

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 #7 [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] <i>Codified by statute</i>	No	No	No	No
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"