



General Assembly

February Session, 2008

Raised Bill No. 508

LCO No. 2607

02607_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT ADOPTING THE CONNECTICUT UNIFORM TRUST CODE
AND ESTABLISHING AN ALTERNATIVE RULE AGAINST
PERPETUITIES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2009*) Sections 1 to 86, inclusive, of
2 this act may be cited as the "Connecticut Uniform Trust Code".

3 Sec. 2. (NEW) (*Effective July 1, 2009*) Sections 1 to 86, inclusive, of
4 this act apply to express trusts, whether testamentary or inter vivos
5 and whether charitable or noncharitable, and trusts created pursuant
6 to a statute, judgment or decree that requires the trust to be
7 administered in the manner of an express trust, except that sections 1
8 to 86, inclusive, of this act shall not apply to statutory trusts created
9 pursuant to chapter 615 of the general statutes to the extent
10 inconsistent with the terms of chapter 615 of the general statutes.

11 Sec. 3. (NEW) (*Effective July 1, 2009*) As used in sections 1 to 86,
12 inclusive, of this act:

13 (1) "Action", with respect to an act of a trustee, includes a failure to
14 act.

15 (2) "Beneficiary" means a person that (A) has a present or future
16 beneficial interest in a trust, vested or contingent, or (B) in a capacity
17 other than that of trustee, holds a power of appointment over trust
18 property. "Beneficiary" does not include an appointee under a power
19 of appointment unless and until the power is exercised and the trustee
20 has knowledge of the exercise and the identity of the appointee.

21 (3) "Beneficiary surrogate" means a person, other than a trustee,
22 designated by the settlor in the trust instrument to receive notices,
23 information and reports otherwise required to be provided to a current
24 beneficiary under subdivision (7) of subsection (b) of section 5 of this
25 act.

26 (4) "Charitable trust" means a trust, or portion of a trust, created for
27 the relief of poverty, the advancement of education or religion, the
28 promotion of health, governmental or municipal purposes or other
29 purposes which benefit the community.

30 (5) "Current beneficiary" means a beneficiary who, on the date the
31 beneficiary's qualification is determined, is a distributee or permissible
32 distributee of trust income or principal.

33 (6) "Conservator" means a person appointed by the court to
34 administer the estate of a minor or adult individual and includes a
35 guardian of the estate of a minor.

36 (7) "District" means, for purposes of venue, the district of the court
37 having or accepting jurisdiction over the proceeding.

38 (8) "Environmental law" means a federal, state or local law, rule,
39 regulation or ordinance relating to protection of the environment.

40 (9) "Guardian" means a person appointed by the court to make
41 decisions regarding the support, care, education, health and welfare of
42 a minor or adult individual and includes a conservator of the person of
43 an adult, but does not include a guardian ad litem.

44 (10) "Interests of the beneficiaries" means the beneficial interests
45 provided in the terms of the trust.

46 (11) "Inter vivos trust" means any trust that is not a testamentary
47 trust.

48 (12) "Jurisdiction", with respect to a geographic area, includes a state
49 or country.

50 (13) "Mandatory distribution" means a distribution of income or
51 principal that the trustee is required to make to a beneficiary under the
52 terms of the trust, including a distribution upon termination of the
53 trust. "Mandatory distribution" does not include a distribution subject
54 to the exercise of the trustee's discretion, regardless of whether the
55 terms of the trust (A) include a support or other standard to guide the
56 trustee in making distribution decisions, or (B) provide that the trustee
57 "may" or "shall" make discretionary distributions, including
58 distributions pursuant to a support or other standard.

59 (14) "Permissible distributee" means a beneficiary who is currently
60 entitled to or eligible to receive a distribution from a trust.

61 (15) "Person" means an individual, corporation, business trust,
62 estate, trust, partnership, limited liability company, association, joint
63 venture, court, government, governmental subdivision, agency or
64 instrumentality, public corporation or any other legal or commercial
65 entity.

66 (16) "Power of withdrawal" means a presently exercisable general
67 power of appointment other than a power exercisable only upon
68 consent of the trustee or a person holding an adverse interest.

69 (17) "Property" means anything that may be the subject of
70 ownership, whether real or personal and whether legal or equitable, or
71 any interest therein.

72 (18) "Qualified beneficiary" means a beneficiary who, on the date the

73 beneficiary's qualification is determined: (A) Is a distributee or
74 permissible distributee of trust income or principal; (B) would be a
75 distributee or permissible distributee of trust income or principal if the
76 interests of the distributees described in subparagraph (A) of this
77 subdivision terminated on such date without causing the trust to
78 terminate; or (C) would be a distributee or permissible distributee of
79 trust income or principal if the trust terminated on such date.

80 (19) "Revocable", as applied to a trust, means revocable by the
81 settlor without the consent of the trustee or a person holding an
82 adverse interest.

83 (20) "Settlor" means a person, including a testator, who creates or
84 contributes property to a trust. If more than one person creates or
85 contributes property to a trust, each person is a settlor of the portion of
86 the trust property attributable to such person's contribution, except to
87 the extent another person has the power to revoke or withdraw such
88 portion.

89 (21) "Spendthrift provision" means a term of a trust that restrains
90 both voluntary and involuntary transfer of a beneficiary's interest.

91 (22) "State" means a state of the United States, the District of
92 Columbia, Puerto Rico, the United States Virgin Islands or any
93 territory or insular possession subject to the jurisdiction of the United
94 States, and includes an Indian tribe or band recognized by federal law
95 or formally acknowledged by a state.

96 (23) "Terms of a trust" or "terms of the trust" means the
97 manifestation of the settlor's intent regarding a trust's provisions as
98 expressed in the trust instrument or as may be established by other
99 evidence that would be admissible in a judicial proceeding.

100 (24) "Testamentary trust" means a trust created under a will or any
101 other trust created, authorized or approved by order of a probate
102 court.

103 (25) "Trust instrument" means any instrument executed by the
104 settlor that contains terms of the trust, including any amendments
105 thereto.

106 (26) "Trustee" includes an original, additional and successor trustee
107 and a cotrustee.

108 Sec. 4. (NEW) (*Effective July 1, 2009*) (a) Subject to subsection (b) of
109 this section, for the purposes of sections 1 to 86, inclusive, of this act, a
110 person has knowledge of a fact if the person (1) has actual knowledge
111 of the fact, (2) has received a notice or notification of the fact, or (3)
112 from all the facts and circumstances known to the person at the time in
113 question, has reason to know the fact.

114 (b) An organization that conducts activities through employees has
115 notice or knowledge of a fact involving a trust only from the time the
116 information was received by an employee having responsibility to act
117 for the trust, or from the time the information would have been
118 brought to the employee's attention if the organization had exercised
119 reasonable diligence. An organization exercises reasonable diligence if
120 it maintains reasonable routines for communicating significant
121 information to the employee having responsibility to act for the trust
122 and there is reasonable compliance with the routines. Reasonable
123 diligence does not require an employee of the organization to
124 communicate information unless the communication is part of the
125 individual's regular duties or the individual knows a matter involving
126 the trust would be materially affected by the information.

127 Sec. 5. (NEW) (*Effective July 1, 2009*) (a) Except as otherwise
128 provided in the terms of the trust, sections 1 to 86, inclusive, of this act
129 govern the duties and powers of a trustee, relations among trustees
130 and the rights and interests of a beneficiary.

131 (b) The terms of a trust prevail over any provision of sections 1 to
132 86, inclusive, of this act, except: (1) The requirements for creating a
133 trust; (2) the duty of a trustee to act in good faith and in accordance

134 with the terms and purposes of the trust; (3) the requirement of section
135 24 of this act that a trust have a purpose that is lawful, not contrary to
136 public policy and possible to achieve; (4) the power of the court to
137 modify or terminate a trust under sections 30 to 36, inclusive, of this
138 act; (5) the effect of a spendthrift provision and the rights of certain
139 creditors and assignees to reach a trust as provided in sections 38 to 45,
140 inclusive, of this act; (6) the power of the court under section 51 of this
141 act to require, dispense with, modify or terminate a bond; (7) the duty
142 under subdivision (2) of subsection (a) of section 67 of this act to
143 respond to the request of a current beneficiary of an irrevocable trust
144 for information reasonably related to the administration of a trust; (8)
145 the effect of an exculpatory term under section 78 of this act; (9) the
146 rights under sections 80 to 83, inclusive, of this act of a person other
147 than a trustee or beneficiary; (10) periods of limitation for commencing
148 a judicial proceeding; (11) the power of the court to take such action
149 and exercise such jurisdiction as may be necessary in the interests of
150 justice; (12) the subject-matter jurisdiction of the court and venue for
151 commencing a proceeding as provided in sections 14 and 15 of this act;
152 or (13) the provisions of sections 1 to 86, inclusive, of this act
153 specifically dealing with the supervision of testamentary trusts by the
154 court.

155 (c) With respect to one or more of the current or qualified
156 beneficiaries, the settlor, in the trust instrument, may waive or modify
157 the duties of the trustee described in subdivision (7) of subsection (b)
158 of this section. Such a waiver or modification may be made only by the
159 settlor designating in the trust instrument one or more beneficiary
160 surrogates to receive any notices, information or reports otherwise
161 required under said subdivision to be provided to the current or
162 qualified beneficiaries. If the settlor makes such a waiver or
163 modification, the trustee shall provide such notices, information or
164 reports to the beneficiary surrogates, in lieu of providing them to the
165 current or qualified beneficiaries. The beneficiary surrogates shall act
166 in good faith to protect the interests of the current or qualified
167 beneficiaries for whom the notices, information or reports are received.

168 The beneficiary surrogates are deemed to be representatives of the
169 current or qualified beneficiaries not provided such notices,
170 information or reports for all purposes, except for the time limitation
171 for a beneficiary to commence an action against a trustee for breach of
172 trust as provided in subsections (a) and (b) of section 75 of this act.

173 Sec. 6. (NEW) (*Effective July 1, 2009*) The common law of trusts and
174 principles of equity supplement sections 1 to 86, inclusive, of this act,
175 except to the extent modified by sections 1 to 86, inclusive, of this act
176 or another statute of this state.

177 Sec. 7. (NEW) (*Effective July 1, 2009*) The meaning and effect of the
178 terms of a trust are determined by: (1) The law of the jurisdiction
179 designated in the terms of the trust, unless the designation of such
180 jurisdiction's law is contrary to a strong public policy of the
181 jurisdiction having the most significant relationship to the matter at
182 issue; or (2) in the absence of a controlling designation in the terms of
183 the trust, the law of the jurisdiction having the most significant
184 relationship to the matter at issue.

185 Sec. 8. (NEW) (*Effective July 1, 2009*) (a) Without precluding other
186 means for establishing a sufficient connection with the designated
187 jurisdiction, terms of a trust designating the principal place of
188 administration are valid and controlling if: (1) A trustee's principal
189 place of business is located in or a trustee is a resident of the
190 designated jurisdiction; or (2) all or part of the administration occurs in
191 the designated jurisdiction.

192 (b) A trustee is under a continuing duty to administer the trust at a
193 place appropriate to its purposes, its administration and the interests
194 of the beneficiaries.

195 (c) The principal place of administration of a testamentary trust
196 means (1) in the case of a trust created under a will, in the district in
197 which the settlor's estate was or is being administered, (2) in the case of
198 any other trust created, authorized or approved by order of the

199 Probate Court, in the district in which the court creating the trust is
200 located, or (3) in the case of a trust transferred to this state subject to
201 the continuing supervision of the court, the district in which the
202 trustee's principal place of business is located, where the trustee
203 resides or where all or part of the administration occurs.

204 (d) Without precluding the right of the court to order, approve or
205 disapprove a transfer, the trustee of an inter vivos trust, and the trustee
206 of a testamentary trust with court approval, in furtherance of the duty
207 prescribed by subsection (b) of this section, may transfer the trust's
208 principal place of administration to another state or to a jurisdiction
209 outside of the United States.

210 (e) The trustee of an inter vivos trust shall notify the qualified
211 beneficiaries of a transfer of a trust's principal place of administration
212 to another state or to a jurisdiction outside of the United States not less
213 than sixty days before initiating the transfer. The notice of the transfer
214 shall include: (1) The name of the jurisdiction to which the principal
215 place of administration is to be transferred; (2) the address and
216 telephone number at the new location at which the trustee can be
217 contacted; (3) an explanation of the reasons for the transfer; and (4) the
218 date on which the transfer is anticipated to occur.

219 (f) In connection with a transfer of the trust's principal place of
220 administration, the trustee may transfer some or all of the trust
221 property to a successor trustee designated in the terms of the trust or
222 appointed pursuant to section 53 of this act.

223 Sec. 9. (NEW) (*Effective July 1, 2009*) (a) Notice to a person under
224 sections 1 to 86, inclusive, of this act, or the sending of a document to a
225 person under sections 1 to 86, inclusive, of this act, shall be
226 accomplished in a manner reasonably suitable under the circumstances
227 and likely to result in receipt of the notice or document. Permissible
228 methods of notice or for sending a document include first-class mail,
229 personal delivery, delivery to the person's last-known place of
230 residence or place of business, or a properly directed electronic

231 message, if the person has consented in advance to receive notices or
232 documents by electronic message.

233 (b) Notice otherwise required under sections 1 to 86, inclusive, of
234 this act, or a document otherwise required to be sent under sections 1
235 to 86, inclusive, of this act need not be provided to a person whose
236 identity or location is unknown to and not reasonably ascertainable by
237 the trustee.

238 (c) Notice under sections 1 to 86, inclusive, of this act or the sending
239 of a document under sections 1 to 86, inclusive, of this act may be
240 waived by the person to be notified or to be sent the document.

241 (d) Notice of a judicial proceeding shall be given as provided in any
242 applicable court rules.

