Jurisdiction Showdown

The Vital Importance of Choosing the Correct Trust Jurisdiction

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



* Denotes superior distinction among jurisdictions.

[1] - see Attorney Steve Oshins' "5th 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' "7th Annual Domestic Asset Protection Trust State Rankings Chart"

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