



General Assembly

Substitute Bill No. 7104

January Session, 2019



AN ACT CONCERNING ADOPTION OF THE CONNECTICUT UNIFORM TRUST CODE.

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

1 Section 1. (NEW) (*Effective January 1, 2020*) This section and sections
2 2 to 98, inclusive, of this act may be cited as the "Connecticut Uniform
3 Trust Code".

4 Sec. 2. (NEW) (*Effective January 1, 2020*) (a) Sections 1 to 98, inclusive,
5 of this act apply to express trusts, whether testamentary or inter vivos,
6 and to trusts created pursuant to a statute, judgment or decree that
7 requires the trust to be administered in the manner of an express trust.

8 (b) Except as expressly set forth in sections 1 to 98, inclusive, of this
9 act, sections 1 to 98, inclusive, of this act do not apply to a charitable
10 trust, as defined in subdivision (5) of section 3 of this act.

11 (c) Sections 1 to 98, inclusive, of this act do not apply to statutory
12 trusts created pursuant to chapter 615 of the general statutes.

13 (d) No provision of sections 1 to 109, inclusive, of this act, as such
14 provision may be applied to a trust established pursuant to and in
15 compliance with 42 USC 1396p(d)(4), as amended from time to time,
16 shall be interpreted in a manner that is inconsistent with, or that
17 contravenes, the provisions of federal law; nor shall any court having

18 jurisdiction over any such trust issue an order, judgment, decree or
19 ruling, that is inconsistent with, or that contravenes, the provisions of
20 federal law.

21 Sec. 3. (NEW) (*Effective January 1, 2020*) As used in sections 1 to 98,
22 inclusive, of this act:

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

25 (2) "Ascertainable standard" means a standard relating to an
26 individual's health, education, support or maintenance within the
27 meaning of Section 2041(b)(1)(A) or 2514(c)(1) of the Internal Revenue
28 Code of 1986, or any subsequent corresponding internal revenue code
29 of the United States, as amended from time to time, as in effect on
30 January 1, 2020, or as later amended.

31 (3) "Beneficiary" means a person that (A) has a present or future
32 beneficial interest in a trust, vested or contingent; or (B) in a capacity
33 other than that of trustee, holds a power of appointment over trust
34 property. "Beneficiary" does not include an appointee under a power
35 of appointment until the power is exercised and the trustee has
36 knowledge of the exercise and the identity of the appointee.

37 (4) "Breach of trust" includes a violation by a trust director or trustee
38 of a duty imposed on the director or trustee by the terms of the trust,
39 sections 1 to 98, inclusive, of this act or law of this state other than
40 sections 1 to 98, inclusive, of this act pertaining to trusts.

41 (5) "Charitable trust" means a trust, or part of a trust, created (A) for
42 a charitable purpose described in section 26 of this act; and (B) when
43 property is dedicated for a charitable purpose, whether the dedication
44 is by written instrument, declaration, deed, pledge, judgment or
45 decree.

46 (6) "Conservator of the estate" means a person appointed by the
47 court to administer the estate of an adult individual.

48 (7) "Conservator of the person" means a person appointed by the
49 court to make decisions regarding the support, care, education, health
50 and welfare of an adult individual and includes a conservator of the
51 person of an adult, but does not include a guardian ad litem.

52 (8) "Court" means a court of this state having jurisdiction over the
53 matter pursuant to sections 15 and 16 of this act or a court of another
54 state having jurisdiction under the law of the other state.

55 (9) "Current beneficiary" means a beneficiary that, on the date the
56 beneficiary's qualification is determined, is a distributee or permissible
57 distributee of trust income or principal.

58 (10) "Designated representative" means any person designated as
59 provided in subsection (a) of section 21 of this act, unless precluded
60 from acting by the trust instrument or applicable law.

61 (11) "Directed trust" means a trust for which the terms of the trust
62 grant a power of direction.

63 (12) "Directed trustee" means a trustee that is subject to a trust
64 director's power of direction.

65 (13) "Environmental law" means a federal, state or local law, rule,
66 regulation or ordinance relating to protection of the environment.

67 (14) "Guardian" means a person appointed by the court pursuant to
68 part V of chapter 802h of the general statutes.

69 (15) "Inter vivos trust" means a trust that is not a testamentary trust.

70 (16) "Interests of the beneficiaries" means the beneficial interests
71 provided in the terms of the trust.

72 (17) "Jurisdiction", with respect to a geographic area, includes a state
73 or country.

74 (18) "Mandatory distribution" means distribution of income or

75 principal that the trustee is required to make to a beneficiary under the
76 terms of the trust, including a distribution upon termination of the
77 trust. "Mandatory distribution" does not include a distribution subject
78 to the exercise of the trustee's discretion, regardless of whether the
79 terms of the trust (A) include a support or other standard to guide the
80 trustee in making distribution decisions; or (B) provide that the trustee
81 may or shall make discretionary distributions, including distributions
82 pursuant to a support or other standard.

83 (19) "Person" means an individual, corporation, statutory or
84 business trust, estate, trust, partnership, limited liability company,
85 association, joint venture, court, government, governmental
86 subdivision, agency or instrumentality, public corporation or any other
87 legal or commercial entity.

88 (20) "Power of direction" means a power over a trust granted to a
89 person by the terms of the trust to the extent the power is exercisable
90 while the person is not serving as a trustee. "Power of direction"
91 includes a power over the investment, management or distribution of
92 trust property or other matters of trust administration, but does not
93 include the powers described in subsection (b) of section 84 of this act.

94 (21) "Power of withdrawal" means a presently exercisable general
95 power of appointment other than a power exercisable only upon
96 consent of the trustee or a person holding an adverse interest.

97 (22) "Property" means anything that may be the subject of
98 ownership, whether real or personal and whether legal or equitable, or
99 any interest therein.

100 (23) "Qualified beneficiary" means a beneficiary that, on the date the
101 beneficiary's qualification is determined: (A) Is a distributee or
102 permissible distributee of trust income or principal; (B) would be a
103 distributee or permissible distributee of trust income or principal if the
104 interests of the distributees described in subparagraph (A) of this
105 subdivision terminated on such date without causing the trust to

106 terminate; or (C) would be a distributee or permissible distributee of
107 trust income or principal if the trust terminated on such date.

108 (24) "Revocable", as applied to a trust, means revocable by the
109 settlor without the consent of the trustee or a person holding an
110 adverse interest.

111 (25) "Settlor" means a person, including a testator, that creates or
112 contributes property to a trust. If more than one person creates or
113 contributes property to a trust, each person is a settlor of the portion of
114 the trust property attributable to such person's contribution, except to
115 the extent another person has the power to revoke or withdraw such
116 portion and as otherwise provided in section 40 of this act.

117 (26) "Spendthrift provision" means a term of a trust that restrains
118 both voluntary and involuntary transfer of a beneficiary's interest.

119 (27) "State" means a state of the United States, the District of
120 Columbia, Puerto Rico, the United States Virgin Islands or any
121 territory or insular possession subject to the jurisdiction of the United
122 States, and includes an Indian tribe or band recognized by federal law
123 or formally acknowledged by a state.

124 (28) "Testamentary trust" means a trust created under a will and,
125 unless otherwise expressly provided, any trust established pursuant to
126 an order of the Probate Court.

127 (29) "Trust director" means a person that is granted a power of
128 direction by the terms of a trust to the extent the power is exercisable
129 while the person is not serving as a trustee, provided a person is a trust
130 director whether or not the terms of the trust refer to the person as a
131 trust director and whether or not the person is a beneficiary or settlor
132 of the trust.

133 (30) "Trust instrument" means any instrument executed by the
134 settlor, including a will establishing or creating a testamentary trust,
135 that contains terms of the trust, including any amendments thereto. In

136 the case of a charitable trust, "trust instrument" means any written
137 instrument by which property is dedicated for a charitable purpose
138 described in section 26 of this act.

139 (31) "Trustee" includes an original, additional and successor trustee
140 and a cotrustee.

141 Sec. 4. (NEW) (*Effective January 1, 2020*) (a) Subject to subsection (b)
142 of this section, for the purposes of sections 1 to 98, inclusive, of this act,
143 a person has knowledge of a fact if the person (1) has actual
144 knowledge of the fact; (2) has received a notice or notification of the
145 fact; or (3) from all the facts and circumstances known to the person at
146 the time in question, has reason to know the fact.

147 (b) An organization that conducts activities through employees has
148 notice or knowledge of a fact involving a trust only from the time the
149 information was received by an employee having responsibility to act
150 for the trust, or from the time the information would have been
151 brought to the employee's attention if the organization had exercised
152 reasonable diligence. An organization exercises reasonable diligence if
153 it maintains reasonable routines for communicating significant
154 information to the employee having responsibility to act for the trust
155 and there is reasonable compliance with the routines. Reasonable
156 diligence does not require an employee of the organization to
157 communicate information unless the communication is part of the
158 individual's regular duties or the individual knows a matter involving
159 the trust would be materially affected by the information.

160 Sec. 5. (NEW) (*Effective January 1, 2020*) (a) Except as provided in the
161 terms of the trust, sections 1 to 98, inclusive, of this act govern the
162 duties and powers of a trustee, relations among trustees and the rights
163 and interests of a beneficiary.

164 (b) The terms of a trust prevail over each provision of sections 1 to
165 98, inclusive, of this act except: (1) The requirements for creating a
166 trust; (2) the duty of a trustee to act in good faith and in accordance

167 with the terms and purposes of the trust; (3) the requirement of section
168 25 of this act that a trust have a purpose that is lawful and not contrary
169 to public policy; (4) the power of the court to modify or terminate a
170 trust under sections 31 to 37, inclusive, of this act; (5) the power of the
171 court under section 45 of this act to require, dispense with, modify or
172 terminate a bond; (6) the power of the court under section 51 of this act
173 to adjust a trustee's compensation specified in the terms of the trust
174 that is unreasonably low or high; (7) the duty under subdivisions (2)
175 and (3) of subsection (b) of section 63 of this act to notify each qualified
176 beneficiary of an irrevocable trust who has attained twenty-five years
177 of age, or the designated representative of the qualified beneficiary, if
178 any, of the existence of the trust, of the identity of the trustee, and of
179 the right of the qualified beneficiary to request a trustee's report; (8)
180 the duty under subsections (a) and (c) of section 63 of this act to
181 respond to the request of a qualified beneficiary of an irrevocable trust
182 or the designated representative of the qualified beneficiary, if any, for
183 a trustee's report and other information reasonably related to the
184 administration of a trust; (9) the effect of an exculpatory term under
185 section 73 of this act; (10) the rights under sections 75 to 78, inclusive,
186 of this act of a person other than a trustee or beneficiary; (11) periods
187 of limitation for commencing a judicial proceeding; (12) the power of
188 the court to take the action and exercise the jurisdiction necessary in
189 the interests of justice; (13) the jurisdiction of the court as provided in
190 sections 15 and 16 of this act; and (14) the provisions of sections 1 to 83,
191 inclusive, of this act dealing with judicial supervision of testamentary
192 trusts.

193 Sec. 6. (NEW) (*Effective January 1, 2020*) The common law of trusts
194 and principles of equity supplement sections 1 to 109, inclusive, of this
195 act, except to the extent modified by sections 1 to 109, inclusive, of this
196 act or another provision of the general statutes. The provisions of
197 sections 1 to 109, inclusive, of this act expressly applying to charitable
198 trusts apply only to supplement Connecticut common law of charitable
199 trusts. No provision in sections 1 to 109, inclusive, of this act or title
200 45a of the general statutes shall be applied or construed to alter or

201 diminish any charitable interest or purpose or any condition or
202 restriction related to a charitable interest or purpose.

203 Sec. 7. (NEW) (*Effective January 1, 2020*) The meaning and effect of
204 the terms of a trust are determined by: (1) The law of the jurisdiction
205 designated in the terms of the trust, unless the designation of the
206 jurisdiction's law is contrary to a strong public policy of the
207 jurisdiction having the most significant relationship to the matter at
208 issue; or (2) in the absence of a controlling designation in the terms of
209 the trust, the law of the jurisdiction having the most significant
210 relationship to the matter at issue.

211 Sec. 8. (NEW) (*Effective January 1, 2020*) (a) Without precluding other
212 means for establishing a sufficient connection with the designated
213 jurisdiction, terms of a trust designating the principal place of
214 administration of the trust are valid and controlling if: (1) A trustee's
215 principal place of business is located in, or a trustee is a resident of, the
216 designated jurisdiction; (2) a trust director's principal place of business
217 is located in, or a trust director is a resident of, the designated
218 jurisdiction; or (3) all or part of the administration occurs in the
219 designated jurisdiction.

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

223 (c) Without precluding the right of the court to order, approve or
224 disapprove a transfer, and except as set forth in subsection (e) of this
225 section, in furtherance of the duty prescribed in subsection (b) of this
226 section, a trustee may transfer the trust's principal place of
227 administration to another state or to a jurisdiction outside of the
228 United States.

229 (d) A change in the principal place of administration of a trust from
230 this state to another jurisdiction does not, by itself, deprive the courts
231 of this state of jurisdiction over the trust.

232 (e) The trustee may not transfer the principal place of
233 administration of a charitable trust to a jurisdiction outside of the
234 United States. The trustee of a testamentary trust may not transfer the
235 principal place of administration without approval of the Probate
236 Court having jurisdiction over the testamentary trust.

237 (f) The trustee shall notify the qualified beneficiaries of a proposed
238 transfer of a trust's principal place of administration not less than sixty
239 days prior to the date of initiating the transfer. The notice of proposed
240 transfer shall include:

241 (1) The name of the jurisdiction to which the principal place of
242 administration is to be transferred;

243 (2) The address and telephone number at the new location at which
244 the trustee can be contacted;

245 (3) An explanation of the reason for the proposed transfer; and

246 (4) The date on which the proposed transfer is anticipated to occur.

247 (g) In connection with a transfer of the trust's principal place of
248 administration, the trustee may transfer some or all of the trust
249 property to a successor trustee designated in the terms of the trust or
250 appointed pursuant to section 47 of this act.

251 Sec. 9. (NEW) (*Effective January 1, 2020*) (a) Notice to a person under
252 sections 1 to 109, inclusive, of this act or the sending of a document to a
253 person under sections 1 to 109, inclusive, of this act shall be
254 accomplished in a manner reasonably suitable under the circumstances
255 and likely to result in receipt of the notice or document. Permissible
256 methods of notice or for sending a document include first-class mail,
257 personal delivery, delivery to the person's last known place of
258 residence or place of business, or, if the person has consented in
259 advance to receive notices or documents by electronic message, a
260 properly directed electronic message.

261 (b) Notice otherwise required under sections 1 to 109, inclusive, of
262 this act or a document otherwise required to be sent under sections 1 to
263 109, inclusive, of this act need not be provided to a person whose
264 identity or location is unknown to and not reasonably ascertainable by
265 the trustee.

266 (c) Notice under sections 1 to 109, inclusive, of this act or the
267 sending of a document under sections 1 to 109, inclusive, of this act
268 may be waived by the person to be notified or to be sent the document.

269 (d) Notice of a judicial proceeding shall be given as provided in the
270 applicable rules of court.

271 Sec. 10. (NEW) (*Effective January 1, 2020*) (a) Whenever notice to
272 qualified beneficiaries of a trust is required under sections 1 to 109,
273 inclusive, of this act, the trustee shall also give notice to: (1) A
274 representative designated under section 21 of this act to receive notices
275 on the beneficiary's behalf; and (2) any other beneficiary who sent the
276 trustee a request for notice.

277 (b) A charitable organization expressly designated to receive
278 distributions under the terms of a charitable trust has the rights of a
279 qualified beneficiary under sections 1 to 109, inclusive, of this act if the
280 charitable organization, on the date the charitable organization's
281 qualification is being determined: (1) Is a distributee or permissible
282 distributee of trust income or principal; (2) would be a distributee or
283 permissible distributee of trust income or principal upon termination
284 of the interests of other distributees or permissible distributees then
285 receiving or eligible to receive distributions; or (3) would be a
286 distributee or permissible distributee of trust income or principal if the
287 trust terminated on such date.

288 (c) The Attorney General has the rights of a qualified beneficiary
289 with respect to a charitable trust if (1) the trust's principal place of
290 administration in this state; or (2) either the primary charitable
291 beneficiary or the intended charitable benefit is located in this state.

292 (d) A person appointed to enforce a trust created for (1) the care of
293 an animal under section 45a-489a of the general statutes, as amended
294 by this act, or (2) another noncharitable purpose as provided in section
295 29 of this act, has the rights of a qualified beneficiary under sections 1
296 to 109, inclusive, of this act.

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

302 Sec. 11. (NEW) (*Effective January 1, 2020*) (a) For the purposes of this
303 section, "interested persons" means persons whose consent would be
304 required in order to achieve a binding settlement were the settlement
305 to be approved by the court.

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

309 (c) A nonjudicial settlement agreement is valid only to the extent it
310 does not violate a material purpose of the trust and includes terms and
311 conditions that could be properly approved by the court under
312 sections 1 to 109, inclusive, of this act or other applicable law.

313 (d) Matters that may be resolved by a nonjudicial settlement
314 agreement include: (1) The interpretation or construction of the terms
315 of the trust; (2) the approval of a trustee's report or accounting; (3)
316 direction to a trustee to refrain from performing a particular act or the
317 grant to a trustee of any necessary or desirable power; (4) the
318 resignation or appointment of a trustee and the determination of a
319 trustee's compensation; (5) transfer of a trust's principal place of
320 administration; and (6) liability of a trustee for an action relating to the
321 trust.

322 (e) A nonjudicial settlement agreement may not modify or terminate

323 an irrevocable trust. Such a modification or termination may be
324 accomplished only under the provisions of sections 30 to 37, inclusive,
325 of this act.

326 (f) An interested person may request the court to approve a
327 nonjudicial settlement agreement to determine whether the
328 representation provided pursuant to sections 17 to 21, inclusive, of this
329 act was adequate and to determine whether the agreement contains
330 terms and conditions the court could have properly approved.

331 Sec. 12. (NEW) (*Effective January 1, 2020*) A trustee has an insurable
332 interest in the life of an individual insured under a life insurance
333 policy that is owned by the trustee or that designates the trust itself as
334 the owner if, on the date the policy is issued:

335 (1) The insured is: (A) A settlor of the trust; or (B) an individual in
336 whom a settlor of the trust has, or would have had if living at the time
337 the policy was issued, an insurable interest; and

338 (2) The life insurance proceeds are primarily for the benefit of one or
339 more trust beneficiaries who have: (A) An insurable interest in the life
340 of the insured; or (B) a substantial interest engendered by love and
341 affection in the continuation of the life of the insured and, if not
342 already included under subdivision (1) of this section, who are: (i)
343 Related within the third degree or closer, as measured by the law of
344 this state for determining degrees of relation, either by blood or law, to
345 the insured; or (ii) stepchildren of the insured.

346 Sec. 13. (NEW) (*Effective January 1, 2020*) (a) A testamentary trust is
347 subject to continuing judicial supervision.

348 (b) An inter vivos trust is not subject to continuing judicial
349 supervision.

350 Sec. 14. (NEW) (*Effective January 1, 2020*) (a) If a trustee accepts
351 trusteeship of a trust having its principal place of administration in this
352 state or moves the principal place of administration to this state, the

353 trustee submits personally to the jurisdiction of the courts of this state
354 regarding any matter involving the trust.

355 (b) With respect to their interests in the trust, the beneficiaries of a
356 trust having its principal place of administration in this state are
357 subject to the jurisdiction of the courts of this state regarding any
358 matter involving the trust. If a beneficiary accepts a distribution from
359 such a trust, the beneficiary submits personally to the jurisdiction of
360 the courts of this state regarding any matter involving the trust.

361 (c) This section shall not preclude other methods of obtaining
362 jurisdiction over a trustee, beneficiary or other person receiving
363 property from the trust.

364 (d) Notwithstanding the provisions of subsections (a) to (c),
365 inclusive, of this section, the courts of this state have jurisdiction over
366 the trustee of a charitable trust if either the primary charitable
367 beneficiary or the intended charitable benefit is located in this state.

