

Table 5
Non-Uniform Trust Code States

State	Citation	Statutory Provisions and/or Case Law
California	Cal. Prob. Code §15301	(b) After an amount of principal has become due and payable to the beneficiary under the trust instrument, upon petition to the court under Section 709.010 of the Code of Civil Procedure by a judgment creditor, the court may make an order directing the trustee to satisfy the money judgment out of that principal amount. The court in its discretion may issue an order directing the trustee to satisfy all or part of the judgment out of that principal amount.
	Cal. Prob. Code §15304	<p>(a) If the settlor is a beneficiary of a trust created by the settlor and the settlor's interest is subject to a provision restraining the voluntary or involuntary transfer of the settlor's interest, the restraint is invalid against transferees or creditors of the settlor. The invalidity of the restraint on transfer does not affect the validity of the trust.</p> <p>(b) If the settlor is the beneficiary of a trust created by the settlor and the trust instrument provides that the trustee shall pay income or principal or both for the education or support of the beneficiary or gives the trustee discretion to determine the amount of income or principal or both to be paid to or for the benefit of the settlor, a transferee or creditor of the settlor may reach the maximum amount that the trustee could pay to or for the benefit of the settlor under the trust instrument, not exceeding the amount of the settlor's proportionate contribution to the trust.</p>
	Cal. Prob. Code §15305 (b) & (c), §15305.5 (b) & (c), and §15306 (a) & (b)	<i>These statutes provide exceptions to spendthrift protection for (a) claims for child support or spousal support, (b) restitution to crime victims due to beneficiary's criminal conduct, and (c) reimbursement for public support.</i>
	Cal. Prob. Code §15307	Notwithstanding a restraint on transfer of a beneficiary's interest in the trust . . . any amount to which the beneficiary is entitled under the trust instrument or that the trustee, in the exercise of the trustee's discretion, has determined to pay to the beneficiary in excess of the amount that is or will be necessary for the education and support of the beneficiary may be applied to the satisfaction of a money judgment against the beneficiary.
	<i>Ventura Cnty Dept. of Child Sup. Serv. v. Brown</i> , 11 Cal.Rptr.3d 489, Cal.App.2. Dist. 2004	A spendthrift trust can be rendered invalid when the beneficiaries exercise excessive control.
	<i>In re Schneider's Estate</i> , 296 P.2d 45,	A person cannot by his own act create a trust that will protect his property from the claims of his

	Cal.App.2.Dist.,1956	creditors.
Connecticut	C.G.S.A. § 52-321 ¹	<p>(a) If property has been given to trustees to pay over the income to any person, without provision for accumulation or express authorization to the trustees to withhold the income, and the income has not been expressly given for the support of the beneficiary or his family, the income shall be liable in equity to the claims of all creditors of the beneficiary.</p> <p>(b) Any creditor of the beneficiary who has secured a judgment against the beneficiary may bring an action against him and serve the trustees with garnishee process, and the court to which the action is returnable may direct the trustees to pay over the net income derived from the trust estate to the judgment creditor, as the income may accrue, until the creditor's debt is satisfied.</p> <p>(c) The court having jurisdiction over the fund may make such an order for payment pursuant to subsection (b) when the beneficiary is a nonresident of this state, as well as when the beneficiary is a resident, but in the case of a nonresident beneficiary notice shall be given to the nonresident of the action against him as provided in section 52-87. The nonresidence of the beneficiary shall not deprive the court of authority to make such an order.</p> <p>(d) If any such trust has been expressly provided to be for the support of the beneficiary or his family, a court of equity having jurisdiction may make such order regarding the surplus, if any, not required for the support of the beneficiary or his family, as justice and equity may require.</p> <p>(e) The defendant trustee in any such action shall be entitled to charge in the administration account of the trust such expenses and disbursements as the court to which the action is brought determines to be reasonable and proper.</p>
	<i>Greenwich Trust Co. v. Tyson</i> , 129 Conn. 211, 27 A.2d 166 (Conn. 1942)	Trusts in property for owner's benefit under limitations similar to those characterizing spendthrift trust are invalid and ineffective as opening too wide an opportunity for such owner to evade his just debts, unless sanctioned by statute.
	<i>Zeoli v. Commissioner of Social Services</i> , 179 Conn. 83, 425 A.2d 553 (Conn. 1979)	The exercise of discretion by the trustee of a spendthrift trust is subject to the court's control only to the extent that an abuse has occurred under the powers granted by the testamentary disposition.
	<i>Spencer v. Spencer</i> , 71 Conn.App. 475, 802 A.2d 215 (Conn.App. 2002)	Trust beneficiary's former wife, who had obtained judgment against beneficiary for alimony and child support, was a creditor of the beneficiary, and thus trust's spendthrift provision barred former wife from reaching income or principal of trust until it was distributed and in beneficiary's hands.
	<i>Spencer v. Spencer</i> , 71 Conn.App. 475,	Creditors are barred from reaching a distribution from a spendthrift trust except, and until, it be in

¹ Proposed legislation in Connecticut would adopt statutes similar to the Uniform Trust Code. (2008 Senate Bill 508).

