

**AN ACT CONCERNING ADOPTION OF THE CONNECTICUT UNIFORM
TRUST DECANTING ACT.**

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

1 Section 1. (NEW) (*Effective January 1, 2025*) The provisions of this
2 section and sections 2 to 30, inclusive, of this act may be cited as the
3 "Connecticut Uniform Trust Decanting Act".

4 Sec. 2. (NEW) (*Effective January 1, 2025*) As used in this section and
5 sections 3 to 30, inclusive, of this act:

6 (1) "Appointive property" means the property or property interest
7 subject to a power of appointment.

8 (2) "Ascertainable standard" has the same meaning as provided in
9 section 45a-499c of the general statutes.

10 (3) "Authorized fiduciary" means: (A) A trustee or other fiduciary,
11 other than a settlor or a beneficiary, that has discretion to distribute or
12 direct a trustee to distribute part or all of the principal of the first trust
13 to one or more current beneficiaries; (B) a special fiduciary appointed
14 under section 9 of this act; or (C) a special-needs fiduciary described
15 under section 13 of this act.

16 (4) "Beneficiary" means a person that: (A) Is a "beneficiary" as defined
17 in section 45a-499c of the general statutes; or (B) is an identified
18 charitable organization that will or may receive distributions under the
19 terms of the trust.

20 (5) "Charitable interest" means an interest in a trust that: (A) Is held
21 by an identified charitable organization and makes the organization a
22 qualified beneficiary; (B) benefits only charitable organizations and, if
23 the interest were held by an identified charitable organization, would
24 make the organization a qualified beneficiary; or (C) is held solely for
25 charitable purposes and, if the interest were held by an identified
26 charitable organization, would make the organization a qualified
27 beneficiary.

28 (6) "Charitable organization" means: (A) A person, other than an
29 individual, organized and operated exclusively for charitable purposes;
30 or (B) a government or governmental subdivision, agency or
31 instrumentality, to the extent it holds funds exclusively for a charitable
32 purpose.

33 (7) "Charitable purpose" means the relief of poverty, the
34 advancement of education or religion, the promotion of health, a
35 municipal or other governmental purpose or another purpose the
36 achievement of which is beneficial to the community and consistent
37 with the provisions of sections 45a-499z, 45a-514 and 47-2 of the general
38 statutes.

39 (8) "Court" has the same meaning as provided in section 45a-499c of
40 the general statutes.

41 (9) "Current beneficiary" has the same meaning as provided in section
42 45a-499c of the general statutes. "Current beneficiary" includes the
43 holder of a presently exercisable general power of appointment but does
44 not include a person that is a beneficiary only because the person holds
45 any other power of appointment.

46 (10) "Decanting power" means the power of an authorized fiduciary
47 under this section and sections 3 to 30, inclusive, of this act, to distribute
48 property of a first trust to one or more second trusts or to modify the
49 terms of the first trust.

50 (11) "Expanded distributive discretion" means a discretionary power
51 of distribution that is not limited to an ascertainable standard or a
52 reasonably definite standard.

53 (12) "First trust" means a trust over which an authorized fiduciary
54 may exercise the decanting power.

55 (13) "First-trust instrument" means the trust instrument for a first
56 trust.

57 (14) "General power of appointment" means a power of appointment
58 exercisable in favor of a powerholder, the powerholder's estate, a
59 creditor of the powerholder or a creditor of the powerholder's estate.

60 (15) "Jurisdiction" has the same meaning as provided in section 45a-
61 499c of the general statutes.

62 (16) "Noncontingent right" means a right that is not subject to the
63 exercise of discretion or the occurrence of a specified event that is not
64 certain to occur. "Noncontingent right" does not include a right held by
65 a beneficiary if any person has discretion to distribute property subject
66 to the right to any person other than the beneficiary or the beneficiary's
67 estate.

68 (17) "Person" has the same meaning as provided in section 45a-499c
69 of the general statutes.

70 (18) "Power of appointment" means a power that enables a
71 powerholder acting in a nonfiduciary capacity to designate a recipient
72 of an ownership interest in or another power of appointment over the
73 appointive property. "Power of appointment" does not include a power
74 of attorney.

75 (19) "Powerholder" means a person in which a donor creates a power
76 of appointment.

77 (20) "Presently exercisable power of appointment" means a power of

78 appointment exercisable by the powerholder at the relevant time.
79 "Presently exercisable power of appointment": (A) Includes a power of
80 appointment exercisable only after the occurrence of a specified event,
81 the satisfaction of an ascertainable standard or the passage of a specified
82 time only after the: (i) Occurrence of the specified event; (ii) satisfaction
83 of the ascertainable standard; or (iii) passage of the specified time; and
84 (B) does not include a power exercisable only at the powerholder's
85 death.

86 (21) "Qualified beneficiary" has the same meaning as provided in
87 section 45a-499c of the general statutes.

88 (22) "Presumptive remainder beneficiary" means a qualified
89 beneficiary other than a current beneficiary.

90 (23) "Reasonably definite standard" means a clearly measurable
91 standard under which a holder of a power of distribution is legally
92 accountable within the meaning of Section 674 (b) (5) (A) of the Internal
93 Revenue Code of 1986, or any subsequent corresponding internal
94 revenue code of the United States, as amended from time to time, and
95 the regulations thereunder.

96 (24) "Record" means information that is inscribed on a tangible
97 medium or that is stored in an electronic or other medium and is
98 retrievable in a perceivable form.

99 (25) "Second trust" means: (A) A first trust after modification under
100 this section and sections 3 to 30, inclusive, of this act; or (B) a trust to
101 which a distribution of property from a first trust is or may be made
102 under this section and sections 3 to 30, inclusive, of this act.

103 (26) "Second-trust instrument" means the trust instrument for a
104 second trust.

105 (27) "Settlor", except as provided in section 25 of this act, has the same
106 meaning as provided in section 45a-499c of the general statutes.

107 (28) "Sign" means, with present intent to authenticate or adopt a
108 record: (A) To execute or adopt a tangible symbol; or (B) to attach to or
109 logically associate with the record an electronic symbol, sound or
110 process.

111 (29) "State" has the same meaning as provided in section 45a-499c of
112 the general statutes.

113 (30) "Successor beneficiary" means a beneficiary that is not a qualified
114 beneficiary on the date the beneficiary's qualification is determined.
115 "Successor beneficiary" does not include a person that is a beneficiary
116 only because the person holds a nongeneral power of appointment.

117 (31) "Terms of the trust" has the same meaning as provided in section
118 45a-499c of the general statutes.

119 (32) "Testamentary trust" has the same meaning as provided in
120 section 45a- 499c of the general statutes.

121 (33) "Trust director" has the same meaning as provided in section 45a-
122 499c of the general statutes.

123 (34) "Trust instrument" means a record executed by the settlor to
124 create a trust or by any person to create a second trust that contains some
125 or all of the terms of the trust, including any amendments.

126 (35) "Vested interest" means a: (A) Right to a mandatory distribution
127 that is a noncontingent right as of the date of the exercise of the
128 decanting power; (B) current and noncontingent right, annually or more
129 frequently, to a mandatory distribution of income, a specified dollar
130 amount or a percentage of value of some or all of the trust property; (C)
131 current and noncontingent right, annually or more frequently, to
132 withdraw income, a specified dollar amount or a percentage of value of
133 some or all of the trust property; (D) presently exercisable general power
134 of appointment; or (E) right to receive an ascertainable part of the trust
135 property on the trust's termination that is not subject to the exercise of
136 discretion or to the occurrence of a specified event that is not certain to

137 occur.

138 Sec. 3. (NEW) (*Effective January 1, 2025*) (a) Except as provided in
139 subsections (b) to (e), inclusive, of this section, sections 1 to 30, inclusive,
140 of this act apply to an express trust that is irrevocable, whether
141 testamentary or inter vivos, or revocable by the settlor only with the
142 consent of the trustee or a person holding an adverse interest.

143 (b) Sections 1 to 30, inclusive, of this act do not apply to a trust held
144 solely for charitable purposes.

145 (c) Sections 1 to 30, inclusive, of this act do not apply to statutory
146 trusts created pursuant to chapter 615 of the general statutes.

