated assumptions, leaving gaps that could cost families millions. This is the moment to re-examine whether your trust still works, to identify stronger alternatives, and to act before the new rules quietly erode your estate plan.

The real risk is structural: too many trusts are still calibrated to laws that no longer exist. This article outlines what to reassess, which formats may now offer stronger protection, and how to begin a targeted professional review.

What Is a Trust Structure—and Why Revisit It Now?

A trust structure defines how your assets are held, managed, and distributed—through a trust document, trustees, and named beneficiaries. It is not a “set it and forget it” instrument; it must adapt to changes in law, tax policy, and personal circumstances.

While OBBBA did not rewrite trust law directly, it made tax changes with real estate-planning consequences. The SALT (state and local tax) deduction cap is now $40,000 for those earning under $500,000 though higher earners still face significant itemization limits. The estate and gift tax exemption is permanently $15 million per person, $30 million for married couples, ending the 2026 rollback—for now. Additionally, the AMT threshold is permanently higher, reducing its role in many estate plans.

The net effect is clear: trusts designed to minimize AMT exposure or maximize SALT deductions may no longer serve their intended purpose. Shifts in inflation, asset valuations, and code provisions mean strategies that were efficient in 2018 may be liabilities in 2025. As the Tax Foundation notes, these changes merit a full

estate plan audit now—not later.

Family Trusts, Revocable Trusts, and Other Variants: What Still Works Today?

No single trust format fits every estate. The most common—revocable trusts, irrevocable trusts, grantor and non-grantor trusts—all carry tradeoffs shaped by estate size, asset types, tax residency, and family goals.

The revocable living trust (also known as a family trust) remains a staple, a cornerstone of many estate plans. It allows full asset control during life, bypasses probate, and ensures continuity if the grantor becomes incapacitated. But it offers no tax shelter or creditor protection—assets remain part of the taxable estate. In today's high-exemption environment it suits mid-sized estates focused on operational efficiency rather than tax savings.

In contrast, irrevocable trusts remove assets from the taxable estate—a critical tool for those exceeding the $15 million threshold—or for families seeking asset protection or long-term legacy planning regardless of estate size. These tools, while less flexible, are still crucial for asset protection, long-term legacy planning, and tax mitigation. Some families use irrevocable grantor trusts, where the grantor pays income tax and can accelerate wealth transfers to beneficiaries. Flexibility is limited, but their value endures.

Non-grantor trusts still work for state tax planning in high-tax states by shifting income to favorable jurisdictions like Delaware or South Dakota. Post-OBBBA, their urgency is reduced but not erased.

Key point: trust selection should reflect your goals, not just tax law. Most specialized structures were unaffected by OBBBA's provisions—but all should be tested for relevance under current law.

Read more:Hire a Licensed CPA in Florida: Strategic Tax Planning and Tax Representation With a CPA Firm

Signs It's Time to Revisit Your Current Structure

You don't need sweeping legislation to justify a trust review. Here are some red flags:

- **Family changes**: births, divorces, new marriages, or the death of a beneficiary or trustee.
- **Asset growth**: a substantial increase in wealth, new equity stakes, or accumulation of RSUs and stock options.

- **Change in tax residency**: moving to a different state or country may impact the trust's tax exposure and legal situs.
- **New asset classes**: cryptocurrency, foreign real estate, digital assets, or alternative investments may not be covered by your current trust language.
- **Outdated assumptions**: if your trust assumes a $5.5M estate exemption or other legacy thresholds, it likely needs recalibration.
- **Legislative changes and time lapse**: if it's been several years since your last review, that alone is a red flag. Even well-structured plans from 2018 may not hold up in 2025.

If any of these apply to your situation, it's time to take a second look. Failing to act could result in unintended outcomes—higher taxes, legal disputes, or poorly aligned distributions. Regular reviews are like financial wellness check-ups: they keep your plan in sync with your life.

What Are High-Net-Worth Families Doing in 2025?