368 Sec. 15. (NEW) (*Effective January 1, 2020*) (a) Except as provided in
369 subsection (b) of this section, the Probate Courts have sole original
370 jurisdiction relating to testamentary trusts to:

371 (1) Determine the validity of the will establishing the trust pursuant
372 to subdivision (2) of subsection (a) of section 45a-98 of the general
373 statutes, as amended by this act;

374 (2) Compel a trustee to account pursuant to subdivision (6) of
375 subsection (a) of section 45a-98 of the general statutes, as amended by
376 this act;

377 (3) Approve a trustee's account pursuant to sections 45a-175 to 45a-
378 179, inclusive, of the general statutes, as amended by this act, or
379 proposed final distribution pursuant to section 45a-481 of the general
380 statutes;

381 (4) With respect to an action that could be reported in a subsequent

382 account pursuant to sections 45a-175 to 45a-179, inclusive, of the
383 general statutes, as amended by this act, hear and decide the petition
384 of (A) a trustee to approve a proposed action, ratify a previously taken
385 action or provide instructions to address a specific situation, or (B) a
386 beneficiary to compel or prohibit action by a trustee;

387 (5) Approve the settlement of a disputed claim pursuant to section
388 45a-151 of the general statutes;

389 (6) Approve the sale of personal property pursuant to section 45a-
390 163 of the general statutes;

391 (7) Approve the sale or mortgage of real property pursuant to
392 section 45a-164 of the general statutes;

393 (8) Remove or accept the resignation of a trustee pursuant to section
394 48 of this act or subsection (b) of section 49 of this act;

395 (9) Appoint a successor trustee in the event of a vacancy or
396 anticipated vacancy pursuant to section 47 of this act;

397 (10) Order a trustee to furnish a probate bond pursuant to section 45
398 of this act;

399 (11) Assume jurisdiction of a trust pursuant to section 45a-477 of the
400 general statutes, as amended by this act;

401 (12) Order distribution of a decedent's estate or testamentary trust to
402 the beneficiaries of an inoperative trust pursuant to section 45a-482 of
403 the general statutes, as amended by this act;

404 (13) Authorize a trustee to disclaim an interest pursuant to section
405 45a-579 of the general statutes;

406 (14) Authorize a trustee to combine two or more trusts or divide a
407 trust into two or more separate trusts pursuant to section 38 of this act;
408 and

409 (15) Terminate a charitable trust pursuant to section 45a-520 of the
410 general statutes, as amended by this act.

411 (b) The Superior Court and the Probate Courts have concurrent
412 original jurisdiction relating to testamentary trusts to:

413 (1) Determine title or rights of possession and use in and to any real,
414 tangible or intangible property that constitutes or may constitute
415 property of a trust, including the rights and obligations of a beneficiary
416 of the trust pursuant to subdivision (3) of subsection (a) of section 45a-
417 98 of the general statutes, as amended by this act;

418 (2) Determine the validity and construe the meaning and effect of a
419 trust pursuant to subdivision (4) of subsection (a) of section 45a-98 of
420 the general statutes, as amended by this act;

421 (3) Apply the doctrine of cy pres or approximation pursuant to
422 subdivision (5) of subsection (a) of section 45a-98 of the general
423 statutes, as amended by this act;

424 (4) Recover on a probate bond for breach of fiduciary duty pursuant
425 to sections 45a-144 and 45a-145 of the general statutes;

426 (5) Reform a trust to qualify for the marital deduction pursuant to
427 section 45a-485 of the general statutes, as amended by this act;

428 (6) Reform a trust to qualify for the charitable deduction pursuant to
429 section 45a-519 of the general statutes, as amended by this act;

430 (7) Reform a charitable remainder unitrust pursuant to section 45a-
431 521 of the general statutes, as amended by this act;

432 (8) Authorize transfer of the principal place of administration of a
433 trust to another jurisdiction pursuant to section 8 of this act;

434 (9) Modify or terminate a noncharitable trust pursuant to sections
435 31, 32, 35, 36 and 37 of this act; and

436 (10) Hear and decide a petition for instruction pursuant to
437 subsection (d) of section 88 of this act.

438 (c) Notwithstanding subsection (a) of this section, the Superior
439 Court has original jurisdiction relating to testamentary trusts with
440 respect to:

441 (1) A proceeding relating to a testamentary trust that the court
442 consolidates with another proceeding involving the same trust over
443 which the Superior Court has original jurisdiction; and

444 (2) Any matter over which the Superior Court has statutory or
445 common law jurisdiction or has powers or remedies that are not
446 available to the Probate Courts.

447 (d) The Superior Court has original jurisdiction over all matters
448 relating to inter vivos trusts. The Probate Courts have concurrent
449 original jurisdiction with the Superior Court relating to inter vivos
450 trusts to:

451 (1) Compel a trustee to account pursuant to subdivision (6) of
452 subsection (a) of section 45a-98 of the general statutes, as amended by
453 this act;

454 (2) Approve a trustee's account pursuant to section 45a-175 of the
455 general statutes, as amended by this act;

456 (3) With respect to an action that could be reported in a subsequent
457 account pursuant to section 45a-175 of the general statutes, as
458 amended by this act, hear and decide the petition of a trustee to
459 approve a proposed action, ratify a previously taken action or provide
460 instruction to address a specific situation or the petition of a
461 beneficiary to compel or prohibit an action by a trustee;

462 (4) Remove a trustee pursuant to subsection (b) of section 49 of this
463 act;

464 (5) Appoint a successor trustee in the event of a vacancy or
465 anticipated vacancy pursuant to section 47 or 102 of this act and
466 subsection (g) of section 105 of this act;

467 (6) Recover on a probate bond for breach of fiduciary duty pursuant
468 to sections 45a-144 and 45a-145 of the general statutes;

469 (7) Authorize a trustee to disclaim an interest pursuant to section
470 45a-579 of the general statutes;

471 (8) Authorize a trustee to combine two or more trusts or divide a
472 trust into two or more separate trusts pursuant to section 38 of this act;

473 (9) Terminate a charitable trust pursuant to section 45a-520 of the
474 general statutes, as amended by this act;

475 (10) Determine title or rights of possession and use in and to any
476 real, tangible or intangible property that constitutes or may constitute
477 property of a trust, including the rights and obligations of any
478 beneficiary of the trust pursuant to subdivision (3) of subsection (a) of
479 section 45a-98 of the general statutes, as amended by this act;

480 (11) Determine the validity and construe the meaning and effect of a
481 trust pursuant to subdivision (4) of subsection (a) of section 45a-98 of
482 the general statutes, as amended by this act;

483 (12) Apply the doctrine of cy pres or approximation pursuant to
484 subdivision (5) of subsection (a) of section 45a-98 of the general
485 statutes, as amended by this act;

486 (13) Reform a trust to achieve the settlor's tax objectives pursuant to
487 section 37 of this act;

488 (14) Authorize transfer of the principal place of administration of a
489 trust to another jurisdiction pursuant to section 8 of this act;

490 (15) Modify or terminate a noncharitable trust pursuant to sections
491 31, 32, 35, 36 and 37 of this act; and

492 (16) Hear and decide a petition for instruction pursuant to
493 subsection (d) of section 88 of this act.

494 (e) With respect to a matter over which the court has jurisdiction,
495 the court may hear and decide a trustee's request for instructions or for
496 approval of action or a party's request to compel or prohibit an action
497 by a trustee.

498 Sec. 16. (NEW) (*Effective January 1, 2020*) (a) Process for a proceeding
499 in the Superior Court concerning a trust shall be returnable as
500 provided in chapter 890 of the general statutes.

501 (b) A petition to commence a proceeding in a Probate Court
502 concerning a testamentary trust shall be filed with:

503 (1) The court that admitted the settlor's will to probate; or

504 (2) If the trust was established pursuant to a court order, the court
505 that issued the order or the court to which the trust was subsequently
506 transferred pursuant to rules of procedure adopted by the Supreme
507 Court under section 45a-78 of the general statutes.

508 (c) A petition to commence a proceeding in a Probate Court
509 concerning an inter vivos trust shall be filed with the court for the
510 probate district:

511 (1) Where the principal place of administration of the trust is
512 located;

513 (2) Where a trustee or successor trustee resides or has a place of
514 business;

515 (3) Where a trust asset is maintained or evidence of intangible
516 property held by the trust is situated;

517 (4) Where the settlor resides;

518 (5) If the settlor is deceased, where the settlor's will was admitted to

519 probate or that granted administration of the settlor's estate, or where
520 the settlor resided immediately before death; or

521 (6) If a trust has no trustee, where a beneficiary resides or, if the
522 beneficiary is not an individual, where the beneficiary has a place of
523 business.

524 Sec. 17. (NEW) (*Effective January 1, 2020*) (a) Notice to a person who
525 may represent and bind another person under this section and sections
526 18 to 21, inclusive, of this act has the same effect as if notice were given
527 directly to the other person.

528 (b) The consent of a person who may represent and bind another
529 person under this section and sections 18 to 21, inclusive, of this act is
530 binding on the person represented unless the person represented
531 objects to the representation before the consent would otherwise have
532 become effective.

533 (c) Except as provided in section 41 of this act, a person that,
534 pursuant to this section and sections 18 to 21, inclusive, of this act, may
535 represent a settlor who lacks capacity may receive notice and give a
536 binding consent on the settlor's behalf.

537 (d) A settlor may not represent and bind a beneficiary under this
538 section with respect to the termination or modification of a trust under
539 sections 31 and 32 of this act.

540 (e) This section and sections 18 to 21, inclusive, of this act, shall
541 apply to all judicial proceedings and all nonjudicial settlements,
542 agreements or actions (1) under sections 1 to 109, inclusive, of this act;
543 and (2) under any other provisions of the general statutes pertaining to
544 trust matters. As used in this subsection, "trust matters" means (A) any
545 property or interest in property held as part of a trust; (B) actions by or
546 against a trust or by or against the trustee of the trust, in its capacity as
547 trustee; (C) proceedings for the interpretation of a document creating a
548 trust or other instrument pursuant to which property is held by a
549 trustee; (D) accountings, whether intermediate or final, of any trustee;

550 and (E) any other matter concerning the administration of a trust. Any
551 reference to a trust in this section and sections 45a-487b to 45a-487f,
552 inclusive, of the general statutes includes both testamentary and inter
553 vivos trusts.

554 (f) As used in this section, "represent" shall not be construed to
555 permit a person who has not been admitted as an attorney pursuant to
556 section 51-80 of the general statutes to serve as legal counsel for any
557 other person in any matter arising under sections 1 to 109, inclusive, of
558 this act.

559 Sec. 18. (NEW) (*Effective January 1, 2020*) To the extent there is no
560 conflict of interest between the holder of a power of appointment and a
561 person represented with respect to the particular question or dispute:
562 (1) The sole holder or all coholders of a power of appointment,
563 whether or not presently exercisable, represent the potential
564 appointees; and (2) the sole holder or all coholders of a power of
565 revocation or a general power of appointment, including one in the
566 form of a power of amendment, represent the takers in default of the
567 exercise of the power.

568 Sec. 19. (NEW) (*Effective January 1, 2020*) (a) To the extent there is no
569 conflict of interest between the representative and the person
570 represented or among those being represented with respect to a
571 particular question or dispute: (1) A conservator of the estate may
572 represent and bind the estate that the conservator controls; (2) a
573 conservator of the person or guardian of an adult with intellectual
574 disability may, with court approval, represent and bind the conserved
575 person if a conservator of the estate has not been appointed; (3) an
576 agent having authority to do so may represent and bind the principal;
577 (4) a trustee may represent and bind the beneficiaries of the trust; (5)
578 an executor or administrator of a decedent's estate may represent and
579 bind persons interested in the estate; and (6) if a guardian of the estate
580 has not been appointed, a parent of a minor may represent and bind
581 the parent's minor or unborn child.

582 (b) Unless otherwise represented, a minor, an incapacitated or
583 unborn individual, or a person whose identity or location is unknown
584 and not reasonably ascertainable, may be represented by and bound
585 by another person having a substantially identical interest with respect
586 to the particular question or dispute, but only to the extent there is no
587 conflict of interest between the representative and the person being
588 represented.

589 Sec. 20. (NEW) (*Effective January 1, 2020*) (a) If the court determines
590 that an interest is not represented pursuant to sections 17 to 21,
591 inclusive, of this act, or that the otherwise available representation may
592 be inadequate, the court may appoint a guardian ad litem to receive
593 notice, give consent, and otherwise represent, bind and act on behalf of
594 a minor, an incapacitated or unborn individual, or a person whose
595 identity or location is unknown. A guardian ad litem may be
596 appointed to represent several persons or interests.

597 (b) A guardian ad litem may act on behalf of the individual
598 represented with respect to any matter arising under sections 1 to 109,
599 inclusive, of this act, whether or not a judicial proceeding concerning
600 the trust is pending.

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

604 Sec. 21. (NEW) (*Effective January 1, 2020*) (a) The trust instrument
605 may (1) designate one or more persons other than the settlor to
606 represent and bind a beneficiary that is not a charity and to receive a
607 notice, information, an accounting or a report on behalf of the
608 beneficiary; or (2) authorize a person or persons, other than a trustee of
609 the trust or the settlor, to designate one or more persons to represent
610 and bind a beneficiary that is not a charity and receive any notice,
611 information, accounting or report.

612 (b) Except as otherwise provided in sections 1 to 98, inclusive, of

613 this act, a designated representative may not represent and bind a
614 beneficiary while the person is serving as trustee.

615 (c) Except as otherwise provided in sections 1 to 98, inclusive, of this
616 act, a designated representative may not represent and bind another
617 beneficiary if the person designated also is a beneficiary, unless:

618 (1) The person was named by the settlor; or

619 (2) The person is the beneficiary's spouse or a grandparent or
620 descendant of a grandparent of the beneficiary or the beneficiary's
621 spouse.

622 (d) A designated representative is not liable to the beneficiary
623 whose interests are represented, or to anyone claiming through that
624 beneficiary, for any actions or omissions to act made in good faith.

625 Sec. 22. (NEW) (*Effective January 1, 2020*) A trust may be created by:

626 (1) Transfer of property to another person as trustee during the
627 settlor's lifetime, by deed or otherwise, or by will or other disposition
628 taking effect upon the settlor's death; (2) declaration by the owner of
629 property that the owner holds identifiable property as trustee; (3)
630 exercise of a power of appointment or distribution in favor of a trustee;
631 (4) transfer of property pursuant to a statute or judgment that requires
632 property to be administered in the manner of an express trust,
633 including, but not limited to, (A) a trust created by the guardian of the
634 estate of a minor or by the conservator of an estate; or (B) a trust
635 described in 42 USC 1396p(d)(4), as amended from time to time; or (5)
636 court order.

637 Sec. 23. (NEW) (*Effective January 1, 2020*) (a) A trust is created only if:

638 (1) The settlor has capacity to create a trust;

639 (2) The settlor indicates an intention to create the trust;

640 (3) The trust has a definite beneficiary or is (A) a charitable trust; (B)

641 a trust for the care of an animal, as provided in section 45a-489a of the
642 general statutes, as amended by this act; or (C) a trust for a
643 noncharitable purpose under section 29 of this act; and

644 (4) The trustee has duties to perform.

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

647 (c) A power in a trustee to select a beneficiary from an indefinite
648 class is valid. If the power is not exercised within a reasonable time,
649 the power fails and the property subject to the power passes to the
650 persons who would have taken the property had the power not been
651 conferred. With respect to a charitable trust, if no default beneficiary is
652 named in the trust instrument, the property subject to the power
653 passes to one or more charitable purposes or beneficiaries that the
654 court selects. The selection shall be consistent with the settlor's
655 intention to the extent it can be ascertained.

656 (d) The settlor's power to create or contribute to a trust may be
657 exercised by (1) an agent under a power of attorney only to the extent
658 expressly authorized to create or contribute property to a trust; or (2) a
659 conservator of the estate as authorized by the court.

660 (e) A charitable trust is created if the donor makes a gift with a
661 charitable intent.

662 Sec. 24. (NEW) (*Effective January 1, 2020*) An inter vivos trust is
663 validly created if its creation complies with (1) the law of the
664 jurisdiction in which the trust instrument was executed; or (2) the law
665 of the jurisdiction in which, at the time of creation: (A) The settlor was
666 domiciled, had a place of abode or was a national; (B) a trustee was
667 domiciled or had a place of business; or (C) any trust property was
668 located.

669 Sec. 25. (NEW) (*Effective January 1, 2020*) A trust may be created only
670 to the extent its purposes are lawful and not contrary to public policy.

671 Sec. 26. (NEW) (*Effective January 1, 2020*) (a) A charitable trust may
672 be created for the relief of poverty, the advancement of education or
673 religion, the promotion of health, governmental or municipal purposes
674 or other purposes the achievement of which are beneficial to the
675 community consistent with the provisions of sections 45a-514 and 47-2
676 of the general statutes.

677 (b) If the terms of a charitable trust do not indicate a particular
678 charitable purpose or beneficiary and if the trustee is not given
679 discretion to select the charitable beneficiaries consistent with the
680 provisions of section 45a-515 of the general statutes, the court may
681 select one or more charitable purposes or beneficiaries. The selection
682 shall be consistent with the settlor's intention to the extent it can be
683 ascertained.

684 (c) The settlor of a charitable trust, or a person designated by the
685 settlor who would not otherwise have standing, may maintain a
686 proceeding to enforce the trust only to the extent specified in the trust
687 instrument.

688 (d) If a charitable trust whose purposes are set forth in a trust
689 instrument is converted to a corporation, limited liability company,
690 benefit corporation or other entity, the governing instrument of the
691 new entity shall recite the charitable purposes of the original trust
692 instrument.

693 Sec. 27. (NEW) (*Effective January 1, 2020*) A trust or a provision of a
694 trust is void to the extent its creation was induced by fraud, duress or
695 undue influence.

696 Sec. 28. (NEW) (*Effective January 1, 2020*) Except as required by any
697 provision of the general statutes other than sections 1 to 109, inclusive,
698 of this act, a trust need not be evidenced by a written trust instrument,
699 but the creation and terms of an oral trust, other than a charitable trust,
700 may be established only by clear and convincing evidence.

701 Sec. 29. (NEW) (*Effective January 1, 2020*) Except as otherwise

702 provided in the general statutes, the following rules apply to a trust
703 created pursuant to this section:

704 (1) A trust may be created for a noncharitable purpose without a
705 definite or definitely ascertainable beneficiary or for a noncharitable
706 but otherwise valid purpose to be selected by the trustee. The trust
707 may not be enforced for more than ninety years. The ninety-year
708 period specified in this subdivision applies only to trusts that become
709 irrevocable on or after January 1, 2020.

710 (2) A trust authorized by this section may be enforced by a person
711 appointed in the terms of the trust or, if no person is appointed, by a
712 person appointed by the court.

713 (3) Property of a trust authorized by this section may be applied
714 only to its intended use, except to the extent the court determines that
715 the value of the trust property exceeds the amount required for the
716 intended use. Except as otherwise provided in the terms of the trust,
717 property not required for the intended use shall be distributed to (A)
718 the settlor, if then living; or (B) if the settlor is not living, to the settlor's
719 successors in interest.

720 Sec. 30. (NEW) (*Effective January 1, 2020*) (a) In addition to the
721 methods of termination prescribed by sections 31, 32 and 35 of this act,
722 a noncharitable trust terminates to the extent the trust is revoked or
723 expires pursuant to its terms.

724 (b) A charitable trust may be terminated only in accordance with the
725 provisions of section 33 or 34 of this act or section 45a-520 of the
726 general statutes, as amended by this act.

727 (c) A proceeding to approve or disapprove a proposed modification
728 or termination of a trust under sections 31 to 37, inclusive, of this act or
729 trust combination or division under section 38 of this act may be
730 commenced by a trustee or beneficiary. The settlor of a charitable trust
731 or a person designated by the settlor who would not otherwise have
732 standing may maintain a proceeding to modify the trust under section

733 33 or 34 of this act if the trust instrument expressly grants the settlor or
734 the person the right to do so.

735 (d) The trustee is a necessary party in any proceeding under sections
736 31 to 38, inclusive, of this act. The trustee may appeal any order, denial
737 or decree under sections 31 to 38, inclusive, of this act.

738 Sec. 31. (NEW) (*Effective January 1, 2020*) (a) If the court finds that
739 the settlor, the trustee and all beneficiaries consent to the modification
740 or termination of a noncharitable irrevocable trust, the court may
741 approve the modification or termination even if the modification or
742 termination is inconsistent with a material purpose of the trust. A
743 settlor's power to consent to a trust's modification or termination may
744 be exercised by (1) an agent under a power of attorney only to the
745 extent expressly authorized by the power of attorney or the terms of
746 the trust; or (2) the settlor's conservator with the approval of the court
747 supervising the conservatorship. This subsection does not apply to
748 irrevocable trusts created before, or revocable trusts that become
749 irrevocable before, January 1, 2020.

750 (b) A noncharitable irrevocable trust may be (1) terminated upon
751 consent of all of the beneficiaries if the court concludes that
752 continuance of the trust is not necessary to achieve any material
753 purpose of the trust; and (2) modified upon consent of all of the
754 beneficiaries if the court concludes that modification is not inconsistent
755 with a material purpose of the trust.

756 (c) A spendthrift provision in the terms of the trust is not presumed
757 to constitute a material purpose of the trust.

758 (d) Upon termination of a trust under subsection (a) or (b) of this
759 section, the trustee shall distribute the trust property as agreed by the
760 beneficiaries and approved by the court.

761 (e) If not all of the beneficiaries consent to a proposed modification
762 or termination of the trust under subsection (a) or (b) of this section,
763 the modification or termination may be approved by the court if the

764 court is satisfied that:

765 (1) If all of the beneficiaries had consented, the trust could have
766 been modified or terminated under this section; and

767 (2) The interests of a beneficiary who does not consent will be
768 adequately protected.

