

**JOINT COMMITTEE ON THE JUDICIARY
BILL SUMMARY**

BILL NO: H1856

TITLE: An Act relative to the Massachusetts Uniform Trust Decanting Act

SPONSOR: Rep. Jay Livingstone

HEARING DATE: April 22, 2025

PRIOR HISTORY: H1648 (2023 – 2024)

SENATE BILL: S1112 (Finegold)

CURRENT LAW: Chapter 203E of the General Laws is the Massachusetts Uniform Trust Code. Article 1 contains the general provisions and definitions for this code. Section 103 sets out the definitions relevant to the article. Section 110 outlines when other persons or organizations may be treated as qualified beneficiaries of a trust.

BILL SUMMARY:

Section 1- Updates section 103 of Article 1 of Chapter 203E to expand the definition of “qualified beneficiary” and “terms of a trust” to incorporate situations where a beneficial interest or trust must be terminated or amended outside of its written terms.

Section 2 - Updates section 110 of Article 1 of Chapter 203E to expand when a charitable organization may be treated as the qualified beneficiary of a trust to incorporate situations where a beneficial interest or trust must be terminated or amended outside of its written terms.

Section 3 – Inserts a new Article 9 into Chapter 203E titled the Massachusetts Uniform Trust Decanting Act (“UTDA”). This Act provides a clear set of rules of when and how a trust can be decanted (when a trustee distributes a trust’s assets to another trust) including both when the settlor has given the trustee limited and broad discretion over the distribution of trust assets. Decanting is specifically prohibited when expressly barred in the trust instrument and when solely for the purpose of adjusting trustee compensation without the unanimous consent of beneficiaries or court approval. Specific fiduciary duties are imposed on trustees when exercising the power to decant.

Section 4 – the Act’s effective date is January 1, 2026.