243 Sec. 10. (NEW) (*Effective July 1, 2009*) (a) Whenever notice to
244 qualified beneficiaries of a trust is required under sections 1 to 86,
245 inclusive, of this act, the trustee shall also give notice to any other
246 current beneficiary who has sent the trustee a request for notice.

247 (b) A charitable organization expressly designated to receive
248 distributions under the terms of a charitable trust has the rights of a
249 qualified beneficiary under sections 1 to 86, inclusive, of this act if the
250 charitable organization, on the date the charitable organization's
251 qualification is being determined: (1) Is a distributee or permissible
252 distributee of trust income or principal; (2) would be a distributee or
253 permissible distributee of trust income or principal upon the
254 termination of the interests of other distributees or permissible
255 distributees then receiving or eligible to receive distributions; or (3)
256 would be a distributee or permissible distributee of trust income or
257 principal if the trust terminated on such date.

258 (c) The Attorney General has the rights of a qualified beneficiary
259 with respect to a charitable trust having its principal place of
260 administration in this state.

261 (d) A person appointed to enforce a trust created for the care of an
262 animal or another noncharitable purpose as provided in section 28 or
263 29 of this act has the rights of a qualified beneficiary under sections 1
264 to 86, inclusive, of this act.

265 (e) A charitable organization shall only be granted the rights of a
266 qualified beneficiary in this section if its interest in a charitable trust is
267 not otherwise subject to any power of appointment, removal or any
268 other power of termination on the date that its qualification is
269 otherwise determined under this section.

270 Sec. 11. (NEW) (*Effective July 1, 2009*) (a) For the purposes of this
271 section, "interested persons" means persons whose consent would be
272 required in order to achieve a binding settlement were the settlement
273 to be approved by the court.

274 (b) Except as otherwise provided in subsections (c) and (e) of this
275 section, interested persons may enter into a binding nonjudicial
276 settlement agreement with respect to any matter involving an inter
277 vivos trust.

278 (c) A nonjudicial settlement agreement is valid only to the extent it
279 does not violate a material purpose of the trust and includes terms and
280 conditions that could be properly approved by the court under
281 sections 1 to 86, inclusive, of this act or other applicable law.

282 (d) Matters that may be resolved by a nonjudicial settlement
283 agreement include: (1) The interpretation or construction of the terms
284 of the trust; (2) the approval of a trustee's report or accounting; (3)
285 direction to a trustee to refrain from performing a particular act or the
286 grant to a trustee of any necessary or desirable power; (4) the
287 resignation or appointment of a trustee and the determination of a
288 trustee's compensation; (5) transfer of a trust's principal place of
289 administration; and (6) liability of a trustee for an action relating to the
290 trust.

291 (e) A nonjudicial settlement agreement may not modify or terminate
292 an irrevocable trust. Such modification or termination may only be
293 accomplished under the provisions of sections 31 to 37, inclusive, of
294 this act.

295 (f) Any interested person may request the court to approve a
296 nonjudicial settlement agreement, to determine whether the
297 representation as provided in sections 16 to 20, inclusive, of this act
298 was adequate, and to determine whether the agreement contains terms
299 and conditions the court could have properly approved.

300 Sec. 12. (NEW) (*Effective July 1, 2009*) (a) A testamentary trust is
301 subject to continuing judicial supervision. For this purpose, a
302 testamentary trust shall include any trust created under the laws of
303 another jurisdiction, the principal place of administration of which is
304 transferred to this state and expressly made subject to the continuing
305 supervision of the court by the transferring court or document of
306 transfer.

307 (b) The court may intervene in the administration of an inter vivos
308 trust to the extent its jurisdiction is invoked by an interested person or
309 as provided by law.

310 (c) An inter vivos trust is not subject to continuing judicial
311 supervision.

312 (d) A judicial proceeding involving a trust may relate to any matter
313 involving the trust's administration, including, but not limited to, a
314 proceeding to: (1) Request instructions; (2) approve a nonjudicial
315 settlement; (3) interpret or construe the terms of a trust; (4) determine
316 the validity of a trust; (5) approve a trustee's report or accounting or
317 compel a trustee to report or account; (6) review the actions of a
318 trustee, including the exercise of a discretionary power; (7) accept the
319 resignation of a trustee; (8) appoint or remove a trustee; (9) transfer a
320 testamentary trust's principal place of administration or a testamentary
321 trust's property to another jurisdiction; (10) modify or terminate a

322 trust; (11) combine trusts or divide a trust; (12) determine liability of a
323 trust for debts of a beneficiary and living settlor; (13) determine
324 liability of a trust for debts, expenses of administration and statutory
325 allowances chargeable against the estate of a deceased settlor; or (14)
326 apply to a charitable trust the equitable doctrine of approximation, cy
327 pres, equitable deviation and other principles of equity pertaining to
328 charitable trusts.

329 Sec. 13. (NEW) (*Effective July 1, 2009*) (a) By accepting the trusteeship
330 of a trust having its principal place of administration in this state, or by
331 moving the principal place of administration to this state, the trustee
332 submits personally to the jurisdiction of the courts of this state
333 regarding any matter involving the trust.

334 (b) With respect to their interests in the trust, the beneficiaries of a
335 trust having its principal place of administration in this state are
336 subject to the jurisdiction of the courts of this state regarding any
337 matter involving the trust. By accepting a distribution from such a
338 trust, the recipient submits personally to the jurisdiction of the courts
339 of this state regarding any matter involving the trust.

340 (c) This section does not preclude other methods of obtaining
341 jurisdiction over a trustee, beneficiary or other person receiving
342 property from the trust.

343 Sec. 14. (NEW) (*Effective July 1, 2009*) (a) The Probate Court has
344 exclusive jurisdiction of proceedings in this state concerning the
345 interim and final accounts of testamentary trustees.

346 (b) In any proceeding in the Probate Court that is or has become a
347 contested matter, the Probate Court Administrator shall, on the motion
348 of all interested parties, cite in within ten days a special assignment
349 probate judge to hear only the contested portion of the matter. If the
350 motion to cite a special assignment probate judge is not filed or
351 consented to by all of the interested parties, the Probate Court shall
352 transfer the contested portion of the matter within ten days to the

353 Superior Court upon the request of any party and in accordance with
354 the procedures provided in section 45a-186 of the 2008 supplement to
355 the general statutes. If the contested portion of a case is transferred to
356 the Superior Court, the clerk of the Probate Court shall transmit
357 certified copies of all relevant portions of the file to the clerk of the
358 Superior Court. The Superior Court to which the contested matter was
359 transferred may grant such relief as necessary to resolve the contested
360 matter and shall then promptly transfer the matter back to the original
361 probate court to complete any remaining uncontested matters,
362 delivering to the clerk of the probate court a certified copy of the file
363 and of the proceedings regarding the contested matter in the transferee
364 court.

365 Sec. 15. (NEW) (*Effective July 1, 2009*) (a) Venue for a judicial
366 proceeding in the Superior Court shall be as provided in chapter 890 of
367 the general statutes.

368 (b) (1) Except as otherwise provided in subsection (c) of this section,
369 venue for a judicial proceeding in a court of probate involving an inter
370 vivos trust is, in the following order of priority: (A) In the district of
371 this state in which the trust's principal place of administration is or will
372 be located; (B) in the district of this state where any trustee resides or
373 has a principal place of business; or (C) in the district of this state
374 where the settlor's estate was or is being administered.

375 (2) Except as otherwise provided in subsection (c) of this section,
376 venue for a judicial proceeding involving a testamentary trust is in the
377 district of this state in which the trust's principal place of
378 administration is located.

379 (c) (1) If an inter vivos trust has no trustee, venue for a judicial
380 proceeding for the appointment of a trustee shall be, in the following
381 order of priority: (A) In a district of this state in which a beneficiary
382 resides; (B) in a district of this state in which any trust property is
383 located; or (C) in the district of this state in which the trust's principal
384 place of administration is located.

385 (2) If a testamentary trust has no trustee, venue for a judicial
386 proceeding for the appointment of a trustee shall be in the district of
387 this state in which the trust's principal place of administration is
388 located as determined under subsection (c) of section 8 of this act.

389 (d) A judicial proceeding other than one described in subsection (b)
390 or (c) of this section shall be commenced in accordance with the rules
391 of venue applicable to civil actions.

392 Sec. 16. (NEW) (*Effective July 1, 2009*) (a) Notice to a person who may
393 represent and bind another person under sections 16 to 20, inclusive, of
394 this act has the same effect as if notice were given directly to such other
395 person.

396 (b) The consent of a person who may represent and bind another
397 person under sections 16 to 20, inclusive, of this act is binding on the
398 person represented unless the person represented objects to the
399 representation before the consent would otherwise have become
400 effective.

401 (c) Except as otherwise provided in section 47 of this act, a person
402 who, pursuant to sections 16 to 20, inclusive, of this act may represent
403 a settlor who lacks capacity may receive notice and give a binding
404 consent on the settlor's behalf.

405 (d) Notwithstanding any provision of the general statutes, sections
406 16 to 20, inclusive, of this act shall apply to all judicial proceedings and
407 all nonjudicial settlements, agreements or actions under sections 1 to
408 86, inclusive, of this act and under any other provisions of the general
409 statutes pertaining to trust matters.

410 (e) For the purposes of this section, "represent" shall not be
411 construed to permit a person who has not been admitted as an
412 attorney pursuant to section 51-80 of the general statutes to serve as
413 legal counsel for any other person in any matter arising under sections
414 1 to 86, inclusive, of this act.

415 Sec. 17. (NEW) (*Effective July 1, 2009*) To the extent there is no
416 conflict of interest between the holder of a power of appointment and
417 the persons represented with respect to the particular question or
418 dispute: (1) The sole holder or all coholders of any power of
419 appointment, whether or not presently exercisable, shall represent the
420 potential appointees; and (2) the sole holder or all coholders of a power
421 of revocation or a general power of appointment, including one in the
422 form of a power of amendment, shall also represent the takers in
423 default of the exercise thereof.

424 Sec. 18. (NEW) (*Effective July 1, 2009*) To the extent there is no
425 conflict of interest between the representative and the person
426 represented or among those being represented with respect to a
427 particular question or dispute: (1) A conservator may represent and
428 bind the estate that the conservator controls; (2) a guardian may
429 represent and bind the ward if a conservator of the ward's estate has
430 not been appointed; (3) an agent having authority to do so may
431 represent and bind the principal; (4) a trustee may represent and bind
432 the beneficiaries of the trust; (5) an executor or administrator of a
433 decedent's estate may represent and bind persons interested in the
434 estate; and (6) if a conservator or guardian has not been appointed, a
435 parent may represent and bind the parent's minor or unborn child.

436 Sec. 19. (NEW) (*Effective July 1, 2009*) Unless otherwise represented,
437 a minor, an incapacitated or unborn individual, or a person whose
438 identity or location is unknown and not reasonably ascertainable, may
439 be represented by and bound by another person having a substantially
440 identical interest with respect to the particular question or dispute, but
441 only to the extent there is no conflict of interest between the
442 representative and the person being represented.

443 Sec. 20. (NEW) (*Effective July 1, 2009*) (a) If the court determines that
444 an interest is not represented pursuant to sections 16 to 20, inclusive, of
445 this act, or that the otherwise available representation might be
446 inadequate, the court may appoint a guardian ad litem to receive

447 notice, give consent, and otherwise represent, bind and act on behalf of
448 a minor, an incapacitated or unborn individual, or a person whose
449 identity or location is unknown. A guardian ad litem may be
450 appointed to represent several persons or interests.

451 (b) A guardian ad litem may act on behalf of the individual
452 represented with respect to any matter arising under sections 1 to 86,
453 inclusive, of this act, whether or not a judicial proceeding concerning
454 the trust is pending.

455 (c) In making decisions in any matter, a guardian ad litem may
456 consider general benefit accruing to the living members of the
457 individual's family.

458 Sec. 21. (NEW) (*Effective July 1, 2009*) A trust may be created by: (1)
459 Transfer of property to another person as trustee during the settlor's
460 lifetime, by deed or otherwise, or by will or other disposition taking
461 effect upon the settlor's death; (2) declaration by the owner of property
462 that the owner holds identifiable property as trustee; (3) exercise of a
463 power of appointment in favor of a trustee; (4) transfer of property
464 pursuant to a statute or judgment that requires property to be
465 administered in the manner of an express trust, including, but not
466 limited to, a trust created by the guardian of the estate of a minor or by
467 the conservator of an estate, or a trust described in 42 USC 1396p(d)(4),
468 as from time to time amended; or (5) court order.

469 Sec. 22. (NEW) (*Effective July 1, 2009*) (a) A trust is created only if: (1)
470 The settlor has capacity to create a trust; (2) the settlor indicates an
471 intention to create the trust; (3) the trust has a definite beneficiary or is
472 (A) a charitable trust, (B) a trust for the care of an animal, as provided
473 in section 28 of this act, or (C) a trust for a noncharitable purpose, as
474 provided in section 29 of this act; and (4) the trustee has duties to
475 perform.

476 (b) A beneficiary is definite if the beneficiary can be ascertained now
477 or in the future, subject to any applicable rule against perpetuities.

478 (c) A power in a trustee to select a beneficiary from an indefinite
479 class is valid. If the power is not exercised within a reasonable time,
480 the power fails and the property subject to the power passes to the
481 persons who would have taken the property had the power not been
482 conferred.

483 Sec. 23. (NEW) (*Effective July 1, 2009*) An inter vivos trust is validly
484 created if its creation complies with the law of the jurisdiction in which
485 the trust instrument was executed, or the law of the jurisdiction in
486 which, at the time of creation: (1) The settlor was domiciled, had a
487 place of abode or was a national; (2) a trustee was domiciled or had a
488 place of business; or (3) any trust property was located.

489 Sec. 24. (NEW) (*Effective July 1, 2009*) A trust may be created only to
490 the extent its purposes are lawful, not contrary to public policy and
491 possible to achieve.