769 (f) Notwithstanding the provisions of this section, the court may not
770 terminate an irrevocable trust established pursuant to 42 USC
771 1396p(d)(4)(A) or (C), as amended from time to time. The court may
772 approve a proposed modification of the terms of such trust to ensure
773 compliance with the requirements of federal law or to modify any
774 individual's contingent beneficial interest that is available only after
775 repayment to this state or another state for (1) medical assistance
776 provided; and (2) all claims for which this state would have claims
777 against the estate of the deceased beneficiary that have not previously
778 been paid or reimbursed.

779 Sec. 32. (NEW) (*Effective January 1, 2020*) (a) The court may modify
780 the administrative or dispositive terms of a trust, subject to sections 33
781 and 34 of this section, or terminate a noncharitable trust if, because of
782 circumstances not anticipated by the settlor, modification or
783 termination will further the purposes of the trust. To the extent
784 practicable, the modification shall be made in accordance with the
785 settlor's probable intention.

786 (b) The court may modify the administrative terms of a trust if
787 continuation of the trust on its existing terms would be impracticable
788 or wasteful or impair the trust's administration.

789 (c) Upon termination of a trust under this section, the trustee shall
790 distribute the trust property in a manner consistent with the purposes
791 of the trust as directed by the court.

792 (d) In this section, "circumstances not anticipated by the settlor"
793 does not include a change in the corporate identity of a trustee.

794 (e) Notwithstanding the provisions of this section, the court may not
795 terminate an irrevocable trust established pursuant to 42 USC
796 1396p(d)(4)(A) or (C), as amended from time to time. The court may
797 modify the terms of such a trust to ensure compliance with the
798 requirements of federal law or to modify any individual's contingent
799 beneficial interest that is available only after repayment to this state or
800 another state for (1) medical assistance provided; and (2) all claims for
801 which this state would have claims against the estate of the deceased
802 beneficiary that have not previously been paid or reimbursed.

803 Sec. 33. (NEW) (*Effective January 1, 2020*) Except as otherwise
804 provided in section 34 of this act, if a particular charitable purpose
805 becomes unlawful, impracticable, impossible to achieve or wasteful: (1)
806 The trust does not fail, in whole or in part; (2) the trust property does
807 not revert to the settlor or the settlor's successors in interest; and (3) the
808 court may apply cy pres to modify or terminate the trust by directing
809 that the trust property be applied or distributed, in whole or in part, in
810 a manner consistent with the settlor's charitable purposes.

811 Sec. 34. (NEW) (*Effective January 1, 2020*) A provision in the terms of
812 a charitable trust that would result in distribution of the trust property
813 to a noncharitable beneficiary prevails over the power of the court
814 under section 33 of this act to apply cy pres to modify or terminate the
815 trust only if, when the provision takes effect: (1) Except as provided in
816 section 45a-505 of the general statutes, the trust property is to revert to
817 the settlor and the settlor is living; or (2) fewer than twenty-one years
818 have elapsed since the date of the trust's creation.

819 Sec. 35. (NEW) (*Effective January 1, 2020*) (a) After thirty days' notice
820 to the qualified beneficiaries and such other beneficiaries as the trustee
821 deems reasonable, the trustee of a noncharitable inter vivos trust
822 consisting of trust property having a total value less than two hundred
823 thousand dollars may terminate the trust if the trustee concludes that
824 the value of the trust property is insufficient to justify the cost of
825 administration. The provisions of this subsection shall not apply to a
826 trust established pursuant to 42 USC 1396p(d)(4)(A) or (C), as

827 amended from time to time.

828 (b) The court may modify or terminate a noncharitable testamentary
829 or inter vivos trust or remove the trustee of the trust and appoint a
830 different trustee if it determines that the value of the trust property is
831 insufficient to justify the cost of administration relative to the material
832 purposes of the trust. Notwithstanding the provisions of this
833 subsection, the court may not terminate a testamentary or inter vivos
834 trust established pursuant to 42 USC 1396p(d)(4)(A) or (C), as
835 amended from time to time. The court may only modify a trust
836 established pursuant to 42 USC 1396p(d)(4)(A) or (C), as amended
837 from time to time to ensure compliance with the requirements of
838 federal law or to modify any individual's contingent beneficial interest
839 that is available only after repayment to this state or another state for
840 (1) medical assistance provided; and (2) all claims for which this state
841 would have claims against the estate of the deceased beneficiary that
842 have not previously been paid or reimbursed. The provisions of this
843 subsection providing for repayment of medical assistance to the state
844 for trusts established under 42 USC 1396p(d)(4)(A) or (C), as amended
845 from time to time are presumed to be a material purpose of the trust.

846 (c) Upon termination of a trust under this section, the trustee shall
847 distribute the trust property: (1) In a manner consistent with the
848 purposes of the trust; or (2) if the termination is approved by the court,
849 as directed by the court after considering the material purposes of the
850 trust.

851 (d) The provisions of this section do not apply to an easement for
852 conservation or preservation.

853 Sec. 36. (NEW) (*Effective January 1, 2020*) The court may reform the
854 terms of a noncharitable trust, even if unambiguous, to conform the
855 terms to the settlor's intention if it is proved by clear and convincing
856 evidence what the settlor's intention was and that the terms of the trust
857 were affected by a mistake of fact or law, whether in expression or
858 inducement.

859 Sec. 37. (NEW) (*Effective January 1, 2020*) To achieve the settlor's tax
860 objectives, the court may modify the terms of a trust in a manner that
861 is not contrary to the settlor's probable intention. The court may
862 provide that the modification has retroactive effect.

863 Sec. 38. (NEW) (*Effective January 1, 2020*) (a) After thirty days' notice
864 to the qualified beneficiaries, the trustee of an inter vivos trust may
865 combine two or more trusts into a single trust or divide a trust into two
866 or more separate trusts, if the result does not impair rights of a
867 beneficiary or adversely affect achievement of the purposes of the
868 trust.

869 (b) The trustee of a testamentary trust, with court approval, may
870 combine the trust with another trust or divide the trust into two or
871 more separate trusts if the result does not impair rights of a beneficiary
872 or adversely affect achievement of the purposes of the trust.

873 Sec. 39. (NEW) (*Effective January 1, 2020*) Trust property is not
874 subject to personal obligations of the trustee, even if the trustee
875 becomes insolvent or bankrupt.

876 Sec. 40. (NEW) (*Effective January 1, 2020*) (a) For all purposes under
877 this section and section 39 of this act, a creditor of a beneficiary, other
878 than a creditor of the settlor if the settlor is a beneficiary of the trust,
879 may not attach or compel a distribution of property that is subject to:

880 (1) A power of withdrawal held by the beneficiary if the value of the
881 property subject to the power does not exceed the greater of the
882 amount specified in Section 2041(b)(2) or 2514(e) of the Internal
883 Revenue Code of 1986, or any subsequent corresponding internal
884 revenue code of the United States, as amended from time to time, and
885 the regulations thereunder, or Section 2503(b) of said Internal Revenue
886 Code and the regulations thereunder, in each case as in effect on
887 January 1, 2020;

888 (2) A power, whether mandatory or discretionary, held by the
889 trustee of the trust, including a power held by the beneficiary as the

890 sole trustee or a cotrustee of the trust, to make distributions to or for
891 the benefit of the beneficiary, if the power is exercisable by the trustee
892 only in accordance with an ascertainable standard relating to such
893 beneficiary's individual health, education, support or maintenance
894 within the meaning of Section 2041(b)(1)(A) or 2514(c)(1) of the
895 Internal Revenue Code of 1986, or any subsequent corresponding
896 internal revenue code of the United States, as amended from time to
897 time, and the regulations thereunder, as in effect on January 1, 2020; or

898 (3) A power, whether mandatory or discretionary, held by the
899 trustee of the trust, including a power held by the beneficiary as the
900 sole trustee or a cotrustee of the trust, to make distributions to or for
901 the benefit of a person who the beneficiary has an obligation to
902 support, if the power is exercisable by the trustee only in accordance
903 with an ascertainable standard relating to such person's individual
904 health, education, support or maintenance within the meaning of
905 Section 2041(b)(1)(A) or 2514(c)(1) of the Internal Revenue Code of
906 1986, or any subsequent corresponding internal revenue code of the
907 United States, as amended from time to time, and the regulations
908 thereunder, as in effect on January 1, 2020.

909 (b) A beneficiary holding a power set forth in subsection (a) of this
910 section shall not, during the period the power may be exercised or
911 upon the lapse, release or waiver of the power, be treated as a settlor of
912 the trust.

913 (c) This section and section 39 of this act do not apply to statutory
914 trusts created pursuant to chapter 615 of the general statutes to the
915 extent inconsistent with the terms of said chapter.

916 Sec. 41. (NEW) (*Effective January 1, 2020*) (a) Unless the terms of a
917 trust expressly provide that the trust is irrevocable, the settlor may
918 revoke or amend the trust. This subsection shall not apply to (1) a trust
919 created under an instrument executed before January 1, 2020; (2)
920 charitable pledges; or (3) other charitable gifts in which the charitable
921 interest has otherwise vested.

922 (b) If a revocable trust is created or funded by more than one settlor:
923 (1) To the extent the trust consists of community property, the trust
924 may be revoked by either spouse acting alone but may be amended
925 only by joint action of both spouses; and (2) to the extent the trust
926 consists of property other than community property, each settlor may
927 revoke or amend the trust with regard to the part of the trust property
928 attributable to the settlor's contribution.

929 (c) With respect to a revocable trust:

930 (1) The settlor may revoke or amend the trust by substantial
931 compliance with a method provided in the terms of the trust.

932 (2) If the terms of the trust do not provide a method to revoke or
933 amend the trust, or the method provided in the terms is not expressly
934 made exclusive, the settlor may revoke or amend the trust by (A)
935 executing a later will or codicil that has been admitted to probate and
936 that expressly refers to the trust or expressly devises specifically
937 identified items of real or personal property that would otherwise have
938 passed according to the terms of the trust; or (B) any other method
939 manifesting clear and convincing evidence of the settlor's intent,
940 provided (i) a written revocable trust may be amended only by a later
941 written instrument; and (ii) a written revocable trust may be revoked
942 only by a later written instrument or by the burning, cancellation,
943 tearing or obliteration of the revocable trust by the settlor or by some
944 person in the settlor's presence and at the settlor's direction.

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

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

951 (f) Unless expressly prohibited by the terms of the trust, a
952 conservator of the settlor may exercise a settlor's powers with respect

953 to revocation, amendment or distribution of trust property with
954 approval of the trustee and the court supervising the conservatorship.

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

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

964 Sec. 42. (NEW) (*Effective January 1, 2020*) (a) To the extent a trust is
965 revocable by a settlor, a trustee may follow a direction of the settlor
966 that is contrary to the terms of the trust. To the extent a trust is
967 revocable by a settlor in conjunction with a person other than a trustee
968 or person holding an adverse interest, the trustee may follow a
969 direction from the settlor and the other person holding the power to
970 revoke even if the direction is contrary to the terms of the trust.

971 (b) To the extent a trust is revocable and the settlor has capacity to
972 revoke the trust, rights of the beneficiaries are subject to the control of,
973 and the duties of the trustee are owed exclusively to, the settlor.

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

977 Sec. 43. (NEW) (*Effective January 1, 2020*) (a) A person may
978 commence a judicial proceeding to contest the validity of a trust that
979 was revocable at the settlor's death within the earlier of:

980 (1) One year after the settlor's death; or

981 (2) One hundred twenty days after the date on which the trustee

982 sent the person a copy of the trust instrument and a notice informing
983 the person of the trust's existence, of the trustee's name and address,
984 and of the time allowed for commencing a proceeding. The trustee
985 may provide the documentation and information set forth in this
986 subdivision to (A) all persons who would be entitled to notice of the
987 application for probate of a will or administration of an intestate estate
988 or to notice of the admission of a will to probate or the granting of
989 letters of administration; and (B) the beneficiaries of the trust and all
990 persons whose interests are, in the opinion of the trustee, adversely
991 affected by the trust. The provisions of this subdivision shall not apply
992 to a person if notice is sent to the designated representative for the
993 person but not to the person.

994 (b) Upon the death of the settlor of a trust that was revocable at the
995 settlor's death, the trustee may proceed to distribute the trust property
996 in accordance with the terms of the trust. The trustee is not subject to
997 liability for doing so unless: (1) The trustee knows of a pending judicial
998 proceeding contesting the validity of the trust; (2) a potential
999 contestant has notified the trustee of a possible judicial proceeding to
1000 contest the trust and a judicial proceeding is commenced not later than
1001 sixty days after the date on which the contestant sent the notification;
1002 or (3) the trustee failed to give notice in accordance with section 63 of
1003 this act.

1004 (c) If the court determines that a distribution to a beneficiary of a
1005 trust is invalid, the beneficiary is liable to return the distribution
1006 received.

1007 Sec. 44. (NEW) (*Effective January 1, 2020*) (a) Except as provided in
1008 subsection (c) of this section, a person designated as trustee accepts the
1009 trusteeship: (1) By substantially complying with a method of
1010 acceptance provided in the terms of the trust; (2) if the terms of the
1011 trust do not provide a method or the method provided in the terms is
1012 not expressly made exclusive, by accepting delivery of the trust
1013 property, exercising powers or performing duties as trustee, or
1014 otherwise indicating acceptance of the trusteeship; or (3) in the case of

1015 a testamentary trust, filing an acceptance of trust in the court with
1016 jurisdiction over the trust.

1017 (b) A person designated as trustee who has not yet accepted the
1018 trusteeship may reject the trusteeship. A designated trustee who does
1019 not accept the trusteeship within a reasonable period after knowing of
1020 the designation is deemed to have rejected the trusteeship.

1021 (c) A person designated as trustee, without accepting the
1022 trusteeship, may: (1) Act to preserve the trust property if, within a
1023 reasonable period after acting, the person sends a rejection of the
1024 trusteeship to the settlor or, if the settlor is dead or lacks capacity, to a
1025 qualified beneficiary; and (2) inspect or investigate trust property (A)
1026 to determine potential liability under state or federal environmental or
1027 other law; or (B) for any other purpose.

1028 Sec. 45. (NEW) (*Effective January 1, 2020*) (a) A trustee shall give
1029 bond to secure performance of the trustee's duties only if the court
1030 finds that a bond (1) is needed to protect the interests of the
1031 beneficiaries; or (2) is required by the terms of the trust and, in the case
1032 of noncharitable trusts, the court has not dispensed with the
1033 requirement of a bond.

1034 (b) The court may specify the amount of a bond, its liabilities and
1035 whether sureties are necessary. Except in the case of a charitable trust,
1036 the court may modify or terminate a bond at any time.

1037 (c) In addition to the requirements of this section, a testamentary
1038 trustee that is a foreign corporation shall comply with section 45a-206
1039 of the general statutes.

1040 Sec. 46. (NEW) (*Effective January 1, 2020*) (a) Cotrustees who are
1041 unable to reach a unanimous decision may act by majority decision.

1042 (b) If a vacancy occurs in a cotrusteeship, the remaining cotrustees
1043 may act for the trust.

1044 (c) Subject to the provisions of section 91 of this act, a cotrustee shall
1045 participate in the performance of a trustee's function unless the
1046 cotrustee is unavailable to perform the function because of absence,
1047 illness, disqualification under other law or other temporary incapacity
1048 or the cotrustee has properly delegated the performance of the
1049 function to another trustee.

1050 (d) If a cotrustee is unavailable to perform duties because of
1051 absence, illness, disqualification under other law or other temporary
1052 incapacity, and prompt action is necessary to achieve the purposes of
1053 the trust or to avoid injury to the trust property, the remaining
1054 cotrustee or a majority of the remaining cotrustees may act for the
1055 trust.

1056 (e) A trustee may delegate to a cotrustee the performance of any
1057 function other than a function that the terms of the trust expressly
1058 require to be performed by the trustees jointly. Unless a delegation
1059 was irrevocable, a delegating trustee may revoke a delegation
1060 previously made.

1061 (f) Except as provided in subsection (g) of this section, a trustee who
1062 does not join in an action of another trustee is not liable for the action.

1063 (g) Subject to the provisions of section 91 of this act, a trustee shall
1064 exercise reasonable care to: (1) Prevent a cotrustee from committing a
1065 serious breach of trust; and (2) compel a cotrustee to redress a serious
1066 breach of trust.

1067 (h) A dissenting trustee who joins in an action at the direction of the
1068 majority of the trustees and who notified any cotrustee of the dissent at
1069 or before the time of the action is not liable for the action unless the
1070 action is a serious breach of trust.

1071 Sec. 47. (NEW) (*Effective January 1, 2020*) (a) A vacancy in a
1072 trusteeship occurs if: (1) A person designated as trustee rejects the
1073 trusteeship; (2) a person designated as trustee cannot be identified or
1074 does not exist; (3) a trustee resigns; (4) a trustee is disqualified or

1075 removed; (5) a trustee dies; or (6) a conservator is appointed for an
1076 individual serving as trustee.

1077 (b) If one or more cotrustees remain in office, a vacancy in a
1078 trusteeship of a noncharitable trust need not be filled, unless otherwise
1079 required by the terms of the trust. A vacancy in a trusteeship shall be
1080 filled if the trust has no remaining trustee. A vacancy in a trusteeship
1081 of a charitable trust shall be filled, unless otherwise excused by the
1082 terms of the trust.

1083 (c) A vacancy in a trusteeship required to be filled shall be filled in
1084 the following order of priority: (1) By a person designated in the terms
1085 of the trust to act as successor trustee or appointed according to a
1086 procedure specified in the terms and, in the case of a testamentary
1087 trust, appointed by the Probate Court; (2) in the case of a
1088 noncharitable, inter vivos trust, by a person appointed by unanimous
1089 agreement of the qualified beneficiaries; or (3) by a person appointed
1090 by the court.

1091 (d) Whether or not a vacancy in a trusteeship exists or is required to
1092 be filled, the court may appoint an additional trustee or special
1093 fiduciary whenever the court considers the appointment necessary for
1094 the administration of the trust.

1095 Sec. 48. (NEW) (*Effective January 1, 2020*) (a) A trustee of an inter
1096 vivos trust may resign (1) without court approval upon giving not less
1097 than thirty days' notice to the qualified beneficiaries, the settlor, if
1098 living, and all cotrustees; or (2) with the approval of the court.

1099 (b) A trustee of a testamentary trust may resign with the approval of
1100 the court.

1101 (c) In approving a resignation pursuant to subsection (b) of this
1102 section, the court may issue orders and impose conditions reasonably
1103 necessary for the protection of the trust property, the beneficiaries and
1104 the other trustees, and may issue such other orders as law and equity
1105 may require.

1106 (d) Any liability of a trustee, former trustee or of any sureties on
1107 such trustee's bond for acts or omissions of such trustee is not
1108 discharged or affected by such trustee's resignation.

1109 Sec. 49. (NEW) (*Effective January 1, 2020*) (a) The settlor of a
1110 noncharitable trust, the settlor of a charitable trust who has expressly
1111 retained the right to do so, the Attorney General in the case of a
1112 charitable trust, a cotrustee, a beneficiary or the surety on the trustee's
1113 probate bond, may request the court to remove a trustee, or a trustee
1114 may be removed by the court on its own initiative.

1115 (b) Subject to subsection (a) of this section, the court may remove a
1116 trustee if:

1117 (1) The trustee becomes incapable of executing or neglects to
1118 perform the trustee's duties, wastes the trust assets, fails to furnish an
1119 additional or substitute probate bond ordered by the court, or has
1120 committed any other serious breach of trust;

1121 (2) Lack of cooperation among cotrustees substantially impairs
1122 administration of the trust;

1123 (3) Because of unfitness, unwillingness or persistent failure of the
1124 trustee to administer the trust effectively, the court determines that
1125 removal of the trustee best serves the interests of the beneficiaries; or

1126 (4) There has been a substantial change of circumstances or removal
1127 is requested by all of the qualified beneficiaries and the court finds that
1128 (A) removal of the trustee best serves the interests of all of the
1129 beneficiaries and is not inconsistent with a material purpose of the
1130 trust; and (B) a suitable cotrustee or successor trustee is available. The
1131 court may not remove a successor corporate fiduciary in a manner that
1132 discriminates against state banks or national banking associations. No
1133 consolidated state bank or national banking association and no
1134 receiving state bank or national banking association may be removed
1135 solely because it is a successor fiduciary, as defined in section 45a-245a
1136 of the general statutes.

1137 Sec. 50. (NEW) (*Effective January 1, 2020*) (a) Unless a cotrustee
1138 remains in office or the court otherwise orders, and until the trust
1139 property is delivered to a successor trustee or other person entitled to
1140 it, a trustee who has resigned or been removed has the duties of a
1141 trustee and the powers necessary to protect the trust property.

1142 (b) A trustee who has resigned or been removed shall proceed
1143 expeditiously to deliver the trust property within the trustee's
1144 possession to the cotrustee, successor trustee or other person entitled
1145 to it.

1146 (c) All suits in favor of or against the original trustee shall survive to
1147 and may be prosecuted by or against the person appointed to succeed
1148 such trustee.

