

Prior law provided that a court under certain conditions may authorize a curator, in the name and on behalf of the interdict, to make donations inter vivos from the surplus funds or other surplus property of the interdict, in a value of not more than \$10,000 annually to each of certain direct descendants of the interdict.

New law provides that the maximum annual donation value shall be the greater of \$14,000 or the maximum amount that may be excluded from federal gift taxation pursuant to 26 U.S.C. 2503(b).

Prior law provided that a court under certain conditions may authorize a curator in the name and on behalf of an interdict who has no direct descendants and no spouse, to make donations inter vivos of money from surplus funds of the interdict to each of the brothers and sisters of the interdict and to each of the direct descendants of the brothers and sisters of the interdict, or to trusts in which they are the only principal and income beneficiaries, provided that there is no known testamentary disposition to the contrary. New law retains prior law.

Prior law further provided that annual donations per donee shall not exceed \$10,000.

New law provides that annual donations per donee shall not exceed the greater of \$14,000 or the maximum amount that may be excluded from federal gift taxation pursuant to 26 U.S.C. 2503(b).

Prior law provided that the proposed donation not discriminate between descendants of the interdict, not materially impair the financial condition of the interdict, and are not likely to deprive him of sufficient funds to care for his future needs and support. Provided that to establish that the interdict will not be deprived of sufficient funds to provide for his future needs and support, the curator must satisfy the court, from the evidence, that the total fair market value of the interdict's estate, after subtracting the value of the proposed donations, is not less than a sum amounting to \$50,000 multiplied by then number of years of life expectance remaining to the interdict at the time of the donation.

New law retains these provisions but increases the amount to be multiplied by the number of life expectancy years from \$50,000 to \$65,000.

Effective August 1, 2014.

(Amends R.S. 9:1022 (intro para) and (5), and 1024(A))