147 (d) Subject to the provisions of section 15 of this act, a trust instrument
148 may restrict or prohibit exercise of the decanting power.

149 (e) No provision of sections 1 to 30, inclusive, of this act, as such
150 provision may be applied to a trust established pursuant to and in
151 compliance with 42 USC 1396p(d)(4), as amended from time to time,
152 shall be interpreted in a manner that is inconsistent with, or that
153 contravenes, the provisions of federal law, nor shall any court having
154 jurisdiction over any such trust issue an order, judgment, decree or
155 ruling, that is inconsistent with, or that contravenes, the provisions of
156 federal law.

157 (f) Sections 1 to 30, inclusive, of this act do not limit the power of a
158 trustee, powerholder or other person to distribute or appoint property
159 in further trust or to modify a trust under the trust instrument, law of
160 this state other than sections 1 to 30, inclusive, of this act, common law,
161 a court order or a nonjudicial settlement agreement under section 45a-
162 499k of the general statutes.

163 (g) Sections 1 to 30, inclusive, of this act do not affect the ability of a
164 settlor to provide in a trust instrument for the distribution of the trust
165 property or appointment in further trust of the trust property or for
166 modification of the trust instrument.

167 Sec. 4. (NEW) (*Effective January 1, 2025*) (a) In exercising the decanting
168 power, an authorized fiduciary shall act in accordance with its fiduciary
169 duties, including the duty to act in accordance with the purposes of the
170 first trust.

171 (b) Sections 1 to 30, inclusive, of this act do not create or imply a duty
172 to exercise the decanting power or to inform beneficiaries about the
173 applicability of the provisions of the Connecticut Uniform Trust
174 Decanting Act.

175 (c) Except as provided in a first-trust instrument, for purposes of
176 sections 1 to 30, inclusive, of this act and section 45a-499aaa of the
177 general statutes and subsection (a) of section 45a-499bbb of the general
178 statutes, the terms of the first trust are deemed to include the decanting
179 power.

180 Sec. 5. (NEW) (*Effective January 1, 2025*) Sections 1 to 30, inclusive, of
181 this act apply to any trust whether established before, on or after
182 January 1, 2025, that: (1) Has its principal place of administration in this
183 state, including a trust whose principal place of administration has been
184 changed to this state; or (2) provides by its trust instrument that it is
185 governed by the law of this state or is governed by the law of this state
186 for the purpose of: (A) Administration, including administration of a
187 trust whose governing law for purposes of administration has been
188 changed to the law of this state; (B) construction of terms of the trust; or
189 (C) determining the meaning or effect of terms of the trust.

190 Sec. 6. (NEW) (*Effective January 1, 2025*) A trustee or other person that
191 reasonably relies on the validity of a distribution of part or all of the
192 property of a trust to another trust, or a modification of a trust, under
193 sections 1 to 30, inclusive, of this act, law of this state other than sections
194 1 to 30, inclusive, of this act or the law of another jurisdiction is not liable
195 to any person for any action or failure to act as a result of the reliance.

196 Sec. 7. (NEW) (*Effective January 1, 2025*) (a) Except as provided in
197 sections 1 to 30, inclusive, of this act, an authorized fiduciary may

198 exercise the decanting power without the consent of any person and
199 without court approval.

200 (b) Except as provided in subsection (d) of this section, an authorized
201 fiduciary shall give notice in a record of the intended exercise of the
202 decanting power not later than sixty days before the exercise to: (1) Each
203 settlor of the first trust, if living or then in existence; (2) each qualified
204 beneficiary of the first trust; (3) each holder of a presently exercisable
205 power of appointment over any part or all of the first trust; (4) each
206 person that currently has the right to remove or replace the authorized
207 fiduciary; (5) each other fiduciary of the first trust; (6) each fiduciary of
208 the second trust; (7) the Attorney General, if a first trust contains a
209 determinable charitable interest, as defined in section 14 of this act; and
210 (8) the Attorney General and the Department of Social Services if a first
211 trust is a trust established pursuant to and in compliance with 42 USC
212 1396p(d)(4)(A) or (C).

213 (c) A notice under subsection (b) of this section shall: (1) Specify the
214 manner in which the authorized fiduciary intends to exercise the
215 decanting power; (2) specify the proposed effective date for exercise of
216 the power; (3) include a copy of the first-trust instrument; and (4)
217 include a copy of all second-trust instruments.

218 (d) The decanting power may be exercised before expiration of sixty
219 days from sending a notice under subsection (b) of this section if all
220 persons entitled to receive notice waive the period in a signed record.

221 (e) The receipt of notice, waiver of the notice period or expiration of
222 the notice period does not affect the right of a person to file a petition
223 under section 9 of this act asserting that: (1) An attempted exercise of the
224 decanting power is ineffective because it did not comply with sections 1
225 to 30, inclusive, of this act or was an abuse of discretion or breach of
226 fiduciary duty; or (2) section 22 of this act applies to the exercise of the
227 decanting power.

228 (f) An exercise of the decanting power shall not be ineffective because

229 of the failure to give notice to one or more persons under subsection (b)
230 of this section if the authorized fiduciary provided notice in accordance
231 with section 45a-499i of the general statutes, as amended by this act.
232 Notwithstanding the provisions of this subsection, in the case of
233 provision of notice to the Attorney General under subdivision (7) or (8)
234 of subsection (b) of this section, the exercise of decanting power shall
235 not be effective unless the authorized fiduciary has a confirmed
236 electronic mail delivery notification or certified mail receipt indicating
237 that delivery was made to the Attorney General.

238 Sec. 8. (NEW) (*Effective January 1, 2025*) (a) Notice to a person with
239 authority to represent and bind another person under a first-trust
240 instrument or the Connecticut Uniform Trust Code has the same effect
241 as notice given directly to the person represented.

242 (b) Consent of or waiver by a person with authority to represent and
243 bind another person under a first-trust instrument or the Connecticut
244 Uniform Trust Code is binding on the person represented unless the
245 person represented objects to the representation before the consent or
246 waiver otherwise would become effective.

247 (c) A person with authority to represent and bind another person
248 under a first-trust instrument or the Connecticut Uniform Trust Code
249 may file a petition under section 9 of this act on behalf of the person
250 represented.

251 (d) A settlor may not represent or bind a beneficiary under sections 1
252 to 30, inclusive, of this act.

253 Sec. 9. (NEW) (*Effective January 1, 2025*) (a) Upon a petition by an
254 authorized fiduciary, a person entitled to notice under subsection (b) of
255 section 7 of this act, a beneficiary or, with respect to a charitable interest
256 the Attorney General or other person that has standing to enforce the
257 charitable interest, the court may: (1) Provide instructions to the
258 authorized fiduciary regarding whether a proposed exercise of the
259 decanting power is permitted under sections 1 to 30, inclusive, of this

260 act and consistent with the fiduciary duties of the authorized fiduciary;
261 (2) appoint a special fiduciary and authorize the special fiduciary to
262 determine whether the decanting power should be exercised under
263 sections 1 to 30, inclusive, of this act and to exercise the decanting
264 power; (3) approve an exercise of the decanting power; (4) determine
265 that a proposed or attempted exercise of the decanting power is
266 ineffective because: (A) After applying section 22 of this act, the
267 proposed or attempted exercise does not or did not comply with
268 sections 1 to 30, inclusive, of this act; or (B) the proposed or attempted
269 exercise would be or was an abuse of the fiduciary's discretion or a
270 breach of fiduciary duty; (5) determine the extent to which section 22 of
271 this act applies to a prior exercise of the decanting power; (6) provide
272 instructions to the trustee regarding the application of section 22 of this
273 act to a prior exercise of the decanting power; or (7) order other relief to
274 carry out the purposes of sections 1 to 30, inclusive, of this act.

275 (b) Upon a petition by an authorized fiduciary, the court may
276 approve: (1) An increase in the fiduciary's compensation under section
277 16 of this act; or (2) a modification under section 18 of this act of a
278 provision granting a person the right to remove or replace the fiduciary.

279 (c) With respect to a testamentary trust, to be effective, an exercise of
280 the decanting power shall be approved in advance by the Probate Court
281 upon petition by an authorized fiduciary.