1149 Sec. 51. (NEW) (*Effective January 1, 2020*) (a) If the terms of a trust do
1150 not specify the trustee's compensation, a trustee is entitled to
1151 compensation that is reasonable under the circumstances.

1152 (b) If the terms of a trust specify the trustee's compensation, the
1153 trustee is entitled to be compensated as specified, but the court may
1154 allow more or less compensation if: (1) The duties of the trustee are
1155 substantially different from those contemplated when the trust was
1156 created; or (2) the compensation specified by the terms of the trust
1157 would be unreasonably low or high.

1158 Sec. 52. (NEW) (*Effective January 1, 2020*) (a) A trustee is entitled to
1159 be reimbursed out of the trust property, with interest as appropriate,
1160 for: (1) Expenses that were properly incurred in the defense or
1161 administration of the trust, unless the trustee is determined to have
1162 committed a breach of trust; and (2) to the extent necessary to prevent
1163 unjust enrichment of the trust, expenses that were not properly
1164 incurred in the administration of the trust.

1165 (b) If a trustee advances money to protect the trust, the trustee has a
1166 lien against the trust property to secure reimbursement of the money
1167 with reasonable interest.

1168 Sec. 53. (NEW) (*Effective January 1, 2020*) Upon acceptance of a
1169 trusteeship, the trustee shall administer the trust (1) in good faith; (2)
1170 in accordance with its terms and purposes, settlor's intent and the
1171 interests of the beneficiaries; and (3) in accordance with sections 1 to
1172 109, inclusive, of this act.

1173 Sec. 54. (NEW) (*Effective January 1, 2020*) (a) A trustee shall
1174 administer trust assets solely in the interests of the beneficiaries
1175 consistent with the settlor's intent.

1176 (b) Subject to the rights of persons dealing with or assisting the
1177 trustee as provided in section 77 of this act, a sale, encumbrance or
1178 other transaction involving the investment or management of trust
1179 property entered into by the trustee for the trustee's own personal
1180 account or which is otherwise affected by a conflict between the
1181 trustee's fiduciary and personal interests is voidable by a beneficiary
1182 affected by the transaction unless: (1) The transaction was authorized
1183 by the terms of the trust; (2) the transaction was approved by the court;
1184 (3) the beneficiary did not commence a judicial proceeding within the
1185 time allowed by section 70 of this act; (4) the beneficiary consented to
1186 the trustee's conduct, ratified the transaction or released the trustee as
1187 provided in section 74 of this act; or (5) the transaction involves a
1188 contract entered into or claim acquired by the trustee before the person
1189 became or contemplated becoming trustee.

1190 (c) A sale, encumbrance or other transaction involving the
1191 investment or management of trust property is presumed to be
1192 affected by a conflict between personal and fiduciary interests if it is
1193 entered into by the trustee with: (1) The trustee's spouse; (2) the
1194 trustee's descendants, sibling, parents or their spouses; (3) an agent or
1195 attorney of the trustee; or (4) a corporation or other person or
1196 enterprise in which the trustee, or a person that owns a significant
1197 interest in an entity that is acting as the trustee, has an interest that
1198 may affect the trustee's best judgment.

1199 (d) If a transaction between a trustee and a beneficiary which does

1200 not concern trust property but (1) which occurs during the existence of
1201 the trust or while the trustee retains significant influence over the
1202 beneficiary; and (2) from which the trustee obtains an advantage, the
1203 transaction is voidable by the beneficiary unless the trustee establishes
1204 that the transaction was fair to the beneficiary.

1205 (e) If a trustee engages in a transaction in the trustee's individual
1206 capacity and not concerning trust property and if the transaction
1207 concerns an opportunity properly belonging to the trust, the
1208 transaction is a conflict between the personal and fiduciary interests of
1209 the trustee.

1210 (f) If a transaction and any investment made pursuant to the
1211 transaction complies with the Connecticut Uniform Prudent Investor
1212 Act, sections 45a-541 to 45a-541l, inclusive, of the general statutes is in
1213 the best interests of the beneficiaries and is not prohibited by the
1214 governing instrument, the following transactions are not presumed to
1215 be affected by a conflict of interest between a trustee's personal and
1216 fiduciary interests, provided: (1) An investment by a trustee in
1217 securities of an investment company or investment trust to which the
1218 trustee, or its affiliate, provides services in a capacity other than as
1219 trustee; (2) an investment by a trustee in an insurance contract
1220 purchased from an insurance agency is owned by, or affiliated with,
1221 the trustee or its affiliate; and (3) the placing of securities transactions
1222 by a trustee through a securities broker that is a part of the same
1223 company as the trustee is owned by the trustee or is affiliated with the
1224 trustee.

1225 (g) In voting shares of stock or in exercising powers of control over
1226 similar interests in other forms of enterprise, the trustee shall act in the
1227 best interests of the beneficiaries consistent with the intentions of the
1228 settlor. If the trust is the sole owner of a corporation or other form of
1229 enterprise, the trustee shall elect or appoint directors or other
1230 managers who will manage the corporation or enterprise in the best
1231 interests of the beneficiaries.

1232 (h) The provisions of this section do not preclude the following
1233 transactions, if fair to the beneficiaries: (1) An agreement between a
1234 trustee and a beneficiary relating to the appointment or compensation
1235 of the trustee; (2) payment of reasonable compensation to the trustee;
1236 (3) a transaction between a trust and another trust, decedent's estate or
1237 conservatorship of which the trustee is a fiduciary or in which a
1238 beneficiary has an interest; (4) a deposit of trust money in a regulated
1239 financial service institution operated by the trustee; or (5) an advance
1240 by the trustee of money for the protection of the trust.

1241 (i) The court may appoint a special fiduciary to make a decision
1242 with respect to any proposed transaction that may violate the
1243 provisions of this section if entered into by the trustee.

1244 Sec. 55. (NEW) (*Effective January 1, 2020*) If a trust has two or more
1245 beneficiaries, the trustee shall act impartially in investing, managing
1246 and distributing the trust property, giving due regard to the
1247 beneficiaries' respective interests.

1248 Sec. 56. (NEW) (*Effective January 1, 2020*) A trustee shall administer
1249 the trust as a prudent person would, by considering the purposes,
1250 terms, distributional requirements and other circumstances of the
1251 trust. In satisfying this standard, the trustee shall exercise reasonable
1252 care, skill and caution.

1253 Sec. 57. (NEW) (*Effective January 1, 2020*) (a) A trustee may delegate
1254 duties and powers that a prudent trustee of comparable skills could
1255 properly delegate to an agent under the circumstances. The trustee
1256 shall exercise reasonable care, skill and caution in:

1257 (1) Selecting an agent for the delegation;

1258 (2) Establishing the scope and terms of the delegation, consistent
1259 with the purposes and terms of the trust; and

1260 (3) Periodically reviewing the agent's actions to monitor the agent's
1261 performance and compliance with the terms of the delegation.

1262 (b) In performing a delegated function, an agent owes a duty to the
1263 trust to exercise reasonable care to comply with the terms of the
1264 delegation.

1265 (c) A trustee who complies with subsection (a) of this section is not
1266 liable to the beneficiaries or to the trust for an action of the agent to
1267 whom the function was delegated.

1268 (d) By accepting a delegation of powers or duties from the trustee of
1269 a trust that is subject to the law of this state, an agent submits to the
1270 jurisdiction of the courts of this state.

1271 Sec. 58. (NEW) (*Effective January 1, 2020*) The settlor of an irrevocable
1272 trust shall not be deemed to have a beneficial interest in such trust
1273 merely because the trustee is authorized under the trust instrument or
1274 any other provision of law to (1) pay or reimburse the settlor for any
1275 tax on trust income or trust principal that is payable by the settlor
1276 under the law imposing such tax; or (2) pay any such tax directly to the
1277 taxing authorities. No creditor of the settlor of an irrevocable trust
1278 shall be entitled to reach any trust property based on the discretionary
1279 powers described in this section.

1280 Sec. 59. (NEW) (*Effective January 1, 2020*) A trustee shall take
1281 reasonable steps to take control of and protect the trust property.

1282 Sec. 60. (NEW) (*Effective January 1, 2020*) (a) A trustee shall keep
1283 adequate records of the administration of the trust.

1284 (b) A trustee shall keep trust property separate from the trustee's
1285 own property.

1286 (c) Except as provided in subsection (d) of this section, a trustee
1287 shall cause the trust property to be designated so that the interest of
1288 the trust, to the extent feasible, appears in records maintained by a
1289 party other than a trustee or beneficiary.

1290 (d) If the trustee maintains records clearly indicating the respective

1291 interests, a trustee may invest as a whole the property of two or more
1292 separate trusts.

1293 Sec. 61. (NEW) (*Effective January 1, 2020*) A trustee shall take
1294 reasonable steps to enforce claims of the trust and to defend claims
1295 against the trust.

1296 Sec. 62. (NEW) (*Effective January 1, 2020*) A trustee shall take
1297 reasonable steps to compel a former trustee or other person to deliver
1298 trust property to the trustee and to redress a breach of trust known to
1299 the trustee to have been committed by a former trustee.

1300 Sec. 63. (NEW) (*Effective January 1, 2020*) (a) A trustee shall keep the
1301 qualified beneficiaries of the trust reasonably informed about the
1302 administration of the trust and of the material facts necessary for the
1303 beneficiaries to protect their interests. A trustee shall promptly
1304 respond to a beneficiary's request for information reasonably related to
1305 the administration of the trust.

1306 (b) A trustee: (1) Upon request of a beneficiary, shall promptly
1307 furnish to the beneficiary a copy of the relevant portions of the trust
1308 instrument; (2) within sixty days after accepting a trusteeship, shall
1309 notify the qualified beneficiaries of the acceptance and of the trustee's
1310 name, address and telephone number; and (3) within sixty days after
1311 the date on which the trustee acquires knowledge of the creation of an
1312 irrevocable trust, or the date on which the trustee acquires knowledge
1313 that a formerly revocable trust has become irrevocable, whether by the
1314 death of the settlor or otherwise, shall notify the qualified beneficiaries
1315 of the trust's existence, of the identity of the settlor or settlors, of the
1316 right to request a copy of the trust instrument, and of the right to a
1317 trustee's report as provided in subsection (c) of this section.

1318 (c) A trustee shall send a report to the current beneficiaries, and to
1319 other qualified beneficiaries who request it, at least annually and at the
1320 termination of the trust. Upon a vacancy in a trusteeship, unless a
1321 cotrustee remains in office, the former trustee shall send a report to the

1322 current beneficiaries and to other qualified beneficiaries who request
1323 it. An executor, administrator or conservator may send the report on
1324 behalf of a deceased or incapacitated trustee. The report may be formal
1325 or informal, but shall include information relating to the trust
1326 property, liabilities, receipts and disbursements, including the amount
1327 of the trustee's compensation, a listing of the trust assets and, if
1328 feasible, their respective market values.

1329 (d) A beneficiary of a trust may petition the court for an accounting
1330 by the trustee. The court may grant the petition of: (1) A qualified
1331 beneficiary of testamentary trust, if the court finds that an account is
1332 necessary to protect the interests of a beneficiary; (2) any other
1333 beneficiary of a testamentary trust, if the court finds that the same
1334 standard applicable to an inter vivos trust as set forth in subsection (c)
1335 of section 45a-175 of the general statutes, as amended by this act, is
1336 satisfied; and (3) a beneficiary of an inter vivos trust, if the court finds
1337 the standard set forth in subsection (c) of section 45a-175 of the general
1338 statutes, as amended by this act, is satisfied.

1339 (e) Nothing in subsection (c) of this section limits the power of the
1340 court in an accounting proceeding to determine which beneficiaries are
1341 entitled to a copy of the accounting and to receive notice of the
1342 proceedings.

1343 (f) Nothing in subsection (c) or (g) of this section limits a trustee's
1344 obligations under 45a-177 of the general statutes, as amended by this
1345 act.

1346 (g) A beneficiary may waive the right to trustee's reports or other
1347 information otherwise required to be furnished under this section. A
1348 beneficiary, with respect to future reports and other information, may
1349 withdraw a waiver previously given.

1350 (h) The provisions of subsections (b) and (c) of this section do not
1351 apply to an irrevocable trust created before January 1, 2020, or to a
1352 revocable trust that becomes irrevocable before January 1, 2020.

1353 (i) Judicial approval of a trustee's report forecloses claims as to those
1354 given notice of the proceeding as to matters disclosed in the report.

1355 (j) The representation provisions of sections 17 to 21, inclusive, of
1356 this act apply with respect to all rights of any beneficiary under this
1357 section. Notice or information provided to a designated representative
1358 under section 21 of this act shall satisfy the trustee's duty to provide
1359 information or notice required under sections 1 to 109, inclusive, of this
1360 act.

1361 Sec. 64. (NEW) (*Effective January 1, 2020*) (a) Notwithstanding the
1362 breadth of discretion granted to a trustee in the terms of the trust,
1363 including the use of terms such as "absolute", "sole" or "uncontrolled",
1364 the trustee shall exercise a discretionary power in good faith and in
1365 accordance with the terms and purposes of the trust, settlor's intent
1366 and the interests of the beneficiaries.

1367 (b) Subject to subsection (d) of this section, and unless the terms of
1368 the trust expressly indicate that a provision in this subsection does not
1369 apply:

1370 (1) A person, other than a settlor, who is a beneficiary and trustee of
1371 a trust that confers on the trustee a power to make discretionary
1372 distributions to or for the trustee's personal benefit, may exercise the
1373 power only in accordance with an ascertainable standard relating to
1374 the trustee's individual health, education, support or maintenance
1375 within the meaning of Section 2041(b)(1)(A) or 2514(c)(1) of the
1376 Internal Revenue Code of 1986, or any subsequent corresponding
1377 internal revenue code of the United States, as amended from time to
1378 time; and

1379 (2) A trustee may not exercise a power to make discretionary
1380 distributions to satisfy a legal obligation of support that the trustee
1381 personally owes another person.

1382 (c) A power to make discretionary distributions, the exercise of
1383 which is limited or prohibited by subsection (b) of this section, may be

1384 exercised by a majority of the remaining trustees whose exercise of
1385 such power is not so limited or prohibited. If the exercise of the power
1386 by all trustees is so limited or prohibited, the court may appoint a
1387 special fiduciary with authority to exercise the power.

1388 (d) Subsection (b) of this section does not apply to: (1) A power held
1389 by the settlor's spouse who is the trustee of a trust for which a marital
1390 deduction, as described in Section 2056(b)(5) or 2523(e) of the Internal
1391 Revenue Code of 1986, or any subsequent corresponding internal
1392 revenue code of the United States, as amended from time to time, was
1393 previously allowed; (2) a trust during any period that the trust may be
1394 revoked or amended by its settlor; or (3) a trust, if contributions to the
1395 trust qualify for the annual exclusion under Section 2503(c) of said
1396 Internal Revenue Code.

1397 Sec. 65. (NEW) (*Effective January 1, 2020*) (a) A trustee, without
1398 authorization by the court, may exercise: (1) Powers conferred by the
1399 terms of the trust; and (2) except as limited by the terms of the trust,
1400 (A) all powers over the trust property which an unmarried competent
1401 owner has over individually owned property; (B) any other powers
1402 appropriate to achieve the proper investment, management and
1403 distribution of the trust property; and (C) any other power conferred
1404 by sections 1 to 109, inclusive, of this act.

1405 (b) The exercise of a power is subject to the fiduciary duties
1406 prescribed by sections 53 to 67, inclusive, of this act.

1407 Sec. 66. (NEW) (*Effective January 1, 2020*) (a) Without limiting the
1408 authority conferred by section 65 of this act, and except as otherwise
1409 prohibited by law or by the terms of the trust instrument, a trustee
1410 may:

1411 (1) Collect trust property and accept or reject additions to the trust
1412 property from a settlor or any other person;

1413 (2) Acquire or sell property, for cash or on credit, at public or
1414 private sale;

1415 (3) Exchange, partition or otherwise change the character of trust
1416 property;

1417 (4) Deposit trust money in an account in a regulated financial
1418 service institution;

1419 (5) Borrow money, with or without security, and mortgage or
1420 pledge trust property for a period within or extending beyond the
1421 duration of the trust;

1422 (6) With respect to an interest in a proprietorship, partnership,
1423 limited liability company, business trust, corporation or other form of
1424 business or enterprise, continue the business or other enterprise and
1425 take any action that may be taken by shareholders, members or
1426 property owners, including merging, dissolving or otherwise changing
1427 the form of business organization or contributing additional capital;

1428 (7) With respect to stocks or other securities, exercise the rights of an
1429 absolute owner, including the right to (A) vote or give proxies to vote,
1430 with or without power of substitution, or enter into or continue a
1431 voting trust agreement; (B) hold a security in the name of a nominee or
1432 in other form without disclosure of the trust so that title may pass by
1433 delivery; (C) pay calls, assessments and other sums chargeable or
1434 accruing against the securities, and sell or exercise stock subscription
1435 or conversion rights; and (D) deposit the securities with a depository
1436 or other regulated financial service institution;

1437 (8) With respect to an interest in real property, construct or make
1438 ordinary or extraordinary repairs to, alterations to or improvements in
1439 buildings or other structures, demolish improvements, raze existing or
1440 erect new party walls or buildings, subdivide or develop land,
1441 dedicate land to public use or grant public or private easements, and
1442 make or vacate plats and adjust boundaries;

1443 (9) Enter into a lease for any purpose as lessor or lessee, including a
1444 lease or other arrangement for exploration and removal of natural
1445 resources, with or without the option to purchase or renew, for a

1446 period within or extending beyond the duration of the trust;

1447 (10) Grant an option involving a sale, lease or other disposition of
1448 trust property or acquire an option for the acquisition of property,
1449 including an option exercisable beyond the duration of the trust, and
1450 exercise an option so acquired;

1451 (11) Insure the property of the trust against damage or loss and
1452 insure the trustee, the trustee's agents and beneficiaries against liability
1453 arising from the administration of the trust;

1454 (12) Abandon or decline to administer property of no value or of
1455 insufficient value to justify its collection or continued administration;

1456 (13) With respect to possible liability for violation of environmental
1457 law, (A) inspect or investigate property the trustee holds or has been
1458 asked to hold, or property owned or operated by an organization in
1459 which the trustee holds or has been asked to hold an interest, for the
1460 purpose of determining the application of environmental law with
1461 respect to the property; (B) take action to prevent, abate or otherwise
1462 remedy any actual or potential violation of any environmental law
1463 affecting property held directly or indirectly by the trustee, whether
1464 taken before or after the assertion of a claim or the initiation of
1465 governmental enforcement; (C) decline to accept property into trust or
1466 disclaim any power with respect to property that is or may be
1467 burdened with liability for violation of environmental law; (D)
1468 compromise claims against the trust which may be asserted for an
1469 alleged violation of environmental law; and (E) pay the expense of any
1470 inspection, review, abatement or remedial action to comply with
1471 environmental law;

1472 (14) Pay or contest a claim, settle a claim by or against the trust, and
1473 release, in whole or in part, a claim belonging to the trust;

1474 (15) Pay taxes, assessments, compensation of the trustee and of
1475 employees and agents of the trust, and other expenses incurred in the
1476 administration of the trust;

1477 (16) Exercise elections with respect to federal, state and local taxes;

1478 (17) Select a mode of payment under any employee benefit or
1479 retirement plan, annuity or life insurance payable to the trustee,
1480 exercise rights thereunder, including exercise of the right to
1481 indemnification for expenses and against liabilities, and take
1482 appropriate action to collect the proceeds;

1483 (18) Make loans out of trust property, including loans to a
1484 beneficiary on terms and conditions the trustee considers to be fair and
1485 reasonable under the circumstances, with the trustee having a lien on
1486 future distributions for repayment of such loans;

1487 (19) Pledge trust property to guarantee loans made by others to the
1488 beneficiary;

1489 (20) Appoint a trustee to act in another jurisdiction with respect to
1490 trust property located in the other jurisdiction, confer upon the
1491 appointed trustee all of the powers and duties of the appointing
1492 trustee, require the appointed trustee to furnish security and remove
1493 any trustee so appointed;

1494 (21) Pay an amount distributable to a beneficiary who is under a
1495 legal disability or who the trustee reasonably believes is incapacitated,
1496 by: (A) Paying it directly to the beneficiary or applying it for the
1497 beneficiary's benefit; (B) paying it to the beneficiary's conservator of
1498 the estate or guardian of the estate; (C) if the beneficiary does not have
1499 a conservator of the estate or guardian of the estate, paying it to an
1500 adult relative or other person having legal or physical care or custody
1501 of the beneficiary, to be expended on the beneficiary's behalf; or (D)
1502 managing it as a separate fund on the beneficiary's behalf, subject to
1503 the beneficiary's continuing right to withdraw the distribution;

1504 (22) On distribution of trust property or the division or termination
1505 of a trust, make distributions in divided or undivided interests,
1506 allocate particular assets in proportionate or disproportionate shares,
1507 value the trust property for such purposes and adjust for resulting

1508 differences in valuation;

1509 (23) Resolve a dispute concerning the interpretation of the trust or
1510 its administration by mediation, arbitration or other procedure for
1511 alternative dispute resolution;

1512 (24) Prosecute or defend an action, claim or judicial proceeding in
1513 any jurisdiction to protect trust property and the trustee in the
1514 performance of the trustee's duties;

1515 (25) Sign and deliver contracts and other instruments that are useful
1516 to achieve or facilitate the exercise of the trustee's powers;

1517 (26) On termination of the trust, exercise the powers appropriate to
1518 wind up administration of the trust and distribute the trust property to
1519 the persons entitled to it; and

1520 (27) Exercise all powers appropriate to achieve the proper
1521 investment, management, preservation and distribution of a digital
1522 asset held in the trust estate whether the trustee, the grantor or a third
1523 party is the original or a successor user of the digital asset. This
1524 subdivision shall be construed in accordance with the Connecticut
1525 Revised Uniform Fiduciary Access to Digital Assets Act, as said act is
1526 in effect from time to time during the administration of the trust. The
1527 custodian of each digital asset held in the trust, whether public or
1528 private, shall divulge to the trustee with respect to the asset: (A) Any
1529 electronically stored information; (B) the content of all electronic
1530 communications sent or received by the original and successor user;
1531 and (C) any record or other information stored by the custodian on a
1532 remote-computing service.