	802 A.2d 215 (Conn.App. 2002)	the hands of the beneficiary.
	<i>Hildreth Press Emp. Federal Credit Union, Connecticut General Life Ins. Co.</i> , 30 Conn.Supp. 513, 295 A.2d 54 (Conn.Com.Pl. 1972)	Section 52-321 of the General Statutes is the exclusive and the only authority now known to [Connecticut] law for the creation of spendthrift trusts...[and] exempts from claims of creditors only those trusts (1) in which the trustee has a right to accumulate or withhold income from the income beneficiary or (2) in which income has been 'expressly given for the support of the beneficiary or his family.'
Georgia	O.C.G.A. §53-12-62	(d) The court may modify the trust regardless of whether it contains spendthrift provisions or similar protective provisions.
	O.C.G.A. §53-12-64	(e) The court may terminate the trust regardless of whether it contains spendthrift provisions or similar protective provisions.
	O.C.G.A. §53-12-80	<p>(a) A spendthrift provision shall only be valid if it prohibits both voluntary and involuntary transfers.</p> <p>(b) A term of a trust providing that the interest of a beneficiary is held subject to a spendthrift trust, or words of similar import, shall be sufficient to restrain both voluntary and involuntary transfer of the beneficiary's interest in the manner set forth in this article.</p> <p>(c) A beneficiary shall not transfer an interest in a trust in violation of a valid spendthrift provision, and, except as otherwise provided in this Code section, a creditor or assignee of the beneficiary shall not reach the interest or a distribution by the trustee before its receipt by the beneficiary.</p> <p>(d) A spendthrift provision shall not be valid as to the following claims against a beneficiary's right to a current distribution to the extent the distribution would be subject to garnishment under Article 2 of Chapter 4 of Title 18 if the distribution were disposable earnings:</p> <ol style="list-style-type: none"> (1) Alimony or child support; (2) Taxes or other governmental claims; (3) Tort judgments; (4) Judgments or orders for restitution as a result of a criminal conviction of the beneficiary; or (5) Judgments for necessities. <p>The ability of a creditor or assignee to reach a beneficiary's interest under this subsection shall not apply to the extent that it would disqualify the trust as a special needs trust established pursuant to</p>

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		<p>42 U.S.C. Sections 1396p(d)(4)(A) or 1396p(d)(4)(C).</p> <p>(e) A provision in a trust instrument that a beneficiary's interest shall terminate or become discretionary upon an attempt by the beneficiary to transfer it, an attempt by the beneficiary's creditors to reach it, or upon the bankruptcy or receivership of the beneficiary shall be valid except to the extent of the proportion of trust property attributable to such beneficiary's contribution.</p> <p>(f) If a beneficiary is also a contributor to the trust, a spendthrift provision shall not be valid as to such beneficiary to the extent of the proportion of trust property attributable to such beneficiary's contribution. This subsection shall not apply to a special needs trust established pursuant to 42 U.S.C. Sections 1396p(d)(4)(A) or 1396p(d)(4)(C).</p> <p>(g) Notwithstanding any other provision in this Code section, a spendthrift provision in a pension or retirement arrangement described in sections 401, 403, 404, 408, 408A, 409, 414, or 457 of the federal Internal Revenue Code of 1986 shall be valid with reference to the entire interest of the beneficiary in the income, principal or both, even if the beneficiary is also a contributor of trust property, except where a claim is made pursuant to a qualified domestic relations order as defined in 26 U.S.C. Section 414(p).</p>
	O.C.G.A. §53-12-81	A transferee or creditor of a beneficiary shall not compel the trustee to pay any amount that is payable only in the trustee's discretion regardless of whether the trustee is also a beneficiary. This Code section shall not apply to the extent of the proportion of trust property attributable to the beneficiary's contribution.
	O.C.G.A. §53-12-82	<p>Whether or not the trust instrument contains a spendthrift provision, the following rules shall apply:</p> <p>(1) During the lifetime of the settlor, the property of a revocable trust shall be subject to claims of the settlor's creditors;</p> <p>(2) With respect to an irrevocable trust, creditors or assignees of the settlor may reach the maximum amount that can be distributed to or for the settlor's benefit during the settlor's life or that could have been distributed to or for the settlor's benefit immediately prior to the settlor's death. If a trust has more than one settlor, the amount the creditors or assignees of a particular settlor may reach shall not exceed the settlor's interest in the portion of the trust attributable to that settlor's contribution; and</p> <p>(3) After the death of a settlor, and subject to the settlor's right to direct the source from which liabilities shall be paid, the property of a trust that was revocable at the settlor's death or had become irrevocable as a result of the settlor's incapacity shall be subject to claims of the settlor's creditors to the extent the probate estate is inadequate. Payments that would not be subject to the claims of the settlor's creditors if made by way of beneficiary designation to persons other than the settlor's estate shall not be made subject to such claims by virtue of this Code section unless otherwise provided in the trust instrument.</p>

