

Legislative History for Connecticut Act

SB 205	PA 95	1988
House	2248-2253	(6)
Senate	841-843, 847-848, 1429-1430, 1437-1438	(9)
Judiciary	631-633, 706-709	(7)
		Total 22P

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate  
and House of Representatives Proceedings

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CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1988

VOL. 31  
PART 7  
2116-2537

abs

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House of Representatives

Thursday, April 7, 1988

CLERK:

Today's Calendar, Mr. Speaker.

SPEAKER STOLBERG:

Clerk, please return to the Call of the Calendar.

CLERK:

Please turn to Page 2, Calendar 224, Substitute for Senate Bill 205, AN ACT PERMITTING TERMINATION OF SMALL TRUSTS. (As amended by Senate Amendment Schedule "A") Favorable Report of the Committee on JUDICIARY.

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER STOLBERG:

Representative Tulisano, would you like to start the bill off and we will see where it goes from there.

REP. TULISANO: (29th)

Sure. Mr. Speaker, I move for acceptance of the Joint Committee's Favorable Report and passage of the bill.

SPEAKER STOLBERG:

Will you remark?

REP. TULISANO: (29th)

Mr. Speaker, the termination...this bill deals with the termination of small trusts and enables individuals when the cost of administering a trust is so great and because there is not much in it, it allows one to

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terminate in order to save money. Mr. Speaker, the Clerk has an amendment, LCO 3065.

SPEAKER STOLBERG:

The Clerk has an amendment, Senate Amendment Schedule "A", LCO 3065. Will the Clerk please call and read. Will the Clerk please wait just a moment. Considering the Chamber is only 25% full, from the noise level, I presume that each and every member in the Chamber is in the midst of a conversation at this point. Will the House come to order. Will the peripheral conversations please draw to an immediate close. Clerk please call and read Schedule "A".

CLERK:

LCO 3065 designated Senate Schedule "A" offered by Senator Larson et al.

In line 2 after trust insert the following: For Section 45-79E with respect to charitable trusts.

SPEAKER STOLBERG:

Representative Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, the language of this is designed to make sure that language conforms to the same thing that we do this for public trusts only, not private trusts. This is to make the language consistent with another statute we have. I move adoption of the amendment.

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SPEAKER STOLBERG:

Will you remark further? Will you remark further?  
If not, all those in favor of the amendment, please  
indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER STOLBERG:

All those to the contrary, Nay. The amendment is  
adopted, ruled technical. Will you remark further on  
the bill.

REP. TULISANO: (29th)

Mr. Speaker, the Clerk is in possession of  
amendment LCO 3093.

SPEAKER STOLBERG:

I think that amendment is...okay, Representative  
Belden has one, and Representative Jaekle...now if we  
can just have one up at the Chair. And one to  
Representative Tulisano, we would be all set. I  
commend the Minority on its effective amendment  
distribution scheme.

The Clerk has an amendment LCO 3093 designated  
House Amendment Schedule "A". Will the Clerk please  
call.

CLERK:

LCO 3093 designated House Schedule "A", offered by

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Representatives Frankel, Tulisano and Jaekle.

REP. TULISANO: (29th)

Mr. Speaker, permission to summarize. Mr. Speaker, this amendment...permission to summarize, Mr. Speaker.

SPEAKER STOLBERG:

Is there objection to summarization? Seeing none, Representative Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, this amendment makes it clear that the bill does what I initially says it does. It will allow you to terminate them when it is uneconomic and the income...the probable income, etc. would have to be taken into consideration when determining whether or not to terminate the small trust and also that it would not apply to spendthrift trusts. I move adoption of the amendment.

SPEAKER STOLBERG:

Will you remark further on House "A"? Will you remark further? If not, all those in favor of the amendment please indicate by saying Aye.

REPRESENTATIVES:

Aye.

SPEAKER STOLBERG:

All those to the contrary, Nay. The amendment is adopted, ruled technical.

abs

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House Amendment Schedule "A".

In line 11, delete "The termination of"

Delete line 12 in its entirety

In line 13, delete "beneficiaries;" and insert the following in lieu thereof: "The continuation of the trust is (A) uneconomic when the costs of operating the trust, probably income and other relevant factors are considered or (B) not in the best interest of the beneficiaries;"

In line 26, after "settlor" insert the following: "or where the interest of the beneficiaries cannot be ascertained"

In line 26, delete everything after the period  
Delete lines 27 to 29, inclusive, in their entirety  
and insert the following in lieu thereof: "The provisions of this section shall not apply to spendthrift trusts."