1533 (b) The powers in subsection (a) of this section do not apply to a
1534 charitable trust to the extent that their exercise would give the trustee
1535 the authority to deviate from a stated charitable purpose or violate a
1536 restricted gift. A trustee of a charitable trust and a person holding and
1537 administering an endowment fund or an institutional fund, both as
1538 defined in section 45a-535a of the general statutes, shall not mortgage,

1539 hypothecate, pledge, use as collateral or otherwise encumber any of
1540 the following assets of such charitable trust, endowment fund or
1541 institutional fund, if the source of the asset was a charitable gift: (1)
1542 Funds for which expenditures are restricted by the settlor for a
1543 purpose other than the general purposes of a charity or institution; and
1544 (2) the principal or corpus of a charitable trust or institutional fund for
1545 which such principal or corpus is restricted to investment or
1546 endowment purposes.

1547 (c) The provisions of this section apply to any trust whether
1548 established before, on or after January 1, 2020, except that no power is
1549 conferred by this section to any trust established before January 1,
1550 2020, if the trust instrument reflects an intent to disallow the exercise of
1551 the power.

1552 Sec. 67. (NEW) (*Effective January 1, 2020*) (a) Upon termination or
1553 partial termination of a trust, the trustee may send to the qualified
1554 beneficiaries a proposal for distribution. If the proposal informed the
1555 beneficiary of the right to object and of the time allowed for objection,
1556 the right of any beneficiary, to whom the trustee has sent the proposal,
1557 to object to the proposed distribution terminates if the beneficiary does
1558 not notify the trustee of an objection not later than thirty days after the
1559 date on which the proposal was sent.

1560 (b) Upon the occurrence of an event terminating or partially
1561 terminating a trust, the trustee shall proceed expeditiously to
1562 distribute the trust property to the persons entitled to it, subject to the
1563 right of the trustee to retain a reasonable reserve for the payment of
1564 debts, expenses and taxes.

1565 (c) A release by a beneficiary of a trustee from liability for breach of
1566 trust is invalid to the extent: (1) It was induced by improper conduct of
1567 the trustee; or (2) the beneficiary, at the time of the release, did not
1568 know of the beneficiary's rights or of the material facts relating to the
1569 breach.

1570 (d) The provisions of this section do not apply to testamentary
1571 trusts.

1572 Sec. 68. (NEW) (*Effective January 1, 2020*) A violation by a trustee of a
1573 duty the trustee owes to a beneficiary is a breach of trust.

1574 Sec. 69. (NEW) (*Effective January 1, 2020*) (a) A trustee is accountable
1575 to an affected beneficiary for any profit made by the trustee arising
1576 from administration of the trust, even absent a breach of trust.

1577 (b) Absent a breach of trust, a trustee is not liable to a beneficiary for
1578 a loss or depreciation in the value of trust property or for not having
1579 made a profit.

1580 Sec. 70. (NEW) (*Effective January 1, 2020*) (a) A beneficiary may not
1581 commence a proceeding against a trustee for breach of trust more than
1582 one year after the date on which the beneficiary or a representative of
1583 the beneficiary was sent a report that adequately disclosed the
1584 existence of a potential claim for breach of trust and informed the
1585 beneficiary of the time allowed for commencing a proceeding.

1586 (b) A report adequately discloses the existence of a potential claim
1587 for breach of trust if it provides sufficient information so that the
1588 beneficiary or representative knows of the potential claim or should
1589 have inquired into its existence.

1590 (c) If subsection (a) of this section does not apply, a judicial
1591 proceeding by a beneficiary against a trustee for breach of trust shall
1592 be commenced not later than three years after the first to occur of: (1)
1593 The removal, resignation or death of the trustee; (2) the termination of
1594 the beneficiary's interest in the trust; or (3) the termination of the trust.

1595 (d) In a proceeding involving a charitable trust, any notice that is
1596 required to be given to the Attorney General shall include a copy of the
1597 trust instrument.

1598 (e) The provisions of this section do not apply to testamentary

1599 trusts.

1600 Sec. 71. (NEW) (*Effective January 1, 2020*) A trustee who acts in
1601 reasonable reliance on the terms of the trust as expressed in the trust
1602 instrument is not liable to a beneficiary for a breach of trust to the
1603 extent the breach resulted from the reliance.

1604 Sec. 72. (NEW) (*Effective January 1, 2020*) If an event, including
1605 marriage, divorce, performance of educational requirements or death
1606 affects administration or distribution of a trust, a trustee who has
1607 exercised reasonable care to ascertain the happening of the event is not
1608 liable for a loss resulting from the trustee's lack of knowledge.

1609 Sec. 73. (NEW) (*Effective January 1, 2020*) (a) A term of a trust
1610 relieving a trustee of liability for breach of trust is unenforceable to the
1611 extent that it: (1) Relieves the trustee of liability for breach of trust
1612 committed in bad faith or with reckless indifference to the purposes of
1613 the trust or the interests of the beneficiaries; or (2) was inserted as the
1614 result of an abuse by the trustee of a fiduciary or confidential
1615 relationship to the settlor.

1616 (b) Except for terms intended to provide protection for carrying out
1617 a stated trust purpose, an exculpatory term drafted or caused to be
1618 drafted by the trustee is invalid as an abuse of a fiduciary or
1619 confidential relationship unless the trustee proves that the exculpatory
1620 term is fair under the circumstances and that its existence and contents
1621 were adequately communicated to the settlor.

1622 Sec. 74. (NEW) (*Effective January 1, 2020*) (a) A trustee is not liable to
1623 a beneficiary for breach of trust if the beneficiary consented to the
1624 conduct constituting the breach, released the trustee from liability for
1625 the breach or ratified the transaction constituting the breach, unless: (1)
1626 The consent, release or ratification of the beneficiary was induced by
1627 improper conduct of the trustee; or (2) at the time of the consent,
1628 release or ratification, the beneficiary did not know of the beneficiary's
1629 rights or of the material facts relating to the breach.

1630 (b) The liability of a trustee of a testamentary trust is not governed
1631 by the provisions of this section.

1632 Sec. 75. (NEW) (*Effective January 1, 2020*) (a) Except as otherwise
1633 provided in the contract, a trustee is not personally liable on a contract
1634 properly entered into in the trustee's fiduciary capacity in the course of
1635 administering the trust if the trustee in the contract disclosed the
1636 fiduciary capacity.

1637 (b) Except as otherwise limited by the general statutes, the trustee is
1638 personally liable for torts committed in the course of administering a
1639 trust or for obligations arising from ownership or control of trust
1640 property, including liability for violation of environmental law, only if
1641 the trustee is personally at fault.

1642 (c) A claim may be asserted in a judicial proceeding against the
1643 trustee in the trustee's fiduciary capacity, whether or not the trustee is
1644 personally liable for the claim, if the claim is based on (1) a contract
1645 entered into by a trustee in the trustee's fiduciary capacity, (2) an
1646 obligation arising from ownership or control of trust property, or (3) a
1647 tort committed in the course of administering a trust.

1648 Sec. 76. (NEW) (*Effective January 1, 2020*) (a) Except as provided in
1649 subsection (c) of this section or unless personal liability is imposed in
1650 the contract, a trustee who holds an interest as a general partner in a
1651 general or limited partnership is not personally liable on a contract
1652 entered into by the partnership after the trust's acquisition of the
1653 interest if the fiduciary capacity was disclosed in the contract or in a
1654 statement previously filed pursuant to the Uniform Partnership Act,
1655 sections 34-300 to 34-399, inclusive, of the general statutes or the
1656 Uniform Limited Partnership Act, sections 34-9 to 34-38u, inclusive, of
1657 the general statutes.

1658 (b) Except as otherwise provided in subsection (c) of this section, a
1659 trustee who holds an interest as a general partner is not personally
1660 liable for torts committed by the partnership or for obligations arising

1661 from ownership or control of the interest unless the trustee is
1662 personally at fault.

1663 (c) The immunity provided by this section does not apply if an
1664 interest in the partnership is held by the trustee in a capacity other
1665 than that of trustee or is held by the trustee's spouse or one or more of
1666 the trustee's descendants, siblings or parents, or the spouse of any of
1667 them.

1668 (d) If the trustee of a revocable trust holds an interest as a general
1669 partner, the settlor is personally liable for contracts and other
1670 obligations of the partnership as if the settlor were a general partner.

1671 Sec. 77. (NEW) (*Effective January 1, 2020*) (a) A person other than a
1672 beneficiary who in good faith assists a trustee, or who in good faith
1673 and for value deals with a trustee, without knowledge that the trustee
1674 is exceeding or improperly exercising the trustee's powers, is protected
1675 from liability as if the trustee properly exercised the power.

1676 (b) A person other than a beneficiary who in good faith deals with a
1677 trustee is not required to inquire into the extent of the trustee's powers
1678 or the propriety of their exercise.

1679 (c) A person who in good faith delivers assets to a trustee need not
1680 ensure the proper application of such assets.

1681 (d) A person other than a beneficiary who in good faith assists a
1682 former trustee, or who in good faith and for value deals with a former
1683 trustee, without knowledge that the trusteeship has terminated, is
1684 protected from liability as if the former trustee were still a trustee.

1685 (e) Comparable protective provisions of other laws relating to
1686 commercial transactions or transfer of securities by fiduciaries prevail
1687 over the protection provided by this section.

1688 Sec. 78. (NEW) (*Effective January 1, 2020*) (a) Instead of furnishing a
1689 copy of the trust instrument to a person other than a beneficiary or, in

1690 the case of a charitable trust, the Attorney General's office, the trustee
1691 may furnish to the person a certification of trust containing the
1692 following information: (1) That the trust exists and the date the trust
1693 instrument was executed; (2) the identity of the settlor; (3) the identity
1694 and address of the currently acting trustee; (4) the powers of the
1695 trustee; (5) the revocability or irrevocability of the trust and the
1696 identity of any person holding a power to revoke the trust; (6) the
1697 authority of cotrustees to sign or otherwise authenticate and whether
1698 all or less than all are required in order to exercise powers of the
1699 trustee; (7) the trust's taxpayer identification number; and (8) the
1700 manner of taking title to trust property.

1701 (b) A certification of trust may be signed or otherwise authenticated
1702 by any trustee.

1703 (c) A certification of trust shall state that the trust has not been
1704 revoked, modified or amended in any manner that would cause the
1705 representations contained in the certification of trust to be incorrect.

1706 (d) A certification of trust need not contain the dispositive terms of a
1707 trust.

1708 (e) A recipient of a certification of trust may require the trustee to
1709 furnish copies of those excerpts from the original trust instrument and
1710 later amendments which designate the trustee and confer upon the
1711 trustee the power to act in the pending transaction.

1712 (f) A person who acts in reliance upon a certification of trust
1713 without knowledge that the representations contained in the
1714 certification are incorrect is not liable to any person for so acting and
1715 may assume without inquiry the existence of the facts contained in the
1716 certification. Knowledge of the terms of the trust may not be inferred
1717 solely from the fact that a copy of all or part of the trust instrument is
1718 held by the person relying upon the certification.

1719 (g) A person who in good faith enters into a transaction in reliance
1720 upon a certification of trust may enforce the transaction against the

1721 trust property as if the representations contained in the certification
1722 were correct.

1723 (h) A person making a demand for the trust instrument in addition
1724 to a certification of trust or excerpts is liable for damages, including
1725 legal fees and costs, if the court determines that the person did not act
1726 in good faith in demanding the trust instrument.

1727 (i) This section does not limit the right of a person to obtain a copy
1728 of the trust instrument in a judicial proceeding concerning the trust
1729 and does not limit the right of the Attorney General to notice under
1730 subsection (d) of section 70 of this act.

1731 Sec. 79. (NEW) (*Effective January 1, 2020*) In applying and construing
1732 the uniform provisions of sections 1 to 80, inclusive, of this act,
1733 consideration shall be given to the need to promote uniformity of the
1734 law with respect to the subject matter among states that enact the
1735 uniform provisions.

1736 Sec. 80. (NEW) (*Effective January 1, 2020*) If any provision of this
1737 section or sections 1 to 79, inclusive, of this act or its application to any
1738 person or circumstances is held invalid, the invalidity does not affect
1739 other provisions or applications of this section or sections 1 to 79,
1740 inclusive, of this act which can be given effect without the invalid
1741 provision or application, and to this end the provisions of this section
1742 and sections 1 to 79, inclusive, of this act are severable.

1743 Sec. 81. (NEW) (*Effective January 1, 2020*) This section and sections 82
1744 to 98, inclusive, of this act may be cited as the "Connecticut Uniform
1745 Directed Trust Act".

1746 Sec. 82. (NEW) (*Effective January 1, 2020*) Sections 81 to 98, inclusive,
1747 of this act apply to a trust, whenever created, that has its principal
1748 place of administration in this state, subject to the following rules:

1749 (1) If the trust was created before January 1, 2020, sections 81 to 98,
1750 inclusive, of this act apply only to a decision or action occurring on or

1751 after January 1, 2020.

1752 (2) If the principal place of administration of the trust is changed to
1753 this state on or after January 1, 2020, sections 81 to 98, inclusive, of this
1754 act apply only to a decision or action occurring on or after the date of
1755 the change.

1756 Sec. 83. (NEW) (*Effective January 1, 2020*) The common law and
1757 principles of equity supplement sections 81 to 98, inclusive, of this act,
1758 except to the extent modified by sections 81 to 98, inclusive, of this act
1759 or law of this state other than this act.

1760 Sec. 84. (NEW) (*Effective January 1, 2020*) (a) As used in this section,
1761 "power of appointment" means a power that enables a person acting in
1762 a nonfiduciary capacity to designate a recipient of an ownership
1763 interest in or another power of appointment over trust property.

1764 (b) Sections 81 to 98, inclusive, of this act do not apply to a:

1765 (1) Power of appointment;

1766 (2) Power to appoint or remove a trustee or trust director;

1767 (3) Power of a settlor over a trust to the extent the settlor has a
1768 power to revoke the trust;

1769 (4) Power of a beneficiary over a trust to the extent the exercise or
1770 nonexercise of the power affects the beneficial interest of:

1771 (A) The beneficiary; or

1772 (B) Another beneficiary represented by the beneficiary under
1773 sections 17 to 21, inclusive, of this act with respect to the exercise or
1774 nonexercise of the power; or

1775 (5) Power over a trust if:

1776 (A) The terms of the trust provide that the power is held in a

1777 nonfiduciary capacity; and

1778 (B) The power is held in a nonfiduciary capacity to achieve the
1779 settlor's tax objectives under the Internal Revenue Code of 1986, or any
1780 subsequent corresponding internal revenue code of the United States,
1781 as amended from time to time.

1782 (c) Unless the terms of a trust provide otherwise, a power granted to
1783 a person to designate a recipient of an ownership interest in or power
1784 of appointment over trust property which is exercisable while the
1785 person is not serving as a trustee is a power of appointment and not a
1786 power of direction.

1787 Sec. 85. (NEW) (*Effective January 1, 2020*) (a) Subject to section 86 of
1788 this act, the terms of a trust may grant a power of direction to a trust
1789 director.

1790 (b) Unless the terms of a trust provide otherwise: (1) A trust director
1791 may exercise any further power appropriate to the exercise or
1792 nonexercise of a power of direction granted to the director under
1793 subsection (a) of this section; and (2) trust directors with joint powers
1794 shall act by majority decision.

1795 Sec. 86. (NEW) (*Effective January 1, 2020*) A trust director is subject to
1796 the same rules as a trustee in a like position and under similar
1797 circumstances in the exercise or nonexercise of a power of direction or
1798 further power under subdivision (1) of subsection (b) of section 85 of
1799 this act regarding:

1800 (1) A payback provision in the terms of a trust necessary to comply
1801 with the reimbursement requirements of 42 USC 1396p(d)(4)(A), as
1802 amended from time to time; and

1803 (2) A charitable interest in the trust, including notice regarding the
1804 interest to the Attorney General.

1805 Sec. 87. (NEW) (*Effective January 1, 2020*) (a) Subject to the provisions

1806 of subsection (b) of this section, with respect to a power of direction or
1807 further power under subdivision (1) of subsection (b) of section 85 of
1808 this act:

1809 (1) A trust director has the same fiduciary duty and liability in the
1810 exercise or nonexercise of the power:

1811 (A) If the power is held individually, as a sole trustee in a like
1812 position and under similar circumstances; or

1813 (B) If the power is held jointly with a trustee or another trust
1814 director, as a cotrustee in a like position and under similar
1815 circumstances; and

1816 (2) The terms of the trust may vary the director's duty or liability to
1817 the same extent the terms of the trust could vary the duty or liability of
1818 a trustee in a like position and under similar circumstances.

1819 (b) Unless the terms of a trust provide otherwise, if a trust director is
1820 licensed, certified, or otherwise authorized or permitted by law other
1821 than sections 81 to 98, inclusive, of this act to provide health care in the
1822 ordinary course of the director's business or practice of a profession, to
1823 the extent the director acts in that capacity, the director has no duty or
1824 liability under sections 81 to 98, inclusive, of this act.

1825 (c) The terms of a trust may impose a duty or liability on a trust
1826 director in addition to the duties and liabilities under this section.

1827 Sec. 88. (NEW) (*Effective January 1, 2020*) (a) Subject to the provisions
1828 of subsection (b) of this section, a directed trustee shall take reasonable
1829 action to comply with a trust director's exercise or nonexercise of a
1830 power of direction or further power under subdivision (1) of
1831 subsection (b) of section 85 of this act and the trustee is not liable for
1832 the action.

1833 (b) A directed trustee shall not comply with a trust director's
1834 exercise or nonexercise of a power of direction or further power under

1835 subdivision (1) of subsection (b) of section 85 of this act to the extent
1836 that by complying the trustee would engage in wilful misconduct.

1837 (c) An exercise of a power of direction under which a trust director
1838 may release a trustee or another trust director from liability for breach
1839 of trust is not effective if: (1) The breach involved the trustee's or other
1840 director's wilful misconduct; (2) the release was induced by improper
1841 conduct of the trustee or other director in procuring the release; or (3)
1842 at the time of the release, the director did not know the material facts
1843 relating to the breach.

1844 (d) A directed trustee that has reasonable doubt about its duty
1845 under this section may petition the court for instructions and the court
1846 shall have jurisdiction to provide such instructions.

1847 (e) The terms of a trust may impose a duty or liability on a directed
1848 trustee in addition to the duties and liabilities under this section.

1849 Sec. 89. (NEW) (*Effective January 1, 2020*) (a) Subject to the provisions
1850 of section 90 of this act, a trustee shall provide information to a trust
1851 director to the extent the information is reasonably related to: (1) The
1852 powers or duties of the trustee; and (2) the powers or duties of the
1853 director.

1854 (b) Subject to the provisions of section 90 of this act, a trust director
1855 shall provide information to a trustee or another trust director to the
1856 extent the information is reasonably related to: (1) The powers or
1857 duties of the director; and (2) the powers or duties of the trustee or
1858 other director.

1859 (c) A trustee that acts in reliance on information provided by a trust
1860 director is not liable for a breach of trust to the extent the breach
1861 resulted from the reliance, unless by so acting the trustee engages in
1862 wilful misconduct.

1863 (d) A trust director that acts in reliance on information provided by
1864 a trustee or another trust director is not liable for a breach of trust to

1865 the extent the breach resulted from the reliance, unless by so acting the
1866 trust director engages in wilful misconduct.

1867 Sec. 90. (NEW) (*Effective January 1, 2020*) (a) Unless the terms of a
1868 trust provide otherwise: (1) A trustee does not have a duty to: (A)
1869 Monitor a trust director; or (B) inform or give advice to a settlor,
1870 beneficiary, trustee or trust director concerning an instance in which
1871 the trustee might have acted differently than the director; and (2) by
1872 taking an action described in subdivision (1) of this subsection, a
1873 trustee does not assume the duty excluded in said subdivision.