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	O.C.G.A. §53-12-83	The holder of a power of withdrawal, during the period that the power may be exercised, shall be treated in the same manner as the settlor of a revocable trust to the extent of the property subject to the power. The lapse, release, or waiver of a power of withdrawal shall not cause the holder to be treated as a settlor of the trust.
	<i>Speed v. Speed</i> , 430 S.E.2d 348, 263 Ga. 166 (1993)	Spendthrift provision of trust prohibiting involuntary transfer of trust property was not enforceable where settlor and sole beneficiary of trust were the same person, regardless of the settlor-sole beneficiary's disability.
	<i>Gray v. Obear</i> , 54 Ga. 231 (1875)	A trust estate cannot be created in property for the sole benefit of a male who is <i>sui juris</i> , and conveyed to a trustee for the purpose of protecting it from his creditors.
Idaho	ID Code §15-7-502	<p>(1) A settlor may provide in the terms of the trust that the interest of a beneficiary in the income or in the principal or in both may not be voluntarily or involuntarily transferred before payment or delivery of the interest to the beneficiary by the trustee.</p> <p>(2) A declaration in a trust instrument that the interest of a beneficiary shall be held subject to a 'spendthrift trust' is sufficient to restrain voluntary or involuntary alienation of the interest by a beneficiary to the maximum extent permitted under this section.</p> <p>(3) Validity of a restraint on transfer in a trust document shall not require specific reference to or identical verbiage set forth in subsection (1) or (2) of this section.</p> <p>(4) If a person is both a settlor and beneficiary of the same trust, a provision restraining the voluntary or involuntary transfer of the settlor's beneficial interest in such trust does not prevent the settlor's creditors from satisfying claims from the settlor's interest in the trust estate that relates to the portion of the trust that was contributed by the settlor. For the purposes of this subsection (4), however, a settlor shall not be considered to be a beneficiary of an irrevocable trust created by the settlor and taxed for federal income tax purposes pursuant to the grantor trust rules of the Internal Revenue Code, sections 671 through 679, inclusive, if the settlor's only beneficial interest in such trust consists of the right to receive a distribution from such trust in an amount equal to or less than the amount of the federal and state income tax liability incurred by the settlor as a result of such trust being characterized as a grantor trust pursuant to the aforementioned grantor trust rules.</p> <p>(5) A beneficiary of a trust shall not be considered a settlor of a trust merely because of a lapse, waiver or release of:</p> <p>(a) A power described in subsection (6) of this section; or</p> <p>(b) The beneficiary's right to withdraw a part of the trust property to the extent that the value of the property affected by the lapse, waiver or release in any calendar year does not exceed the greater of the amount specified in:</p> <p>(i) Section 2041(b)(2) or 2514(e) of the Internal Revenue Code of 1986, as</p>