282 (d) If the first trust in a proposed exercise of the decanting power
283 contains a determinable charitable interest, as defined in section 14 of
284 this act, an authorized fiduciary shall be barred from exercising the
285 decanting power during the pendency of a petition under subsection (a)
286 of this section, unless otherwise ordered by the court.

287 Sec. 10. (NEW) (*Effective January 1, 2025*) An exercise of the decanting
288 power shall be made in a record signed by an authorized fiduciary. The
289 signed record shall, directly or by reference to the notice required by
290 section 7 of this act, identify the first trust and the second trust or trusts
291 and state the property of the first trust being distributed to each second

292 trust and the property, if any, that remains in the first trust.

293 Sec. 11. (NEW) (*Effective January 1, 2025*) (a) Subject to subsection (b)
294 of this section and section 14 of this act, an authorized fiduciary that has
295 expanded distributive discretion over the principal of a first trust for the
296 benefit of one or more current beneficiaries may exercise the decanting
297 power over the principal of the first trust.

298 (b) Subject to section 13 of this act, in an exercise of the decanting
299 power under this section, a second trust may not: (1) Include as a current
300 beneficiary a person that is not a current beneficiary of the first trust,
301 except as provided in subsection (d) of this section; (2) include as a
302 presumptive remainder beneficiary or successor beneficiary a person
303 that is not a current beneficiary, presumptive remainder beneficiary or
304 successor beneficiary of the first trust, except as provided in subsection
305 (c) of this section; or (3) reduce or eliminate a vested interest.

306 (c) Subject to subdivision (3) of subsection (b) of this section and
307 section 14 of this act, in an exercise of the decanting power under this
308 section, a second trust may be a trust created or administered under the
309 law of any jurisdiction and may: (1) Reduce or eliminate the interest of
310 any current beneficiary, presumptive remainder beneficiary or
311 successor beneficiary in the first trust, other than a vested interest; (2)
312 retain a power of appointment granted in the first trust; (3) omit a power
313 of appointment granted in the first trust, other than a presently
314 exercisable general power of appointment; (4) create or modify a power
315 of appointment if the powerholder is a current beneficiary of the first
316 trust and the authorized fiduciary has expanded distributive discretion
317 to distribute principal to the beneficiary; and (5) create or modify a
318 power of appointment if the powerholder is a presumptive remainder
319 beneficiary or successor beneficiary of the first trust, but the exercise of
320 the power may take effect only after the powerholder becomes, or
321 would have become if then living, a current beneficiary.

322 (d) A power of appointment described in subdivisions (2) to (5),
323 inclusive, of subsection (c) of this section, may be general or nongeneral.

324 The class of permissible appointees in favor of which the power may be
325 exercised may be broader than or different from the beneficiaries of the
326 first trust.

327 (e) If an authorized fiduciary has expanded distributive discretion
328 over part but not all of the principal of a first trust, the fiduciary may
329 exercise the decanting power under this section over that part of the
330 principal over which the authorized fiduciary has expanded distributive
331 discretion.

332 Sec. 12. (NEW) (*Effective January 1, 2025*) (a) As used in this section,
333 "limited distributive discretion" means a discretionary power of
334 distribution that is limited to an ascertainable standard or a reasonably
335 definite standard.

336 (b) An authorized fiduciary that has limited distributive discretion
337 over the principal of the first trust for the benefit of one or more current
338 beneficiaries may exercise the decanting power over the principal of the
339 first trust.

340 (c) In an exercise of the decanting power under this section, a second
341 trust may not: (1) Have different current beneficiaries, presumptive
342 remainder beneficiaries or successor beneficiaries from the first trust; (2)
343 modify the limited distributive discretion standard from the first trust,
344 except as provided in subsection (d) of this section; (3) modify a power
345 of appointment granted in the first trust; or (4) reduce or eliminate a
346 vested interest.

347 (d) Subject to subdivision (4) of subsection (c) of this section and
348 section 14 of this act, in an exercise of the decanting power under this
349 section, a second trust may be a trust created or administered under the
350 law of any jurisdiction and if the second trust extends the term of the
351 first trust in accordance with section 20 of this act, the second trust may,
352 with respect to any period after the first trust would have otherwise
353 terminated under the provisions of the first trust, modify the limited
354 distributive discretion standard in the first trust including to expanded

355 distributive discretion standard.

356 (e) If an authorized fiduciary has limited distributive discretion over
357 part but not all of the principal of a first trust, the fiduciary may exercise
358 the decanting power under this section over that part of the principal
359 over which the authorized fiduciary has limited distributive discretion.

360 Sec. 13. (NEW) (*Effective January 1, 2025*) (a) As used in this section:

361 (1) "Beneficiary with a disability" means a beneficiary of a first trust
362 who the special-needs fiduciary believes may qualify for governmental
363 benefits based on disability, whether or not the beneficiary currently
364 receives such benefits or is an individual who has been adjudicated
365 incapable.

366 (2) "Governmental benefits" means financial aid or services from a
367 state, federal or other public agency.

368 (3) "Special-needs fiduciary" means, with respect to a trust that has a
369 beneficiary with a disability: (A) A trustee or other fiduciary, other than
370 a settlor, that has discretion to distribute part or all of the principal of a
371 first trust to one or more current beneficiaries; (B) if no trustee or
372 fiduciary has discretion under subparagraph (A) of this subdivision, a
373 trustee or other fiduciary, other than a settlor, that has discretion to
374 distribute part or all of the income of the first trust to one or more
375 current beneficiaries; or (C) if no trustee or fiduciary has discretion
376 under subparagraphs (A) and (B) of this subdivision, a trustee or other
377 fiduciary, other than a settlor, that is required to distribute part or all of
378 the income or principal of the first trust to one or more current
379 beneficiaries.

380 (4) "Special-needs trust" means a trust the trustee believes would not
381 be considered a resource for purposes of determining whether a
382 beneficiary with a disability is eligible for governmental benefits.

383 (b) A special-needs fiduciary may exercise the decanting power
384 under section 11 of this act over the principal of a first trust as if the

385 fiduciary had authority to distribute principal to a beneficiary with a
386 disability subject to expanded distributive discretion if: (1) A second
387 trust is a special-needs trust that benefits the beneficiary with a
388 disability; and (2) the special-needs fiduciary determines that exercise
389 of the decanting power will further the purposes of the first trust.

390 (c) In an exercise of the decanting power under this section, the
391 following rules apply:

392 (1) Notwithstanding subdivision (2) of subsection (b) of section 11 of
393 this act, the interest in the second trust of a beneficiary with a disability
394 may: (A) Be a pooled trust as defined by Medicaid law for the benefit of
395 the beneficiary with a disability under 42 USC 1396p(d)(4)(C), as
396 amended from time to time; or (B) contain payback provisions
397 complying with reimbursement requirements of Medicaid law under 42
398 USC 1396p(d)(4)(A), as amended from time to time.

399 (2) Subdivision (3) of subsection (b) of section 11 of this act shall not
400 apply to the interests of the beneficiary with a disability.

401 (3) Except as affected by any change to the interests of the beneficiary
402 with a disability, the second trust, or if there are two or more second
403 trusts, the second trusts in the aggregate, shall grant each other
404 beneficiary of the first trust beneficial interests in the second trusts in
405 accordance with section 11 or 12 of this act, as the case may be.

406 (4) A special-needs fiduciary shall not exercise the decanting power
407 with respect to a trust established pursuant to and in compliance with
408 42 USC 1396p(d)(4)(A) or (C) in a manner that would impair the state's
409 claim on the death of the beneficiary for (A) medical assistance
410 provided, and (B) any claims for which this state would have valid
411 claims against the estate of the deceased beneficiary not previously paid
412 or reimbursed.

413 Sec. 14. (NEW) (*Effective January 1, 2025*) (a) As used in this section:

414 (1) "Determinable charitable interest" means a charitable interest that

415 is a right to a mandatory distribution currently, periodically, on the
416 occurrence of a specified event, or after the passage of a specified time
417 and that is unconditional or will be held solely for charitable purposes.