492 Sec. 25. (NEW) (*Effective July 1, 2009*) (a) A charitable trust may be
493 created for the relief of poverty, the advancement of education or
494 religion, the promotion of health, governmental or municipal purposes
495 or other purposes the achievement of which is beneficial to the
496 community.

497 (b) If the terms of a charitable trust do not indicate a particular
498 charitable purpose or beneficiary, and if the trustee is not given
499 discretion to select the charitable beneficiaries, the court may select one
500 or more charitable purposes or beneficiaries. The selection shall be
501 consistent with the settlor's intention to the extent it can be ascertained.

502 (c) The settlor of a charitable trust, among others, may maintain a
503 proceeding to enforce the trust, but only if the settlor has expressly
504 retained the right to do so in the trust instrument.

505 Sec. 26. (NEW) (*Effective July 1, 2009*) A trust is void to the extent its
506 creation was induced by fraud, duress or undue influence.

507 Sec. 27. (NEW) (*Effective July 1, 2009*) Except as required by any

508 provision of the general statutes other than sections 1 to 86, inclusive,
509 of this act, a trust need not be evidenced by a trust instrument, but the
510 creation of an oral trust and its terms may be established only by clear
511 and convincing evidence.

512 Sec. 28. (NEW) (*Effective July 1, 2009*) (a) A trust may be created to
513 provide for the care of an animal alive during the settlor's lifetime. The
514 trust terminates upon the death of the animal or, if the trust was
515 created to provide for the care of more than one animal alive during
516 the settlor's lifetime, upon the death of the last surviving animal.

517 (b) A trust authorized by this section may be enforced by a person
518 appointed in the terms of the trust or, if no person is so appointed, by a
519 person appointed by the court. A person having an interest in the
520 welfare of the animal may request the court to appoint a person to
521 enforce the trust or to remove a person appointed.

522 (c) Property of a trust authorized by this section may be applied
523 only to its intended use, except to the extent the court determines that
524 the value of the trust property exceeds the amount required for the
525 intended use. Except as otherwise provided in the terms of the trust,
526 property not required for the intended use shall be distributed to the
527 settlor, if then living, otherwise to the settlor's successors in interest.

528 Sec. 29. (NEW) (*Effective July 1, 2009*) Except as provided in section
529 28 of this act or any other provision of the general statutes, the
530 following rules apply:

531 (1) A trust may be created for a noncharitable purpose without a
532 definite or definitely ascertainable beneficiary or for a noncharitable
533 but otherwise valid purpose to be selected by the trustee. The trust
534 may not be enforced for more than ninety years.

535 (2) A trust authorized by this section may be enforced by a person
536 appointed in the terms of the trust or, if no person is so appointed, by a
537 person appointed by the court.

538 (3) Property of a trust authorized by this section may be applied
539 only to its intended use, except to the extent the court determines that
540 the value of the trust property exceeds the amount required for the
541 intended use. Except as otherwise provided in the terms of the trust,
542 property not required for the intended use shall be distributed to the
543 settlor, if then living, otherwise to the settlor's successors in interest.

544 Sec. 30. (NEW) (*Effective July 1, 2009*) In addition to the methods of
545 termination prescribed in section 35 of this act, a noncharitable trust
546 terminates to the extent the trust is revoked or expires pursuant to its
547 terms, no purpose of the trust remains to be achieved, or the purposes
548 of the trust have become unlawful or impossible to achieve. A
549 charitable trust may be terminated only in accordance with the
550 provisions of section 45a-520 of the general statutes.

551 Sec. 31. (NEW) (*Effective July 1, 2009*) A proceeding to approve or
552 disapprove a proposed modification or termination under sections 32
553 to 34, inclusive, of this act, or trust combination or division under
554 section 37 of this act, may be commenced by a trustee or beneficiary.
555 The settlor of a charitable trust who has expressly provided for the
556 right to do so in the trust instrument may maintain a proceeding to
557 modify the trust under section 32 of this act.

558 Sec. 32. (NEW) (*Effective July 1, 2009*) (a) If, upon petition, the court
559 finds that the settlor, the trustee and all qualified beneficiaries consent
560 to the modification or termination of a noncharitable irrevocable trust,
561 or of a charitable trust whose settlor has expressly provided for the
562 right to do so in the trust instrument, the court may approve the
563 modification or termination even if the modification or termination is
564 inconsistent with a material purpose of the trust. A settlor's power to
565 consent to a trust's modification or termination may be exercised by (1)
566 an agent pursuant to a power of attorney only to the extent expressly
567 authorized by the power of attorney and the terms of the trust, (2) the
568 settlor's conservator with the approval of the court supervising the
569 conservatorship, if an agent is not so authorized, or (3) the settlor's

570 guardian with the approval of the court supervising the guardianship,
571 if an agent is not so authorized and a conservator has not been
572 appointed. This subsection does not apply to irrevocable trusts created
573 before or to revocable trusts that become irrevocable before the
574 effective date of this section.

575 (b) A noncharitable irrevocable trust, or a charitable trust whose
576 settlor has expressly provided for the right to do so in the trust
577 instrument, may be terminated or modified upon consent of the trustee
578 and all of the qualified beneficiaries if the court concludes that the
579 termination or modification is not inconsistent with a material purpose
580 of the trust and the probable intent of the settlor.

581 Sec. 33. (NEW) (*Effective July 1, 2009*) Except as otherwise provided
582 in section 34 of this act, if a particular charitable purpose becomes
583 unlawful, impracticable or impossible to achieve: (1) The trust does not
584 fail, in whole or in part; (2) the trust property does not revert to the
585 settlor or the settlor's successors in interest; and (3) the court may
586 apply cy pres to modify the trust by directing that the trust property be
587 applied or distributed, in whole or in part, in a manner consistent with
588 the settlor's charitable purposes.

589 Sec. 34. (NEW) (*Effective July 1, 2009*) A provision in the terms of a
590 charitable trust that would result in distribution of the trust property
591 to a noncharitable beneficiary prevails over the power of the court
592 under section 32 of this act to apply cy pres to modify or terminate the
593 trust only if, when the provision takes effect: (1) Except as provided in
594 section 45a-505 of the general statutes, the trust property is to revert to
595 the settlor and the settlor is still living; or (2) fewer than twenty-one
596 years have elapsed since the date of the trust's creation.

597 Sec. 35. (NEW) (*Effective July 1, 2009*) (a) If trust property has a total
598 value less than one hundred fifty thousand dollars and after notice to
599 the qualified beneficiaries, the trustee of a testamentary noncharitable
600 trust who obtains court approval, or the trustee of an inter vivos
601 noncharitable trust, with or without court approval, may terminate the

602 trust if such trustee concludes that the termination is not inconsistent
603 with the probable intent of the settlor and the value or character of the
604 trust property is insufficient or inappropriate to justify the cost of
605 administration.

606 (b) Upon termination of a trust under this section, the trustee shall
607 distribute the trust property in a manner consistent with the purposes
608 of the trust.

609 (c) This section does not apply to an easement for conservation or
610 preservation.

611 Sec. 36. (NEW) (*Effective July 1, 2009*) To achieve the settlor's tax
612 objectives, the court may modify the terms of a trust in a manner that
613 is not contrary to the settlor's probable intention. The court may
614 provide that the modification has retroactive effect.

615 Sec. 37. (NEW) (*Effective July 1, 2009*) After notice to the current
616 beneficiaries, a trustee may combine two or more trusts into a single
617 trust or divide a trust into two or more separate trusts, if the result
618 does not impair rights of any beneficiary or adversely affect
619 achievement of the purposes of the trust.

620 Sec. 38. (NEW) (*Effective July 1, 2009*) (a) To the extent a beneficiary's
621 interest in a trust is not subject to a spendthrift provision, except as
622 otherwise provided in sections 38 to 45, inclusive, of this act, the court
623 may authorize a creditor or assignee of the beneficiary to reach the
624 beneficiary's interest by attachment of present or future distributions
625 to or for the benefit of the beneficiary. The court may limit the award
626 to such relief as is appropriate under the circumstances, provided, the
627 court may not grant relief beyond the attachment of present or future
628 distributions.

629 (b) (1) A trustee of a charitable trust and a person holding and
630 administering an endowment fund, as defined in section 45a-527 of the
631 general statutes, or an institutional fund, as defined in section 45a-527

632 of the general statutes, shall not collateralize, mortgage, hypothecate,
633 pledge or otherwise encumber the following assets, if the source of the
634 asset was a charitable gift:

635 (A) Funds for which expenditures are restricted by the settlor for a
636 purpose other than the general purposes of a charity or institution; and

637 (B) The principal or corpus of a charitable trust or institutional fund
638 for which such principal or corpus is restricted to investment or
639 endowment purposes.

640 (2) No creditor or receiver appointed pursuant to chapter 920 of the
641 general statutes, or trustee appointed under Title 11 of the United
642 States Code, may attach, garnish, lien or otherwise use endowment
643 funds or institutional funds described in subdivision (1) of this
644 subsection to apply such funds to the payment of a charitable
645 beneficiary's debt, or its receivership or bankruptcy estate.

646 Sec. 39. (NEW) (*Effective July 1, 2009*) (a) A spendthrift provision is
647 valid only if it restrains both voluntary and involuntary transfer of a
648 beneficiary's interest. A provision in the terms of the trust permitting
649 the voluntary transfer of a beneficiary's interest, but only with the
650 consent of another person or entity, including the trustee, specified in
651 the terms of the trust, shall be deemed to be an acceptable restraint on
652 voluntary transfer.

653 (b) A term of a trust providing that the interest of a beneficiary is
654 held subject to a "spendthrift trust", or words of similar import, is
655 sufficient to restrain both voluntary and involuntary transfer of the
656 beneficiary's interest.

657 (c) A beneficiary may not transfer an interest in a trust in violation
658 of a valid spendthrift provision and, except as otherwise provided in
659 sections 38 to 45, inclusive, of this act, a creditor or assignee of the
660 beneficiary may not reach the interest or a distribution by the trustee
661 before its receipt by the beneficiary.

662 (d) A spendthrift provision is valid even though a beneficiary is
663 named as the sole trustee or as a cotrustee of the trust.

664 (e) A spendthrift provision is enforceable against a former spouse of
665 the beneficiary.

666 Sec. 40. (NEW) (*Effective July 1, 2009*) (a) For the purposes of this
667 section, "child" includes any person for whom an order or judgment
668 for child support has been entered in this or another state.

669 (b) Even if a trust contains a spendthrift provision, a beneficiary's
670 child who has a judgment or court order against the beneficiary for
671 support or maintenance may obtain from a court an order attaching
672 present or future distributions to or for the benefit of the beneficiary,
673 but only if distributions can be made for the beneficiary's support
674 under the terms of the trust.

675 Sec. 41. (NEW) (*Effective July 1, 2009*) (a) For the purposes of this
676 section, "child" includes any person for whom an order or judgment
677 for child support has been entered in this or another state.

678 (b) Except as otherwise provided in subdivision (2) of subsection (a)
679 of section 42 of this act or subsection (c) of this section, whether or not
680 a trust contains a spendthrift provision, a creditor of a beneficiary may
681 not compel a distribution that is subject to the trustee's discretion, even
682 if: (1) The discretion is expressed in the form of a standard of
683 distribution; or (2) the trustee has abused the discretion.

684 (c) To the extent a trustee has not complied with a standard of
685 distribution or has abused a discretion: (1) A distribution may be
686 ordered by the court to satisfy a judgment or court order against the
687 beneficiary for support or maintenance of the beneficiary's child; and
688 (2) the court may direct the trustee to pay to the child only such
689 amount as is equitable under the circumstances, but in no event more
690 than the amount the trustee would have been required to distribute to
691 or for the benefit of the beneficiary had the trustee complied with the

692 standard or not abused the discretion.

693 (d) This section does not limit the preexisting right of a beneficiary,
694 if any, to maintain a judicial proceeding against a trustee for an abuse
695 of discretion or failure to comply with a standard for distribution.

696 (e) With respect to the powers set forth in section 45 of this act, the
697 provisions of this section shall apply even though the beneficiary is the
698 sole trustee or a cotrustee of the trust.

699 Sec. 42. (NEW) (*Effective July 1, 2009*) (a) Whether or not the terms of
700 a trust contain a spendthrift provision, the following rules apply:

701 (1) During the lifetime of the settlor, the property of a revocable
702 trust is subject to claims of the settlor's creditors.

703 (2) Except as provided in subdivisions (4) and (5) of this subsection,
704 with respect to an irrevocable trust, a creditor or assignee of the settlor
705 may reach the maximum amount that can be distributed to or for the
706 benefit of the settlor. If a trust has more than one settlor, the amount
707 the creditor or assignee of a particular settlor may reach may not
708 exceed the settlor's interest in the portion of the trust attributable to
709 such settlor's contribution.

710 (3) With respect to a trust created pursuant to 42 USC
711 1396p(d)(4)(A) or (C), as from time to time amended, the court may
712 limit the award to a creditor of the settlor under subdivision (1) or (2)
713 of this subsection to such relief as is appropriate under the
714 circumstances, considering, among any other factors determined to be
715 appropriate by the court, the supplemental needs of the beneficiary.

716 (4) A creditor or assignee of the settlor may not reach the assets of
717 an irrevocable trust, in whole or in part, solely because of the existence
718 of a discretionary power granted to the trustee by the terms of the
719 trust, or any other provision of law, to pay directly to the taxing
720 authorities or to reimburse the settlor for any tax on trust income or
721 principal which is payable by the settlor under the law imposing such

722 tax.

723 (5) A creditor or assignee of a settlor may not reach the assets of an
724 irrevocable trust except in accordance with the terms of the trust
725 instrument if (A) all of the settlors of the trust are commercial entities
726 organized to conduct business activities; (B) at least one trustee is a
727 commercial entity organized to conduct business activities; and (C) the
728 trust is created by contract in order to facilitate a business purpose of
729 the settlors.