		<p style="text-align: center;">amended; or</p> <p style="text-align: center;">(ii) Section 2503(b) of the Internal Revenue Code of 1986, as amended.</p> <p>(6) A beneficiary of a trust shall not be considered a settlor, to have made a voluntary or involuntary transfer of the beneficiary's interest in a trust, or to have the power to make a voluntary or involuntary transfer of the beneficiary's interest in the trust, merely because the beneficiary, in any capacity including, but not limited to, as a trustee, holds or exercises:</p> <p>(a) A presently exercisable power to:</p> <p>(i) Consume, invade, appropriate or distribute property to or for the benefit of the beneficiary, if the power is either exercisable only on consent of another person holding an interest adverse to the beneficiary's interest or limited by an ascertainable standing including, but not limited to, health, education, support or maintenance of the beneficiary; or</p> <p>(ii) Exercise a limited power of appointment, as defined in the Internal Revenue Code of 1986, as amended, including, but not limited to, the power to appoint any property of the trust to or for the benefit of a person other than the beneficiary, a creditor of the beneficiary, the beneficiary's estate, or a creditor of the beneficiary's estate;</p> <p>(b) A testamentary power of appointment; or</p> <p>(c) A presently exercisable right described in subsection (5)(b) of this section.</p>
Illinois	735 I.L.C.S. 5/2-1403	<p>No court, except as otherwise provided in this Section, shall order the satisfaction of a judgment out of any property held in trust for the judgment debtor if such trust has, in good faith, been created by, or the fund so held in trust has proceeded from, a person other than the judgment debtor.</p> <p>The income or principal of a trust shall be subject to withholding for the purpose of securing collection of unpaid child support obligations owed by the beneficiary as provided in Section 4.1 of the "Non-Support of Spouse and Children Act", Section 22 of the Non-Support Punishment Act, and similar Sections of other Acts which provide for support of a child as follows:</p> <p>(1) income may be withheld if the beneficiary is entitled to a specified dollar amount or percentage of the income of the trust, or is the sole income beneficiary; and</p> <p>(2) principal may be withheld if the beneficiary has a right to withdraw principal, but not in excess of the amount subject to withdrawal under the instrument, or if the beneficiary is the only beneficiary to whom discretionary payments of principal may be made by the trustee.</p>

Indiana	A.I.C. §30-4-3-2	<p>(a) The settlor may provide in the terms of the trust that the interest of a beneficiary may not be either voluntarily or involuntarily transferred before payment or delivery of the interest to the beneficiary by the trustee.</p> <p>(b) Except as otherwise provided in subsection (c), if the settlor is also a beneficiary of the trust, a provision restraining the voluntary or involuntary transfer of his beneficial interest will not prevent his creditors from satisfying claims from his interest in the trust estate.</p> <p>(c) Subsection (a) applies to a trust that meets both of the following requirements, regardless of whether or not the settlor is also a beneficiary of the trust:</p> <p>(1) The trust is a qualified trust under 26 U.S.C. 401(a).</p> <p>(2) The limitations on each beneficiary's control over the beneficiary's interest in the trust complies with 29 U.S.C. 1056(d).</p> <p>A trust containing terms authorized under subsection (a) may be referred to wherever appropriate as a trust with protective provisions.</p>
	<i>Clay v. Hamilton</i> , 63 N.E.2d 207, 116 Ind. App. 214 (1945)	A beneficiary's interest in spendthrift trust or trust for support can be reached in satisfaction of an enforceable claim against beneficiary by his wife or child for support or by his wife for alimony.
	<i>U.S. v. Grimm</i> , N.D.Ind.1994, 865 F.Supp. 1303	Valid spendthrift trust does not affect attachment and foreclosure of federal tax lien; government retains right to foreclose upon whatever interest taxpayer receives under terms of trust by operation of federal law.
Iowa	I.C.A. §633A.2301	To the extent a beneficiary's interest is not subject to a spendthrift provision, and subject to sections 633A.2305 and 633.2306, the court may authorize a creditor or assignee of the beneficiary to reach the beneficiary's interest by levy, attachment, or execution of present or future distributions to or for the benefit of the beneficiary or other means.
	I.C.A. §633A.2302	<p>Except as otherwise provided in section 633A.2303:</p> <p>1. A term of a trust providing that the interest of a beneficiary is held subject to a "spendthrift trust", or words of similar import, is sufficient to restrain both voluntary and involuntary transfer, assignment, and encumbrance of the beneficiary's interest.</p> <p>2. A beneficiary shall not transfer, assign, or encumber an interest in a trust in violation of a valid spendthrift provision, and a creditor or assignee of the beneficiary of a spendthrift trust shall not reach the interest of the beneficiary or a distribution by the trustee before its receipt by the beneficiary.</p> <p>3. Notwithstanding subsections 1 and 2, the interest of a beneficiary of a valid spendthrift trust may be reached to satisfy an enforceable claim against the beneficiary or the beneficiary's</p>