418 (2) "Unconditional" means not subject to the occurrence of a specified
419 event that is not certain to occur, other than a requirement in a trust
420 instrument that a charitable organization be in existence or qualify
421 under a particular provision of the Internal Revenue Code of 1986, or
422 any subsequent corresponding internal revenue code of the United
423 States, as amended from time to time, and the regulations thereunder,
424 on the date of the distribution, if the charitable organization meets the
425 requirement on the date of determination.

426 (b) If a first trust contains a determinable charitable interest, the
427 Attorney General has the rights of a qualified beneficiary and may
428 represent the public interest in charitable gifts in accordance with the
429 authority granted to the Attorney General under section 3-125 of the
430 general statutes.

431 (c) If a first trust contains a charitable interest, the second trust or
432 trusts may not: (1) Diminish the charitable interest; (2) diminish the
433 interest of an identified charitable organization that holds the charitable
434 interest; (3) alter any charitable purpose stated in the first-trust
435 instrument; or (4) alter any condition or restriction related to the
436 charitable interest.

437 (d) If there are two or more second trusts, the second trusts shall be
438 treated as one trust for purposes of determining whether the exercise of
439 the decanting power diminishes the charitable interest or diminishes the
440 interest of an identified charitable organization for purposes of
441 subsection (c) of this section.

442 (e) If a first trust contains a determinable charitable interest, the
443 second trust or trusts that include a charitable interest pursuant to
444 subsection (c) of this section shall be administered under the law of this
445 state unless: (1) The Attorney General, after receiving notice under

446 section 7 of this act, fails to object in a signed record delivered to the
447 authorized fiduciary within the notice period; (2) the Attorney General
448 consents in a signed record to the second trust or trusts being
449 administered under the law of another jurisdiction; or (3) the exercise of
450 the decanting power was approved by the court in accordance with
451 section 9 of this act.

452 (f) Sections 1 to 30, inclusive, of this act do not limit the powers and
453 duties of the Attorney General under the law of this state.

454 Sec. 15. (NEW) (*Effective January 1, 2025*) (a) An authorized fiduciary
455 may not exercise the decanting power to the extent the first-trust
456 instrument expressly prohibits exercise of: (1) The decanting power; or
457 (2) a power granted by state law to the fiduciary to distribute part or all
458 of the principal of the trust to another trust or to modify the trust.

459 (b) Exercise of the decanting power is subject to any restriction in the
460 first-trust instrument that expressly applies to exercise of: (1) The
461 decanting power; or (2) a power granted by state law to a fiduciary to
462 distribute part or all of the principal of the trust to another trust or to
463 modify the trust.

464 (c) A general prohibition of the amendment or revocation of a first
465 trust, a spendthrift clause or a clause restraining the voluntary or
466 involuntary transfer of a beneficiary's interest does not preclude exercise
467 of the decanting power.

468 (d) Subject to subsections (a) and (b) of this section, an authorized
469 fiduciary may exercise the decanting power under sections 1 to 30,
470 inclusive, of this act even if the first-trust instrument permits the
471 authorized fiduciary or another person to modify the first-trust
472 instrument or to distribute part or all of the principal of the first trust to
473 another trust.

474 (e) If a first-trust instrument contains an express prohibition
475 described in subsection (a) of this section or an express restriction

476 described in subsection (b) of this section, the provision shall be
477 included in the second-trust instrument.

478 Sec. 16. (NEW) (*Effective January 1, 2025*) (a) If a first-trust instrument
479 specifies an authorized fiduciary's compensation, the fiduciary may not
480 exercise the decanting power to increase the fiduciary's compensation
481 above the specified compensation unless: (1) All qualified beneficiaries
482 of the second trust consent to the increase in a signed record; or (2) the
483 increase is approved by the court.

484 (b) If a first-trust instrument does not specify an authorized
485 fiduciary's compensation, the fiduciary may not exercise the decanting
486 power to increase the fiduciary's compensation above the compensation
487 permitted by subsection (a) of section 45a-499yy of the general statutes.

488 (c) A change in an authorized fiduciary's compensation that is
489 incidental to other changes made by the exercise of the decanting power
490 is not an increase in the fiduciary's compensation for purposes of
491 subsections (a) and (b) of this section.

492 Sec. 17. (NEW) (*Effective January 1, 2025*) (a) Except as provided in this
493 section, a second-trust instrument may not relieve an authorized
494 fiduciary from liability for breach of trust to a greater extent than the
495 first-trust instrument.

496 (b) A second-trust instrument may provide for indemnification of an
497 authorized fiduciary of the first trust or another person acting in a
498 fiduciary capacity under the first trust for any liability or claim that
499 would have been payable from the first trust if the decanting power had
500 not been exercised.

501 (c) A second-trust instrument may not reduce fiduciary liability in the
502 aggregate.

503 (d) Subject to subsection (c) of this section, a second-trust instrument
504 may divide and reallocate fiduciary powers among fiduciaries,
505 including one or more trustees or trust directors, and relieve a fiduciary

506 from liability for an act or failure to act of another fiduciary as permitted
507 by the law of this state, other than sections 1 to 30, inclusive, of this act.

508 Sec. 18. (NEW) (*Effective January 1, 2025*) An authorized fiduciary may
509 not exercise the decanting power to modify a provision in a first-trust
510 instrument granting another person power to remove or replace the
511 fiduciary unless: (1) The person holding the power consents to the
512 modification in a signed record and the modification applies only to the
513 person; (2) the person holding the power and the qualified beneficiaries
514 of the second trust consent to the modification in a signed record and
515 the modification grants a substantially similar power to another person;
516 or (3) the court approves the modification and the modification grants a
517 substantially similar power to another person.

518 Sec. 19. (NEW) (*Effective January 1, 2025*) (a) As used in this section:

519 (1) "Grantor trust" means a trust as to which a settlor of a first trust is
520 considered the owner under Section 671 to 677, inclusive, and Section
521 679 of the Internal Revenue Code of 1986, or any subsequent
522 corresponding internal revenue code of the United States, as amended
523 from time to time, and the regulations thereunder.

524 (2) "Nongrantor trust" means a trust that is not a grantor trust.

525 (3) "Qualified benefits property" means property subject to the
526 minimum distribution requirements of Section 401(a)(9) of the Internal
527 Revenue Code of 1986, or any subsequent corresponding internal
528 revenue code of the United States, as amended from time to time, and
529 the regulations thereunder, or to any similar requirements that refer to
530 said Section 401(a)(9) or such regulations.

531 (b) An exercise of the decanting power is subject to the following
532 limitations:

533 (1) If a first trust contains property that qualified, or would have
534 qualified but for the provisions of sections 1 to 30, inclusive, of this act
535 other than this section, for a marital deduction for purposes of the gift

536 or estate tax under the Internal Revenue Code of 1986, or any
537 subsequent corresponding internal revenue code of the United States,
538 as amended from time to time, and the regulations thereunder or a state
539 gift, estate or inheritance tax, the second-trust instrument shall not
540 include or omit any term that, if included in or omitted from the trust
541 instrument for the trust to which the property was transferred, would
542 have prevented the transfer from qualifying for the deduction, or would
543 have reduced the amount of the deduction, under the same provisions
544 of said internal revenue code or state law under which the transfer
545 qualified.

546 (2) If the first trust contains property that qualified, or would have
547 qualified but for the provisions of sections 1 to 30, inclusive, of this act
548 other than this section, for a charitable deduction for purposes of the
549 income, gift or estate tax under the Internal Revenue Code of 1986, or
550 any subsequent corresponding internal revenue code of the United
551 States, as amended from time to time, and the regulations thereunder or
552 a state income, gift, estate or inheritance tax, the second-trust instrument
553 shall not include or omit any term that, if included in or omitted from
554 the trust instrument for the trust to which the property was transferred,
555 would have prevented the transfer from qualifying for the deduction, or
556 would have reduced the amount of the deduction, under the same
557 provisions of said internal revenue code or state law under which the
558 transfer qualified.