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SPEAKER STOLBERG:

Will you remark further on the bill? If not will members please be seated. Staff and guests to the Well of the House. Will you remark further? If not, the machine will be open.

CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House of Representatives is voting by roll call. Members to the Chamber please.

SPEAKER STOLBERG:

Have all the members voted? Have all the members voted and is your vote properly recorded? If all the members have voted, the machine will be locked and the

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Clerk will take a tally. Will the Clerk please announce the tally.

CLERK:

Senate Bill 205 as amended by Senate "A" and House "A".

Total Number Voting	145
Necessary for Passage	73
Those voting Yea	145
Those voting Nay	0
Those absent and not Voting	6

SPEAKER STOLBERG:

The bill is passed.

CLERK:

Calendar 283, Page 5 please. Substitute for Senate Bill 355, AN ACT CONCERNING THE INSTALLATION OF FIRE SPRINKLERS IN CERTAIN HOTELS AND MOTELS. Favorable Report of the Committee on PUBLIC SAFETY.

SPEAKER STOLBERG:

The distinguished Chairman of the Public Safety Committee, Representative Lawrence Anastasia.

REP. ANASTASIA: (138th)

Thank you, Mr. Speaker.

SPEAKER STOLBERG:

Representative Anastasia, wait just a moment, I'm sure all of the members are in the process of being

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GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
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704-1064

WEDNESDAY  
MARCH 23, 1988

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66  
aak

favor of the resolution signify by saying Aye.

SENATORS:

Aye.

THE CHAIR:

Opposed? Unanimous. Thank you very much ladies.  
Thank you Senator. (Applause) Senator Larson.

SENATOR LARSON:

Yes, Mr. President. I rise on a point of personal privilege at a time that indeed is most appropriate. We have visiting with us today a young woman who previously worked up here for us at the Capitol, who just recently received her wings from the Air Force, 2nd Lieutenant, Laura Lee Parmallo and we are glad she is here and would the Senate please rise and give her our traditional welcome. (Applause)

THE CHAIR:

Call the next item please.

THE CLERK:

Calendar Page 3, Calendar No. 139, File 142, Substitute for Senate Bill 205, AN ACT PERMITTING TERMINATION OF SMALL TRUSTS. Favorable Report of the Committee on JUDICIARY. There is an amendment.

THE CHAIR:

Senator Avallone.

SENATOR AVALLONE:

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aak

Yes Mr. President, I move the Joint Committee's Favorable Report and adoption of the bill.

THE CHAIR:

Call the amendment please.

THE CLERK:

LCO 3065 designated Senate Amendment Schedule "A" offered by Senator Avallone of the 11th District. In Line 2 after "trust" insert the following: "or section 45-79b with respect to charitable trusts"

THE CHAIR:

Any objections to the amendment? The amendment speaks for itself. Without objection...Excuse me. All those in favor of the amendment please signify by saying Aye.

SENATORS:

Aye.

THE CHAIR:

Opposed? The amendment is adopted. Further amendments?

THE CLERK:

No further amendments Mr. President.

THE CHAIR:

On the bill as amended. Senator Avallone.

SENATOR AVALLONE:

On the bill as amended, Mr. President, very similar

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to the bill we just finished, it deals with small trusts under \$20,000. Termination is in the best interest of the beneficiary. Termination must be equitable and practical and a current asset value of the trust cannot exceed \$20,000. If there is no objection, I would move it to Consent.

THE CHAIR:

Without objection the item is placed on the Consent Calendar.

THE CLERK:

Calendar No. 140, File 143, Senate Bill 269, AN ACT CONCERNING CERTAIN FEES FOR CERTIFICATES OF VITAL STATISTICS. Favorable Report of the Committee on PLANNING AND DEVELOPMENT.

THE CHAIR:

Senator Barrows.

SENATOR BARROWS:

I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

THE CHAIR:

Will you remark?

SENATOR BARROWS:

Yes, Mr. President. This bill raises the fees of birth certificates, marriage licenses and death certificates.

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INVESTMENTS OF SAVINGS BANKS AND CORPORATIONS. (As amended by House Amendment Schedule "A"). Favorable Report of the Committee on BANKS.

THE CHAIR:

Who is on Banks? Senator Casey. Passed Temporarily. Please give your attention to the Clerk. Clerk please make an announcement for immediate roll call on items that have been referred to the Consent Calendar.