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		<p>estate for either of the following:</p> <ol style="list-style-type: none"> a. Services or supplies for necessities provided to or for the beneficiary. b. Tax claims by the United States to the extent authorized by federal law or an applicable provision of the Code.
	I.C.A. §633A.2303	A term of a trust prohibiting an involuntary transfer of a beneficiary's interest shall be invalid as against claims by any creditors of the beneficiary if the beneficiary is the settlor.
	I.C.A. §633A.2304	<ol style="list-style-type: none"> 1. If a settlor is a beneficiary of a trust created by the settlor, a transferee or creditor of the settlor may reach the maximum amount that the trustee could pay to or for the settlor's benefit. 2. In the case of a trust with multiple settlors, the amount the creditors or transferees of a particular settlor may reach shall not exceed the portion of the trust attributable to that settlor's contribution. 3. The assets of an irrevocable trust shall not become subject to the claims of creditors of the settlor of a trust solely due to a provision in the trust that allows a trustee of the trust to reimburse the settlor for income taxes payable on the income of the trust. This subsection shall not limit the rights of the creditor of the settlor to assert a claim against the assets of the trust due to the retention or grant of any rights to the settlor under the trust instrument or any other beneficial interest of the settlor other than as specifically set forth in this subsection.
	I.C.A. §633A.2305	<ol style="list-style-type: none"> 1. Whether or not a trust contains a spendthrift provision, a creditor or assignee of a beneficiary shall not compel a distribution that is subject to the trustee's discretion, even if any of the following occur: <ol style="list-style-type: none"> a. The discretion is expressed in the form of a standard of distribution. b. The trustee has abused its discretion. 2. This section shall not apply to a creditor of a beneficiary or to a creditor of a deceased beneficiary enforcing an interest in a trust, if any, given to a beneficiary by the trust instrument.
	I.C.A. §633A.2306	<ol style="list-style-type: none"> 1. If a trustee has discretion as to payments to a beneficiary, and refuses to make payments or exercise its discretion, the court shall neither order the trustee to exercise its discretion nor order payment from any such trust, if any such payment would inure, directly or indirectly, to the benefit of a creditor of the beneficiary. 2. Notwithstanding subsection 1, court may order payment to a creditor of a beneficiary or to a

		creditor of a deceased beneficiary if the beneficiary has or had an interest in the trust.
	I.C.A. §633A.2307	<ol style="list-style-type: none"> 1. A creditor or assignee of a beneficiary may reach a mandatory distribution of income or principal, including a distribution upon termination of the trust, if the trustee has not made the distribution to the beneficiary within a reasonable time after the required distribution date. 2. For the purposes of this section, “mandatory distribution” means a distribution required by the express terms of the trust of any of the following: <ol style="list-style-type: none"> a. All of the income, net income, or principal of the trust. b. A fraction or percentage of the income or principal of the trust. c. A specific dollar amount from the trust. 3. A distribution that is subject to a condition shall not be considered a mandatory distribution. 4. If a creditor or assignee of a beneficiary is permitted to reach a mandatory distribution under this section, the sole remedy of the creditor or assignee shall be to apply to the court having jurisdiction of the trust after a reasonable period of time has expired, for a judgment ordering the trustee to pay to the creditor or the assignee a sum of money equal to the lesser of the amount of the debt or assignment, or the amount of the mandatory distribution described in subsection 2. Any other remedy, including but not limited to attachment or garnishment of any interest in the trust, recovery of court costs or attorney fees, or placing a lien of any type on any trust property or on the interest of any beneficiary in the trust, shall not be permitted or ordered by any court. Any writing signed by the beneficiary, allowing any remedy other than payment of the mandatory distribution not made to the beneficiary within a reasonable time after required distribution date, shall be void and shall not be enforced by any court.
	<i>De Rouse v. Williams</i> , 181 Iowa 379, 164 N.W.2d 896 (Iowa. 1917)	A final decree awarding alimony, while constituting a judgment, may not be satisfied out of the property of a spendthrift trust of which the defendant in execution is the beneficiary, when such trust property has not been acquired by reason of any consideration furnished by the beneficiary.
Kentucky	K.R.S. §381.180(6)	<p>Although a trust is a spendthrift trust, the interest of the beneficiary shall be subject to the satisfaction of an enforceable claim against the beneficiary:</p> <ol style="list-style-type: none"> (a) By the spouse or child of the beneficiary for support, or by the spouse for maintenance; (b) If the trust is not a trust described in subsection (7)(b) of this section, by providers of necessary services rendered to the beneficiary or necessary supplies furnished to him; and (c) By the United States or the Commonwealth of Kentucky for taxes due from him on account of his interest in the trust or the income therefrom.

