

Jurisdiction Showdown

The Vital Importance of Choosing the Correct Trust Jurisdiction

| | South Dakota | Nevada | Wyoming | Alaska | Delaware |
|--|---|--|--|---|---|
| Dynasty Trusts | Yes <i>Ranked as #1 [1]</i> | Yes <i>Ranked as #2 [1]</i> <i>State constitution prohibits modification to RAP [2]</i> | Yes <i>Ranked as #5 [1]</i> <i>State constitution prohibits modification to RAP [2]</i> | Yes <i>Ranked as #4 [1]</i> | Yes <i>Ranked as #6 [1]</i> |
| State Income Taxation | No | No | No | No <i>Future uncertain</i> | No <i>Only for non-residents</i> |
| Community Property Trusts | Yes [3] <i>Effective July 1, 2016</i> | Yes <i>Only for residents</i> | No | Yes <i>Future uncertain</i> | No |
| Domestic Asset Protection Statute | Yes [4] <i>2 year statute of limitations</i> <i>Exception for child support</i> | Yes [4] <i>2 year statute of limitations</i> <i>No exceptions for child and spousal support</i> | Yes [4] <i>4 year statute of limitations</i> <i>Exception for child support</i> | Yes [4] <i>2 year statute of limitations</i> <i>Exception for divorcing spouse</i> | Yes [4] <i>4 year statute of limitations</i> <i>Exceptions for child and spousal support</i> |
| Trust Protector | Yes | Yes | Yes | Yes | Yes |
| Directed Trusts | Yes | Yes | Yes | Yes | Yes |
| Decanting Statute | Yes <i>Ranked as #1 [5]</i> | Yes <i>Ranked as #2 [5]</i> | Yes <i>Ranked as #10 [5]</i> | Yes <i>Ranked as #7 [5]</i> | Yes <i>Ranked as #5 [5]</i> |
| Trust Privacy Provision | Yes - Total Privacy Seal Forever <i>Automatically attaches</i> <i>“Of the top tier trust jurisdictions, South Dakota has the best trust privacy laws.” [2]</i> | No Total Privacy Seal [2] <i>Subject to judge discretion</i> | No Total Privacy Seal [2] <i>Subject to judge discretion</i> | No Total Privacy Seal [2] <i>Subject to judge discretion</i> | Yes - Three Year Privacy Seal [2] <i>Subject to judge discretion</i> |
| Special Purpose Entity | Yes [2] | Yes [2] | Yes [2] | Yes [2] | Yes [2] |
| Family Advisor | Yes | No | No | No | No |

** Denotes superior distinction among jurisdictions.*



[1] - see Attorney Steve Oshins' "4th Annual Dynasty Trust State Rankings Chart"

[2] - see Merric, Mark & Worthington, Daniel G., "Which Situs is Best in 2016?" *Trusts & Estates* January 2016

[3] - see South Dakota Special Spousal Trusts, House Bill 1039 (2016) (Sections 29-42)

[4] - see Attorney Steve Oshins' "6th Annual Domestic Asset Protection Trust State Rankings Chart"

[5] - see Attorney Steve Oshins' "3rd Annual Trust Decanting State Rankings Chart"