730 (6) After the death of a settlor, and subject to the settlor's right to
731 direct the source from which liabilities will be paid, except as
732 otherwise provided in section 45a-472 of the general statutes, the
733 property of a trust that was revocable at the settlor's death is subject to
734 claims of the settlor's creditors, costs of administration of the settlor's
735 estate, the expenses of the settlor's funeral and disposal of remains, to
736 the extent the settlor's probate estate is inadequate to satisfy such
737 claims, costs, expenses and allowance.

738 (b) With respect to claims, expenses and taxes in connection with
739 the settlement of a trust that was revocable at the settlor's death, the
740 following rules apply:

741 (1) Any claim of a creditor that would be barred against the
742 fiduciary of a decedent's estate, the estate of the decedent or any
743 creditor or beneficiary of the decedent's estate, shall be barred against
744 the trustee, the trust property and the creditors and beneficiaries of the
745 trust.

746 (2) The trustee may use the optional notice procedures set forth in
747 section 45a-357 of the general statutes and, upon the trustee's
748 compliance with such procedures, any person notified in accordance
749 with said section shall be forever barred from asserting or recovering
750 on any claim such person may have from the trustee, the trust
751 property or any creditor or beneficiary of the trust.

752 (3) The provisions of section 45a-365 of the general statutes
753 concerning the order of payment of claims, expenses and taxes shall
754 apply to the settlement of the revocable trust.

755 (4) In the event that an application for administration or probate has
756 been filed for the estate of the settlor of a trust, if the trustee of such
757 trust, within thirty days from the appointment of the first fiduciary of
758 the settlor's estate, has filed a notice with the probate court having
759 jurisdiction of the settlor's estate setting forth the name and address of
760 the trustee, no trustee of such trust shall be chargeable for any assets
761 that a trustee may have paid or distributed in good faith in satisfaction
762 of any lawful claims, expenses or taxes or to any beneficiary before
763 such claim was presented if such claim was not presented in writing to
764 the fiduciary of the settlor's estate or the trustee within one hundred
765 fifty days from the date of the appointment of the first fiduciary of the
766 settlor's estate. If no fiduciary of the settlor's estate has been appointed
767 or if no such notice is filed by the trustee within thirty days from the
768 appointment of the first fiduciary of the settlor's estate, no trustee of
769 such trust shall be chargeable for any assets that a trustee may have
770 paid or distributed in good faith in satisfaction of any lawful claims,
771 expenses or taxes or to any beneficiary before such claim was
772 presented if such claim was not presented in writing to the trustee
773 within one hundred fifty days from the date of the publication of a
774 newspaper notice in accordance with subdivision (5) of this subsection.
775 A payment or distribution of assets by a trustee shall be deemed to
776 have been made in good faith unless the creditor can prove that the
777 trustee had actual knowledge of such claim at the time of such
778 payment or distribution. Such one-hundred-fifty-day period shall not
779 be interrupted or affected by the death, resignation or removal of a
780 trustee, except that the time during which there is no fiduciary in office
781 shall not be counted as part of such period. Under no circumstances
782 shall the trustee be compelled by the court or a creditor to provide a
783 copy of any trust agreement to any party or to the court based upon
784 the filing of such a notice.

785 (5) A trustee may cause newspaper notice to be published at least
786 once notifying all persons having claims to present their claims to the
787 trustee. Such newspaper notice shall state: (A) The name of the trustee
788 and the address at which claims should be presented; (B) that persons
789 with claims should promptly present those claims to the trustee; and
790 (C) that failure to promptly present any such claim may result in the
791 loss of right to recover on such claim.

792 (c) For the purposes of this section:

793 (1) Except as otherwise provided in section 45 of this act, during the
794 period the power may be exercised, the holder of a power of
795 withdrawal is treated in the same manner as the settlor of a revocable
796 trust to the extent of the property subject to the power; and

797 (2) Upon the lapse, release or waiver of the power, the holder is
798 treated as the settlor of the trust only to the extent the value of the
799 property affected by the lapse, release or waiver exceeds the greater of
800 the amount specified in Section 2041(b)(2) or 2514(e) of the Internal
801 Revenue Code of 1986, and the regulations thereunder, or Section
802 2503(b) of the Internal Revenue Code of 1986, and the regulations
803 thereunder, in each case as in effect on the effective date of this section.

804 Sec. 43. (NEW) (*Effective July 1, 2009*) Except as otherwise provided
805 in section 45 of this act, whether or not a trust contains a spendthrift
806 provision, a creditor or assignee of a beneficiary may reach a
807 mandatory distribution of income or principal, including a distribution
808 upon termination of the trust, if the trustee has not made the
809 distribution to the beneficiary within a reasonable time after the
810 mandated distribution date.

811 Sec. 44. (NEW) (*Effective July 1, 2009*) Trust property is not subject to
812 personal obligations of the trustee, even if the trustee becomes
813 insolvent or bankrupt.

814 Sec. 45. (NEW) (*Effective July 1, 2009*) (a) For all purposes under

815 sections 38 to 45, inclusive, of this act, whether or not a trust contains a
816 spendthrift provision, a creditor of a beneficiary, other than the settlor
817 if the settlor is a beneficiary of the trust, may not attach or compel a
818 distribution of property that is subject:

819 (1) To a power of withdrawal held by the beneficiary if the value of
820 the property subject to the power does not exceed the greater of the
821 amount specified in Section 2041(b)(2) or 2514(e) of the Internal
822 Revenue Code of 1986, and the regulations thereunder, or Section
823 2503(b) of the Internal Revenue Code of 1986, and the regulations
824 thereunder, in each case as in effect on the effective date of this section;

825 (2) Except as otherwise provided in subsection (c) of section 41 of
826 this act, to a power, whether mandatory or discretionary, held by the
827 trustee of the trust, including a power held by the beneficiary as the
828 sole trustee or a cotrustee of the trust, to make distributions to or for
829 the benefit of the beneficiary, if the power is exercisable by the trustee
830 only in accordance with an ascertainable standard relating to such
831 beneficiary's individual health, education, support or maintenance
832 within the meaning of Section 2041(b)(1)(A) or Section 2514(c)(1) of the
833 Internal Revenue Code of 1986, and the regulations thereunder, as in
834 effect on the effective date of this section; or

835 (3) To a power, whether mandatory or discretionary, held by the
836 trustee of the trust, including a power held by the beneficiary as the
837 sole trustee or a cotrustee of the trust, to make distributions to or for
838 the benefit of a person who the beneficiary has an obligation to
839 support, if the power is exercisable by the trustee only in accordance
840 with an ascertainable standard relating to such person's individual
841 health, education, support or maintenance within the meaning of
842 Section 2041(b)(1)(A) or Section 2514(c)(1) of the Internal Revenue
843 Code of 1986, and the regulations thereunder, as in effect on the
844 effective date of this section.

845 (b) A beneficiary holding a power set forth in subsection (a) of this
846 section shall not, during the period the power may be exercised or

847 upon the lapse, release or waiver of the power, be treated as a settlor of
848 the trust.

849 (c) Sections 38 to 45, inclusive, of this act shall not apply to statutory
850 trusts created pursuant to chapter 615 of the general statutes to the
851 extent inconsistent with the terms of chapter 615 of the general
852 statutes.

853 Sec. 46. (NEW) (*Effective July 1, 2009*) The capacity required to create,
854 amend, revoke or add property to a revocable trust, or to direct the
855 actions of the trustee of a revocable trust, is the same as that required
856 to make a will.

857 Sec. 47. (NEW) (*Effective July 1, 2009*) (a) Unless the terms of a trust
858 expressly provide that the trust is irrevocable, the settlor may revoke
859 or amend the trust. This subsection does not apply (1) to a trust created
860 under an instrument executed before the effective date of this section,
861 (2) charitable pledges, or (3) other charitable gifts in which the
862 charitable interest has otherwise vested.

863 (b) If a revocable trust is created or funded by more than one settlor:
864 (1) To the extent the trust consists of community property, the trust
865 may be revoked by either spouse acting alone, but may be amended
866 only by joint action of both spouses; and (2) to the extent the trust
867 consists of property other than community property, each settlor may
868 revoke or amend the trust with regard to the portion of the trust
869 property attributable to such settlor's contribution.

870 (c) (1) The settlor may revoke or amend a revocable trust by
871 substantial compliance with a method provided in the terms of the
872 trust.

873 (2) If the terms of the trust do not provide a method, or the method
874 provided in the terms is not expressly made exclusive, the settlor may
875 revoke or amend a revocable trust by (A) executing a later will or
876 codicil that has been admitted to probate and that expressly refers to

877 the trust or expressly devises specifically identified items of real or
878 personal property that would otherwise have passed according to the
879 terms of the trust, or (B) any other method manifesting clear and
880 convincing evidence of the settlor's intent, provided (i) a written
881 revocable trust may only be amended by a later written instrument,
882 and (ii) a written revocable trust may only be revoked by a later
883 written instrument or by the burning, cancellation, tearing or
884 obliteration of the revocable trust by the settlor or by some person in
885 the settlor's presence and at the settlor's direction.

886 (d) Upon revocation of a revocable trust, the trustee shall deliver the
887 trust property as the settlor directs.

888 (e) A settlor's powers with respect to revocation, amendment or
889 distribution of trust property may be exercised by an agent under a
890 power of attorney only to the extent expressly authorized by the terms
891 of the trust and the power of attorney.

892 (f) Unless expressly prohibited by the terms of the trust, a
893 conservator of the settlor may exercise a settlor's powers with respect
894 to revocation, amendment or distribution of trust property with the
895 approval of the trustee and the court supervising the conservatorship.

896 (g) A trustee who does not know that a trust has been revoked or
897 amended is not liable to the settlor or settlor's successors in interest for
898 distributions made and other actions taken on the assumption that the
899 trust had not been amended or revoked.

900 (h) A trust created pursuant to 42 USC 1396p(d)(4), as from time to
901 time amended, is irrevocable if the terms of the trust prohibit the
902 settlor from revoking it, even if the settlor's estate or the settlor's heirs
903 at law are named as the remainder beneficiary of the trust upon the
904 settlor's death.

905 Sec. 48. (NEW) (*Effective July 1, 2009*) (a) While a trust is revocable
906 and the settlor has capacity to revoke the trust, rights of the

907 beneficiaries are subject to the control of, and the duties of the trustee
908 are owed exclusively to, the settlor.

909 (b) If a revocable trust has more than one settlor, the duties of the
910 trustee are owed to all of the settlors having capacity to revoke the
911 trust.

912 (c) During the period the power may be exercised, the holder of a
913 power of withdrawal has the rights of a settlor of a revocable trust
914 under this section to the extent of the property subject to the power.

915 Sec. 49. (NEW) (*Effective July 1, 2009*) (a) A person may commence a
916 judicial proceeding to contest the validity of a trust that was revocable
917 at the settlor's death within the earlier of:

918 (1) Two years after the settlor's death; or

919 (2) One hundred fifty days after the trustee sent the person a copy of
920 the trust instrument and a notice informing the person of the trust's
921 existence, of the trustee's name and address, and of the time allowed
922 for commencing a proceeding. The trustee shall have the right to
923 provide the documentation and information set forth in this
924 subdivision to (A) all persons who would be entitled to notice of the
925 application for probate of a will or administration of an intestate estate
926 or to notice of the admission of a will to probate or the granting of
927 letters of administration, and (B) the beneficiaries of the trust, and all
928 persons whose interests are, in the opinion of the trustee, adversely
929 affected by the trust.

930 (b) Upon the death of the settlor of a trust that was revocable at the
931 settlor's death, the trustee may proceed to distribute the trust property
932 in accordance with the terms of the trust. The trustee is not subject to
933 liability for doing so unless: (1) The trustee knows of a pending judicial
934 proceeding contesting the validity of the trust; (2) a potential
935 contestant has notified the trustee of a possible judicial proceeding to
936 contest the trust and a judicial proceeding is commenced within sixty

937 days after the contestant sent the notification; or (3) the trustee failed to
938 give notice in accordance with section 67 of this act.

939 (c) A beneficiary of a trust that is determined to have been invalid is
940 liable to return any distribution received.

941 Sec. 50. (NEW) (*Effective July 1, 2009*) (a) Except as otherwise
942 provided in subsection (c) of this section, a person designated as
943 trustee accepts the trusteeship: (1) By substantially complying with a
944 method of acceptance provided in the terms of the trust; (2) if the terms
945 of the trust do not provide a method or the method provided in the
946 terms is not expressly made exclusive, by accepting delivery of the
947 trust property, exercising powers or performing duties as trustee, or
948 otherwise indicating acceptance of the trusteeship; or (3) in the case of
949 a testamentary trust, filing an acceptance of trust in the court with
950 jurisdiction over the trust.

951 (b) A person designated as trustee who has not yet accepted the
952 trusteeship may reject the trusteeship. A designated trustee who does
953 not accept the trusteeship within a reasonable time after knowing of
954 the designation is deemed to have rejected the trusteeship.

955 (c) A person designated as trustee, without accepting the
956 trusteeship, may: (1) Act to preserve the trust property if, within a
957 reasonable time after acting, the person sends a rejection of the
958 trusteeship to the settlor or, if the settlor is dead or lacks capacity, to a
959 qualified beneficiary; and (2) inspect or investigate trust property to
960 determine potential liability under state or federal environmental or
961 other law or for any other purpose.

962 (d) A testamentary trustee that is a foreign corporation shall also
963 comply with section 45a-206 of the general statutes.

964 Sec. 51. (NEW) (*Effective July 1, 2009*) (a) A trustee shall give bond to
965 secure performance of the trustee's duties only if the court finds that a
966 bond is needed to protect the interests of the beneficiaries or is

967 required by the terms of the trust and, in the case of noncharitable
968 trusts, the court has not dispensed with the requirement.

969 (b) The court may specify the amount of a bond, its liabilities, and
970 whether sureties are necessary. Except in the case of a charitable trust,
971 the court may modify or terminate a bond at any time.

