

387.885 Court order establishing trust -- Other matters to be addressed in court order.

Upon review of the petition and the supplemental information and report, if it appears to the court that the circumstances indicate that the special needs person qualifies as a beneficiary for whom a special needs trust may properly be established under 42 U.S.C. sec. 1396p, the court may order that the trust be established. The court may then proceed to determine whether as part of the order there are other matters to be addressed, including but not limited to the following:

- (1) Whether the proposed trustee or each co-trustee is suitable;
- (2) Whether all or a portion of the assets or income, or both, belonging to or payable to the special needs person should become part of the trust;
- (3) Whether there are any charges against the funds which should be paid before the trust be established;
- (4) The suitability of requiring surety on the bond of the trustee or co-trustees; and
- (5) Any other matters the court deems appropriate for ruling.

The order of the court establishing the trust shall be final and appealable on the same basis as any other civil proceeding involving trusts.

Effective: July 12, 2012

History: Created 2012 Ky. Acts ch. 59, sec. 14, effective July 12, 2012.