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	K.R.S. §381.180(7)	<p>(a) If a person creates for his own benefit a trust with a provision restraining the voluntary or involuntary alienation of his interest, his interest nevertheless shall be subject to alienation by operation of law or legal process.</p> <p>(b) This subsection shall not be construed to subject to alienation any interest in an individual retirement account or annuity, tax sheltered annuity, simplified employee pension, pension, profit-sharing, stock bonus, or other retirement plan described in the Internal Revenue Code of 1986, as amended, which qualifies for the deferral of current income tax until the date benefits are distributed.</p>
Louisiana	La. Rev. Stat. Ann. § 9:2002	The trust instrument may provide that the interest of a beneficiary shall not be subject to voluntary or involuntary alienation by a beneficiary. A restraint upon voluntary alienation by a beneficiary is valid. But a restraint upon involuntary alienation by a beneficiary is subject to the limitations prescribed by this sub-part.
	La. Rev. Stat. Ann. § 9:2004	A creditor may seize . . . A beneficiary's interest in income and principal, to the extent that the beneficiary has donated property to the trust, directly or indirectly. A beneficiary will not be deemed to have donated property to a trust merely because he fails to exercise a right of withdrawal from the trust.
	La. Rev. Stat. Ann. § 9:2005	Notwithstanding any stipulation in the trust instrument to the contrary, the proper court, in summary proceedings to which the trustee, the beneficiary, and the beneficiary's creditor shall be parties, may permit seizure of any portion of the beneficiary's interest in trust income and principal in its discretion and as may be just under the circumstances if the claim is based upon a judgment for: <ul style="list-style-type: none"> (1) Alimony, or maintenance of a person whom the beneficiary is obligated to support; or (2) Necessary services rendered or necessary supplies furnished to the beneficiary or to a person whom the beneficiary is obligated to support; or
		(3) Damages arising from a felony criminal offense committed by the beneficiary which results in a conviction or plea of guilty.
Mississippi	MS Code § 91-9-503	Except as provided in Section 91-9-509, if the trust instrument provides that a beneficiary's interest in income or principal or both of a trust is not subject to voluntary or involuntary transfer, the beneficiary's interest in income or principal or both under the trust may not be transferred and is not subject to the enforcement of a money judgment until paid to the beneficiary.
	MS Code §91-9-509	1. If the settlor is a beneficiary of a trust created by the settlor and the settlor's interest in the trust is subject to a provision restraining the voluntary or involuntary transfer of the settlor's interest, the restraint is invalid against transferees or creditors of the settlor. The invalidity

		<p>of the restraint on transfer does not affect the validity of the trust.</p> <p>2. If the settlor is the beneficiary of a trust created by the settlor and the trust instrument provides that the trustee shall pay income or principal or both of the trust for the education or support of the beneficiary or gives the trustee discretion to determine the amount of income or principal or both of the trust to be paid to or for the benefit of the settlor, a transferee or creditor of the settlor may reach the maximum amount of the trust that the trustee could pay to or for the benefit of the settlor under the trust instrument, not exceeding the amount of the settlor's proportionate contribution to the trust.</p>
Montana	M.C.A. §72-33-302	<p>2. After an amount of principal has become due and payable to the beneficiary under the trust instrument, upon petition to the court by a judgment creditor, the court may make an order directing the trustee to satisfy the money judgment out of that principal amount. The court in its discretion may issue an order directing the trustee to satisfy all or part of the judgment out of that principal amount.</p>
	M.C.A. §72-33-305	<p>1. If the trustor is a beneficiary of a trust created by the trustor and the trustor's interest is subject to a provision restraining the voluntary or involuntary transfer of the trustor's interest, the restraint is invalid against transferees or creditors of the trustor. The invalidity of the restraint on transfer does not affect the validity of the trust.</p> <p>2. If the trustor is the beneficiary of a trust created by the trustor and the trust instrument provides that the trustee shall pay income or principal or both for the education or support of the beneficiary or gives the trustee the discretion to determine the amount of income or principal or both to be paid to or for the benefit of the trustor, a transferee or creditor of the trustor may reach the maximum amount that the trustee could pay to or for the benefit of the trustor under the trust instrument, not exceeding the amount of the trustor's proportionate contribution to the trust.</p>
New Jersey	N.J.S.A. §3B:11-1	<p>The right of any creator of a trust to receive either the income or the principal of the trust or any part of either thereof, presently or in the future, shall be freely alienable and shall be subject to the claims of his creditors, notwithstanding any provision to the contrary in the terms of the trust.</p>
	<i>Constanza v. Verona</i> , 137 A.2d 614 (N.J. Super.Ch. 1958)	<p>A spendthrift trust established under will for discretionary payment to testator's daughter of a maximum of \$6 per week for her "pleasure or comfort," discretion being given for withholding of such payment should income "become . . . payable to some other person," was valid, and trustee would be directed to pay equitably out of income of trust to county in whole or partial satisfaction of personal obligation of daughter who was an inmate of county hospital as indigent incompetent patient.</p>
New York	N.Y. Est. Powers & Trusts Law § 7-1.5	<p>(a) The interest of the beneficiary of any trust may be assigned or otherwise transferred, except that:</p> <p>(1) the right of a beneficiary of an express trust to receive the income from property</p>

