

# Jurisdiction Showdown

## *The Vital Importance of Choosing the Correct Trust Jurisdiction*

	South Dakota	Nevada	Wyoming	Alaska	Delaware
<b>Dynasty Trusts</b>	<b>Yes</b> <i>Ranked as #1 [1]</i>	<b>Yes</b> <i>Ranked as #2 [1]</i> <i>State constitution prohibits modification to RAP [2]</i>	<b>Yes</b> <i>Ranked as #5 [1]</i> <i>State constitution prohibits modification to RAP [2]</i>	<b>Yes</b> <i>Ranked as #4 [1]</i>	<b>Yes</b> <i>Ranked as #6 [1]</i>
<b>State Income Taxation</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b> <i>Future uncertain</i>	<b>No</b> <i>Only for non-residents</i>
<b>Community Property Trusts</b>	<b>Yes [3]</b> <i>Effective July 1, 2016</i>	<b>Yes</b> <i>Only for residents</i>	<b>No</b>	<b>Yes</b> <i>Future uncertain</i>	<b>No</b>
<b>Domestic Asset Protection Statute</b>	<b>Yes [4]</b> <i>2 year statute of limitations</i> <i>Exception for child support</i>	<b>Yes [4]</b> <i>2 year statute of limitations</i> <i>No exceptions for child and spousal support</i>	<b>Yes [4]</b> <i>4 year statute of limitations</i> <i>Exception for child support</i>	<b>Yes [4]</b> <i>2 year statute of limitations</i> <i>Exception for divorcing spouse</i>	<b>Yes [4]</b> <i>4 year statute of limitations</i> <i>Exceptions for child and spousal support</i>
<b>Trust Protector</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
<b>Directed Trusts</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
<b>Decanting Statute</b>	<b>Yes</b> <i>Ranked as #1 [5]</i>	<b>Yes</b> <i>Ranked as #2 [5]</i>	<b>Yes</b> <i>Ranked as #10 [5]</i>	<b>Yes</b> <i>Ranked as #7 [5]</i>	<b>Yes</b> <i>Ranked as #5 [5]</i>
<b>Trust Privacy Provision</b>	<b>Yes - Total Privacy Seal Forever</b> <i>Automatically attaches</i> <i>“Of the top tier trust jurisdictions, South Dakota has the best trust privacy laws.” [2]</i>	<b>No Total Privacy Seal [2]</b> <i>Subject to judge discretion</i>	<b>No Total Privacy Seal [2]</b> <i>Subject to judge discretion</i>	<b>No Total Privacy Seal [2]</b> <i>Subject to judge discretion</i>	<b>Yes - Three Year Privacy Seal [2]</b> <i>Subject to judge discretion</i>
<b>Special Purpose Entity</b>	<b>Yes [2]</b>	<b>Yes [2]</b>	<b>Yes [2]</b>	<b>Yes [2]</b>	<b>Yes [2]</b>
<b>Insurance Premium Tax</b>	<b>8 basis points [2]</b>	<b>350 basis points [2]</b>	<b>75 basis points [2]</b>	<b>10 basis points [2]</b>	<b>200 basis points [2]</b>

*\* 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"