

South Dakota Advantage Chart: Midwest Comparison

South Dakota consistently ranks highest among the elite trust jurisdictions in the country with its cutting-edge statutory scheme. When compared with neighboring states, South Dakota shines as the obvious choice to situs your trust, given the various options for passing your assets to your chosen beneficiaries while maintaining better privacy, control, and flexibility than offered anywhere else in the Midwest.

	South Dakota	North Dakota	Iowa	Nebraska	Minnesota
Abolished Rule Against Perpetuities	✓	(90-year wait-and-see)	(Some trusts can opt out)	(90-year wait-and-see)	(90-year wait-and-see)
Dynasty Trusts	✓			✓	✓
Domestic Asset Protection Trusts	✓				
No State Income Tax	✓				
No Estate Tax	✓	✓	✓	✓	
No Inheritance Tax	✓	✓			✓
Community Property Trusts	✓				
Directed Trust Statute (Trustee Not Fiduciary)	✓				✓
Special Purpose Entities (Advisor Liability Protection)	✓				
Family Advisors (Trust Protector Light)	✓				
Privacy – Statutory Automatic Perpetual Seal	✓				
Third-Party Discretionary Support Trusts (Pet Trusts)	✓	✓	✓	✓	✓
Decanting Statute	✓	✓			✓

If you live in the Midwest and are considering setting up a trust as part of your estate plan, or if you already have a trust established in another state but want to benefit from what South Dakota has to offer, contact our South Dakota estate planning attorneys for help with taking advantage of the best trust laws in the country.