Wealthy families are responding with proactive strategies:

- **Regular estate plan checkups**: Annual or biennial reviews with estate attorneys and CPAs—even without new legislation—are now standard practice.
- **Trust and LLC integration**: Combining trusts with family LLCs offers control, valuation discounts, and generational continuity.
- **Relocating trusts to favorable jurisdictions**: States like South Dakota and Nevada offer tax efficiency and enhanced legal flexibility.
- **Planning ahead despite stability**: With OBBBA in place, many families are still preparing for possible changes between 2026 and 2029, taking advantage of the current $15M ($30M for married couples) exemption while it lasts.

Across the board, HNW families view estate planning as an iterative, multidisciplinary process involving attorneys, CPAs, investment advisors, and sometimes corporate fiduciaries.

How to Start a Structural Review—and the CPA's Role

Reviewing a trust structure involves both legal and financial. A CPA adds value through:

Is Your Trust Structure Still Effective in 2025? What to Review After the New Tax Law

- **Document review**: Gather and validate all planning documents, including wills, trusts, POAs, beneficiary designations, and financial statements.
- **Asset and beneficiary mapping**: Confirm what's inside the trust, identify gaps, and update beneficiaries where needed.
- **Gap identification**: Check for outdated clauses, missing assets (e.g., vested RSUs, appreciated real estate), or outdated tax provisions.
- **Tax modeling and financial validation**: The CPA runs projections, assesses tax exposure, and flags inefficiencies.
- **Implementation and monitoring**: If updates are needed, the attorney handles legal drafting while the CPA ensures compliance and oversees fiscal impact.

Read more:Inflation & LLCs: What High-Income Owners Should Know

During this process, ask:

- Does my trust reflect my current income streams?
- Are there clauses covering digital assets or complex equity?
- Are beneficiaries accurate and current?
- Does the trust match my current and expected tax residency?
- Are all OBBBA provisions integrated?

Answering these with your advisory team can help prevent costly future problems. Updating your trust doesn't require starting from scratch—targeted amendments are often enough to bring it in line with today's legal and financial realities.

The tax code has moved. If your trust hasn't, it's time to close the gap.

A disciplined review now can preserve more of your estate, avoid disputes, and ensure your plan meets your intentions under the new law.

About Our Firm

At **Guillen Pujol CPA Group**, our Miami firm specializes in high-income tax planning, international tax services, tax management, capital gains tax advisory on foreign-owned property (FIRPTA). We also

Is Your Trust Structure Still Effective in 2025? What to Review After the New Tax Law

outsourced bookkeeping, compliance, and controller services, among other accounting and tax advisory solutions. Our team of experienced tax professionals has helped thousands of clients navigate complex regulations. This includes areas like corporate maintenance and compliance, tax compliance and optimal tax management strategies, business financial performance evaluation, and compilation services. As leading experts among Miami CPA firms, we are committed to providing exceptional business and tax consulting services tailored to your needs.

Take Action Now: Need professional tax guidance? Contact us today.

Planning Tomorrow, *Together,* with GPCPAs.

Trusted by Businesses Worldwide

Editor's Note: This post is part of the 'GPCPAs Info Hub,' an initiative dedicated to empowering you with the knowledge and strategies needed to navigate the complexities of the U.S. tax system and financial strategies. Visit our Information Hub, a curated resource offering the latest in tax, economic, and business news, alongside actionable guidance on tax strategies, accounting, and business advisory—because Planning Tomorrow starts *here*.

August 13, 2025

- IRS Transfer Certificates: Releasing a Nonresident's Estate Held by a U.S. Broker
- Your Bank Wants Compiled Financial Statements: What to Send If Your Parent Uses IFRS
- Late FBAR and Form 8938 in 2026: What Determines the Correction Path
- The OBBBA 1% Remittance Tax in 2026: Which Transfers Are Subject to It
- AUP Reports for Lenders in Cross-Border Financing

Share this post