559 (3) If the first trust contains property that qualified, or would have
560 qualified but for the provisions of sections 1 to 30, inclusive, of this act
561 other than this section, for the exclusion from the gift tax described in
562 Section 2503(b) of the Internal Revenue Code of 1986, or any subsequent
563 corresponding internal revenue code of the United States, as amended
564 from time to time, and the regulations thereunder, the second-trust
565 instrument shall not include or omit a term that, if included in or
566 omitted from the trust instrument for the trust to which the property
567 was transferred, would have prevented the transfer from qualifying
568 under Section 2503(b) of the Internal Revenue Code of 1986, or any

569 subsequent corresponding internal revenue code of the United States,
570 as amended from time to time, and the regulations thereunder. If the
571 first trust contains property that qualified, or would have qualified but
572 for the provisions of sections 1 to 30, inclusive, of this act other than this
573 section, for the exclusion from the gift tax described in Section 2503(b)
574 of the Internal Revenue Code of 1986, or any subsequent corresponding
575 internal revenue code of the United States, as amended from time to
576 time, and the regulations thereunder by application of Section 2503(c) of
577 the Internal Revenue Code of 1986, or any subsequent corresponding
578 internal revenue code of the United States, as amended from time to
579 time, and the regulations thereunder, the second-trust instrument shall
580 not include or omit a term that, if included or omitted from the trust
581 instrument for the trust to which the property was transferred, would
582 have prevented the transfer from qualifying under said Section 2503(c).

583 (4) If the property of the first trust includes shares of stock in an S
584 corporation, as defined in Section 1361 of the Internal Revenue Code of
585 1986, or any subsequent corresponding internal revenue code of the
586 United States, as amended from time to time, and the regulations
587 thereunder and the first trust is, or but for the provisions of sections 1 to
588 30, inclusive, of this act other than this section would be, a permitted
589 shareholder under any provision of said Section 1361, an authorized
590 fiduciary may exercise the power with respect to part or all of the S
591 corporation stock only if any second trust receiving the stock is a
592 permitted shareholder under Section 1361(c)(2) of the Internal Revenue
593 Code of 1986, or any subsequent corresponding internal revenue code
594 of the United States, as amended from time to time, and the regulations
595 thereunder. If the property of the first trust includes shares of stock in
596 an S corporation and the first trust is, or but for the provisions of sections
597 1 to 30, inclusive, of this act other than this section would be, a qualified
598 subchapter-S trust within the meaning of Section 1361(d) of the Internal
599 Revenue Code of 1986, or any subsequent corresponding internal
600 revenue code of the United States, as amended from time to time, and
601 the regulations thereunder, the second-trust instrument shall not
602 include or omit a term that prevents the second trust from qualifying as

603 a qualified subchapter-S trust.

604 (5) If the first trust contains property that qualified, or would have
605 qualified but for the provisions of sections 1 to 30, inclusive, of this act
606 other than this section, for a zero inclusion ratio for purposes of the
607 generation-skipping transfer tax under Section 2642(c) of the Internal
608 Revenue Code of 1986, or any subsequent corresponding internal
609 revenue code of the United States, as amended from time to time, and
610 the regulations thereunder, the second-trust instrument shall not
611 include or omit a term that, if included in or omitted from the first-trust
612 instrument, would have prevented the transfer to the first trust from
613 qualifying for a zero inclusion ratio under said Section 2642(c).

614 (6) If the first trust is directly or indirectly the beneficiary of qualified
615 benefits property, the second-trust instrument may not include or omit
616 any term that, if included in or omitted from the first-trust instrument,
617 would have increased the minimum distributions required with respect
618 to the qualified benefits property under Section 401(a)(9) of the Internal
619 Revenue Code of 1986, or any subsequent corresponding internal
620 revenue code of the United States, as amended from time to time, and
621 the regulations thereunder and any applicable regulations, or any
622 similar requirements that refer to said Section 401(a)(9) or the
623 regulations thereunder. If an attempted exercise of the decanting power
624 violates the provisions of this subdivision, the trustee is deemed to have
625 held the qualified benefits property and any reinvested distributions of
626 the property as a separate share from the date of the exercise of the
627 power and section 22 of this act applies to the separate share.

628 (7) If the first trust qualifies as a grantor trust because of the
629 application of Section 672(f)(2)(A) of the Internal Revenue Code of 1986,
630 or any subsequent corresponding internal revenue code of the United
631 States, as amended from time to time, and the regulations thereunder,
632 the second trust may not include or omit a term that, if included in or
633 omitted from the first-trust instrument, would have prevented the first
634 trust from qualifying under said Section 672(f)(2)(A).

635 (8) As used in this subdivision, "tax benefit" means a federal or state
636 tax deduction, exemption, exclusion or other benefit not otherwise listed
637 in this section, except for a benefit arising from being a grantor trust.
638 Subject to subdivision (9) of this subsection, a second-trust instrument
639 may not include or omit a term that, if included in or omitted from the
640 first-trust instrument, would have prevented qualification for a tax
641 benefit if: (A) The first-trust instrument expressly indicates an intent to
642 qualify for the benefit or the first-trust instrument clearly is designed to
643 enable the first trust to qualify for the benefit; and (B) the transfer of
644 property held by the first trust or the first trust qualified or, but for the
645 provisions of sections 1 to 30, inclusive, of this act other than this section,
646 would have qualified for the tax benefit.

647 (9) Subject to subdivision (4) of this subsection: (A) Except as
648 provided in subdivision (7) of this subsection, the second trust may be a
649 nongrantor trust, even if the first trust is a grantor trust; and (B) except
650 as provided in subdivision (10) of this subsection, the second trust may
651 be a grantor trust, even if the first trust is a nongrantor trust.

652 (10) An authorized fiduciary may not exercise the decanting power if
653 a settlor objects in a signed record delivered to the fiduciary within the
654 notice period and: (A) The first trust and a second trust are both grantor
655 trusts, in whole or in part, the first trust grants the settlor or another
656 person the power to cause the first trust to cease to be a grantor trust,
657 and the second trust does not grant an equivalent power to the settlor
658 or other person; or (B) the first trust is a nongrantor trust and a second
659 trust is a grantor trust, in whole or in part, with respect to the settlor,
660 unless: (i) The settlor has the power at all times to cause the second trust
661 to cease to be a grantor trust; or (ii) the first-trust instrument contains a
662 provision granting the settlor or another person a power that would
663 cause the first trust to cease to be a grantor trust and the second-trust
664 instrument contains the same provision.

665 Sec. 20. (NEW) (*Effective January 1, 2025*) (a) Subject to subsection (b)
666 of this section and section 14 of this act, a second trust may have a

667 duration that is the same as or different from the duration of the first
668 trust.

669 (b) To the extent that property of a second trust is attributable to
670 property of the first trust, the property of the second trust is subject to
671 any rules governing maximum perpetuity, accumulation or suspension
672 of the power of alienation which apply to property of the first trust.

673 Sec. 21. (NEW) (*Effective January 1, 2025*) An authorized fiduciary may
674 exercise the decanting power whether or not under the first trust's
675 discretionary distribution standard the fiduciary would have made, or
676 could have been compelled to make, a discretionary distribution of
677 principal at the time of the exercise.

678 Sec. 22. (NEW) (*Effective January 1, 2025*) (a) If exercise of the
679 decanting power would be effective under sections 1 to 30, inclusive, of
680 this act except that the second-trust instrument in part does not comply
681 with sections 1 to 30, inclusive, of this act, the exercise of the power is
682 effective and the following rules apply with respect to the principal of
683 the second trust attributable to the exercise of the power:

684 (1) A provision in the second-trust instrument that is not permitted
685 under sections 1 to 30, inclusive, of this act is void to the extent necessary
686 to comply with sections 1 to 30, inclusive, of this act.

687 (2) A provision required by sections 1 to 30, inclusive, of this act to be
688 in the second-trust instrument that is not contained in the instrument is
689 deemed to be included in the instrument to the extent necessary to
690 comply with sections 1 to 30, inclusive, of this act.

691 (b) If a trustee or other fiduciary of a second trust determines that
692 subsection (a) of this section applies to a prior exercise of the decanting
693 power, the fiduciary shall take corrective action consistent with the
694 fiduciary's duties.

695 Sec. 23. (NEW) (*Effective January 1, 2025*) (a) As used in this section:

696 (1) "Animal trust" means a trust or an interest in a trust created to
697 provide for the care of one or more animals.