972 Sec. 52. (NEW) (*Effective July 1, 2009*) (a) Cotrustees who are unable
973 to reach a unanimous decision may act by majority decision.

974 (b) If a vacancy occurs in a cotrusteeship, the remaining cotrustees
975 may act for the trust.

976 (c) A cotrustee shall participate in the performance of a trustee's
977 function unless the cotrustee is unavailable to perform the function
978 because of absence, illness, disqualification under other law or other
979 temporary incapacity or the cotrustee has properly delegated the
980 performance of the function to another trustee.

981 (d) If a cotrustee is unavailable to perform duties because of
982 absence, illness, disqualification under other law or other temporary
983 incapacity, and prompt action is necessary to achieve the purposes of
984 the trust or to avoid injury to the trust property, the remaining
985 cotrustee or a majority of the remaining cotrustees may act for the
986 trust.

987 (e) A trustee may delegate to a cotrustee the performance of any
988 function other than a function that the terms of the trust expressly
989 require to be performed by the trustees jointly. Unless a delegation
990 was irrevocable, a delegating trustee may revoke a delegation
991 previously made.

992 (f) Except as otherwise provided in subsection (g) of this section, a
993 trustee who does not join in an action of another trustee is not liable for
994 the action.

995 (g) Each trustee shall exercise reasonable care to: (1) Prevent a

996 cotrustee from committing a serious breach of trust; and (2) compel a
997 cotrustee to redress a serious breach of trust.

998 (h) A dissenting trustee who joins in an action at the direction of the
999 majority of the trustees and who notified any cotrustee of the dissent at
1000 or before the time of the action is not liable for the action unless the
1001 action is a serious breach of trust.

1002 Sec. 53. (NEW) (*Effective July 1, 2009*) (a) A vacancy in a trusteeship
1003 occurs if: (1) A person designated as trustee rejects the trusteeship; (2)
1004 a person designated as trustee cannot be identified or does not exist;
1005 (3) a trustee resigns; (4) a trustee is disqualified or removed; (5) a
1006 trustee dies; or (6) a conservator is appointed for an individual serving
1007 as trustee.

1008 (b) If one or more cotrustees remain in office, a vacancy in a
1009 trusteeship of a noncharitable trust need not be filled, unless otherwise
1010 required by the terms of the trust. A vacancy in a trusteeship shall be
1011 filled if the trust has no remaining trustee. A vacancy in a trusteeship
1012 of a charitable trust shall be filled, unless otherwise excused by the
1013 terms of the trust.

1014 (c) A vacancy in a trusteeship required to be filled shall be filled in
1015 the following order of priority: (1) By a person designated in the terms
1016 of the trust to act as successor trustee or appointed according to a
1017 procedure specified in such terms; (2) in the case of a noncharitable
1018 trust, by a person appointed by unanimous agreement of the qualified
1019 beneficiaries; or (3) by a person appointed by the court.

1020 (d) Whether or not a vacancy in a trusteeship exists or is required to
1021 be filled, the court may appoint an additional trustee or special
1022 fiduciary whenever the court considers the appointment necessary for
1023 the administration of the trust.

1024 Sec. 54. (NEW) (*Effective July 1, 2009*) (a) A trustee of an inter vivos
1025 trust may resign without court approval upon at least thirty days

1026 notice to either: (1) The qualified beneficiaries, the settlor, if living, and
1027 all cotrustees; or (2) the court.

1028 (b) A trustee of a testamentary trust may resign: (1) Without court
1029 approval upon at least thirty days notice to the qualified beneficiaries
1030 and the court; or (2) with the approval of the court.

1031 (c) In approving a resignation pursuant to subdivision (2) of
1032 subsection (b) of this section, the court may issue orders and impose
1033 conditions reasonably necessary for the protection of the trust
1034 property, the beneficiaries and the other trustees, and may issue such
1035 other orders as law and equity may require.

1036 (d) Any liability of a resigning trustee or of any sureties on such
1037 trustee's bond for acts or omissions of such trustee is not discharged or
1038 affected by such trustee's resignation.

1039 Sec. 55. (NEW) (*Effective July 1, 2009*) (a) The settlor of a
1040 noncharitable trust, the settlor of a charitable trust who has expressed
1041 the right to do so, the Attorney General in the case of a charitable trust,
1042 a cotrustee or a beneficiary may request the court to remove a trustee,
1043 or a trustee may be removed by the court on its own initiative.

1044 (b) The court may remove a trustee if:

1045 (1) The trustee has committed a serious breach of trust;

1046 (2) Lack of cooperation among cotrustees substantially impairs the
1047 administration of the trust;

1048 (3) Because of unfitness, unwillingness, or persistent failure of the
1049 trustee to administer the trust effectively, the court determines that
1050 removal of the trustee best serves the interests of the beneficiaries; or

1051 (4) There has been a substantial change of circumstances or removal
1052 is requested by all of the qualified beneficiaries, the court finds that
1053 removal of the trustee best serves the interests of all of the beneficiaries

1054 and is not inconsistent with a material purpose of the trust, and a
1055 suitable cotrustee or successor trustee is available. A successor
1056 corporate fiduciary shall not be removed in such a manner as to
1057 discriminate against state banks or national banking associations. No
1058 consolidated state bank or national banking association and no
1059 receiving state bank or national banking association may be removed
1060 solely because it is a successor fiduciary, as defined in section 45a-245a
1061 of the general statutes.

1062 Sec. 56. (NEW) (*Effective July 1, 2009*) (a) Unless a cotrustee remains
1063 in office or the court otherwise orders, and until the trust property is
1064 delivered to a successor trustee or other person entitled to it, a trustee
1065 who has resigned or been removed has the duties of a trustee and the
1066 powers necessary to protect the trust property.

1067 (b) A trustee who has resigned or been removed shall proceed
1068 expeditiously to deliver the trust property within the trustee's
1069 possession to the cotrustee, successor trustee or other person entitled
1070 to it.

1071 Sec. 57. (NEW) (*Effective July 1, 2009*) (a) If the terms of a trust do not
1072 specify the trustee's compensation, a trustee is entitled to
1073 compensation that is reasonable under the circumstances.

1074 (b) If the terms of a trust specify the trustee's compensation, the
1075 trustee is entitled to be compensated as specified, but the court may
1076 allow more or less compensation if: (1) The duties of the trustee are
1077 substantially different from those contemplated when the trust was
1078 created; or (2) the compensation specified by the terms of the trust
1079 would be unreasonably low or high.

1080 Sec. 58. (NEW) (*Effective July 1, 2009*) (a) A trustee is entitled to be
1081 reimbursed out of the trust property, with interest as appropriate, for:
1082 (1) Expenses that were properly incurred in the defense or
1083 administration of the trust, unless the trustee is determined to have
1084 committed a breach of trust; and (2) to the extent necessary to prevent

1085 unjust enrichment of the trust, expenses that were not properly
1086 incurred in the administration of the trust.

1087 (b) An advance by the trustee of money for the protection of the
1088 trust gives rise to a lien against trust property to secure reimbursement
1089 with reasonable interest.

1090 Sec. 59. (NEW) (*Effective July 1, 2009*) Upon acceptance of a
1091 trusteeship, the trustee shall administer the trust in good faith, in
1092 accordance with its terms and purposes, the intentions of the settlor
1093 and the interests of the beneficiaries, and in accordance with sections 1
1094 to 86, inclusive, of this act.

1095 Sec. 60. (NEW) (*Effective July 1, 2009*) (a) A trustee shall invest and
1096 manage the trust assets solely in the interests of the beneficiaries.

1097 (b) Subject to the rights of persons dealing with or assisting the
1098 trustee as provided in section 82 of this act, a sale, encumbrance or
1099 other transaction involving the investment or management of trust
1100 property entered into by the trustee for the trustee's own personal
1101 account or which is otherwise affected by a conflict between the
1102 trustee's fiduciary and personal interests is voidable by a beneficiary
1103 affected by the transaction unless: (1) The transaction was authorized
1104 by the terms of the trust; (2) the transaction was approved by the court;
1105 (3) the beneficiary did not commence a judicial proceeding within the
1106 time allowed by section 75 of this act; (4) the beneficiary consented to
1107 the trustee's conduct, ratified the transaction or released the trustee as
1108 provided in section 79 of this act; or (5) the transaction involves a
1109 contract entered into or claim acquired by the trustee before the person
1110 became or contemplated becoming trustee.

1111 (c) A sale, encumbrance or other transaction involving the
1112 investment or management of trust property is presumed to be
1113 affected by a conflict between personal and fiduciary interests if it is
1114 entered into by the trustee with: (1) The trustee's spouse; (2) the
1115 trustee's descendants, sibling, parents or their spouses; (3) an agent or

1116 attorney of the trustee; or (4) a corporation or other person or
1117 enterprise in which the trustee, or a person that owns a significant
1118 interest in the trustee, has an interest that might affect the trustee's best
1119 judgment.

1120 (d) A transaction between a trustee and a beneficiary that does not
1121 concern trust property but that occurs during the existence of the trust
1122 or while the trustee retains significant influence over the beneficiary
1123 and from which the trustee obtains an advantage is voidable by the
1124 beneficiary unless the trustee establishes that the transaction was fair
1125 to the beneficiary.

1126 (e) A transaction not concerning trust property in which the trustee
1127 engages in the trustee's individual capacity involves a conflict between
1128 personal and fiduciary interests if the transaction concerns an
1129 opportunity properly belonging to the trust.

1130 (f) The following transactions are not presumed to be affected by a
1131 conflict of interest between a trustee's personal and fiduciary interests,
1132 provided the transaction and any investment made pursuant to the
1133 transaction complies with the Connecticut Uniform Prudent Investor
1134 Act, sections 45a-541 to 45a-541l, inclusive, of the general statutes, is in
1135 the best interests of the beneficiaries, and is not prohibited by the
1136 governing instrument: (1) An investment by a trustee in securities of
1137 an investment company or investment trust to which the trustee, or its
1138 affiliate, provides services in a capacity other than as trustee; (2) an
1139 investment by a trustee in an insurance contract purchased from an
1140 insurance agency owned by, or affiliated with, the trustee or its
1141 affiliate; or (3) the placing of securities transactions by a trustee
1142 through a securities broker that is a part of the same company as the
1143 trustee, is owned by the trustee or is affiliated with the trustee.

1144 (g) In voting shares of stock or in exercising powers of control over
1145 similar interests in other forms of enterprise, the trustee shall act in the
1146 best interests of the beneficiaries. If the trust is the sole owner of a
1147 corporation or other form of enterprise, the trustee shall elect or

1148 appoint directors or other managers who will manage the corporation
1149 or enterprise in the best interests of the beneficiaries.

1150 (h) This section does not preclude the following transactions, if fair
1151 to the beneficiaries: (1) An agreement between a trustee and a
1152 beneficiary relating to the appointment or compensation of the trustee;
1153 (2) payment of reasonable compensation to the trustee; (3) a
1154 transaction between a trust and another trust, decedent's estate or
1155 conservatorship of which the trustee is a fiduciary or in which a
1156 beneficiary has an interest; (4) a deposit of trust money in a regulated
1157 financial service institution operated by the trustee; or (5) an advance
1158 by the trustee of money for the protection of the trust.

1159 (i) The court may appoint a special fiduciary to make a decision
1160 with respect to any proposed transaction that might violate this section
1161 if entered into by the trustee.

1162 Sec. 61. (NEW) (*Effective July 1, 2009*) A trustee shall administer the
1163 trust as a prudent person would, by considering the purposes, terms,
1164 distributional requirements and other circumstances of the trust. In
1165 satisfying this standard, the trustee shall exercise reasonable care, skill
1166 and caution.

1167 Sec. 62. (NEW) (*Effective July 1, 2009*) (a) While a trust is revocable,
1168 the trustee may follow a direction of the settlor that is contrary to the
1169 terms of the trust.

1170 (b) If the terms of a trust confer upon a person other than the settlor
1171 of a revocable trust power to direct certain actions of the trustee, the
1172 trustee shall act in accordance with an exercise of such power unless
1173 the attempted exercise is manifestly contrary to the terms of the trust
1174 or the trustee knows the attempted exercise would constitute a serious
1175 breach of a fiduciary duty that the person holding such power owes to
1176 the beneficiaries of the trust.

1177 (c) The terms of a trust may confer upon a trustee or other person a

1178 power to direct the modification or termination of the trust.

1179 (d) A person, other than a beneficiary, who holds a power to direct
1180 as specified in subsection (b) or (c) of this section is presumptively a
1181 fiduciary and is required to act in good faith with regard to the
1182 purposes of the trust and the interests of the beneficiaries. The holder
1183 of a power to direct is liable for any loss that results from breach of a
1184 fiduciary duty.

1185 Sec. 63. (NEW) (*Effective July 1, 2009*) A trustee shall take reasonable
1186 steps to take control of and protect the trust property.

1187 Sec. 64. (NEW) (*Effective July 1, 2009*) (a) A trustee shall keep
1188 adequate records of the administration of the trust.

1189 (b) A trustee shall keep trust property separate from the trustee's
1190 own property.

1191 (c) Except as otherwise provided in subsection (d) of this section, a
1192 trustee shall cause the trust property to be designated so that the
1193 interest of the trust, to the extent feasible, appears in records
1194 maintained by a party other than a trustee or beneficiary.

1195 (d) If the trustee maintains records clearly indicating the respective
1196 interests, a trustee may invest as a whole the property of two or more
1197 separate trusts.

1198 Sec. 65. (NEW) (*Effective July 1, 2009*) A trustee shall take reasonable
1199 steps to enforce claims of the trust and to defend claims against the
1200 trust.

1201 Sec. 66. (NEW) (*Effective July 1, 2009*) A trustee shall take reasonable
1202 steps to compel a former trustee or other person to deliver trust
1203 property to the trustee, and to redress a breach of trust known to the
1204 trustee to have been committed by a former trustee.

