

2022 Regular Session

HOUSE BILL NO. 58

BY REPRESENTATIVE GREGORY MILLER

TRUSTS: Provides relative to irrevocable trusts for individuals interdicted

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 4566(D), relative to management of
3 affairs of the interdict; to provide relative to individuals with permanent disabilities;
4 to provide for irrevocable trusts; to provide for termination; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Article 4566(D) is hereby amended and
8 reenacted to read as follows:

9 Art. 4566. Management of affairs of the interdict

10 * * *

11 D.(1) A curator may place the property of the interdict in trust in accordance
12 with the provisions of Article 4269.1. The trust shall be subject to termination at the
13 option of the interdict upon termination of the interdiction, or if the interdict dies
14 during the interdiction, at the option of his heirs or legatees.

15 (2) For the purpose of retaining government benefits and upon a showing by
16 clear and convincing evidence that the interdict is permanently disabled and will not
17 recover capacity, the trust shall be irrevocable during the life of the interdict and
18 shall terminate upon the death of the interdict.

19 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 58 Engrossed

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Gregory Miller

Abstract: Provides for irrevocable trusts for interdicted individuals who are permanently disabled.

Present law (C.C.P. Art. 4566(D)) provides that a curator may place the property of the interdict in trust subject to the requirements of C.C.P. Art. 4269.1.

Present law (C.C.P. Art. 4269.1) provides requirements for the placement of a minor's property in trust.

Proposed law (C.C.P. Art. 4566(D)) provides for the creation of irrevocable trusts for permanently disabled interdicts who will not recover capacity for the purpose of retaining governmental benefits. The irrevocable trust shall terminate upon death.

(Amends C.C.P. Art. 4566(D))