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		and apply it to the use of or pay it to any person may not be transferred by assignment or otherwise unless a power to transfer such right, or any part thereof, is conferred upon such beneficiary by the instrument creating or declaring the trust.
	N.Y. Est. Powers & Trusts Law § 7-3.1	A disposition in trust for the use of the creator is void as against the existing or subsequent creditors of the creator.
	N.Y. Est. Powers & Trusts Law § 7-3.4	Where a trust is created to receive the income from property and no valid direction for accumulation is given, the income in excess of the sum necessary for the education and support of the beneficiary is subject to the claims of his creditors in the same manner as other property which cannot be reached by execution.
	<i>Vanderbilt Credit Corp. v. Chase Manhattan Bank</i> , NA, 473 N.Y.S.2d 242 (N.Y.A.D. 2 Dept. 1984)	Where trust agreement granted trustee power to invade trust corpus and to pay entire principal to trust settlor, judgment creditor of settlor could reach corpus without proving trust constituted fraudulent conveyance.
Texas	Tex. Prop. Code Ann. §112.035	(d) If the settlor is also a beneficiary of the trust, a provision restraining the voluntary or involuntary transfer of his beneficial interest does not prevent his creditors from satisfying claims from his interest in the trust estate. A settlor is not considered a beneficiary of a trust solely because a trustee who is not the settlor is authorized under the trust instrument to pay or reimburse the settlor for, or pay directly to the taxing authorities, any tax on trust income or principal that is payable by the settlor under the law imposing the tax.
	Tex. Fam. Code Ann. §154.005	(a) The court may order the trustees of a spendthrift or other trust to make disbursements for the support of a child to the extent the trustees are required to make payments to a beneficiary who is required to make child support payments as provided by this chapter. (b) If disbursement of the assets of the trust is discretionary, the court may order child support payments from the income of the trust but not from the principal.
Washington	Wash. Rev. Code § 6.32.250	This chapter does not authorize the seizure of, or other interference with, (1) any property which is expressly exempt by law from levy and sale by virtue of an execution, attachment, or garnishment; or (2) any money, thing in action or other property held in trust for a judgment debtor where the trust has been created by, or the fund so held in trust has proceeded from, a person other than the judgment debtor; or (3) the earnings of the judgment debtor for personal services to the extent they would be exempt against garnishment of the employer under RCW 6.27.150. For purposes of this section, a person shall not be treated as having made a disposition in trust for the use of that person by reason of a lapse of a power of withdrawal over the income or corpus of a trust created by another person. For this purpose, notification to the trustee of the trust of an intent not to exercise the power of withdrawal shall not be treated as a release of the power of withdrawal, but shall be treated as a lapse of the power.