1205 Sec. 67. (NEW) (*Effective July 1, 2009*) (a) Unless, under the

1206 circumstances, disclosure is unreasonable: (1) A trustee shall keep the
1207 current beneficiaries of the trust reasonably informed about the
1208 administration of the trust and of the material facts necessary for them
1209 to protect their interests; and (2) a trustee shall promptly respond to a
1210 qualified beneficiary's request for trustee's reports and other
1211 information reasonably related to the administration of the trust.

1212 (b) A trustee: (1) Upon request of a qualified beneficiary, shall
1213 promptly furnish to the qualified beneficiary a copy of the trust
1214 instrument; (2) within sixty days after accepting a trusteeship, shall
1215 notify the current beneficiaries of the acceptance and of the trustee's
1216 name, address and telephone number; and (3) within sixty days after
1217 the date the trustee acquires knowledge of the creation of an
1218 irrevocable trust, or the date the trustee acquires knowledge that a
1219 formerly revocable trust has become irrevocable, whether by the death
1220 of the settlor or otherwise, shall notify the current beneficiaries of the
1221 trust's existence, of the identity of the settlor or settlors, of the right to
1222 request a copy of the trust instrument and of the right to trustee's
1223 reports.

1224 (c) A trustee shall send to the current beneficiaries of the trust, and
1225 to other qualified beneficiaries who request it, at least annually and at
1226 the termination of the trust, a report of the trust property, liabilities,
1227 receipts and disbursements, including the source and amount of the
1228 trustee's compensation, a listing of the trust assets and, if feasible, their
1229 respective market values. Upon a vacancy in a trusteeship, unless a
1230 cotrustee remains in office, a report shall be sent to the current
1231 beneficiaries by the former trustee. An executor, administrator or
1232 conservator may send the current beneficiaries a report on behalf of a
1233 deceased or incapacitated trustee.

1234 (d) A current or qualified beneficiary may waive the right to
1235 trustee's reports or other information otherwise required to be
1236 furnished under this section. A beneficiary, with respect to future
1237 reports and other information, may withdraw a waiver previously

1238 given.

1239 (e) Judicial approval of a trustee's report forecloses claims as to
1240 those given notice of the proceeding as to matters disclosed in the
1241 report.

1242 Sec. 68. (NEW) (*Effective July 1, 2009*) (a) Notwithstanding the
1243 breadth of discretion granted to a trustee in the terms of the trust,
1244 including the use of such terms as "absolute", "sole" or "uncontrolled",
1245 the trustee shall exercise a discretionary power in good faith and in
1246 accordance with the terms and purposes of the trust, the intentions of
1247 the settlor and the interests of the beneficiaries.

1248 (b) Subject to subsection (d) of this section, and unless the terms of
1249 the trust expressly indicate that a rule in this subsection does not
1250 apply: (1) A person, other than a settlor, who is a beneficiary and
1251 trustee of a trust that confers on the trustee a power to make
1252 discretionary distributions to or for the trustee's personal benefit may
1253 exercise the power only in accordance with an ascertainable standard
1254 relating to the trustee's individual health, education, support or
1255 maintenance within the meaning of Section 2041(b)(1)(A) or 2514(c)(1)
1256 of the Internal Revenue Code of 1986, or any subsequent
1257 corresponding internal revenue code of the United States, as from time
1258 to time amended; and (2) a trustee may not exercise a power to make
1259 discretionary distributions to satisfy a legal obligation of support that
1260 the trustee personally owes another person.

1261 (c) A power to make discretionary distributions, the exercise of
1262 which is limited or prohibited by subsection (b) of this section, may be
1263 exercised by a majority of the remaining trustees whose exercise of
1264 such power is not so limited or prohibited. If the exercise of such
1265 power by all trustees is so limited or prohibited, the court may appoint
1266 a special fiduciary with authority to exercise such power.

1267 (d) Subsection (b) of this section does not apply to: (1) A power held
1268 by the settlor's spouse who is the trustee of a trust for which a marital

1269 deduction, as defined in Section 2056(b)(5) or 2523(e) of the Internal
1270 Revenue Code of 1986, or any subsequent corresponding internal
1271 revenue code of the United States, as from time to time amended, was
1272 previously allowed; (2) any trust during any period that the trust may
1273 be revoked or amended by its settlor; or (3) a trust, if contributions to
1274 the trust qualify for the annual exclusion under Section 2503(c) of the
1275 Internal Revenue Code of 1986, or any subsequent corresponding
1276 internal revenue code of the United States, as from time to time
1277 amended.

1278 Sec. 69. (NEW) (*Effective July 1, 2009*) (a) A trustee, without
1279 authorization by the court, may exercise: (1) Powers conferred by the
1280 terms of the trust; and (2) except as limited by the terms of the trust,
1281 (A) all powers over the trust property which an unmarried competent
1282 owner has over individually-owned property, (B) any other powers
1283 appropriate to achieve the proper investment, management and
1284 distribution of the trust property, and (C) any other powers conferred
1285 by sections 1 to 86, inclusive, of this act.

1286 (b) The exercise of any power is subject to the fiduciary duties
1287 prescribed by sections 59 to 71, inclusive, of this act.

1288 Sec. 70. (NEW) (*Effective July 1, 2009*) (a) Without limiting the
1289 authority conferred by section 69 of this act, a trustee may:

1290 (1) Collect trust property and accept or reject additions to the trust
1291 property from a settlor or any other person;

1292 (2) Acquire or sell property, for cash or on credit, at public or
1293 private sale;

1294 (3) Exchange, partition or otherwise change the character of trust
1295 property;

1296 (4) Deposit trust money in an account in a regulated financial
1297 service institution;

1298 (5) Borrow money, with or without security, and mortgage or
1299 pledge trust property for a period within or extending beyond the
1300 duration of the trust;

1301 (6) With respect to an interest in a proprietorship, partnership,
1302 limited liability company, business trust, corporation or other form of
1303 business or enterprise, continue the business or other enterprise and
1304 take any action that may be taken by shareholders, members or
1305 property owners, including merging, dissolving or otherwise changing
1306 the form of business organization or contributing additional capital;

1307 (7) With respect to stocks or other securities, exercise the rights of an
1308 absolute owner, including the right to (A) vote or give proxies to vote,
1309 with or without power of substitution, or enter into or continue a
1310 voting trust agreement, (B) hold a security in the name of a nominee or
1311 in other form without disclosure of the trust so that title may pass by
1312 delivery, (C) pay calls, assessments and other sums chargeable or
1313 accruing against the securities, and sell or exercise stock subscription
1314 or conversion rights, and (D) deposit the securities with a depository
1315 or other regulated financial service institution;

1316 (8) With respect to an interest in real property, construct or make
1317 ordinary or extraordinary repairs to, alterations to or improvements in
1318 buildings or other structures, demolish improvements, raze existing or
1319 erect new party walls or buildings, subdivide or develop land,
1320 dedicate land to public use or grant public or private easements, and
1321 make or vacate plats and adjust boundaries;

1322 (9) Enter into a lease for any purpose as lessor or lessee, including a
1323 lease or other arrangement for exploration and removal of natural
1324 resources, with or without the option to purchase or renew, for a
1325 period within or extending beyond the duration of the trust;

1326 (10) Grant an option involving a sale, lease or other disposition of
1327 trust property or acquire an option for the acquisition of property,
1328 including an option exercisable beyond the duration of the trust, and

1329 exercise an option so acquired;

1330 (11) Insure the property of the trust against damage or loss, and
1331 insure the trustee, the trustee's agents and beneficiaries against liability
1332 arising from the administration of the trust;

1333 (12) Abandon or decline to administer property of no value or of
1334 insufficient value to justify its collection or continued administration;

1335 (13) With respect to possible liability for violation of environmental
1336 law, (A) inspect or investigate property the trustee holds or has been
1337 asked to hold, or property owned or operated by an organization in
1338 which the trustee holds or has been asked to hold an interest, for the
1339 purpose of determining the application of environmental law with
1340 respect to the property, (B) take action to prevent, abate or otherwise
1341 remedy any actual or potential violation of any environmental law
1342 affecting property held directly or indirectly by the trustee, whether
1343 taken before or after the assertion of a claim or the initiation of
1344 governmental enforcement, (C) decline to accept property into trust or
1345 disclaim any power with respect to property that is or may be
1346 burdened with liability for violation of environmental law, (D)
1347 compromise claims against the trust which may be asserted for an
1348 alleged violation of environmental law, and (E) pay the expense of any
1349 inspection, review, abatement or remedial action to comply with
1350 environmental law;

1351 (14) Pay or contest any claim, settle a claim by or against the trust,
1352 and release, in whole or in part, a claim belonging to the trust;

1353 (15) Pay taxes, assessments, compensation of the trustee and of
1354 employees and agents of the trust, and other expenses incurred in the
1355 administration of the trust;

1356 (16) Exercise elections with respect to federal, state and local taxes;

1357 (17) Select a mode of payment under any employee benefit or
1358 retirement plan, annuity or life insurance payable to the trustee,

1359 exercise rights thereunder, including exercise of the right to
1360 indemnification for expenses and against liabilities, and take
1361 appropriate action to collect the proceeds;

1362 (18) Make loans out of trust property, including loans to a
1363 beneficiary on terms and conditions the trustee considers to be fair and
1364 reasonable under the circumstances, with the trustee having a lien on
1365 future distributions for repayment of such loans;

1366 (19) Pledge trust property to guarantee loans made by others to the
1367 beneficiary;

1368 (20) Appoint a trustee to act in another jurisdiction with respect to
1369 trust property located in the other jurisdiction, confer upon such
1370 appointed trustee all of the powers and duties of the appointing
1371 trustee, require that such appointed trustee furnish security, and
1372 remove any trustee so appointed;

1373 (21) Pay an amount distributable to a beneficiary who is under a
1374 legal disability or who the trustee reasonably believes is incapacitated,
1375 by: (A) Paying it directly to the beneficiary or applying it for the
1376 beneficiary's benefit; (B) paying it to the beneficiary's conservator; (C)
1377 paying it to the beneficiary's custodian under the Uniform Transfers to
1378 Minors Act or to the beneficiary's custodial trustee under the Uniform
1379 Custodial Trust Act, and, for such purpose, creating a custodianship or
1380 custodial trust; (D) if the trustee does not know of a conservator,
1381 custodian or custodial trustee, paying it to an adult relative or other
1382 person having legal or physical care or custody of the beneficiary, to be
1383 expended on the beneficiary's behalf; or (E) managing it as a separate
1384 fund on the beneficiary's behalf, subject to the beneficiary's continuing
1385 right to withdraw the distribution;

1386 (22) On distribution of trust property or the division or termination
1387 of a trust, make distributions in divided or undivided interests,
1388 allocate particular assets in proportionate or disproportionate shares,
1389 value the trust property for such purposes and adjust for resulting

1390 differences in valuation;

1391 (23) Resolve a dispute concerning the interpretation of the trust or
1392 its administration by mediation, arbitration or other procedure for
1393 alternative dispute resolution;

1394 (24) Prosecute or defend an action, claim or judicial proceeding in
1395 any jurisdiction to protect trust property and the trustee in the
1396 performance of the trustee's duties;

1397 (25) Sign and deliver contracts and other instruments that are useful
1398 to achieve or facilitate the exercise of the trustee's powers; and

1399 (26) On termination of the trust, exercise the powers appropriate to
1400 wind up the administration of the trust and distribute the trust
1401 property to the persons entitled to it.

1402 (b) The powers set forth in subsection (a) of this section shall not
1403 apply to a charitable trust to the extent that their exercise would give
1404 the trustee the authority to deviate from a stated charitable purpose or
1405 violate a restricted gift.

1406 Sec. 71. (NEW) (*Effective July 1, 2009*) (a) Upon termination or partial
1407 termination of a trust, the trustee of an inter vivos trust may send to
1408 the qualified beneficiaries a proposal for distribution. The right of any
1409 beneficiary to whom the trustee has sent the proposal to object to the
1410 proposed distribution terminates if the beneficiary does not notify the
1411 trustee of an objection not later than thirty days after the proposal was
1412 sent, but only if the proposal informed the beneficiary of the right to
1413 object and of the time allowed for objection.

1414 (b) Upon the occurrence of an event terminating or partially
1415 terminating a trust, the trustee shall proceed expeditiously to
1416 distribute the trust property to the persons entitled to it, subject to the
1417 right of the trustee to retain a reasonable reserve for the payment of
1418 debts, expenses and taxes.

1419 (c) A release by a beneficiary of a trustee from liability for breach of
1420 trust is invalid to the extent: (1) It was induced by improper conduct of
1421 the trustee; or (2) the beneficiary, at the time of the release, did not
1422 know of the beneficiary's rights or of the material facts relating to the
1423 breach.

1424 Sec. 72. (NEW) (*Effective July 1, 2009*) A violation by a trustee of a
1425 duty the trustee owes to a beneficiary is a breach of trust.

1426 Sec. 73. (NEW) (*Effective July 1, 2009*) (a) A trustee who commits a
1427 breach of trust is liable to the beneficiaries affected for the greater of:
1428 (1) The amount required to restore the value of the trust property and
1429 trust distributions to what they would have been had the breach not
1430 occurred; or (2) the profit the trustee made by reason of the breach.

1431 (b) Except as otherwise provided in this subsection, if more than one
1432 trustee is liable to the beneficiaries for a breach of trust, a trustee is
1433 entitled to contribution from the other trustee or trustees. A trustee is
1434 not entitled to contribution if the trustee was substantially more at
1435 fault than another trustee or if the trustee committed the breach of
1436 trust in bad faith or with reckless indifference to the purposes of the
1437 trust or the interests of the beneficiaries. A trustee who received a
1438 benefit from the breach of trust is not entitled to contribution from
1439 another trustee to the extent of the benefit received.

