

# Privacy Trust Laws

Privacy is of paramount concern to wealthy families and is one of the primary reasons why billions of dollars have been and are being moved into South Dakota for trust administration from across the United States and around the world. South Dakota is considered to have the best trust privacy and quiet trust statutes in the United States.

*“Of the top-tier jurisdictions,  
South Dakota has the best trust privacy laws.”*

- Trusts & Estates Magazine, December 2021

## **Quiet Trust**

Unlike most states, South Dakota law does not require that a trustee inform a beneficiary of his or her beneficiary interest in a trust at the age of 18. Therefore, South Dakota is universally considered to have the most comprehensive and flexible quiet trust statute in the nation granting the settlor, trust protector, and the investment/distribution advisor the power to expand, restrict, eliminate, or modify the rights of the beneficiaries to discover information about a trust.

## **Total Court Seal Forever**

South Dakota's privacy statute provides for a total seal forbidding the release of trust information, including names of settlors, beneficiaries, and the contents of a trust, to the public during litigation. The privacy seal occurs by operation of South Dakota law, does not require a court order, and is in place forever. No other state in the nation seals information forever without the need for judicial intervention. Therefore, South Dakota's privacy provisions are generally regarded by practitioners, advisors, and academics as being among the best in the world.