698 (2) "Protector" means a person appointed in an animal trust to enforce
699 the trust on behalf of the animal or, if no such person is appointed in the
700 trust, a person appointed by the court for that purpose.

701 (b) The decanting power may be exercised over an animal trust that
702 has a protector to the extent the trust could be decanted under sections
703 1 to 30, inclusive, of this act, if each animal that benefits from the trust
704 were an individual, if the protector consents in a signed record to the
705 exercise of the power.

706 (c) A protector for an animal has the rights under sections 1 to 30,
707 inclusive, of this act of a qualified beneficiary.

708 (d) Notwithstanding the provisions of sections 1 to 30, inclusive, of
709 this act, if a first trust is an animal trust, in an exercise of the decanting
710 power, the second trust shall provide that trust property may be applied
711 only to its intended purpose for the period the first trust benefitted the
712 animal.

713 Sec. 24. (NEW) (*Effective January 1, 2025*) Any reference in the
714 Connecticut Uniform Trust Code to a trust instrument or terms of the
715 trust includes a second-trust instrument and the terms of the second
716 trust.

717 Sec. 25. (NEW) (*Effective January 1, 2025*) (a) For purposes of the law
718 of this state other than sections 1 to 30, inclusive, of this act and subject
719 to subsection (b) of this section, a settlor of a first trust is deemed to be
720 the settlor of the second trust with respect to the portion of the principal
721 of the first trust subject to the exercise of the decanting power.

722 (b) In determining settlor intent with respect to a second trust, the
723 intent of a settlor of the first trust, a settlor of the second trust and the
724 authorized fiduciary may be considered.

725 Sec. 26. (NEW) (*Effective January 1, 2025*) (a) Except as provided in
726 subsection (c) of this section, if exercise of the decanting power was
727 intended to distribute all the principal of the first trust to one or more
728 second trusts, later-discovered property belonging to the first trust and
729 property paid to or acquired by the first trust after the exercise of the
730 power is part of the trust estate of the second trust or trusts.

731 (b) Except as provided in subsection (c) of this section, if exercise of
732 the decanting power was intended to distribute less than all the
733 principal of the first trust to one or more second trusts, later-discovered
734 property belonging to the first trust or property paid to or acquired by
735 the first trust after exercise of the power remains part of the trust estate
736 of the first trust.

737 (c) An authorized fiduciary may provide in an exercise of the
738 decanting power, or by the terms of a second trust, for disposition of
739 later-discovered property belonging to the first trust or property paid to
740 or acquired by the first trust after exercise of the power.

741 Sec. 27. (NEW) (*Effective January 1, 2025*) A debt, liability or other
742 obligation enforceable against property of a first trust is enforceable to
743 the same extent against the property when held by the second trust after
744 exercise of the decanting power.

745 Sec. 28. (NEW) (*Effective January 1, 2025*) In applying and construing
746 the provisions of the Connecticut Uniform Trust Decanting Act,
747 consideration shall be given to the need to promote uniformity of the
748 law with respect to its subject matter among states that enact it.

749 Sec. 29. (NEW) (*Effective January 1, 2025*) Sections 1 to 30, inclusive, of
750 this act modify, limit and supersede the Electronic Signatures in Global
751 and National Commerce Act, 15 USC 7001 et seq., but do not modify,
752 limit or supersede Section 101(c) of said act, 15 USC 7001(c), or authorize
753 electronic delivery of any of the notices described in Section 103(b) of
754 said act, 15 USC 7003(b).

755 Sec. 30. (NEW) (*Effective January 1, 2025*) Except as otherwise
756 provided in sections 1 to 30, inclusive, of this act, on January 1, 2025, the
757 following rules apply:

758 (1) Sections 1 to 30, inclusive, of this act apply to all trusts created
759 before, on or after January 1, 2025.

760 (2) Sections 1 to 30, inclusive, of this act apply to all judicial
761 proceedings concerning trusts commenced on or after January 1, 2025.

762 (3) Sections 1 to 30, inclusive, of this act apply to judicial proceedings
763 concerning trusts commenced before January 1, 2025, unless the court in
764 which the judicial proceeding is pending finds that application of a
765 particular provision of sections 1 to 30, inclusive, of this act would
766 substantially interfere with the effective conduct of the judicial
767 proceedings or prejudice the rights of the parties. If the court finds
768 substantial interference or prejudice, the particular provision of sections
769 1 to 30, inclusive, of this act do not apply and the superseded law
770 applies.

771 (4) Any rule of construction or presumption provided in sections 1 to
772 30, inclusive, of this act applies to trust instruments executed before
773 January 1, 2025, unless there is a clear indication of a contrary intent in
774 the terms of the trust.

775 (5) An act done before January 1, 2025, is not affected by sections 1 to
776 30, inclusive, of this act.

777 Sec. 31. Section 45a-499i of the general statutes is repealed and the
778 following is substituted in lieu thereof (*Effective January 1, 2025*):

779 (a) Notice to a person under sections 45a-487j to 45a-487t, inclusive,
780 [and] 45a-499a to 45a-500s, inclusive, and sections 1 to 30, inclusive, of
781 this act, or the sending of a document to a person under sections 45a-
782 487j to 45a-487t, inclusive, [and] 45a-499a to 45a-500s, inclusive, and
783 sections 1 to 30, inclusive, of this act, shall be accomplished in a manner
784 reasonably suitable under the circumstances and likely to result in

785 receipt of the notice or document. Permissible methods of notice or for
786 sending a document include first-class mail, personal delivery, delivery
787 to the person's last known place of residence or place of business, or, if
788 the person has consented in advance to receive notices or documents by
789 electronic message, a properly directed electronic message.

790 (b) Notice otherwise required under sections 45a-487j to 45a-487t,
791 inclusive, [and] 45a-499a to 45a-500s, inclusive, and sections 1 to 30,
792 inclusive, of this act, or a document otherwise required to be sent under
793 sections 45a-487j to 45a-487t, inclusive, [and] 45a-499a to 45a-500s,
794 inclusive, and sections 1 to 30, inclusive, of this act, need not be provided
795 to a person whose identity or location is unknown to and not reasonably
796 ascertainable by the trustee.

797 (c) Notice under sections 45a-487j to 45a-487t, inclusive, and 45a-499a
798 to 45a-500s, inclusive, or the sending of a document under sections 45a-
799 487j to 45a-487t, inclusive, and 45a-499a to 45a-500s, inclusive, may be
800 waived by the person to be notified or to be sent the document.

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

803 Sec. 32. Section 45a-499o of the general statutes is repealed and the
804 following is substituted in lieu thereof (*Effective January 1, 2025*):

805 (a) Except as provided in subsection (b) of this section, the Probate
806 Courts have sole original jurisdiction relating to testamentary trusts to:

807 (1) Determine the validity of the will establishing the trust pursuant
808 to subdivision (2) of subsection (a) of section 45a-98;

809 (2) Compel a trustee to account pursuant to subdivision (6) of
810 subsection (a) of section 45a-98;

811 (3) Approve a trustee's account pursuant to sections 45a-175 to 45a-
812 179, inclusive, or proposed final distribution pursuant to section 45a-
813 481;

814 (4) With respect to an action that could be reported in a subsequent
815 account pursuant to sections 45a-175 to 45a-179, inclusive, hear and
816 decide the petition of (A) a trustee to approve a proposed action, ratify
817 a previously taken action or provide instructions to address a specific
818 situation, or (B) a beneficiary to compel or prohibit action by a trustee;

819 (5) Approve the settlement of a disputed claim pursuant to section
820 45a-151;

821 (6) Approve the sale of personal property pursuant to section 45a-
822 163;

823 (7) Approve the sale or mortgage of real property pursuant to section
824 45a-164;

825 (8) Remove or accept the resignation of a trustee pursuant to section
826 45a-499vv or subsection (b) of section 45a-499ww;

827 (9) Appoint a successor trustee in the event of a vacancy or
828 anticipated vacancy pursuant to section 45a-499uu;

829 (10) Order a trustee to furnish a probate bond pursuant to section 45a-
830 499ss;

831 (11) Assume jurisdiction of a trust pursuant to section 45a-477;

832 (12) Order distribution of a decedent's estate or testamentary trust to
833 the beneficiaries of an inoperative trust pursuant to section 45a-482;

834 (13) Authorize a trustee to disclaim an interest pursuant to section
835 45a-579;

836 (14) Authorize a trustee to combine two or more trusts or divide a
837 trust into two or more separate trusts pursuant to section 45a-499ll;
838 [and]

839 (15) Terminate a charitable trust pursuant to section 45a-520; and

840 (16) Hear and decide a petition related to the exercise of a decanting
841 power pursuant to section 9 of this act.