1440 Sec. 74. (NEW) (*Effective July 1, 2009*) (a) A trustee is accountable to
1441 an affected beneficiary for any profit made by the trustee arising from
1442 the administration of the trust, even absent a breach of trust.

1443 (b) Absent a breach of trust, a trustee is not liable to a beneficiary for
1444 a loss or depreciation in the value of trust property or for not having
1445 made a profit.

1446 Sec. 75. (NEW) (*Effective July 1, 2009*) (a) A beneficiary may not
1447 commence a proceeding against a trustee for breach of trust more than
1448 one year after the date the beneficiary or a representative of the

1449 beneficiary was sent a report that adequately disclosed the existence of
1450 a potential claim for breach of trust and informed the beneficiary of the
1451 time allowed for commencing a proceeding.

1452 (b) A report adequately discloses the existence of a potential claim
1453 for breach of trust if it provides sufficient information so that the
1454 beneficiary or representative knows of the potential claim or should
1455 have inquired into its existence.

1456 (c) If subsection (a) of this section does not apply, a judicial
1457 proceeding by a beneficiary against a trustee for breach of trust shall
1458 be commenced not later than two years after the first to occur of: (1)
1459 The removal or resignation of the trustee; (2) the termination of the
1460 beneficiary's interest in the trust; or (3) the termination of the trust.

1461 (d) In a proceeding involving a charitable trust, any notice that is
1462 required to be given to the Attorney General under this section shall
1463 include a copy of the trust instrument.

1464 Sec. 76. (NEW) (*Effective July 1, 2009*) A trustee who acts in
1465 reasonable reliance on the terms of the trust as expressed in the trust
1466 instrument is not liable to a beneficiary for a breach of trust to the
1467 extent the breach resulted from the reliance.

1468 Sec. 77. (NEW) (*Effective July 1, 2009*) If the happening of an event,
1469 including marriage, divorce, performance of educational requirements
1470 or death, affects the administration or distribution of a trust, a trustee
1471 who has exercised reasonable care to ascertain the happening of the
1472 event is not liable for a loss resulting from the trustee's lack of
1473 knowledge.

1474 Sec. 78. (NEW) (*Effective July 1, 2009*) (a) A term of a trust relieving a
1475 trustee of liability for breach of trust is unenforceable to the extent that
1476 it: (1) Relieves the trustee of liability for breach of trust committed in
1477 bad faith or with reckless indifference to the purposes of the trust or
1478 the interests of the beneficiaries; or (2) was inserted as the result of an

1479 abuse by the trustee of a fiduciary or confidential relationship to the
1480 settlor.

1481 (b) Except for terms intended to provide protection for carrying out
1482 a stated trust purpose, an exculpatory term drafted or caused to be
1483 drafted by the trustee is invalid as an abuse of a fiduciary or
1484 confidential relationship unless the trustee proves that the exculpatory
1485 term is fair under the circumstances and that its existence and contents
1486 were adequately communicated to the settlor.

1487 Sec. 79. (NEW) (*Effective July 1, 2009*) A trustee is not liable to a
1488 beneficiary for breach of trust if the beneficiary consented to the
1489 conduct constituting the breach, released the trustee from liability for
1490 the breach, or ratified the transaction constituting the breach, unless:
1491 (1) The consent, release or ratification of the beneficiary was induced
1492 by improper conduct of the trustee; or (2) at the time of the consent,
1493 release or ratification, the beneficiary did not know of the beneficiary's
1494 rights or of the material facts relating to the breach.

1495 Sec. 80. (NEW) (*Effective July 1, 2009*) (a) Except as otherwise
1496 provided in the contract, a trustee is not personally liable on a contract
1497 properly entered into in the trustee's fiduciary capacity in the course of
1498 administering the trust if the trustee in the contract disclosed the
1499 fiduciary capacity.

1500 (b) Except as otherwise limited by any provision of the general
1501 statutes, a trustee is personally liable for torts committed in the course
1502 of administering a trust, or for obligations arising from ownership or
1503 control of trust property, including liability for violation of
1504 environmental law, only if the trustee is personally at fault.

1505 (c) A claim based on (1) a contract entered into by a trustee in the
1506 trustee's fiduciary capacity, (2) an obligation arising from ownership or
1507 control of trust property, or (3) a tort committed in the course of
1508 administering a trust, may be asserted in a judicial proceeding against
1509 the trustee in the trustee's fiduciary capacity, whether or not the

1510 trustee is personally liable for the claim.

1511 Sec. 81. (NEW) (*Effective July 1, 2009*) (a) Except as otherwise
1512 provided in subsection (c) of this section, or unless personal liability is
1513 imposed in the contract, a trustee who holds an interest as a general
1514 partner in a general or limited partnership is not personally liable on a
1515 contract entered into by the partnership after the trust's acquisition of
1516 the interest if the fiduciary capacity was disclosed in the contract or in
1517 a statement previously filed pursuant to the Uniform Partnership Act,
1518 sections 34-300 to 34-399, inclusive, of the general statutes, or the
1519 Uniform Limited Partnership Act, sections 34-9 to 34-38u, inclusive, of
1520 the general statutes.

1521 (b) Except as otherwise provided in subsection (c) of this section, a
1522 trustee who holds an interest as a general partner is not personally
1523 liable for torts committed by the partnership or for obligations arising
1524 from ownership or control of the interest unless the trustee is
1525 personally at fault.

1526 (c) The immunity provided by this section does not apply if an
1527 interest in the partnership is held by the trustee in a capacity other
1528 than that of trustee or is held by the trustee's spouse or one or more of
1529 the trustee's descendants, siblings or parents or the spouse of any of
1530 them.

1531 (d) If the trustee of a revocable trust holds an interest as a general
1532 partner, the settlor is personally liable for contracts and other
1533 obligations of the partnership as if the settlor were a general partner.

1534 Sec. 82. (NEW) (*Effective July 1, 2009*) (a) A person other than a
1535 beneficiary who in good faith assists a trustee, or who in good faith
1536 and for value deals with a trustee, without knowledge that the trustee
1537 is exceeding or improperly exercising the trustee's powers, is protected
1538 from liability as if the trustee properly exercised the power.

1539 (b) A person other than a beneficiary who in good faith deals with a

1540 trustee is not required to inquire into the extent of the trustee's powers
1541 or the propriety of their exercise.

1542 (c) A person who in good faith delivers assets to a trustee need not
1543 ensure their proper application.

1544 (d) A person other than a beneficiary who in good faith assists a
1545 former trustee, or who in good faith and for value deals with a former
1546 trustee, without knowledge that the trustee has terminated, is
1547 protected from liability as if the former trustee were still a trustee.

1548 (e) Comparable protective provisions of other laws relating to
1549 commercial transactions or transfer of securities by fiduciaries prevail
1550 over the protection provided by this section.

1551 Sec. 83. (NEW) (*Effective July 1, 2009*) (a) Instead of furnishing a copy
1552 of the trust instrument to a person other than a beneficiary, or the
1553 Attorney General's office in the case of a charitable trust, the trustee
1554 may furnish to the person a certification of trust containing the
1555 following information: (1) That the trust exists and the date the trust
1556 instrument was executed; (2) the identity of the settlor; (3) the identity
1557 and address of the currently acting trustee; (4) the powers of the
1558 trustee; (5) the revocability or irrevocability of the trust and the
1559 identity of any person holding a power to revoke the trust; (6) the
1560 authority of cotrustees to sign or otherwise authenticate, and whether
1561 all or less than all are required in order to exercise powers of the
1562 trustee; (7) the trust's taxpayer identification number; and (8) the
1563 manner of taking title to trust property.

1564 (b) A certification of trust may be signed or otherwise authenticated
1565 by any trustee.

1566 (c) A certification of trust shall state that the trust has not been
1567 revoked, modified or amended in any manner that would cause the
1568 representations contained in the certification of trust to be incorrect.

1569 (d) A certification of trust need not contain the dispositive terms of a

1570 trust.

1571 (e) A recipient of a certification of trust may require the trustee to
1572 furnish copies of those excerpts from the original trust instrument and
1573 later amendments which designate the trustee and confer upon the
1574 trustee the power to act in the pending transaction.

1575 (f) A person who acts in reliance upon a certification of trust
1576 without knowledge that the representations contained therein are
1577 incorrect is not liable to any person for so acting and may assume
1578 without inquiry the existence of the facts contained in the certification.

1579 (g) A person who in good faith enters into a transaction in reliance
1580 upon a certification of trust may enforce the transaction against the
1581 trust property as if the representations contained in the certification
1582 were correct.

1583 (h) A person making a demand for the trust instrument in addition
1584 to a certification of trust or excerpts is liable for damages if the court
1585 determines that the person did not act in good faith in demanding the
1586 trust instrument.

1587 (i) This section does not limit the right of a person to obtain a copy
1588 of the trust instrument in a judicial proceeding concerning the trust.

1589 Sec. 84. (NEW) (*Effective July 1, 2009*) In applying and construing the
1590 uniform provisions of sections 1 to 86, inclusive, of this act,
1591 consideration must be given to the need to promote uniformity of the
1592 law with respect to the subject matter among states that enact such
1593 uniform provisions.

1594 Sec. 85. (NEW) (*Effective July 1, 2009*) If any provision of sections 1 to
1595 86, inclusive, of this act or its application to any person or
1596 circumstances is held invalid, the invalidity does not affect other
1597 provisions or applications of sections 1 to 86, inclusive, of this act
1598 which can be given effect without the invalid provision or application,
1599 and to this end the provisions of sections 1 to 86, inclusive, of this act

1600 are severable.

1601 Sec. 86. (NEW) (*Effective July 1, 2009*) (a) Except as otherwise
1602 provided in sections 1 to 86, inclusive, of this act, on the effective date
1603 of this section:

1604 (1) Sections 1 to 86, inclusive, of this act apply to all trusts created
1605 before, on or after the effective date of this section;

1606 (2) Sections 1 to 86, inclusive, of this act apply to all judicial
1607 proceedings concerning trusts commenced on or after the effective
1608 date of this section;

1609 (3) Sections 1 to 86, inclusive, of this act apply to judicial
1610 proceedings concerning trusts commenced before the effective date of
1611 this section, unless the court finds that application of a particular
1612 provision of sections 1 to 86, inclusive, of this act would substantially
1613 interfere with the effective conduct of the judicial proceedings or
1614 prejudice the rights of the parties, in which case the particular
1615 provision of sections 1 to 86, inclusive, of this act does not apply and
1616 the superseded law applies;

1617 (4) Any rule of construction or presumption provided in sections 1
1618 to 86, inclusive, of this act applies to trust instruments executed before
1619 the effective date of this section unless there is a clear indication of a
1620 contrary intent in the terms of the trust;

1621 (5) An act done before the effective date of this section is not
1622 affected by sections 1 to 86, inclusive, of this act;

1623 (6) The ninety-year period specified in subdivision (1) of section 29
1624 of this act shall only apply to trusts that become irrevocable on or after
1625 the effective date of this section;

1626 (7) The provisions of subdivision (4) of subsection (a) of section 42 of
1627 this act shall only apply to revocable trusts of settlors dying on or after
1628 the effective date of this section; and

1629 (8) The provisions of subdivision (2) of subsection (a) and
1630 subsections (b) and (c) of section 67 of this act shall only apply to trusts
1631 that become irrevocable on or after the effective date of this section.

1632 (b) If a right is acquired, extinguished or barred upon the expiration
1633 of a prescribed period that has commenced to run under any other
1634 statute before the effective date of this section, such statute continues
1635 to apply to the right even if it has been repealed or superseded.

1636 Sec. 87. (NEW) (*Effective October 1, 2008*) Sections 87 to 91, inclusive,
1637 of this act may be cited as the "Alternative Rule Against Perpetuities".

1638 Sec. 88. (NEW) (*Effective October 1, 2008*) (a) The provisions of
1639 sections 87 to 91, inclusive, of this act do not apply unless a testator,
1640 settlor, transferor or other creator of a testamentary instrument,
1641 revocable or irrevocable inter vivos agreement or other document
1642 creating, amending or restating a trust or granting a power of
1643 appointment makes a qualifying election to have the Alternative Rule
1644 Against Perpetuities apply to the interests created thereunder in
1645 accordance with subsection (b) of this section.

1646 (b) In order to constitute a qualifying election to be subject to the
1647 Alternative Rule Against Perpetuities: (1) The document shall evidence
1648 a specific intent to have the Alternative Rule Against Perpetuities
1649 apply; (2) the document shall, at the time of its execution, provide that
1650 the law of this state shall govern the interpretation of the document
1651 and, in the case of a document creating a trust, the administration of
1652 the trust; (3) the creator of the document or the person exercising the
1653 power of appointment shall be domiciled in this state at the time the
1654 document is executed or the power is exercised or, in the case of a
1655 document creating a trust, one or more of the trustees of the trust shall
1656 be domiciled in this state at the time the document is executed; (4) the
1657 document may not provide for the suspension of the power of
1658 alienation with respect to property subject to the trust or the power of
1659 appointment, as provided in subsection (c) of this section; and (5) the
1660 document shall be executed on or after October 1, 2008.

1661 (c) For the purposes of subdivision (4) of subsection (b) of this
1662 section:

1663 (1) The power of alienation is suspended by a document if there is
1664 no person alive who, alone or in combination with others, may, as to
1665 property that is subject to the power granted or the trust created by the
1666 document, convey (A) title to real property in fee, or (B) complete
1667 ownership of personal property; and

1668 (2) The power of alienation is not suspended by a document
1669 creating a trust if (A) the trustee of the trust has power, either
1670 expressed or implied, and either alone or in combination with others,
1671 to sell property subject to the trust, or (B) at least one person alive at
1672 the time the trust was created has an unlimited power to terminate the
1673 trust.

1674 (d) Interests created under a document making a qualifying election
1675 to be subject to the Alternative Rule Against Perpetuities in accordance
1676 with subsection (b) of this section shall not be subject to the Uniform
1677 Statutory Rule Against Perpetuities as provided in sections 45a-490 to
1678 45a-496, inclusive, of the general statutes.