THE CLERK:

Immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber. Immediate roll call has been ordered in the Senate, on the Consent Calendar. Will all Senators please return to the Chamber.

THE CHAIR:

Please give your attention to the Clerk who will call the items that have been referred to the Consent Calendar.

THE CLERK:

Beginning on Page 3, Calendar 137, Senate Bill 162. Calendar 138, Substitute for Senate Bill No. 92. Calendar No. 139, Substitute for Senate Bill 205. Calendar No. 140, Senate Bill No. 269. Calendar 147, Substitute for Senate Bill 349.

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Calendar Page 4, Calendar No. 143, Substitute for Senate Bill 104. Calendar Page 5, Calendar 152, Substitute for Senate Bill 384. Calendar 154, House Bill 5779. Calendar No. 156, House Bill No. 5092.

Calendar Page 6, Calendar 157, House Bill No. 5259. Calendar No. 158, Substitute for House Bill 5835. Calendar No. 162, Substitute for Senate Bill 312. Calendar 163, Substitute for Senate Bill 70. Calendar 164, Senate Bill 390. That completes the first Consent Calendar.

THE CHAIR:

May we have order please? Are there any changes or omissions on the Consent Calendar? The machine is open, please record your vote. Has everyone voted? The machine is closed. Clerk please tally the vote.

The result of the vote:

36 Yea

0 Nay

The Consent Calendar is adopted.

The Senate will stand at ease. (Applause)

Ladies and gentlemen, I have the high honor and privilege of presenting to you the distinguished United States Senator from Kansas and the Minority Leader of the United States Senate, Robert Dole. (Applause)

SENATOR ROBERT DOLE:

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1065-1473

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aak

Senate Bill 92, AN ACT CONCERNING THE SETTLEMENT OF  
SMALL ESTATES. (As amended by Senate Amendment  
Schedule "A" and House Amendment Schedules "A" and "B")  
Favorable Report of the Committee on JUDICIARY.

THE CHAIR:

Senator Avallone.

SENATOR AVALLONE:

Mr. President, may I have this PT'd for just one  
minute and move it...

THE CHAIR:

Without objection, the item is moved temporarily.  
Call the next item.

THE CLERK:

Calendar 139, File 142 and 394, Substitute for  
Senate Bill 205, AN ACT PERMITTING THE TERMINATION OF  
SMALL TRUSTS. (As amended by Senate Amendment Schedule  
"A" and House Amendment Schedule "A") Favorable Report  
of the Committee on JUDICIARY.

THE CHAIR:

Senator Avallone.

SENATOR AVALLONE:

Yes, Mr. President. I would move the Joint  
Committee's Favorable Report and adoption of the bill  
in accordance with the action of the House.

THE CHAIR:

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Will you remark?

SENATOR AVALLONE:

In particular it makes a change regarding the spendthrift trust. Spendthrift trusts are trusts which are created which control the income flow of the property. This bill...the amendment of the House is if the Spendthrift trust were involved in a small estate it could not be terminated.

THE CHAIR:

Further remarks? Senator Avallone.

SENATOR AVALLONE:

I would move it to Consent.

THE CHAIR:

Without objection, so ordered.

THE CLERK:

Calendar 150, File 167 and 362, Substitute for Senate Bill 348, AN ACT CONCERNING THE APPLICABILITY OF STATUTORY MANDATES TO CERTAIN GROUP HEALTH INSURANCE POLICIES. (As amended by Senate Amendment Schedule "A" and House Amendment Schedule "A") Favorable Report of the Committee on INSURANCE AND REAL ESTATE.

THE CHAIR:

Senator Powers.

SENATOR POWERS:

Thank you, Mr. President. I move acceptance of the

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return to the Chamber. Immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

THE CHAIR:

Please give your attention to the Clerk who will call the items that have been referred to the 2nd Consent Calendar. Mr. Clerk.

THE CLERK:

The 2nd Consent Calendar begins on Calendar Page 5, Calendar No. 273, Substitute for Senate Bill 402. Calendar Page 7, Calendar 287, House Bill 5865. Calendar Page 8, Calendar 293, House Bill 5857. Calendar Page 10, Calendar 4, Substitute for Senate Bill 81, Calendar 138, Substitute for Senate Bill 92. Calendar No.139, Substitute for Senate Bill 205. Calendar 150, Substitute for Senate Bill 348. Calendar Page 11, Calendar 173, Substitute for Senate Bill 332. Calendar 230, Substitute for House Bill 5016. That completes the 2nd Consent Calendar.