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

844 (1) Determine title or rights of possession and use in and to any real,
845 tangible or intangible property that constitutes or may constitute
846 property of a trust, including the rights and obligations of a beneficiary
847 of the trust pursuant to subdivision (3) of subsection (a) of section 45a-
848 98;

849 (2) Determine the validity and construe the meaning and effect of a
850 trust pursuant to subdivision (4) of subsection (a) of section 45a-98;

851 (3) Apply the doctrine of cy pres or approximation pursuant to
852 subdivision (5) of subsection (a) of section 45a-98;

853 (4) Recover on a probate bond for breach of fiduciary duty pursuant
854 to sections 45a-144 and 45a-145;

855 (5) Reform a trust to qualify for the marital deduction pursuant to
856 section 45a-485;

857 (6) Reform a trust to qualify for the charitable deduction pursuant to
858 section 45a-519;

859 (7) Reform a charitable remainder unitrust pursuant to section 45a-
860 521;

861 (8) Authorize transfer of the principal place of administration of a
862 trust to another jurisdiction pursuant to section 45a-499h;

863 (9) Modify or terminate a noncharitable trust pursuant to sections
864 45a-499ee, 45a-499ff, 45a-499ii, 45a-499jj and 45a-499kk; and

865 (10) Hear and decide a petition for instruction pursuant to subsection
866 (d) of section 45a-500i.

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

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

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

875 (d) The Superior Court has original jurisdiction over all matters
876 relating to inter vivos trusts. The Probate Courts have concurrent
877 original jurisdiction with the Superior Court relating to inter vivos trusts
878 to:

879 (1) Compel a trustee to account pursuant to subdivision (6) of
880 subsection (a) of section 45a-98;

881 (2) Approve a trustee's account pursuant to section 45a-175;

882 (3) With respect to an action that could be reported in a subsequent
883 account pursuant to section 45a-175, hear and decide the petition of a
884 trustee to approve a proposed action, ratify a previously taken action or
885 provide instruction to address a specific situation or the petition of a
886 beneficiary to compel or prohibit an action by a trustee;

887 (4) Remove a trustee pursuant to subsection (b) of section 45a-499ww;

888 (5) Appoint a successor trustee in the event of a vacancy or
889 anticipated vacancy pursuant to section 45a-487m or 45a-499uu and
890 subsection (g) of section 45a-487p;

891 (6) Recover on a probate bond for breach of fiduciary duty pursuant
892 to sections 45a-144 and 45a-145;

893 (7) Authorize a trustee to disclaim an interest pursuant to section 45a-
894 579;

895 (8) Authorize a trustee to combine two or more trusts or divide a trust
896 into two or more separate trusts pursuant to section 45a-499ll;

897 (9) Terminate a charitable trust pursuant to section 45a-520;

898 (10) Determine title or rights of possession and use in and to any real,
899 tangible or intangible property that constitutes or may constitute
900 property of a trust, including the rights and obligations of any
901 beneficiary of the trust pursuant to subdivision (3) of subsection (a) of
902 section 45a-98;

903 (11) Determine the validity and construe the meaning and effect of a
904 trust pursuant to subdivision (4) of subsection (a) of section 45a-98;

905 (12) Apply the doctrine of cy pres or approximation pursuant to
906 subdivision (5) of subsection (a) of section 45a-98;

907 (13) Reform a trust to achieve the settlor's tax objectives pursuant to
908 section 45a-499kk;

909 (14) Authorize transfer of the principal place of administration of a
910 trust to another jurisdiction pursuant to section 45a-499h;

911 (15) Modify or terminate a noncharitable trust pursuant to sections
912 45a-499ee, 45a-499ff, 45a-499ii, 45a-499jj and 45a-499kk; [and]

913 (16) Hear and decide a petition for instruction pursuant to subsection
914 (d) of section 45a-500i; and

915 (17) Hear and decide a petition related to the exercise of a decanting
916 power pursuant to section 9 of this act.

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

921 Sec. 33. Section 45a-106a of the 2024 supplement to the general

922 statutes, as amended by section 4 of public act 23-161, is repealed and
923 the following is substituted in lieu thereof (*Effective January 1, 2025*):

924 (a) The fees set forth in this section apply to each filing made in a
925 Probate Court in any matter other than a decedent's estate.

926 (b) The fee to file each of the following motions, petitions or
927 applications in a Probate Court is two hundred fifty dollars:

928 (1) With respect to a minor child: (A) Appoint a temporary guardian,
929 temporary custodian, guardian, coguardian, permanent guardian or
930 statutory parent, (B) remove a guardian, including the appointment of
931 another guardian, (C) reinstate a parent as guardian, (D) terminate
932 parental rights, including the appointment of a guardian or statutory
933 parent, (E) grant visitation, (F) make findings regarding special
934 immigrant juvenile status, (G) approve placement of a child for
935 adoption outside this state, (H) approve an adoption, (I) validate a
936 foreign adoption, (J) review, modify or enforce a cooperative
937 postadoption agreement, (K) review an order concerning contact
938 between an adopted child and his or her siblings, (L) resolve a dispute
939 concerning a standby guardian, (M) approve a plan for voluntary
940 services provided by the Department of Children and Families, (N)
941 determine whether the termination of voluntary services provided by
942 the Department of Children and Families is in accordance with
943 applicable regulations, (O) conduct an in-court review to modify an
944 order, (P) grant emancipation, (Q) grant approval to marry, (R) transfer
945 funds to a custodian under sections 45a-557 to 45a-560b, inclusive, (S)
946 appoint a successor custodian under section 45a-559c, (T) resolve a
947 dispute concerning custodianship under sections 45a-557 to 45a-560b,
948 inclusive, and (U) grant authority to purchase real estate;

949 (2) Determine parentage;

950 (3) Validate a genetic surrogacy agreement;

951 (4) Determine the age and date of birth of an adopted person born

952 outside the United States;

953 (5) With respect to adoption records: (A) Appoint a guardian ad litem
954 for a biological relative who cannot be located or appears to be
955 incompetent, (B) appeal the refusal of an agency to release information,
956 (C) release medical information when required for treatment, and (D)
957 grant access to an original birth certificate;

958 (6) Approve an adult adoption;

959 (7) With respect to a conservatorship: (A) Appoint a temporary
960 conservator, conservator or special limited conservator, (B) change
961 residence, terminate a tenancy or lease, sell or dispose household
962 furnishings, or place in a long-term care facility, (C) determine
963 competency to vote, (D) approve a support allowance for a spouse, (E)
964 grant authority to elect the spousal share, (F) grant authority to purchase
965 real estate, (G) give instructions regarding administration of a joint asset
966 or liability, (H) distribute gifts, (I) grant authority to consent to
967 involuntary medication, (J) determine whether informed consent has
968 been given for voluntary admission to a hospital for psychiatric
969 disabilities, (K) determine life-sustaining medical treatment, (L) transfer
970 to or from another state, (M) modify the conservatorship in connection
971 with a periodic review, (N) excuse accounts under rules of procedure
972 approved by the Supreme Court under section 45a-78, (O) terminate the
973 conservatorship, and (P) grant a writ of habeas corpus;

974 (8) With respect to a power of attorney: (A) Compel an account by an
975 agent, (B) review the conduct of an agent, (C) construe the power of
976 attorney, and (D) mandate acceptance of the power of attorney;

977 (9) Resolve a dispute concerning advance directives or life-sustaining
978 medical treatment when the individual does not have a conservator or
979 guardian;

980 (10) With respect to an elderly person, as defined in section 17b-450,
981 or an eligible adult, as defined in section 36b-14: (A) Enjoin an

