A Few Facts about

THE UNIFORM TRUST DECANTING ACT

PURPOSE: “Decanting” is the term used to describe the distribution of assets from one trust into a second trust, like wine is decanted from the bottle to another vessel. Decanting can be a useful strategy for changing the outdated terms of an otherwise irrevocable trust, but can also be abused to defeat the settlor’s intent. The Uniform Trust Decanting Act allows a trustee to reform an irrevocable trust document within reasonable limits and subject to fiduciary duties that prevent potential abuses.

ORIGIN: Completed by the Uniform Law Commission in 2015.

APPROVED BY: American Bar Association

ENACTED BY:

For further information about the Uniform Trust Decanting Act, please contact ULC Chief Counsel Benjamin Orzeske at (312) 450-6621 or borzeske@uniformlaws.org.

The ULC is a nonprofit formed in 1892 to create nonpartisan state legislation. Over 350 volunteer commissioners—lawyers, judges, law professors, legislative staff, and others—work together to draft laws ranging from the Uniform Commercial Code to acts on property, trusts and estates, family law, criminal law and other areas where uniformity of state law is desirable.