1874 (b) Unless the terms of a trust provide otherwise: (1) A trust director
1875 does not have a duty to: (A) Monitor a trustee or another trust director;
1876 or (B) inform or give advice to a settlor, beneficiary, trustee or another
1877 trust director concerning an instance in which the director might have
1878 acted differently than a trustee or another trust director; and (2) by
1879 taking an action described in subdivision (1) of this subsection, a trust
1880 director does not assume the duty excluded by said subdivision.

1881 Sec. 91. (NEW) (*Effective January 1, 2020*) The terms of a trust may
1882 relieve a cotrustee from duty and liability with respect to another
1883 cotrustee's exercise or nonexercise of a power of the other cotrustee to
1884 the same extent that, in a directed trust, a directed trustee is relieved
1885 from duty and liability with respect to a trust director's power of
1886 direction under sections 88 to 90, inclusive, of this act.

1887 Sec. 92. (NEW) (*Effective January 1, 2020*) (a) An action against a trust
1888 director for breach of trust must be commenced within the same
1889 limitation period as under section 70 of this act for an action for breach
1890 of trust against a trustee in a like position and under similar
1891 circumstances.

1892 (b) A financial report or accounting has the same effect on the
1893 limitation period for an action against a trust director for breach of
1894 trust that the financial report or accounting would have under section
1895 70 of this act in an action for breach of trust against a trustee in a like

1896 position and under similar circumstances.

1897 Sec. 93. (NEW) (*Effective January 1, 2020*) In an action against a trust
1898 director for breach of trust, the director may assert the same defenses a
1899 trustee in a like position and under similar circumstances could assert
1900 in an action for breach of trust against the trustee.

1901 Sec. 94. (NEW) (*Effective January 1, 2020*) (a) By accepting
1902 appointment as a trust director of a trust subject to sections 81 to 98,
1903 inclusive, of this act, the director submits to personal jurisdiction of the
1904 courts of this state regarding any matter related to a power or duty of
1905 the director.

1906 (b) This section does not preclude other methods of obtaining
1907 jurisdiction over a trust director.

1908 Sec. 95. (NEW) (*Effective January 1, 2020*) Unless the terms of a trust
1909 provide otherwise, the rules applicable to a trustee apply to a trust
1910 director regarding the following matters:

1911 (1) Acceptance under section 44 of this act;

1912 (2) Giving of bond to secure performance under section 45 of this
1913 act;

1914 (3) Reasonable compensation under section 51 of this act;

1915 (4) Resignation under section 48 of this act;

1916 (5) Removal under section 49 of this act; and

1917 (6) Vacancy and appointment of successor under section 47 of this
1918 act.

1919 Sec. 96. (NEW) (*Effective January 1, 2020*) In applying and construing
1920 the uniform provisions of sections 81 to 98, inclusive, of this act,
1921 consideration shall be given to the need to promote uniformity of the
1922 law with respect to its subject matter among states that enact it.

1923 Sec. 97. (NEW) (*Effective January 1, 2020*) Sections 81 to 98, inclusive,
1924 of this act modify, limit and supersede the Electronic Signatures in
1925 Global and National Commerce Act, 15 USC 7001 et seq., but do not
1926 modify, limit or supersede Section 101(c) of said act, 15 USC 7001(c), or
1927 authorize electronic delivery of any of the notices described in Section
1928 103(b) of said act, 15 USC 7003(b).

1929 Sec. 98. (NEW) (*Effective January 1, 2020*) The provisions of this
1930 section and sections 81 to 97, inclusive, of this act governing the legal
1931 effect, validity or enforceability of electronic records or electronic
1932 signatures, and of contracts formed or performed with the use of the
1933 records or signatures, conform to the requirements of Section 102 of
1934 the Electronic Signatures in Global and National Commerce Act, 15
1935 USC 7002 and supersede, modify and limit the requirements of that
1936 act.

1937 Sec. 99. (NEW) (*Effective January 1, 2020*) This section and sections
1938 100 to 108, inclusive, of this act may be cited as the "Connecticut
1939 Qualified Dispositions in Trust Act".

1940 Sec. 100. (NEW) (*Effective January 1, 2020*) As used in this section and
1941 sections 101 to 108, inclusive, of this act:

1942 (1) "Claim" means a right to payment, whether or not the right is
1943 reduced to judgment, liquidated, unliquidated, fixed, contingent,
1944 matured, unmatured, disputed, undisputed, legal, equitable, secured
1945 or unsecured.

1946 (2) "Creditor" means, with respect to a transferor, a person who has
1947 a claim.

1948 (3) "Debt" means liability on a claim.

1949 (4) "Disposition" means a transfer, conveyance or assignment of
1950 property, including a change in the legal ownership of property
1951 occurring upon the substitution of one trustee for another or the
1952 addition of one or more new trustees, or the exercise of a power so as

1953 to cause a transfer of property, to a trustee or trustees. "Disposition"
1954 does not include the release or relinquishment of an interest that was
1955 the subject of a qualified disposition.

1956 (5) "Property" includes real property, tangible and intangible
1957 personal property, and interests in real or personal property, tangible
1958 and intangible.

1959 (6) "Qualified disposition" means a disposition by or from a
1960 transferor to a trustee, with or without consideration, by means of a
1961 trust instrument. "Qualified disposition" does not include a
1962 disposition: (A) In derogation of any state or federal agency claim or
1963 right of recovery under 42 USC Chapter 7, Subchapter XIX against a
1964 trust established by a transferor or such transferor's spouse, or (B) in
1965 respect to a state or federal agency treatment of the trust instrument in
1966 a determination of a transferor's eligibility under a state plan under 42
1967 USC Chapter 7, Subchapter XIX.

1968 (7) "Spouse" and "former spouse" means only persons to whom the
1969 transferor was married at, or before, the time the qualified disposition
1970 is made.

1971 (8) "Transferor" means an individual who, or entity which, as an
1972 owner of property or as a holder of a general power of appointment,
1973 which authorizes the holder to appoint in favor of the holder, the
1974 holder's creditors, the holder's estate or the creditors of the holder's
1975 estate, or as a trustee, directly or indirectly, makes a disposition or
1976 causes a disposition to be made.

1977 (9) "Qualified trustee" means:

1978 (A) Any person, other than the transferor, who in the case of an
1979 individual, is a resident of this state or who, in all other cases, is a state
1980 or federally chartered bank or trust company having a place of
1981 business in this state, is authorized to engage in a trust business in this
1982 state, and maintains or arranges for custody in this state of some or all
1983 of the property that is the subject of the qualified disposition,

1984 maintains records in this state for the trust on an exclusive or
1985 nonexclusive basis, prepares or arranges for the preparation in this
1986 state of fiduciary income tax returns for the trust, or otherwise
1987 materially participates in this state in the administration of the trust.

1988 (B) "Qualified trustee" does not include (i) the transferor, (ii) any
1989 other individual who is a nonresident of this state, or (iii) an entity that
1990 is not authorized by the laws of this state to act as a trustee or whose
1991 activities are not subject to supervision as provided in subparagraph
1992 (A) of this subdivision.

1993 (10) "Trust instrument" means an instrument, in writing, appointing
1994 at least one qualified trustee for the property that is the subject of a
1995 disposition, which instrument:

1996 (A) Expressly provides that the laws of this state govern the
1997 validity, construction and administration of the trust;

1998 (B) Is irrevocable; and

1999 (C) Provides that the interest of the transferor or other beneficiary in
2000 the trust property or the income from the trust property may not be
2001 transferred, assigned, pledged or mortgaged, whether voluntarily or
2002 involuntarily, before the qualified trustee or qualified trustees actually
2003 distribute the property or income from the trust property to the
2004 beneficiary, and the provision of the trust instrument shall be deemed
2005 to be a restriction on the transfer of the transferor's beneficial interest
2006 in the trust that is enforceable under applicable nonbankruptcy law
2007 within the meaning of 11 USC 541(c)(2), as amended from time to time.

2008 Sec. 101. (NEW) (*Effective January 1, 2020*) (a) Nothing in sections 99
2009 to 108, inclusive, of this act shall be construed to preclude a transferor
2010 from appointing one or more trust directors, including, but not limited
2011 to:

2012 (1) Trust directors who have authority under the terms of the trust
2013 instrument to remove and appoint qualified trustees or trust directors;

2014 and

2015 (2) Trust directors who have authority under the terms of the trust
2016 instrument to direct, consent to or disapprove distributions from the
2017 trust.

2018 (b) A transferor may serve as trust director, but the power of a trust
2019 director, who is the transferor shall be limited to the retention of the
2020 veto right permitted by subdivision (1) of section 103 of this act.

2021 (c) For purposes of this section, "trust director" includes a trust
2022 director, as defined in section 3 of this act, a trust protector, a trust
2023 advisor or any other person who, in addition to a qualified trustee,
2024 holds one or more trust powers.

2025 Sec. 102. (NEW) (*Effective January 1, 2020*) (a) If a qualified trustee of
2026 a trust ceases to meet the requirements of subparagraph (A) of
2027 subdivision (9) of section 100 of this act and no remaining trustee
2028 meets the requirements of said subparagraph, the qualified trustee
2029 shall be deemed to have resigned at the time of the cessation and the
2030 successor qualified trustee provided for in the trust instrument shall
2031 become a qualified trustee of the trust. In the absence of any successor
2032 qualified trustee provided for in the trust agreement, the court may,
2033 upon application of any interested party, appoint a successor qualified
2034 trustee.

2035 (b) In the case of a disposition to more than one trustee, at least one
2036 of whom is a qualified trustee, a disposition that is otherwise a
2037 qualified disposition shall not be treated as other than a qualified
2038 disposition solely because not all of the trustees are qualified trustees.

2039 (c) A trustee of a trust who is not a qualified trustee may transfer the
2040 assets of a trust to a qualified trustee. Notwithstanding the provisions
2041 of subparagraph (A) of subdivision (9) of section 100 of this act, a
2042 disposition by a trustee who is not a qualified trustee to a trustee who
2043 is a qualified trustee will not fail to qualify as a qualified disposition
2044 solely because the trust instrument does not contain an express

2045 provision that the laws of this state govern the validity, construction
2046 and administration of the trust.

2047 Sec. 103. (NEW) (*Effective January 1, 2020*) For purposes of
2048 subparagraph (B) of subdivision (10) of section 100 of this act, a trust
2049 instrument is irrevocable regardless of whether the transferor retained
2050 any of the following rights, powers and interests:

2051 (1) A transferor's power to veto a distribution from the trust;

2052 (2) A power of appointment, other than a power to appoint to the
2053 transferor, the transferor's creditors, the transferor's estate or the
2054 creditors of the transferor's estate, exercisable by will or other written
2055 instrument of the transferor and effective only upon the transferor's
2056 death;

2057 (3) The transferor's potential or actual receipt of income, including
2058 rights to such income retained in the trust instrument;

2059 (4) The transferor's potential or actual receipt of income or principal
2060 from a charitable remainder unitrust or charitable remainder annuity
2061 trust, as such terms are defined in 26 USC 664, as amended from time
2062 to time; and the transferor's right, at any time and from time to time by
2063 written instrument delivered to the trustee, to release such transferor's
2064 retained interest in the trust, in whole or in part, in favor of a charitable
2065 organization that has or charitable organizations that have a
2066 succeeding beneficial interest in the trust;

2067 (5) The transferor's receipt each year of a percentage, not to exceed
2068 five per cent, specified in the trust instrument of the initial value of the
2069 trust assets on their value determined from time to time pursuant to
2070 the trust instrument or of a fixed amount that, on an annual basis, does
2071 not exceed five per cent of the initial value of the trust assets;

2072 (6) The transferor's potential or actual receipt or use of principal if
2073 the potential or actual receipt or use of principal would be the result of
2074 a qualified trustee acting;

2075 (A) In the discretion of the qualified trustee;

2076 (B) Pursuant to a standard that governs the distribution of principal
2077 and does not confer upon the transferor a substantially unfettered
2078 right to the receipt or use of the principal; or

2079 (C) At the direction of a trust director described in section 101 of this
2080 act who is acting in the director's discretion, or pursuant to a standard
2081 that governs the distribution of principal and does not confer upon the
2082 transferor a substantially unfettered right to the receipt of or use of
2083 principal. For purposes of this subparagraph, a qualified trustee is
2084 presumed to have discretion with respect to the distribution of
2085 principal unless such discretion is expressly denied to the trustee by
2086 the terms of the trust instrument;

2087 (7) The transferor's right to remove a trustee or director and to
2088 appoint a new trustee or director, other than a person who is a related
2089 or subordinate party with respect to the transferor within the meaning
2090 of 26 USC 672(c), as amended from time to time;

2091 (8) The transferor's potential or actual use of real property held
2092 under a qualified personal residence trust within the meaning of the
2093 term as described in 26 USC 2702(c), as amended from time to time, or
2094 the transferor's possession and enjoyment of a qualified annuity
2095 interest within the meaning of the term as described in 26 CFR 25.2702-
2096 5(c)(8), as amended from time to time; and

2097 (9) The transferor's potential or actual receipt of income or principal
2098 to pay, in whole or in part, income taxes due on income of the trust if
2099 the potential or actual receipt of income or principal is pursuant to a
2100 provision in the trust instrument that expressly provides for the
2101 payment of the taxes and if such potential or actual receipt of income
2102 or principal would be the result of a qualified trustee acting;

2103 (A) In the qualified trustee's discretion; or

2104 (B) At the direction of a trust director described in section 101 of this

2105 act who is acting in the director's discretion.

2106 Sec. 104. (NEW) (*Effective January 1, 2020*) A qualified disposition
2107 shall be subject to sections 99 to 108, inclusive, of this act
2108 notwithstanding a transferor's retention of any of the powers and
2109 rights described in section 103 of this act and the transferor's service as
2110 investment director or advisor pursuant to section 101 of this act. The
2111 transferor shall have only such powers and rights as are conferred by
2112 the trust instrument. Except as provided in the trust instrument, and
2113 permitted by section 101 of this act and in section 103 of this act, a
2114 transferor has no rights or authority with respect to the property that is
2115 the subject of a qualified disposition or the income therefrom, and any
2116 agreement or understanding purporting to grant or permit the
2117 retention of any greater rights or authority is void.

2118 Sec. 105. (NEW) (*Effective January 1, 2020*) (a) Notwithstanding any
2119 provision of the general statutes, no action of any kind, including,
2120 without limitation, an action to enforce a judgment entered by a court
2121 or other body having adjudicative authority, shall be brought at law or
2122 in equity for an attachment or other provisional remedy against
2123 property that is the subject of a qualified disposition or for avoidance
2124 of a qualified disposition, unless the action is brought pursuant to
2125 section 52-552h of the general statutes. In any such action, the creditor
2126 has the burden to prove each element by clear and convincing
2127 evidence.

2128 (b) Notwithstanding the provisions of section 52-552j of the general
2129 statutes, a creditor may not bring an action under subsection (a) of this
2130 section if:

2131 (1) The creditor's claim against the transferor arose before the
2132 qualified disposition was made, unless the action is brought within
2133 four years after the qualified disposition is made or, if later, within one
2134 year after the qualified disposition was or could reasonably have been
2135 discovered by the creditor; or

2136 (2) The creditor's claim against the transferor arose subsequent to
2137 the qualified disposition, unless the action is brought within four years
2138 after the qualified disposition is made.

2139 (c) For the purposes of sections 99 to 108, inclusive, of this act, a
2140 qualified disposition that is made by means of a disposition by a
2141 transferor who is a trustee shall be deemed to have been made as of the
2142 time the property that is the subject of the qualified disposition was
2143 originally transferred to the transferor, or any predecessor trustee,
2144 making the qualified disposition in a form that conforms with the
2145 requirements set forth in subdivision (10) of section 100 of this act. If a
2146 trustee of an existing trust proposes to make a qualified disposition
2147 pursuant to this subsection, but the trust would not conform to the
2148 requirements of subdivision (10) of section 100 of this act as a result of
2149 the original transferor's nonconforming powers of appointment, upon
2150 the trustee's delivery to the qualified trustee of an irrevocable written
2151 election to have this subsection apply to the trust, the nonconforming
2152 powers of appointment shall be deemed modified to the extent
2153 necessary to conform with the requirements of subdivision (10) of
2154 section 100 of this act. For purposes of sections 99 to 108, inclusive, of
2155 this act, an irrevocable written election includes a description of the
2156 original transferor's powers of appointment as modified together with
2157 the original transferor's written consent to the election but no such
2158 consent of the original transferor shall be considered a disposition
2159 within the meaning of subdivision (4) of section 100 of this act.

2160 (d) Notwithstanding any provision of the general statutes, a
2161 creditor, including a creditor whose claim arose before or after a
2162 qualified disposition, or any other person shall have only such rights
2163 with respect to a qualified disposition as are provided in this section
2164 and sections 106 and 107 of this act, and no such creditor nor any other
2165 person shall have any claim or cause of action against the trustee, or
2166 trust director, as described in section 101 of this act, of a trust that is
2167 the subject of a qualified disposition, or against any person involved in
2168 the counseling, drafting, preparation, execution or funding of a trust

2169 that is the subject of a qualified disposition.

2170 (e) Notwithstanding any other provision of the general statutes, no
2171 action of any kind, including, without limitation, an action to enforce a
2172 judgment by a court or other body having adjudicative authority, shall
2173 be brought at law or in equity against the trustee, or trust director, as
2174 described in section 101 of this act, of a trust that is the subject of the
2175 qualified disposition, or against any person involved in the counseling,
2176 drafting, preparation, execution or funding of a trust that is the subject
2177 of a qualified disposition, if, as of the date the action is brought, an
2178 action by a creditor with respect to the qualified disposition would be
2179 barred under this section.

2180 (f) If more than one qualified disposition is made by means of the
2181 same trust instrument:

2182 (1) The making of a subsequent qualified disposition shall be
2183 disregarded in determining whether a creditor's claim with respect to a
2184 prior qualified disposition is extinguished as provided in subsection
2185 (b) of this section; and

2186 (2) Any distribution to a beneficiary shall be deemed to have been
2187 made from the latest such qualified disposition.

2188 (g) If, in any action brought against a trustee of a trust that is
2189 funded, in whole or in part, by a qualified disposition, a court takes
2190 any action whereby the court declines to apply the law of this state in
2191 determining the validity, construction or administration of the trust, or
2192 the effect of a spendthrift provision of the trust, the trustee shall
2193 immediately, upon the court's action and without the further order of
2194 any court, cease in all respects to be a trustee of the trust and (1) a
2195 successor trustee shall thereupon succeed as trustee in accordance with
2196 the terms of the trust instrument; or (2) if the trust instrument does not
2197 provide for a successor trustee and the trust would otherwise be
2198 without a trustee, the court having jurisdiction pursuant to sections 15
2199 and 16 of this act, upon the application of any beneficiary of the trust,

2200 shall appoint a successor trustee upon such terms and conditions as it
2201 determines to be consistent with the purposes of the trust and the
2202 provisions of this section. The court shall have no continuing
2203 jurisdiction over the trust or trustee merely by reason of appointing the
2204 trustee. Upon the trustee's ceasing to be trustee, the trustee shall have
2205 no power or authority other than to convey the trust property to the
2206 successor trustee named in the trust instrument or appointed by the
2207 court having jurisdiction in accordance with the provisions of this
2208 section.

2209 Sec. 106. (NEW) (*Effective January 1, 2020*) Notwithstanding the
2210 provisions of section 105 of this act, sections 99 to 108, inclusive, of this
2211 act, shall not apply to defeat a claim brought by:

2212 (1) A person to whom the transferor is indebted on or before the
2213 date of a qualified disposition on account of an agreement or order of
2214 court for payment of support or alimony in favor of the transferor's
2215 spouse, former spouse or children, or for a division or distribution of
2216 property in favor of the transferor's spouse or former spouse, but only
2217 to the extent of the debt; or

2218 (2) To any person who suffers death, personal injury or property
2219 damage on or before the date of a qualified disposition by a transferor,
2220 which death, personal injury or property damage is at any time
2221 determined to have been caused, in whole or in part, by the tortious
2222 act or omission of the transferor or by another person for whom the
2223 transferor is or was vicariously liable, but only to the extent of the
2224 claim against the transferor or other person for whom the transferor is
2225 or was vicariously liable.

2226 Sec. 107. (NEW) (*Effective January 1, 2020*) (a) A qualified disposition
2227 shall be avoided only to the extent necessary to satisfy the transferor's
2228 debt to the creditor at whose instance the disposition had been
2229 avoided, together with any costs, including attorney's fees, that the
2230 court may allow.