982 individual from interfering with the provision of protective services to
983 such elderly person, (B) authorize the Commissioner of Social Services
984 to enter the premises of such elderly person to determine whether such
985 elderly person needs protective services, and (C) release a financial hold
986 or a hold by a broker-dealer or investment advisor pursuant to section
987 45a-664;

988 (11) With respect to an adult with intellectual disability: (A) Appoint
989 a temporary limited guardian, guardian or standby guardian, (B) grant
990 visitation, (C) determine competency to vote, (D) modify the
991 guardianship in connection with a periodic review, (E) determine life-
992 sustaining medical treatment, (F) approve an involuntary placement,
993 (G) review an involuntary placement, (H) authorize a guardian to
994 manage the finances of such adult, and (I) grant a writ of habeas corpus;

995 (12) With respect to psychiatric disability: (A) Commit an individual
996 for treatment, (B) issue a warrant for examination of an individual at a
997 general hospital, (C) determine whether there is probable cause to
998 continue an involuntary confinement, (D) review an involuntary
999 confinement for possible release, (E) authorize shock therapy, (F)
1000 authorize medication for treatment of psychiatric disability, (G) review
1001 the status of an individual under the age of sixteen as a voluntary
1002 patient, and (H) recommit an individual under the age of sixteen for
1003 further treatment;

1004 (13) With respect to drug or alcohol dependency: (A) Commit an
1005 individual for treatment, (B) recommit an individual for further
1006 treatment, and (C) terminate an involuntary confinement;

1007 (14) With respect to tuberculosis: (A) Commit an individual for
1008 treatment, (B) issue a warrant to enforce an examination order, and (C)
1009 terminate an involuntary confinement;

1010 (15) Compel an account by the trustee of an inter vivos trust,
1011 custodian under sections 45a-557 to 45a-560b, inclusive, or treasurer of
1012 an ecclesiastical society or cemetery association;

1013 (16) With respect to a testamentary or inter vivos trust: (A) Construe,
1014 validate, divide, combine, reform, modify or terminate the trust, (B)
1015 enforce the provisions of a pet trust, (C) excuse a final account under
1016 rules of procedure approved by the Supreme Court under section 45a-
1017 78, and (D) assume jurisdiction of an out-of-state trust;

1018 (17) Authorize a fiduciary to establish a trust;

1019 (18) Appoint a trustee for a missing person;

1020 (19) Issue an order to amend the birth certificate of an individual born
1021 in another state to reflect a gender change;

1022 (20) Require the Department of Public Health to issue a delayed birth
1023 certificate;

1024 (21) Compel the board of a cemetery association to disclose the
1025 minutes of the annual meeting;

1026 (22) Issue an order to protect a grave marker;

1027 (23) Restore rights to purchase, possess and transport firearms;

1028 (24) Issue an order permitting sterilization of an individual;

1029 (25) Approve the transfer of structured settlement payment rights;
1030 [and]

1031 (26) With respect to any case in a Probate Court other than a
1032 decedent's estate: (A) Compel or approve an action by the fiduciary, (B)
1033 give instruction to the fiduciary, (C) authorize a fiduciary to
1034 compromise a claim, (D) list, sell or mortgage real property, (E)
1035 determine title to property, (F) resolve a dispute between cofiduciaries
1036 or among fiduciaries, (G) remove a fiduciary, (H) appoint a successor
1037 fiduciary or fill a vacancy in the office of fiduciary, (I) approve fiduciary
1038 or attorney's fees, (J) apply the doctrine of cy pres or approximation, (K)
1039 reconsider, modify or revoke an order, and (L) decide an action on a
1040 probate bond: and

1041 (27) Permit an attorney who has not been admitted as an attorney
1042 under the provisions of section 51-80 to appear pro hac vice in a matter
1043 in the Probate Court.

1044 (c) The fee to file a petition for custody of the remains of a deceased
1045 person in a Probate Court is one hundred fifty dollars, except that the
1046 court shall waive the fee if the state is obligated to pay funeral and burial
1047 expenses under section 17b-84 or 17b-131.

1048 (d) The fee for a fiduciary to request the release of funds from a
1049 restricted account in a Probate Court is one hundred fifty dollars, except
1050 that the court shall waive the fee if the court approves the request
1051 without notice and hearing in accordance with the rules of procedure
1052 adopted by the Supreme Court under section 45a-78.

1053 (e) The fee to register a conservator of the person or conservator of
1054 the estate order from another state under section 45a-667r or 45a-667s,
1055 or to register both types of orders for the same person at the same time,
1056 is one hundred fifty dollars.

1057 (f) The fee for mediation conducted by a member of the panel
1058 established by the Probate Court Administrator is three hundred fifty
1059 dollars per day or part thereof.

1060 (g) The fee to request a continuance in a Probate Court is fifty dollars,
1061 plus the actual expenses of rescheduling the hearing that are payable
1062 under section 45a-109, except that the court, for cause shown, may waive
1063 either the fifty-dollar fee or the actual expenses of rescheduling the
1064 hearing, or both. The fee shall be payable by the party who requests the
1065 continuance of a scheduled hearing or whose failure to appear
1066 necessitates the continuance.

1067 (h) The fee to file a [motion to permit an attorney who has not been
1068 admitted as an attorney under the provisions of section 51-80 to appear
1069 pro hac vice in a matter in the Probate Court is two hundred fifty
1070 dollars] petition to exercise the decanting power under section 9 of this

1071 act is three hundred dollars.

1072 (i) The fee to file an affidavit concerning the possessions and personal
 1073 effects of a deceased occupant under section 47a-11d is one hundred
 1074 fifty dollars.

1075 (j) The fee for the issuance of a foreign subpoena pursuant to section
 1076 52-657 is one hundred dollars.

1077 (k) Except as provided in subsection (d) of section 45a-111, fees
 1078 imposed under this section shall be paid at the time of filing.

1079 (l) If a statute or rule of procedure approved by the Supreme Court
 1080 under section 45a-78 specifies filings that may be combined into a single
 1081 motion, petition or application, the fee under this section for the
 1082 combined filing is the amount equal to the largest of the individual filing
 1083 fees applicable to the underlying motions, petitions or applications.

1084 (m) No fee shall be charged under this section if exempted or waived
 1085 under section 45a-111 or any other provision of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2025</i>	New section
Sec. 2	<i>January 1, 2025</i>	New section
Sec. 3	<i>January 1, 2025</i>	New section
Sec. 4	<i>January 1, 2025</i>	New section
Sec. 5	<i>January 1, 2025</i>	New section
Sec. 6	<i>January 1, 2025</i>	New section
Sec. 7	<i>January 1, 2025</i>	New section
Sec. 8	<i>January 1, 2025</i>	New section
Sec. 9	<i>January 1, 2025</i>	New section
Sec. 10	<i>January 1, 2025</i>	New section
Sec. 11	<i>January 1, 2025</i>	New section
Sec. 12	<i>January 1, 2025</i>	New section
Sec. 13	<i>January 1, 2025</i>	New section
Sec. 14	<i>January 1, 2025</i>	New section
Sec. 15	<i>January 1, 2025</i>	New section

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Sec. 16	<i>January 1, 2025</i>	New section
Sec. 17	<i>January 1, 2025</i>	New section
Sec. 18	<i>January 1, 2025</i>	New section
Sec. 19	<i>January 1, 2025</i>	New section
Sec. 20	<i>January 1, 2025</i>	New section
Sec. 21	<i>January 1, 2025</i>	New section
Sec. 22	<i>January 1, 2025</i>	New section
Sec. 23	<i>January 1, 2025</i>	New section
Sec. 24	<i>January 1, 2025</i>	New section
Sec. 25	<i>January 1, 2025</i>	New section
Sec. 26	<i>January 1, 2025</i>	New section
Sec. 27	<i>January 1, 2025</i>	New section
Sec. 28	<i>January 1, 2025</i>	New section
Sec. 29	<i>January 1, 2025</i>	New section
Sec. 30	<i>January 1, 2025</i>	New section
Sec. 31	<i>January 1, 2025</i>	45a-499i
Sec. 32	<i>January 1, 2025</i>	45a-499o
Sec. 33	<i>January 1, 2025</i>	45a-106a