

# Choosing the Correct Jurisdiction: *An Objective Comparison*

	South Dakota	Nevada	Wyoming	Alaska	Delaware
<b>Dynasty Trusts</b>	<b>Yes</b> <i>Ranked as #1 <sup>[1]</sup></i>	<b>Yes</b> <i>Ranked as #2 <sup>[1]</sup></i> <i>State constitution prohibits modification to RAP <sup>[2]</sup></i>	<b>Yes</b> <i>Ranked as #5 <sup>[1]</sup></i> <i>State constitution prohibits modification to RAP <sup>[2]</sup></i>	<b>Yes</b> <i>Ranked as #4 <sup>[1]</sup></i>	<b>Yes</b> <i>Ranked as #8 <sup>[1]</sup></i>
<b>State Income Taxation</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b> <i>Future uncertain</i>	<b>No</b> <i>Only for non-residents</i>
<b>Community Property Trusts</b>	<b>Yes <sup>[3]</sup></b>	<b>Yes</b> <i>Only for residents</i>	<b>No</b>	<b>Yes</b> <i>Future uncertain</i>	<b>No</b>
<b>Domestic Asset Protection Statute</b>	<b>Yes <sup>[4]</sup></b> <i>2 year statute of limitations</i> <i>Exception for child support</i>	<b>Yes <sup>[4]</sup></b> <i>2 year statute of limitations</i> <i>No exceptions for child and spousal support</i>	<b>Yes <sup>[4]</sup></b> <i>4 year statute of limitations</i> <i>Exception for child support</i>	<b>Yes <sup>[4]</sup></b> <i>4 year statute of limitations</i> <i>Exception for divorcing spouse</i>	<b>Yes <sup>[4]</sup></b> <i>4 year statute of limitations</i> <i>Exceptions for child and spousal support</i> <i>Future as top tier trust jurisdiction uncertain <sup>[6]</sup></i>
<b>Trust Protector</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
<b>Directed Trusts</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
<b>Decanting Statute</b>	<b>Yes</b> <i>Ranked as #1 <sup>[5]</sup></i>	<b>Yes</b> <i>Ranked as #2 <sup>[5]</sup></i>	<b>Yes</b> <i>Ranked as #13 <sup>[5]</sup></i>	<b>Yes</b> <i>Ranked as #8 <sup>[5]</sup></i>	<b>Yes</b> <i>Ranked as #4 <sup>[5]</sup></i>
<b>Trust Privacy Provision</b>	<b>Yes - Total Privacy Seal Forever</b> <i>Automatically attaches</i> <i>“Of the top tier trust jurisdictions, South Dakota has the best trust privacy laws.” <sup>[2]</sup></i>	<b>No Total Privacy Seal <sup>[2]</sup></b> <i>Subject to judge discretion</i>	<b>No Total Privacy Seal <sup>[2]</sup></b> <i>Subject to judge discretion</i>	<b>No Total Privacy Seal <sup>[2]</sup></b> <i>Subject to judge discretion</i>	<b>Yes - Three Year Privacy Seal <sup>[2]</sup></b> <i>Subject to judge discretion</i>
<b>Special Purpose Entity</b>	<b>Yes <sup>[2]</sup></b> <i>Codified by statute</i>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
<b>Family Advisor</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

\* Denotes superior distinction among jurisdictions.



<sup>[1]</sup> Attorney Steve Oshins' "7<sup>th</sup> Annual Dynasty Trust State Rankings Chart"

<sup>[2]</sup> Merric, Mark & Worthington, Daniel G. "Which Situs is Best in 2018?" *Trusts & Estates* January 2018

<sup>[3]</sup> South Dakota Special Spousal Trusts, House Bill 1039 (2016) (Sections 29-42)

<sup>[4]</sup> Attorney Steve Oshins' "10<sup>th</sup> Annual Domestic Asset Protection Trust State Rankings Chart"

<sup>[5]</sup> Attorney Steve Oshins' "6<sup>th</sup> Annual Trust Decanting State Rankings Chart"

<sup>[6]</sup> Merric, Mark, Worthington, Daniel G., MacArthur, Paul & Sullivan, John E. "Best Situs for DAPTs in 2019" *Trusts & Estates* December 2018