THE CHAIR:

Any changes or omissions? The machine is open. Please record your vote. Has everyone voted? The machine is closed. Clerk please tally the vote.

The result of the vote:

36 Yea

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96  
aak

0 Nay

The 2nd Consent Calendar is adopted.

We have Senate Agenda #2.

THE CLERK:

Mr. President, the Clerk is in possession of Senate Agenda #2 for Wednesday, April 13, 1988 copies of which have been distributed and they are on the Senators' desk.

THE CHAIR:

Senator Mustone.

SENATOR MUSTONE:

Mr. President. I move that all items on Senate Agenda #2 dated April 13, 1988 be acted upon as indicated and that the Agenda be incorporated by reference into the Senate Journal and Senate Transcript.

THE CHAIR:

Without objection, so ordered.

SENATE AGENDA #2

SENATE BILLS FAVORABLY REPORTED - to be tabled for the  
calendar and printing

Government Administration and Elections

Subst. SB 546 AN ACT CONCERNING CANDIDACIES FOR

JOINT  
STANDING  
COMMITTEE  
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1988

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abs

JUDICIARY

February 29, 1988

I don't have no objection if the Committee would be larger. That would be an opportunity for more input to get into the Committee. But, as I see the intent of the bill, it is definitely what we are feeling.

(cass 3)

RICHARD FULLER: I would also go along, to second that motion, because what we have now is zero, you know, as far as Norwalk is concerned. As was pointed out, the family involved had enough money involved in that case to get their own private investigation, which brought a lot of doubt into the situation as far as what had actually happened.

It is just, it is unfortunate that it would have to be a person who would have this type of money available, to have an investigation, versus someone who just did not have these tools or opportunities available to them, and we don't want to create, you know, a two part justice system as far as we are concerned, in the State of Connecticut.

ROBERT BURGESS: And, Mr. Chairman, I would just like to announce that representatives from Waterbury, Hartford, and Danbury NAACP was here to testify in behalf of the bill, but they had to leave.

SEN. AVALONE: Okay. Thank you.

ROBERT BURGESS: I thank you very much for your time.

SEN. AVALONE: Thank you, sir. David Hemon? For a short testimony, about 2000 amendments.

DAVID HEMON: I am Dave Hemon. I am Staff Attorney for the Law Revision Commission. I want to testify briefly on Senate Bill 205, which is AN ACT PERMITTING TERMINATION OF SMALL TRUSTS.

This is a proposed bill, the proposed bill is needed because there has been a proliferation of small trusts, trusts which are inadequately funded. These have resulted because of estate planning practices. Where an estate is, where a trust is inadequately funded, the trust assets tend to be wasted in the cost of administration.

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abs

JUDICIARY

February 29, 1988

This bill would allow the Probate Court to terminate those trusts under certain limited conditions, where the trust is under \$20,000. I would note that we currently have a law which allows termination of charitable trusts under \$65,000 in value, which has the same sort of intent, to prevent a waste of that sort of assets.

We did have a proposed clarification which I attached with my testimony, and I believe Judge Kniernum also has a similar suggestion. I think one or the other should be adopted.

SEN. AVALONE: Very good.

REP. NANIA: Why aren't the same reasons which were valid for the termination of charitable trusts, basically economies of scale, valid here? And, why isn't the \$20,000 instead fifty or sixty thousand dollars?

DAVID HEMON: The \$20,000 was chosen because it... Actually, it is almost arbitrary, which figure you pick. We chose it as being in accordance with the small estates' threshold, which is \$20,000.

REP. NANIA: Can I suggest that they don't have a single thing to do with each other?

DAVID HEMON: What they have to do, in both cases, it is a judgement that has been made in the state or assets or of a value, or where the protections are because of the economics of administration, the protections are...

REP. NANIA: Sure, but they are economics for two different kinds of things. The reason you don't probate estates under \$20,000 is basically, generally, the wife is the only one, and you are just trying to get it to her and not cause her a lot of grief and cost.

In terms of a charitable trust or a testamentary trust, the problem is that if it is under \$50,000 or \$60,000, the administration costs on a yearly basis are going to earn up any kind of earnings the trust has. So, to say that \$20,000 is a, you know, a judgement call and figure for the

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abs

JUDICIARY

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administration of a trust.... to me, doesn't make any particular sense.

