

INSIGHTS + NEWS

Dale Kaiser Presented “Pre-Nuptial and Decanting as Tools to Protect Inheritance Expectations” at the Social Law Library

Trusts are vulnerable to division in divorce, even with spendthrift clauses. Indeed, marital exclusion language, ascertainable standards and other clauses are insufficient to protect trusts against inclusion in the marital estate for the purpose of equitable division of property. Trusts can only be adequately protected from division in divorce through the use of Prenuptial Agreements.

Attendees at this program learned how decanting can protect an otherwise vulnerable trust in the context of prenuptial planning by strengthening and changing terms that create vulnerabilities and exposures due to the recent evolutions in case law relating to the divisibility of trusts in divorce. Dale Kaiser and a panel discussed the details at the Social Law Library’s webinar “Pre-Nuptial and Decanting as Tools to Protect Inheritance Expectations” — an event in the library’s Family Law, Fiduciary Litigation & Trusts & Estates Series.