1679 Sec. 89. (NEW) (*Effective October 1, 2008*) (a) A nonvested property
1680 interest is invalid unless the interest either vests or terminates within
1681 five hundred years after its creation.

1682 (b) A general power of appointment not presently exercisable
1683 because of a condition precedent is invalid unless the condition
1684 precedent is either satisfied or becomes impossible to satisfy within
1685 five hundred years after its creation.

1686 (c) A nongeneral power of appointment or general testamentary
1687 power of appointment is invalid unless the power is irrevocably
1688 exercised or otherwise terminates within five hundred years after its
1689 creation.

1690 Sec. 90. (NEW) (*Effective October 1, 2008*) (a) Except as provided in

1691 subsections (b) and (c) of this section, the time of creation of a
1692 nonvested property interest or a power of appointment is determined
1693 under general principles of property law.

1694 (b) For the purposes of sections 87 to 91, inclusive, of this act, if
1695 there is a person who alone can exercise a power created by a
1696 governing document to become the unqualified beneficial owner of (1)
1697 a nonvested property interest, or (2) a property interest subject to a
1698 power of appointment described in subsection (b) or (c) of section 89 of
1699 this act, the nonvested property interest or power of appointment is
1700 created when the power to become the unqualified beneficial owner
1701 terminates.

1702 (c) For the purposes of sections 87 to 91, inclusive, of this act, a
1703 nonvested property interest or a power of appointment arising from a
1704 transfer of property to a previously funded trust or other existing
1705 property arrangement is created when the nonvested property interest
1706 or power of appointment in the original contribution was created.

1707 Sec. 91. (NEW) (*Effective October 1, 2008*) In the case of a disposition
1708 for which a qualifying election to be subject to the Alternative Rule
1709 Against Perpetuities has been made pursuant to section 88 of this act,
1710 upon petition of an interested person, a court shall reform such
1711 disposition in the manner that most closely approximates the
1712 transferor's manifested plan of distribution and is within the five
1713 hundred years allowed by section 89 of this act if:

1714 (1) A nonvested property interest or a power of appointment
1715 becomes invalid under section 89 of this act;

1716 (2) A class gift is not but may become invalid under section 89 of
1717 this act and the time has arrived when the share of any class member is
1718 to take effect in possession or enjoyment; or

1719 (3) A nonvested property interest may vest but not within five
1720 hundred years after its creation.

1721 Sec. 92. Subsection (a) of section 45a-98 of the general statutes is
1722 repealed and the following is substituted in lieu thereof (*Effective July*
1723 *1, 2009*):

1724 (a) Courts of probate in their respective districts shall have the
1725 power to: (1) [~~grant~~] Grant administration of intestate estates of
1726 persons who have died domiciled in their districts and of intestate
1727 estates of persons not domiciled in this state which may be granted as
1728 provided [~~by~~] in section 45a-303; (2) admit wills to probate of persons
1729 who have died domiciled in their districts or of nondomiciliaries
1730 whose wills may be proved in their districts as provided in section 45a-
1731 287; (3) except as provided in section 45a-98a or as limited by an
1732 applicable statute of limitations, determine title or rights of possession
1733 and use in and to any real, tangible or intangible property that
1734 constitutes, or may constitute, all or part of any trust, any decedent's
1735 estate, or any estate under control of a guardian or conservator, which
1736 trust or estate is otherwise subject to the jurisdiction of the Probate
1737 Court, including the rights and obligations of any beneficiary of the
1738 trust or estate and including the rights and obligations of any joint
1739 tenant with respect to survivorship property; (4) except as provided in
1740 section 45a-98a, construe the meaning and effect of any will or trust
1741 agreement if a construction is required in connection with the
1742 administration or distribution of a trust or estate otherwise subject to
1743 the jurisdiction of the Probate Court, or, with respect to an inter vivos
1744 trust, if that trust is or could be subject to jurisdiction of the court for
1745 an accounting pursuant to section 45a-175, provided such an
1746 accounting need not be required; (5) except as provided in section 45a-
1747 98a, apply the doctrine of cy pres or approximation; (6) to the extent
1748 provided for in section 45a-175, call executors, administrators, trustees,
1749 guardians, conservators, persons appointed to sell the land of minors,
1750 and attorneys-in-fact acting under powers of attorney created in
1751 accordance with section 45a-562, to account concerning the estates
1752 entrusted to their charge; (7) in trust matters, take any action
1753 authorized under subsection (d) of section 12 of this act; and [(7)] (8)
1754 make any lawful orders or decrees to carry into effect the power and

1755 jurisdiction conferred upon them by the laws of this state.

1756 Sec. 93. Subsection (c) of section 45a-475 of the general statutes is
1757 repealed and the following is substituted in lieu thereof (*Effective July*
1758 *1, 2009*):

1759 (c) The provisions of section [45a-474] 53 of this act shall not apply
1760 to the trusts specified in this section.

1761 Sec. 94. Section 45a-482 of the general statutes is repealed and the
1762 following is substituted in lieu thereof (*Effective July 1, 2009*):

1763 When the facts at the time of distribution from an estate to a trust or
1764 from a testamentary trust to a successive trust are such that no trust
1765 would be operative under the terms of the instrument creating such
1766 trust or successive trust because of the death of the life tenant, or
1767 because the beneficiary has reached a stipulated age, or if such trust
1768 would qualify for termination under section [45a-484] 35 of this act, or
1769 for any other reason, the fiduciary of such estate or prior trust may
1770 distribute, with the approval of the court of probate having
1771 jurisdiction, directly from the estate or prior trust to the remaindermen
1772 of such trust, the corpus of such trust and any income earned during
1773 the period of estate administration or administration of the prior trust
1774 and distributable to such remaindermen, without the interposition of
1775 the establishment of such trust or successive trust. If distribution is
1776 based on the fact that the trust would qualify for termination under
1777 section [45a-484] 35 of this act, reasonable notice shall be provided to
1778 all beneficiaries who are known and in being and who have vested or
1779 contingent interests in the trust.

1780 Sec. 95. Section 52-321 of the general statutes is repealed and the
1781 following is substituted in lieu thereof (*Effective July 1, 2009*):

1782 [Except as provided in sections 52-321a and 52-352b:

1783 (a) If property has been given to trustees to pay over the income to
1784 any person, without provision for accumulation or express

1785 authorization to the trustees to withhold the income, and the income
1786 has not been expressly given for the support of the beneficiary or his
1787 family, the income shall be liable in equity to the claims of all creditors
1788 of the beneficiary.

1789 (b) Any creditor of the beneficiary who has secured a judgment
1790 against the beneficiary may bring an action against him and serve the
1791 trustees with garnishee process, and the court to which the action is
1792 returnable may direct the trustees to pay over the net income derived
1793 from the trust estate to the judgment creditor, as the income may
1794 accrue, until the creditor's debt is satisfied.

1795 (c) The court having jurisdiction over the fund may make such an
1796 order for payment pursuant to subsection (b) when the beneficiary is a
1797 nonresident of this state, as well as when the beneficiary is a resident,
1798 but in the case of a nonresident beneficiary notice shall be given to the
1799 nonresident of the action against him as provided in section 52-87. The
1800 nonresidence of the beneficiary shall not deprive the court of authority
1801 to make such an order.

1802 (d) If any such trust has been expressly provided to be for the
1803 support of the beneficiary or his family, a court of equity having
1804 jurisdiction may make such order regarding the surplus, if any, not
1805 required for the support of the beneficiary or his family, as justice and
1806 equity may require.

1807 (e) The defendant trustee in any such action] In any action brought
1808 by a creditor of a beneficiary of a trust to enforce a judgment against
1809 the beneficiary in which a defendant trustee is served with garnishee
1810 process, the trustee shall be entitled to charge in the administration
1811 account of the trust such expenses and disbursements as the court to
1812 which the action is brought determines to be reasonable and proper.

1813 Sec. 96. (*Effective July 1, 2009*) Sections 45a-473, 45a-474, 45a-477, 45a-
1814 484 and 45a-487 to 45a-487f, inclusive, of the general statutes are
1815 repealed.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	New section
Sec. 2	<i>July 1, 2009</i>	New section
Sec. 3	<i>July 1, 2009</i>	New section
Sec. 4	<i>July 1, 2009</i>	New section
Sec. 5	<i>July 1, 2009</i>	New section
Sec. 6	<i>July 1, 2009</i>	New section
Sec. 7	<i>July 1, 2009</i>	New section
Sec. 8	<i>July 1, 2009</i>	New section
Sec. 9	<i>July 1, 2009</i>	New section
Sec. 10	<i>July 1, 2009</i>	New section
Sec. 11	<i>July 1, 2009</i>	New section
Sec. 12	<i>July 1, 2009</i>	New section
Sec. 13	<i>July 1, 2009</i>	New section
Sec. 14	<i>July 1, 2009</i>	New section
Sec. 15	<i>July 1, 2009</i>	New section
Sec. 16	<i>July 1, 2009</i>	New section
Sec. 17	<i>July 1, 2009</i>	New section
Sec. 18	<i>July 1, 2009</i>	New section
Sec. 19	<i>July 1, 2009</i>	New section
Sec. 20	<i>July 1, 2009</i>	New section
Sec. 21	<i>July 1, 2009</i>	New section
Sec. 22	<i>July 1, 2009</i>	New section
Sec. 23	<i>July 1, 2009</i>	New section
Sec. 24	<i>July 1, 2009</i>	New section
Sec. 25	<i>July 1, 2009</i>	New section
Sec. 26	<i>July 1, 2009</i>	New section
Sec. 27	<i>July 1, 2009</i>	New section
Sec. 28	<i>July 1, 2009</i>	New section
Sec. 29	<i>July 1, 2009</i>	New section
Sec. 30	<i>July 1, 2009</i>	New section
Sec. 31	<i>July 1, 2009</i>	New section
Sec. 32	<i>July 1, 2009</i>	New section
Sec. 33	<i>July 1, 2009</i>	New section
Sec. 34	<i>July 1, 2009</i>	New section
Sec. 35	<i>July 1, 2009</i>	New section
Sec. 36	<i>July 1, 2009</i>	New section
Sec. 37	<i>July 1, 2009</i>	New section

Sec. 38	<i>July 1, 2009</i>	New section
Sec. 39	<i>July 1, 2009</i>	New section
Sec. 40	<i>July 1, 2009</i>	New section
Sec. 41	<i>July 1, 2009</i>	New section
Sec. 42	<i>July 1, 2009</i>	New section
Sec. 43	<i>July 1, 2009</i>	New section
Sec. 44	<i>July 1, 2009</i>	New section
Sec. 45	<i>July 1, 2009</i>	New section
Sec. 46	<i>July 1, 2009</i>	New section
Sec. 47	<i>July 1, 2009</i>	New section
Sec. 48	<i>July 1, 2009</i>	New section
Sec. 49	<i>July 1, 2009</i>	New section
Sec. 50	<i>July 1, 2009</i>	New section
Sec. 51	<i>July 1, 2009</i>	New section
Sec. 52	<i>July 1, 2009</i>	New section
Sec. 53	<i>July 1, 2009</i>	New section
Sec. 54	<i>July 1, 2009</i>	New section
Sec. 55	<i>July 1, 2009</i>	New section
Sec. 56	<i>July 1, 2009</i>	New section
Sec. 57	<i>July 1, 2009</i>	New section
Sec. 58	<i>July 1, 2009</i>	New section
Sec. 59	<i>July 1, 2009</i>	New section
Sec. 60	<i>July 1, 2009</i>	New section
Sec. 61	<i>July 1, 2009</i>	New section
Sec. 62	<i>July 1, 2009</i>	New section
Sec. 63	<i>July 1, 2009</i>	New section
Sec. 64	<i>July 1, 2009</i>	New section
Sec. 65	<i>July 1, 2009</i>	New section
Sec. 66	<i>July 1, 2009</i>	New section
Sec. 67	<i>July 1, 2009</i>	New section
Sec. 68	<i>July 1, 2009</i>	New section
Sec. 69	<i>July 1, 2009</i>	New section
Sec. 70	<i>July 1, 2009</i>	New section
Sec. 71	<i>July 1, 2009</i>	New section
Sec. 72	<i>July 1, 2009</i>	New section
Sec. 73	<i>July 1, 2009</i>	New section
Sec. 74	<i>July 1, 2009</i>	New section
Sec. 75	<i>July 1, 2009</i>	New section
Sec. 76	<i>July 1, 2009</i>	New section
Sec. 77	<i>July 1, 2009</i>	New section

Sec. 78	<i>July 1, 2009</i>	New section
Sec. 79	<i>July 1, 2009</i>	New section
Sec. 80	<i>July 1, 2009</i>	New section
Sec. 81	<i>July 1, 2009</i>	New section
Sec. 82	<i>July 1, 2009</i>	New section
Sec. 83	<i>July 1, 2009</i>	New section
Sec. 84	<i>July 1, 2009</i>	New section
Sec. 85	<i>July 1, 2009</i>	New section
Sec. 86	<i>July 1, 2009</i>	New section
Sec. 87	<i>October 1, 2008</i>	New section
Sec. 88	<i>October 1, 2008</i>	New section
Sec. 89	<i>October 1, 2008</i>	New section
Sec. 90	<i>October 1, 2008</i>	New section
Sec. 91	<i>October 1, 2008</i>	New section
Sec. 92	<i>July 1, 2009</i>	45a-98(a)
Sec. 93	<i>July 1, 2009</i>	45a-475(c)
Sec. 94	<i>July 1, 2009</i>	45a-482
Sec. 95	<i>July 1, 2009</i>	52-321
Sec. 96	<i>July 1, 2009</i>	Repealer section

Statement of Purpose:

To adopt the Connecticut Uniform Trust Code and establish an Alternative Rule Against Perpetuities.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]