DAVID HEMON: I don't disagree with you at all. I think it is a... It was a question that we felt we needed to come up with figure, and we were concerned with coming up with one that was too high. Because, there is a case, it is a situation where a trust has been created, you don't want to necessarily, inadvertently contradict the wishes of the settler of the trust.

And, so, we figured at \$20,000 there really could be no question that this was not an economic trust. Once you get to a higher figure, you really, you perhaps, if you get to a higher figure, you should combine it with a required finding that the trust in fact is on economic. Under the current situation, we felt that at \$20,000 there really was no question.

REP. NANIA: So, you have no objection to a bill that either provided a higher threshold or provided the possibility for a finding, that it was on economic, to continue the trust?

DAVID HEMON: I think if it is a higher threshold, it should be a finding.

REP. NANIA: Okay.

REP. TULISANO: Okay. Bart Halloran? Gone. T. Flaherty? Then, Larry Meachum. T. Flaherty is gone? Then, Larry Meachum. Commissioner Larry Meachum. Then it will be C. LaBianca. "C" for Chief, I think, or is it Carl? Mister? Yes, that's it, Mister.

COMM. LARRY MEACHUM: You said be brief?

REP. TULISANO: No, we didn't say anything. You did.

SEN. AVALLONE: That doesn't count?

REP. TULISANO: No, he said, did I? I said, the answer is no. You did.

COMM. LARRY MEACHUM: I am Larry Meachum, the Commissioner of Corrections, here in support of

11B 5395



**State of Connecticut**  
**Probate Administration**

JUDGE GLENN E. KNIERIM  
PROBATE COURT ADMINISTRATOR  
ATTORNEY LINDA A. DOW  
ASSISTANT TO THE ADMINISTRATOR  
ATTORNEY DAVID J. KAZARIAN  
ASSISTANT TO THE ADMINISTRATOR

186 NEWINGTON ROAD  
WEST HARTFORD, CONNECTICUT 06110

(203) 566-7897

TO: JUDICIARY COMMITTEE

FROM: GLENN E. KNIERIM, PROBATE COURT ADMINISTRATOR

RE: SENATE BILL 205, AN ACT PERMITTING TERMINATION OF SMALL TRUSTS

Connecticut has maintained strict standards for the judicial termination of trusts. There is sound reason for maintaining strict standards: any termination of a trust prior to the time chosen by the testator clearly risks ignoring the testator's intent. On the other hand, the law must be flexible, and we must recognize the impact of changing conditions on trust administration. Would the testator still have chosen the trust vehicle with the knowledge that administration expenses assume a major share of the income? Would the testator have still chosen the trust vehicle if he or she learned that family conditions have changed so much that the trust is causing dissension rather than happiness? It is for this reason that I support S.B. 205 which permits courts of probate to terminate trusts with a market value of \$20,000 or less. By passing this legislation, we will join the majority of states which permit flexibility in this area. The concept was adopted successfully several years ago when the legislature passed an act permitting courts of probate to terminate small charitable trusts, and the overall effect of that legislation has been most favorable.

If you decide to give this act your approval, I would suggest a minor modification to the authority given the court by adding the following sentence after the word dollars on line 26: "In no event shall the court be permitted to terminate an intervivos trust if any settlor of the trust is still living unless consent is obtained in writing from all living settlors or the legal representative of any settlor who is unable to give informed consent.

With this modification, I urge your joint favorable report on this bill.

February 29, 1988

To: Co-Chairmen and Members of the Judiciary Committee

Re: SB 205 - An Act Permitting Termination of Small Trusts

From: L. Stewart Bohan

STATEMENT REQUESTING AMENDMENT AND APPROVAL OF SB 205

Honorable Members of the Committee:

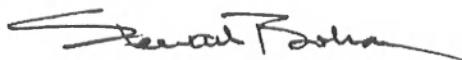
I would like to go on record in favor of Raised Committee Bill No. 205 entitled "An Act Permitting Termination of Small Trusts." I have one suggestion, however, for amendment.

As set forth in the Statement of Purpose, the bill would permit a Probate Court having jurisdiction to terminate either a testamentary trust or an inter vivos trust when the current market value of the trust assets does not exceed \$20,000. The application may be made by the trustee or any beneficiary entitled to income from the trust or by such beneficiary's legal representative.