2231 (b) If any qualified disposition is avoided pursuant to subsection (a)
2232 of this section, the following rules apply:

2233 (1) If the court is satisfied that the trustee has not acted in bad faith
2234 in accepting or administering the property that is the subject of the
2235 qualified disposition:

2236 (A) The trustee has a first and paramount lien against the property
2237 that is the subject of the qualified disposition in an amount equal to the
2238 entire cost, including attorney's fees, properly incurred by the trustee
2239 in the defense of the action or proceedings to avoid the qualified
2240 disposition;

2241 (B) The qualified disposition shall be avoided subject to the proper
2242 fees, costs, preexisting rights, claims and interest of the trustee and of
2243 any predecessor trustee that has not acted in bad faith; and

2244 (C) For purposes of this subdivision, it shall be presumed that the
2245 trustee did not act in bad faith merely by accepting the property.

2246 (2) If the court is satisfied that a beneficiary of a trust has not acted
2247 in bad faith, the avoidance of the qualified disposition shall be subject
2248 to the right of the beneficiary to retain any distribution made upon the
2249 exercise of a trust power or discretion vested in the trustee of the trust,
2250 which power or discretion was properly exercised prior to the
2251 creditor's commencement of an action to avoid the qualified
2252 disposition. For purposes of this subdivision, it shall be presumed that
2253 the beneficiary, including a beneficiary who is also a transferor of the
2254 trust, did not act in bad faith merely by creating the trust or by
2255 accepting a distribution made in accordance with the terms of the
2256 trust.

2257 (c) A creditor has the burden of proving by clear and convincing
2258 evidence that a trustee or beneficiary acted in bad faith as set forth in
2259 subsection (b) of this section, except, in the case of a beneficiary who is
2260 also the transferor, the burden on the creditor is to prove by a
2261 preponderance of the evidence that the transferor-beneficiary acted in

2262 bad faith. The provisions of this subsection shall be construed to
2263 provide substantive nonprocedural rights under state law.

2264 (d) For purposes of sections 99 to 107, inclusive, of this act,
2265 attachment, garnishment, sequestration or other legal or equitable
2266 processes shall be permitted only in circumstances permitted by the
2267 express terms of said sections of this act.

2268 (e) For purposes of this section, "court" means the Superior Court.

2269 Sec. 108. (NEW) (*Effective January 1, 2020*) The provisions of this
2270 section and sections 100 to 107, inclusive, of this act, apply to qualified
2271 dispositions made on or after January 1, 2020.

2272 Sec. 109. (NEW) (*Effective January 1, 2020*) (a) Except as otherwise
2273 provided in sections 1 to 108, inclusive, of this act, on January 1, 2020,
2274 the following rules apply:

2275 (1) Sections 1 to 108, inclusive, of this act apply to all trusts created
2276 before, on or after January 1, 2020.

2277 (2) Sections 1 to 108, inclusive, of this act apply to all judicial
2278 proceedings concerning trusts commenced on or after January 1, 2020.

2279 (3) Sections 1 to 108, inclusive, of this act apply to judicial
2280 proceedings concerning trusts commenced before January 1, 2020,
2281 unless the court in which the judicial proceeding is pending finds that
2282 application of a particular provision of sections 1 to 108, inclusive, of
2283 this act would substantially interfere with the effective conduct of the
2284 judicial proceedings or prejudice the rights of the parties. If the court
2285 finds substantial interference or prejudice, the particular provision of
2286 sections 1 to 108, inclusive, of this act do not apply and the superseded
2287 law applies.

2288 (4) Any rule of construction or presumption provided in sections 1
2289 to 108, inclusive, of this act applies to trust instruments executed
2290 before January 1, 2020, unless there is a clear indication of a contrary

2291 intent in the terms of the trust.

2292 (5) An act done before January 1, 2020, is not affected by sections 1
2293 to 108, inclusive, of this act.

2294 (b) If a right is acquired, extinguished or barred upon the expiration
2295 of a prescribed period that has commenced to run under any provision
2296 of the general statutes, other than sections 1 to 108, inclusive, of this act
2297 before January 1, 2020, the provision of the general statutes continues
2298 to apply to the right even if the provision has been repealed or
2299 superseded.

2300 Sec. 110. Section 45a-98 of the general statutes is repealed and the
2301 following is substituted in lieu thereof (*Effective January 1, 2020*):

2302 (a) Probate Courts in their respective districts shall have the power
2303 to (1) grant administration of intestate estates of persons who have
2304 died domiciled in their districts and of intestate estates of persons not
2305 domiciled in this state which may be granted as provided by section
2306 45a-303; (2) admit wills to probate of persons who have died domiciled
2307 in their districts or of nondomiciliaries whose wills may be proved in
2308 their districts as provided in section 45a-287; (3) except as provided in
2309 section 45a-98a or as limited by an applicable statute of limitations,
2310 determine title or rights of possession and use in and to any real,
2311 tangible or intangible property that constitutes, or may constitute, all
2312 or part of any trust, any decedent's estate, or any estate under control
2313 of a guardian or conservator, [which trust or estate is otherwise subject
2314 to the jurisdiction of the Probate Court,] including the rights and
2315 obligations of any beneficiary of the trust or estate and including the
2316 rights and obligations of any joint tenant with respect to survivorship
2317 property; (4) except as provided in section 45a-98a, determine the
2318 validity or construe the meaning and effect of (A) any will or trust
2319 agreement if a construction is required in connection with the
2320 administration or distribution of a trust or estate; [otherwise subject to
2321 the jurisdiction of the Probate Court; (B) an inter vivos trust upon a
2322 petition that meets the requirements for a petition for an accounting

2323 pursuant to subsection (b) or (c) of section 45a-175, provided such an
2324 accounting need not be required; or (C)] or (B) a power of attorney
2325 pursuant to section 1-350o; (5) except as provided in section 45a-98a,
2326 apply the doctrine of cy pres or approximation; (6) to the extent
2327 provided for in section 45a-175, as amended by this act, call executors,
2328 administrators, trustees, guardians, conservators, and agents acting
2329 under powers of attorney created in accordance with sections 1-350 to
2330 1-353b, inclusive, to account concerning the estates entrusted to their
2331 charge or for other relief as provided in sections 1-350 to 1-353b,
2332 inclusive; and (7) make any lawful orders or decrees to carry into effect
2333 the power and jurisdiction conferred upon [them] the Probate Courts
2334 by the laws of this state.

2335 (b) The jurisdiction of Probate Courts to determine title or rights or
2336 to construe instruments or to apply the doctrine of cy pres or
2337 approximation pursuant to subsection (a) of this section is concurrent
2338 with the jurisdiction of the Superior Court and does not affect the
2339 power of the Superior Court as a court of general jurisdiction.

2340 Sec. 111. Section 45a-175 of the general statutes is repealed and the
2341 following is substituted in lieu thereof (*Effective January 1, 2020*):

2342 (a) Probate Courts shall have jurisdiction of the interim and final
2343 accounts of testamentary trustees, trustees appointed by the Probate
2344 Courts, conservators, guardians, executors and administrators, and, to
2345 the extent provided for in this section, shall have jurisdiction of
2346 accounts of the actions of trustees of inter vivos trusts and agents
2347 acting under powers of attorney.

2348 (b) A trustee or settlor of an inter vivos trust or the successor of the
2349 trustee, settlor or his or her legal representative may petition [to the
2350 Probate Court for the district where the trustee, or any one of them,
2351 has any place of business or to the Probate Court for the district where
2352 the trustee or any one of them or the settlor resides or, in the case of a
2353 deceased settlor, to the Probate Court having jurisdiction over the
2354 estate of the settlor or for the district in which the settlor resided

2355 immediately prior to death] a Probate Court specified in section 16 of
2356 this act for submission to the jurisdiction of the court of an account for
2357 allowance of the trustee's actions under such trust.

2358 (c) (1) Any beneficiary of an inter vivos trust may petition a Probate
2359 Court [having jurisdiction under this section] specified in section 16 of
2360 this act for an accounting by the trustee or trustees. The court may,
2361 after hearing with notice to all interested parties, grant the petition and
2362 require an accounting for such periods of time as it determines are
2363 reasonable and necessary on finding that: (A) The beneficiary has an
2364 interest in the trust sufficient to entitle [him or her] the beneficiary to
2365 an accounting, (B) cause has been shown that an accounting is
2366 necessary, and (C) the petition is not for the purpose of harassment.

2367 [(2) A Probate Court shall have jurisdiction to require an accounting
2368 under subdivision (1) of this subsection if (A) a trustee of the trust
2369 resides in its district, (B) in the case of a corporate trustee, the trustee
2370 has any place of business in the district, (C) any of the trust assets are
2371 maintained or evidences of intangible property of the trust are situated
2372 in the district, or (D) the settlor resides in the district or, in the case of a
2373 deceased settlor, resided in the district immediately prior to death.]

2374 [(3)] (2) As used in subdivision (1) of this subsection, "beneficiary"
2375 [means any person currently receiving payments of income or
2376 principal from the trust, or who may be entitled to receive income or
2377 principal or both from the trust at some future date, or the legal
2378 representative of such person] has the same meaning as provided in
2379 section 3 of this act.

2380 (d) Any of the persons specified in section 1-350o may petition the
2381 Probate Court for the district where the agent has any place of business
2382 or to the Probate Court for the district where the agent or the principal
2383 resides or, in the case of a deceased principal, to the Probate Court
2384 having jurisdiction over the estate of the principal or for the district in
2385 which the principal resided immediately prior to death, for an
2386 accounting or other relief as provided in section 1-350o. The court shall

2387 grant the petition if filed by the principal, agent, guardian, conservator
2388 or other fiduciary acting for the principal. The court may grant a
2389 petition filed by any other person specified in section 1-350o if it finds
2390 that (1) the petitioner has an interest sufficient to entitle [him] the
2391 petitioner to the relief requested, (2) cause has been shown that such
2392 relief is necessary, and (3) the petition is not for the purpose of
2393 harassment.

2394 (e) The action to submit an accounting to the court, whether by an
2395 inter vivos trustee or agent acting under a power of attorney or
2396 whether pursuant to petition of another party, [shall] does not subject
2397 the trust or the power of attorney to the continuing jurisdiction of the
2398 Probate Court.

2399 (f) If the court finds such appointment [to be] is necessary and in the
2400 best interests of the estate, the court upon its own motion may appoint
2401 an auditor to be selected from a list provided by the Probate Court
2402 Administrator, to examine accounts over which the court has
2403 jurisdiction under this section, except those accounts on matters in
2404 which the fiduciary or cofiduciary is a corporation having trust
2405 powers. The list of auditors compiled by the Probate Court
2406 Administrator shall be comprised of individuals who hold a license
2407 from the State Board of Accountancy as a certified public accountant or
2408 public accountant. The Probate Court Administrator may from time to
2409 time establish hourly rates and allowable expenses for the
2410 compensation of auditors under this section. Costs of the audit may be
2411 charged to the fiduciary, any party in interest and the estate, in such
2412 proportion as the court shall direct if the court finds [such] the charge
2413 to be equitable. Any such share may be paid from the fund established
2414 under section 45a-82, subject to the approval of the Probate Court
2415 Administrator, if it is determined that the person obligated to pay
2416 [such] the share is unable to pay or to charge such amount to the estate
2417 would cause undue hardship.

2418 (g) Upon the allowance of any such account, the court shall
2419 determine the rights of the fiduciaries or the agent under a power of

2420 attorney rendering the account and of the parties interested in the
2421 account, including the relief authorized under section 1-350p, subject
2422 to appeal as in other cases. The court shall cause notice of the hearing
2423 on the account to be given in such manner and to such parties as it
2424 directs.

2425 (h) In any action under this section, the Probate Court shall have, in
2426 addition to powers pursuant to this section, all the powers available to
2427 a judge of the Superior Court at law and in equity pertaining to
2428 matters under this section.

2429 Sec. 112. Section 45a-177 of the general statutes is repealed and the
2430 following is substituted in lieu thereof (*Effective January 1, 2020*):

2431 (a) All conservators, guardians and trustees [, including (1) those
2432 entrusted with] of testamentary trusts, unless excused by the will
2433 creating the trust, [(2) conservators of the person authorized under
2434 subsection (a) of section 45a-656 to manage the finances of a conserved
2435 person, and (3) guardians of adults with intellectual disability
2436 authorized under section 45a-677a to manage the finances of a
2437 protected person,] shall render periodic accounts of their trusts signed
2438 under penalty of false statement to the Probate Court having
2439 jurisdiction for allowance, at least once during each three-year period
2440 and more frequently if required by the court or by the will or trust
2441 instrument creating the trust. [At the end of each three-year period
2442 from the date of the last allowance of a periodic account, or upon the
2443 earlier receipt of a final account, there shall be a hearing on all periodic
2444 accounts not previously allowed, and the final account, if any, in
2445 accordance with sections 45a-178 and 45a-179.] Except as otherwise
2446 provided in rules of procedure adopted and promulgated by the
2447 judges of the Supreme Court, under section 45a-78, the provisions of a
2448 will excusing the trustee from rendering of periodic accounts does not
2449 excuse the trustee from the rendering a final account upon termination
2450 of the trust as required by section 45a-481.

2451 (b) If the estate held by any person in any such fiduciary capacity is

2452 less than two thousand dollars, or, in the case of a corporate fiduciary
2453 under the supervision of the Banking Commissioner or any other
2454 fiduciary bonded by a surety company authorized to do business in
2455 this state, ten thousand dollars, such fiduciary shall not be required to
2456 render such account unless so ordered by the court.

2457 Sec. 113. Section 45a-242 of the general statutes is repealed and the
2458 following is substituted in lieu thereof (*Effective January 1, 2020*):

2459 (a) The Probate Court having jurisdiction may, upon its own motion
2460 or upon the petition of any person interested or of the surety upon the
2461 fiduciary's probate bond, after notice and hearing, remove any
2462 fiduciary if: (1) The fiduciary becomes incapable of executing such
2463 fiduciary's trust, neglects to perform the duties of such fiduciary's
2464 trust, wastes the estate in such fiduciary's charge, or fails to furnish
2465 any additional or substitute probate bond ordered by the court, (2) lack
2466 of cooperation among cofiduciaries substantially impairs the
2467 administration of the estate, (3) because of unfitness, unwillingness or
2468 persistent failure of the fiduciary to administer the estate effectively,
2469 the court determines that removal of the fiduciary best serves the
2470 interests of the beneficiaries, or (4) there has been a substantial change
2471 of circumstances or removal is requested by all of the beneficiaries, the
2472 court finds that removal of the fiduciary best serves the interests of all
2473 the beneficiaries and is not inconsistent with a material purpose of the
2474 governing instrument and a suitable cofiduciary or successor fiduciary
2475 is available. A successor corporate fiduciary shall not be removed in
2476 such a manner as to discriminate against state banks or national
2477 banking associations, nor shall any consolidated state bank or national
2478 banking association or any receiving state bank or national banking
2479 association be removed solely because it is a successor fiduciary, as
2480 defined in section 45a-245a.

2481 (b) The Probate Court, after notice and hearing, may accept or reject
2482 the written resignation of any fiduciary, but such resignation shall not
2483 relieve such fiduciary from the obligation to fully and finally account
2484 to the court for the administration of such fiduciary's trust. The

2485 fiduciary shall submit a final account to the court within sixty days of
2486 the acceptance of his or her resignation.

2487 (c) [Trustees appointed by a testator to execute a trust created by
2488 will and testamentary guardians] A guardian appointed by a testator
2489 in a will may resign or be removed, and the [vacancies] vacancy filled
2490 by the court having jurisdiction in the manner provided under this
2491 section, unless otherwise provided by the will.

2492 (d) Except as otherwise provided in subsection (c) of this section,
2493 upon the death, removal or acceptance of the resignation of any
2494 fiduciary before the completion of such fiduciary's duties, the Probate
2495 Court may appoint a suitable person to fill the resultant vacancy and
2496 such successor fiduciary shall give a probate bond, unless such bond is
2497 excused by the will or otherwise by law.

2498 (e) All suits in favor of or against the original fiduciary shall survive
2499 to and may be prosecuted by or against the person appointed to
2500 succeed such fiduciary.

2501 (f) For purposes of this section, "fiduciary" includes executors,
2502 administrators, conservators and guardians, but does not include
2503 trustees.

2504 Sec. 114. Section 45a-474 of the general statutes is repealed and the
2505 following is substituted in lieu thereof (*Effective January 1, 2020*):

2506 When a will, trust agreement or other instrument establishing a
2507 trust fails to provide for the contingency of the trustee's refusal to
2508 accept the trust or the trustee's resignation, death or incapacity, the
2509 Probate Court [for the district within which the estate is situated, or,
2510 when the trust has been created by will, in the district having
2511 jurisdiction of such will,] specified in section 16 of this act may, on the
2512 happening of any such contingency, appoint some suitable person to
2513 fill such vacancy, taking from [him] such suitable person a probate
2514 bond, unless in the case of a will it is otherwise provided therein. [, in
2515 which case the provisions of section 45a-473 shall apply.] The court

2516 may appoint a successor trustee of an inter vivos trust before such
2517 contingency has occurred if the court finds that a vacancy in the office
2518 of trustee is likely to occur. The court shall specify the conditions that
2519 the successor trustee of such inter vivos trust must satisfy before
2520 becoming trustee. In the event of a vacancy in the office of trustee of
2521 such inter vivos trust, the successor trustee may assume the office
2522 immediately upon satisfying the conditions set forth in the court's
2523 order without further court action.

2524 Sec. 115. Section 45a-477 of the general statutes is repealed and the
2525 following is substituted in lieu thereof (*Effective January 1, 2020*):

2526 [(a) When any person not a resident of this state is the owner of a
2527 life estate or income during life in any personal property or real
2528 property in this state that may thereafter be converted into money, and
2529 the child or children of such life tenant or person entitled to such life
2530 use or income, residing in the same state as such life tenant or person
2531 entitled to such life use or income, are entitled to the remainder upon
2532 the termination of such life estate, life use or income, such life tenant
2533 having procured the appointment of a trustee or other legal custodian
2534 of the property in which he has such interest under the laws of the
2535 place of his residence, such custodian may apply in writing to the
2536 court of probate in this state which has jurisdiction of the
2537 administration of such trust estate for the possession and removal of
2538 such property. In such application the trustee or custodian shall allege
2539 that he has been legally appointed such custodian in the jurisdiction in
2540 which such life tenant resides, and that he has therein given a probate
2541 bond valid according to the requirements of such jurisdiction, and
2542 security thereon, or an increase in an existing bond and security, in an
2543 amount equal to the value of all such estate of such person to be
2544 removed from this state. Such bond and the decree of the court
2545 appointing such custodian shall provide that if the child or children of
2546 such life tenant are for any reason unable to take or receive the
2547 property upon the termination of the life estate or estate aforesaid, it is
2548 to be held and paid over by such custodian to such persons as the

2549 court of probate in this state ordering such removal directs. Upon such
2550 custodian filing for record in the Court of Probate an exemplified copy
2551 of the record of the court by which he was appointed, it shall, after a
2552 hearing upon such notice as the court orders to the person having such
2553 estate in custody and after proof that all known debts against it in this
2554 state have been paid or satisfied, appoint the applicant to be guardian,
2555 conservator or trustee without further bonds, and authorize the person
2556 having such estate in his custody to deliver it to the applicant, who
2557 may demand, sue for and recover it and remove it from this state.]

2558 [(b)] Any one or more of the [vested beneficial owners of interests
2559 established by a testamentary transfer of real property situated in this
2560 state or personal property wherever situated, in trust or under
2561 custodianship established and] beneficiaries of a trust that is
2562 administered outside of this state [.] who are residents of this state may
2563 petition [the court of probate in any district in which any such real
2564 property or tangible personal property is situated or in which any of
2565 such beneficial owners reside] the Probate Court specified in section 16
2566 of this act to assume jurisdiction of such trust, [or custodianship] In the
2567 petition, [such beneficial owner or owners] the beneficiaries shall
2568 allege that it would be in the best interest of some or all of [such
2569 beneficial owners] the beneficiaries and not adverse to any of [such
2570 owners for the trust or custodianship] the other beneficiaries to be
2571 administered in a [court of probate] Probate Court in this state or that
2572 all such beneficial owners consent to the administration of the trust or
2573 custodianship in a [court of probate] Probate Court in this state. The
2574 [Court of] Probate Court, after hearing with notice as it directs,
2575 including notice to any court having jurisdiction over the trust [or
2576 custodianship,] upon written consent of all such [beneficial owners]
2577 beneficiaries or satisfaction that the allegations in the petition are true
2578 and upon proof that such transfer is not prohibited by law, may
2579 assume jurisdiction. If a probate bond is required under the laws of the
2580 state in which the transferring court is located or this state, such bond
2581 shall be given to the Probate Court prior to the assumption of
2582 jurisdiction by such court. Upon transfer and assumption of

2583 jurisdiction and administration of such trust [or custodianship] to this
2584 state, the record shall be established in the [Court of] Probate Court as
2585 if the [estate] trust were being originally established for administration
2586 in this state and the provisions of the general statutes shall govern the
2587 trust [or custodianship] and its administration.