	<i>Seattle First Nat'l Bank v. Crosby</i> , 254 P.2d 732 (Wash. 1953)	The Supreme Court of Washington stated that “the practical effect [Washington Revised Code §6.32.250] has been to clothe every active trust with statutory spendthrift provisions, at least in so far as attempts by creditors of a beneficiary to reach his interest by legal process are concerned.”
	<i>In Re Jordan</i> , 914 F.2d 197 (9 th Cir. Wash. 1990)	Settlor cannot create a spendthrift trust for his own benefit and thereby place his property beyond the reach of his creditors.
	<i>Erickson v. Bank of California</i> , 97 Wash. 2d 246, 643 P.2d 670 (Wash., 1982)	Creditor can assert a claim for necessities of life against the bankrupt beneficiary's interest in a spendthrift trust.
West Virginia	W.Va. Code § 36-1-18	<p>(a) Estates held in trust are subject to the debts of the beneficiary of the trust, except where the creator has expressly provided in the trust instrument words substantially to the effect that:</p> <p>(1) The income or principal, or both, may only be applied to the health, education, support or maintenance of a beneficiary, other than the creator of the trust, for the life of the beneficiary, or the income or principal, or both, may only be applied at the discretion of the trustee to or for the benefit of a beneficiary, other than the creator of the trust, for the life of the beneficiary, for a fixed term of years or other fixed duration of time, or a fixed annuity amount or a unitrust amount computed under a formula as a percentage of fair market value of assets in the trust, regardless of whether the same is income, principal, or both, may only be applied to or for the benefit of a beneficiary, other than the creator of the trust, for the life of the beneficiary or for a fixed term of years or other fixed duration of time; and</p> <p>(2) The trust is not subject to the liability of or alienation by the beneficiary or beneficiaries.</p> <p>(b) A trust, whenever created, may not be set aside or terminated solely on the assertion of a creditor that the trustee or trustees are the same person or persons as the beneficiary or beneficiaries of the trust.</p> <p>(c) This section applies to any trust established by an instrument executed on or after the first day of July, two thousand one, except as otherwise expressly provided in the terms of the trust.</p> <p>(d) This section applies to any trust established under an instrument executed prior to the first day of July, two thousand one, when the trustee elects, in his or her sole discretion, to administer the trust pursuant to the provisions of this section.</p> <p>(e) Except as provided in subsection (c) of this section, this section may not be construed to create or imply a duty on a trustee to administer the trust pursuant to the provisions of this section, and a trustee may not be held liable for refusing to administer a trust pursuant to the provisions of this section.</p>

Wisconsin	Wis. Stat. Ann. §701.06	<p>(2) Principal beneficiaries. A settlor may expressly provide in the creating instrument that the interest in principal of a beneficiary other than the settlor is not subject to voluntary or involuntary alienation. The interest in principal of such a beneficiary cannot be assigned and is exempt from claims against the beneficiary, but a judgment creditor, after any payments of principal have become due or payable to the beneficiary pursuant to the terms of the trust, may apply to the court for an order directing the trustee to satisfy the judgment out of any such payments and the court in its discretion may issue an order for payment of part or all of the judgment.</p> <p>...</p> <p>(4) Claims for child support. Notwithstanding any provision in the creating instrument or subs. (1) and (2), upon application of a person having a valid order directing a beneficiary to make payment for support of the beneficiary's child, the court may:</p> <p>(a) If the beneficiary is entitled to receive income or principal under the trust, order the trustee to satisfy part or all of the claim out of part or all of payments of income or principal as they are due, presently or in the future;</p> <p>(b) In the case of a beneficiary under a discretionary trust, order the trustee to satisfy part or all of the claim out of part or all of future payments of income or principal which are to be made pursuant to the exercise of the trustee's discretion in favor of such beneficiary.</p> <p>(5) Claims for public support. Notwithstanding any provision in the creating instrument or subs. (1) and (2), if the settlor is legally obligated to pay for the public support of a beneficiary . . . or the beneficiary is legally obligated to pay for the beneficiary's public support or that furnished the beneficiary's spouse or minor child . . . upon application by the appropriate state department or county official, the court may:</p> <p>(a) If such beneficiary is entitled to receive income or principal under the trust, order the trustee to satisfy part or all of the liability out of part or all of payments of income or principal as they are due, presently or in the future;</p> <p>(b) Except as otherwise provided in par. (c), in the case of a beneficiary under a discretionary trust, order the trustee to satisfy part or all of the liability out of part or all of future payments of income or principal which are to be made pursuant to the exercise of the trustee's discretion in favor of such beneficiary;</p> <p>(c) In the case of a beneficiary under a discretionary trust who is a settlor or a spouse or minor child of the settlor, order the trustee to satisfy part or all of the liability without regard to whether the trustee has then exercised or may thereafter exercise the trustee's discretion in favor of the beneficiary.</p> <p>...</p>
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		<p>(6) Settlor as beneficiary. (a) Notwithstanding any provision in the creating instrument and in addition to the remedies available under subs. (4) and (5) where the settlor is a beneficiary, upon application of a judgment creditor of the settlor, the court may, if the terms of the instrument require or authorize the trustee to make payments of income or principal to or for the benefit of the settlor, order the trustee to satisfy part or all of the judgment out of part or all of the payments of income or principal as they are due, presently or in the future, or which are payable in the trustee's discretion, to the extent in either case of the settlor's proportionate contribution to the trust.</p>
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