I am presently the trustee of a trust which has been in existence for approximately ten years. The only asset of the trust is a \$15,000 certificate of deposit. The trust was created in the will of a decedent for the benefit of his daughter and her children. The trust cannot terminate, however, until the wife of the decedent at the time of his death dies. This woman has no beneficial interest in the trust whatsoever, but for whatever reason, the testator provided that the trust shall continue for so long as she lives. Everyone concerned would like to terminate this trust so that the trust property can be distributed to the beneficiaries, but the Probate Court presently has no authority to do so. I have served as trustee without fee for all these years simply because any reasonable fee, when added the premium for the required fiduciary probate bond would use up a substantial portion of the annual income. There must be hundreds and perhaps thousands of similar situations in Connecticut today.

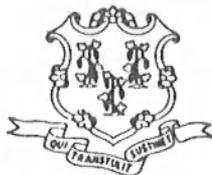
The amendment that I would suggest would be to delete the first seven words of the proposed act ("Except as otherwise provided by the trust..."). Every trust which would be subject to termination by the Probate Court under this proposed bill would contain provisions for the termination of the trust at some point in time. These provisions for termination would obviously not be consistent with a termination by order of the Probate Court under appropriate circumstances. In short, it seems that these words frustrate the very intent of the bill. I feel, therefore, that these words should be deleted from the proposed bill.

Thank you for your consideration of these remarks.



L. Stewart Bohan

BOURKE G. SPELLACY, CHAIRMAN  
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 HONORABLE DAVID M. BORDEN  
 WILLIAM R. BREETZ, JR.  
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 JANIS S. NOME  
 RAPHAEL L. PODOLSKY  
 JOSEPH P. QUINN, JR.  
 REPRESENTATIVE RICHARD D. TULISANO  
 REPRESENTATIVE ROBERT M. WARD  
 REPRESENTATIVE WILLIAM L. WOLLENBERG



DAVID D. BIKLEN  
 Executive Director

DAVID L. HEMOND  
 Staff Attorney

DEBRA A. BROWN  
 Staff Attorney

LAW REVISION COMMISSION  
 LEGISLATIVE OFFICE BUILDING  
 20 TRINITY STREET  
 HARTFORD, CONNECTICUT 06106

Law Revision Commission  
 Testimony re S.B. 205  
 February 29, 1988

An Act Permitting Termination of Certain Small Trusts

Although current law permits termination of certain charitable trusts to avoid waste of those assets (see section 45-79b of the General Statutes), no provision exists to protect assets in small private testamentary or inter vivos trusts against similar waste. This is a problem because when a trust is inadequately funded, the settlor's assets, instead of going to intended beneficiaries, may be wasted in costs of administration. Because of the frequent use of trusts in estate planning, such uneconomical trusts are now common.

The Commission's proposed bill would allow the Probate Court to terminate a trust, the current market value of which is less than twenty thousand dollars, if:

- (1) the termination of the trust is in the best interest of the beneficiaries, and
- (2) the termination of the trust is equitable and practical.

On termination, the assets of the trust must be distributed to the beneficiaries in such manner as the Probate Court determines to be equitable. The Probate Court is authorized to make such further orders as it deems necessary or appropriate to protect the interests of the beneficiaries.

A number of other states, including Virginia, Ohio, Florida, Oregon, and California, have enacted statutes allowing such trusts to be terminated subject to similar restrictions. Such statutes provide a court-supervised safety valve allowing the Probate Court to terminate a small trust in an appropriate case.

The proposed bill as drafted should be clarified to ensure that an inter vivos trust is not terminated over the objection of its settlor. A proposed amendment is attached. If you have any questions, please call David Hemond at 566-8254.

# State of Connecticut

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BOURKE G. SPELLACY, CHAIRMAN  
SENATOR ANTHONY V. AVALLONE  
HONORABLE DAVID M. BORDEN  
WILLIAM R. BREETZ, JR.  
MARTIN B. BURKE  
PROFESSOR SHIRLEY R. BYSIEWICZ  
DONALD W. DOWNES  
KEVIN J. KOPETZ  
REPRESENTATIVE JAY B. LEVIN  
DENISE MAGNOLI MCNAIR  
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JANIS S. NOME  
RAPHAEL L. PODOLSKY  
JOSEPH P. QUINN, JR.  
REPRESENTATIVE RICHARD D. TULISANO  
REPRESENTATIVE ROBERT M. WARD  
REPRESENTATIVE WILLIAM L. WOLLENBERG

DAVID D. BIKLEN  
Executive Director

DAVID L. HEMOND  
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Connecticut Law Revision Commission  
Staff Draft  
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Proposed Language change to S.B. 205. AA Permitting Termination of Small Trusts.

At line 34, after "(c)" insert "No trust may be terminated over the objection of its settlor."