2588 Sec. 116. Section 45a-482 of the general statutes is repealed and the
2589 following is substituted in lieu thereof (*Effective January 1, 2020*):

2590 When the facts at the time of distribution from an estate to a trust or
2591 from a testamentary trust to a successive trust are such that no trust
2592 would be operative under the terms of the instrument creating such
2593 trust or successive trust because of the death of the life tenant, or
2594 because the beneficiary has reached a stipulated age, or if such trust
2595 would qualify for termination under section [45a-484] 35 of this act, or
2596 for any other reason, the fiduciary of such estate or prior trust may
2597 distribute, with the approval of the court of probate having
2598 jurisdiction, directly from the estate or prior trust to the remaindermen
2599 of such trust, the corpus of such trust and any income earned during
2600 the period of estate administration or administration of the prior trust
2601 and distributable to such remaindermen, without the interposition of
2602 the establishment of such trust or successive trust. If distribution is
2603 based on the fact that the trust would qualify for termination under
2604 section [45a-484] 35 of this act, reasonable notice shall be provided to
2605 all beneficiaries who are known and in being and who have vested or
2606 contingent interests in the trust.

2607 Sec. 117. Section 45a-485 of the general statutes is repealed and the
2608 following is substituted in lieu thereof (*Effective January 1, 2020*):

2609 (a) If any marital deduction would not be allowed by reason of
2610 Section 2056(d)(1) of the Internal Revenue Code of 1986 with respect to
2611 any interest in property passing under any will, trust agreement or
2612 other governing instrument because such interest fails to comply with
2613 the requirements of Sections 2056(d)(2)(A) and 2056A(a) of said code,
2614 the Superior Court, or [the] a Probate Court [if the trust or estate is

2615 otherwise subject to the jurisdiction of the Probate Court, or with
2616 respect to an inter vivos trust, if that trust is or could be subject to the
2617 jurisdiction of the court for an accounting pursuant to section 45a-175,
2618 provided such an accounting need not be required] specified in section
2619 16 of this act, shall have jurisdiction over any action brought to reform
2620 such will, trust agreement or other governing instrument to comply
2621 with those requirements so as to allow a marital deduction under
2622 Section 2056(a) of said code. All references contained in this section to
2623 any section of the Internal Revenue Code of 1986 [shall] mean that
2624 section of the Internal Revenue Code of 1986, or any subsequent
2625 corresponding internal revenue code of the United States, as from time
2626 to time amended.

2627 (b) The Superior Court or the Probate Court [shall be] are
2628 empowered to reform any such will, trust agreement or other
2629 governing instrument described in subsection (a) of this section to the
2630 extent necessary to ensure the allowance of the marital deduction
2631 described in said subsection. [(a) of this section.]

2632 (c) Any reformation of any will, trust agreement or other governing
2633 instrument in accordance with the provisions of this section shall be
2634 effective whether or not a disclaimer has been filed within the period
2635 [of time] specified in sections 45a-578 to 45a-585, inclusive.

2636 (d) This section shall be applicable to any action commenced to
2637 reform any such will, trust agreement or other governing instrument
2638 created by a decedent dying on or after November 10, 1988.

2639 Sec. 118. Section 45a-489a of the general statutes is repealed and the
2640 following is substituted in lieu thereof (*Effective January 1, 2020*):

2641 (a) A testamentary or inter vivos trust may be created to provide for
2642 the care of an animal or animals alive during the settlor's or testator's
2643 lifetime. The trust shall terminate upon the death of the last surviving
2644 animal. A trust created pursuant to this section shall designate a trust
2645 protector in the trust instrument whose sole duty shall be to act on

2646 behalf of the animal or animals provided for in the trust instrument. A
2647 trust protector shall be replaced in the same manner as a trustee under
2648 section 45a-474, as amended by this act.

2649 (b) Except as otherwise provided in this section, the provisions of
2650 the laws of this state that govern the creation and administration of
2651 trusts shall apply to a trust created to provide for the care of an animal
2652 or animals pursuant to this section.

2653 (c) [(1)] The Superior Court, or a [probate court described in
2654 subdivision (2) of this subsection] Probate Court specified in section 16
2655 of this act, shall have jurisdiction over any trust created pursuant to
2656 this section.

2657 [(2) A probate court shall have jurisdiction over any trust created
2658 pursuant to this section if the trustee of the trust is otherwise subject to
2659 the jurisdiction of such probate court, or the trust is an inter vivos trust
2660 and the trust is or could be subject to the jurisdiction of such probate
2661 court for an accounting pursuant to section 45a-175.]

2662 (d) The trustee of a trust created pursuant to this section shall
2663 annually render an account for the trust, signed under penalty of false
2664 statement, to the trust protector.

2665 (e) Any individual identified as a trust protector pursuant to this
2666 section may file a petition in the Superior Court or [a probate court
2667 having jurisdiction pursuant to subsection (c) of this section] the
2668 Probate Court to enforce the provisions of the trust, remove or replace
2669 any trustee of the trust, or require a trustee to render an account as
2670 required under subsection (d) of this section. The court may award
2671 costs and attorney's fees to the trust protector, from the trust property,
2672 if the trust protector prevails on a petition filed under this subsection
2673 and the court finds that the filing of the petition was necessary to fulfill
2674 the trust protector's duty to act on behalf of the animal or animals
2675 provided for in the trust instrument.

2676 (f) If the trust protector determines that the trustee has used trust

2677 property for personal use or has otherwise committed fraud with
2678 respect to the trust, the trust protector may request the Attorney
2679 General to file a petition in the Superior Court or [a probate court
2680 having jurisdiction pursuant to subsection (c) of this section] the
2681 Probate Court to enforce the provisions of the trust, remove or replace
2682 any trustee of the trust or seek restitution from the trustee with respect
2683 to [such] the trust property. The Attorney General may file such
2684 petition if the Attorney General determines that the circumstances
2685 warrant such filing.

2686 (g) Trust property may be applied only to its intended use, subject
2687 to proper trust expenses including trustee fees, except to the extent the
2688 Superior Court or [a probate court having jurisdiction pursuant to
2689 subsection (c) of this section] the Probate Court, upon application by
2690 the trustee or trust protector, determines that the value of the trust
2691 property exceeds the amount required for its intended use. Trust
2692 property not required for its intended use, including trust property
2693 remaining upon termination of the trust, shall be distributed in the
2694 following order of priority:

2695 (1) As directed by the terms of the trust instrument;

2696 (2) To the remainder beneficiaries identified in the trust instrument,
2697 under the same terms provided in the trust for the remainder interest;

2698 (3) To the settlor, if then living;

2699 (4) Pursuant to the residuary clause of the settlor's or testator's will;
2700 or

2701 (5) To the settlor's or testator's heirs in accordance with the laws of
2702 this state governing descent and distribution.

2703 Sec. 119. Section 45a-491 of the general statutes is amended by
2704 adding subsection (f) as follows (*Effective January 1, 2020*):

2705 (NEW) (f) With respect to any trust created on or after January 1,

2706 2020, this section and sections 45a-492 to 45a-495, inclusive, as
2707 amended by this act, shall apply to a nonvested property interest or
2708 power of appointment contained in a trust by substituting "eight
2709 hundred years" in place of "ninety years" in each place such term
2710 appears in sections 45a-492 to 45a-495, inclusive, as amended by this
2711 act, unless the terms of the trust expressly require that all beneficial
2712 interests in the trust vest or terminate within a lesser period.

2713 Sec. 120. Section 45a-519 of the general statutes is repealed and the
2714 following is substituted in lieu thereof (*Effective January 1, 2020*):

2715 (a) If any deduction under Section 170, Section 2055 or Section 2522
2716 of the Internal Revenue Code of 1986 is not allowable with respect to
2717 any interest in property passing under any will, trust agreement or
2718 other governing instrument to a person, or for a use, described in
2719 Section 170(c), Section 2055(a) or Section 2522(a) and (b) of said code
2720 because such interest [shall fail] fails to comply with the requirements
2721 of Section 170(f)(2), Section 2055(e)(2) or Section 2522(c)(2) of said code,
2722 the Superior Court, [or the Probate Court if the trust or estate is
2723 otherwise subject to the jurisdiction of the Probate Court, or with
2724 respect to an inter vivos trust, if that trust is or could be subject to the
2725 jurisdiction of the court for an accounting pursuant to section 45a-175,
2726 provided such an accounting need not be required] or a Probate Court
2727 specified in section 16 of this act, shall have jurisdiction over any
2728 action brought to reform such will, trust agreement or other governing
2729 instrument in accordance with the provisions of Section 170(f)(7),
2730 Section 2055(e)(3) or Section 2522(c)(4) of said code so that such
2731 deduction may be allowed under the applicable provisions of said
2732 code. All references contained in this section to any section of the
2733 Internal Revenue Code of 1986 [shall] mean that section of the Internal
2734 Revenue Code of 1986, or any subsequent corresponding internal
2735 revenue code of the United States, as from time to time amended.

2736 (b) The Superior Court or the Probate Court [shall be] are
2737 empowered to reform any such will, trust agreement or other
2738 governing instrument only to the extent necessary in order to ensure

2739 the allowance of any deduction described in subsection (a) of this
2740 section, and only to the extent the court finds that such reformation is
2741 consistent with the original intent of the testator or donor.

2742 (c) This section shall not be construed to effect a change in any
2743 dispositive provisions of the governing instrument as provided in
2744 section 45a-514.

2745 (d) Any reformation of any will, trust agreement or other governing
2746 instrument in accordance with the provisions of this section shall be
2747 effective whether or not a disclaimer has been filed within the period
2748 [of time] specified in sections 45a-578 to 45a-585, inclusive.

2749 (e) This section shall be applicable to any action commenced on or
2750 after July 18, 1984.

2751 Sec. 121. Subsection (b) of section 45a-520 of the general statutes is
2752 repealed and the following is substituted in lieu thereof (*Effective*
2753 *January 1, 2020*):

2754 (b) In any case where the current market value of the assets of a
2755 testamentary or inter vivos charitable trust is less than one hundred
2756 fifty thousand dollars, any trustee thereof, any charitable beneficiary
2757 specifically designated in the governing instrument or the Attorney
2758 General may petition a [court of probate] Probate Court specified in
2759 section 16 of this act for an order terminating the trust. [If such a trust
2760 has been under the jurisdiction of a court of probate prior to any such
2761 petition, the petition shall be brought to the court of probate for the
2762 district which has had jurisdiction over the trust. If such a trust has not
2763 been under the jurisdiction of a court of probate prior to any such
2764 petition, the petition shall be brought to the court of probate for any
2765 district in which any such trustee resides or has a place of business. If
2766 such a trust has not been under the jurisdiction of a court of probate
2767 prior to any such petition and if there is no trustee thereof residing or
2768 having a place of business in Connecticut, the petition shall be brought
2769 to the court of probate for any district in which any charitable

2770 beneficiary of the trust has its principal office.] Upon receipt of such a
2771 petition, the court shall order a hearing and cause notice thereof to be
2772 given to the Attorney General, the trustees, the grantor of the trust, if
2773 living, and any charitable beneficiary of the trust specifically
2774 designated in the governing instrument. If at such a hearing the court
2775 determines that continuation of the trust is uneconomic when the costs
2776 of operating the trust, probable income and other relevant factors are
2777 considered or not in the best interest of the beneficiaries, the court may
2778 order termination of the trust and distribution of the trust assets to any
2779 charitable beneficiary specifically designated in the governing
2780 instrument or, [in the event] if no such beneficiary exists, to such other
2781 charitable trusts or charitable entities, including any community trust
2782 or foundation, as the court may determine will fulfill the charitable
2783 purposes of the trust being so terminated.

2784 Sec. 122. Section 45a-521 of the general statutes is repealed and the
2785 following is substituted in lieu thereof (*Effective January 1, 2020*):

2786 (a) Upon a petition filed within the period specified in [the Code of
2787 Federal Regulations, Title 26, Section 1.664-3(a)(1)(i)(f)(3)] 26 CFR
2788 1.664-3, by a trustee of a charitable remainder unitrust, the Superior
2789 Court, or [the] a Probate Court [if the trustee is otherwise subject to the
2790 jurisdiction of the Probate Court, or with respect to an inter vivos trust,
2791 if such trust is or could be subject to the jurisdiction of the Probate
2792 Court for an accounting pursuant to section 45a-175, provided such an
2793 accounting need not be required,] specified in section 16 of this act
2794 shall have jurisdiction to reform such charitable remainder unitrust for
2795 the sole purpose of substituting a provision allowing payment of the
2796 unitrust amount under [the Code of Federal Regulations, Title 26,
2797 Section 1.664-3(a)(1)(i)(c)] 26 CFR 1.664-3 for an existing provision
2798 providing for payment of the unitrust amount under [Title 26, Section
2799 1.664-3(a)(1)(i)(b) of the Code of Federal Regulations] 26 CFR 1.664-3.

2800 (b) The Superior Court or the Probate Court [shall be] are
2801 empowered to reform such trust only to the extent the court finds that
2802 such reformation is consistent with the original intent of the testator or

2803 donor.

2804 (c) This section shall not be construed to effect a change in any
 2805 dispositive provision of the trust as provided in section 45a-514.

2806 Sec. 123. Sections 45a-473, 45a-484, 45a-487 to 45a-487f, inclusive,
 2807 and 45a-488 of the general statutes are repealed. (*Effective January 1,*
 2808 *2020*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2020</i>	New section
Sec. 2	<i>January 1, 2020</i>	New section
Sec. 3	<i>January 1, 2020</i>	New section
Sec. 4	<i>January 1, 2020</i>	New section
Sec. 5	<i>January 1, 2020</i>	New section
Sec. 6	<i>January 1, 2020</i>	New section
Sec. 7	<i>January 1, 2020</i>	New section
Sec. 8	<i>January 1, 2020</i>	New section
Sec. 9	<i>January 1, 2020</i>	New section
Sec. 10	<i>January 1, 2020</i>	New section
Sec. 11	<i>January 1, 2020</i>	New section
Sec. 12	<i>January 1, 2020</i>	New section
Sec. 13	<i>January 1, 2020</i>	New section
Sec. 14	<i>January 1, 2020</i>	New section
Sec. 15	<i>January 1, 2020</i>	New section
Sec. 16	<i>January 1, 2020</i>	New section
Sec. 17	<i>January 1, 2020</i>	New section
Sec. 18	<i>January 1, 2020</i>	New section
Sec. 19	<i>January 1, 2020</i>	New section
Sec. 20	<i>January 1, 2020</i>	New section
Sec. 21	<i>January 1, 2020</i>	New section
Sec. 22	<i>January 1, 2020</i>	New section
Sec. 23	<i>January 1, 2020</i>	New section
Sec. 24	<i>January 1, 2020</i>	New section
Sec. 25	<i>January 1, 2020</i>	New section
Sec. 26	<i>January 1, 2020</i>	New section
Sec. 27	<i>January 1, 2020</i>	New section
Sec. 28	<i>January 1, 2020</i>	New section

Sec. 29	<i>January 1, 2020</i>	New section
Sec. 30	<i>January 1, 2020</i>	New section
Sec. 31	<i>January 1, 2020</i>	New section
Sec. 32	<i>January 1, 2020</i>	New section
Sec. 33	<i>January 1, 2020</i>	New section
Sec. 34	<i>January 1, 2020</i>	New section
Sec. 35	<i>January 1, 2020</i>	New section
Sec. 36	<i>January 1, 2020</i>	New section
Sec. 37	<i>January 1, 2020</i>	New section
Sec. 38	<i>January 1, 2020</i>	New section
Sec. 39	<i>January 1, 2020</i>	New section
Sec. 40	<i>January 1, 2020</i>	New section
Sec. 41	<i>January 1, 2020</i>	New section
Sec. 42	<i>January 1, 2020</i>	New section
Sec. 43	<i>January 1, 2020</i>	New section
Sec. 44	<i>January 1, 2020</i>	New section
Sec. 45	<i>January 1, 2020</i>	New section
Sec. 46	<i>January 1, 2020</i>	New section
Sec. 47	<i>January 1, 2020</i>	New section
Sec. 48	<i>January 1, 2020</i>	New section
Sec. 49	<i>January 1, 2020</i>	New section
Sec. 50	<i>January 1, 2020</i>	New section
Sec. 51	<i>January 1, 2020</i>	New section
Sec. 52	<i>January 1, 2020</i>	New section
Sec. 53	<i>January 1, 2020</i>	New section
Sec. 54	<i>January 1, 2020</i>	New section
Sec. 55	<i>January 1, 2020</i>	New section
Sec. 56	<i>January 1, 2020</i>	New section
Sec. 57	<i>January 1, 2020</i>	New section
Sec. 58	<i>January 1, 2020</i>	New section
Sec. 59	<i>January 1, 2020</i>	New section
Sec. 60	<i>January 1, 2020</i>	New section
Sec. 61	<i>January 1, 2020</i>	New section
Sec. 62	<i>January 1, 2020</i>	New section
Sec. 63	<i>January 1, 2020</i>	New section
Sec. 64	<i>January 1, 2020</i>	New section
Sec. 65	<i>January 1, 2020</i>	New section
Sec. 66	<i>January 1, 2020</i>	New section
Sec. 67	<i>January 1, 2020</i>	New section
Sec. 68	<i>January 1, 2020</i>	New section

Sec. 69	<i>January 1, 2020</i>	New section
Sec. 70	<i>January 1, 2020</i>	New section
Sec. 71	<i>January 1, 2020</i>	New section
Sec. 72	<i>January 1, 2020</i>	New section
Sec. 73	<i>January 1, 2020</i>	New section
Sec. 74	<i>January 1, 2020</i>	New section
Sec. 75	<i>January 1, 2020</i>	New section
Sec. 76	<i>January 1, 2020</i>	New section
Sec. 77	<i>January 1, 2020</i>	New section
Sec. 78	<i>January 1, 2020</i>	New section
Sec. 79	<i>January 1, 2020</i>	New section
Sec. 80	<i>January 1, 2020</i>	New section
Sec. 81	<i>January 1, 2020</i>	New section
Sec. 82	<i>January 1, 2020</i>	New section
Sec. 83	<i>January 1, 2020</i>	New section
Sec. 84	<i>January 1, 2020</i>	New section
Sec. 85	<i>January 1, 2020</i>	New section
Sec. 86	<i>January 1, 2020</i>	New section
Sec. 87	<i>January 1, 2020</i>	New section
Sec. 88	<i>January 1, 2020</i>	New section
Sec. 89	<i>January 1, 2020</i>	New section
Sec. 90	<i>January 1, 2020</i>	New section
Sec. 91	<i>January 1, 2020</i>	New section
Sec. 92	<i>January 1, 2020</i>	New section
Sec. 93	<i>January 1, 2020</i>	New section
Sec. 94	<i>January 1, 2020</i>	New section
Sec. 95	<i>January 1, 2020</i>	New section
Sec. 96	<i>January 1, 2020</i>	New section
Sec. 97	<i>January 1, 2020</i>	New section
Sec. 98	<i>January 1, 2020</i>	New section
Sec. 99	<i>January 1, 2020</i>	New section
Sec. 100	<i>January 1, 2020</i>	New section
Sec. 101	<i>January 1, 2020</i>	New section
Sec. 102	<i>January 1, 2020</i>	New section
Sec. 103	<i>January 1, 2020</i>	New section
Sec. 104	<i>January 1, 2020</i>	New section
Sec. 105	<i>January 1, 2020</i>	New section
Sec. 106	<i>January 1, 2020</i>	New section
Sec. 107	<i>January 1, 2020</i>	New section
Sec. 108	<i>January 1, 2020</i>	New section

Sec. 109	<i>January 1, 2020</i>	New section
Sec. 110	<i>January 1, 2020</i>	45a-98
Sec. 111	<i>January 1, 2020</i>	45a-175
Sec. 112	<i>January 1, 2020</i>	45a-177
Sec. 113	<i>January 1, 2020</i>	45a-242
Sec. 114	<i>January 1, 2020</i>	45a-474
Sec. 115	<i>January 1, 2020</i>	45a-477
Sec. 116	<i>January 1, 2020</i>	45a-482
Sec. 117	<i>January 1, 2020</i>	45a-485
Sec. 118	<i>January 1, 2020</i>	45a-489a
Sec. 119	<i>January 1, 2020</i>	45a-491
Sec. 120	<i>January 1, 2020</i>	45a-519
Sec. 121	<i>January 1, 2020</i>	45a-520(b)
Sec. 122	<i>January 1, 2020</i>	45a-521
Sec. 123	<i>January 1, 2020</i>	Repealer section

Statement of Legislative Commissioners:

In Section 2(b), "subdivision (7)" was changed to "subdivision (5)" for accuracy; in Section 15(d)(12), "subdivision (6)" was changed to "subdivision (5)" for accuracy; in Section 29(1), the provisions of former Section 109(6) have been added to Section 29(1) for clarity; in Section 66(a)(27), "the statute" was changed to "said act" for accuracy; in Sections 105 (d) and (e) "advisor" was changed to "trust director" for consistency and accuracy; and in Section 109(5), "123" was changed to "108" for accuracy.

JUD *Joint Favorable Subst.*