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Judicial Proceedings Committee



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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

January 23, 2025

The Maryland State Senate Judicial Proceedings Committee  
The Honorable William C. Smith, Jr.  
2 East Miller Senate Building  
Annapolis, Maryland 21401

**Re: Senate Bill 158: *Estates and Trusts – Maryland Trust Decanting Act – Notification and Document Transmittal***

Dear Chairman Smith and Members of the Committee,

Two years ago, the General Assembly passed a bill setting up a procedure for a trustee under a Maryland trust to distribute property of the trust to a second trust or to modify the terms of the trust in accordance with the trustee's fiduciary duties. This process is referred to by members of the Estates and Trusts bar as "decanting". The bill that we passed two years ago was known as the Maryland Trust Decanting Act.

The genesis of this bill occurred when the Estates and Trusts bar realized that Uniform Decanting Act, upon which the Maryland Trust Decanting Act was based, does not include a list of the methods of notice that a trustee must use to ensure proper notice to the individuals entitled to notice. Because Maryland's Trust Decanting Act is not under the same subtitle as the Maryland Trust Act, which does include a list of the methods of notice, the Maryland Trust Decanting Act currently does not contain a list of proper methods of notice.

Senate Bill 158 simply provides a list of methods of notice that a trustee must use to ensure proper notice is given to the individuals entitled to notice of a decanting. The methods of notice are the same as the methods of notice under the Maryland Trust Act.

I appreciate the Committee's consideration of Senate Bill 158 and will be happy to answer any questions the Committee may have.