

386B.13-080 Court involvement in the exercise of decanting power.

- (1) On application of an authorized fiduciary, a person entitled to notice under KRS 386B.13-060(3), a beneficiary, or with respect to a charitable interest, the Attorney General or other person that has standing to enforce the charitable interest, the court may:
 - (a) Provide instructions to the authorized fiduciary regarding whether a proposed exercise of the decanting power is permitted under KRS 386B.13-010 to 386B.13-280 and consistent with the fiduciary duties of the authorized fiduciary;
 - (b) Appoint a special fiduciary and authorize the special fiduciary to determine whether the decanting power should be exercised under 386B.13-010 to 386B.13-280 and to exercise the decanting power;
 - (c) Approve an exercise of the decanting power;
 - (d) Determine that a proposed or attempted exercise of the decanting power is ineffective because:
 1. After applying KRS 386B.13-210, the proposed or attempted exercise does not or did not comply with the provisions of 386B.13-010 to 386B.13-280; or
 2. The proposed or attempted exercise would be or was an abuse of fiduciary's discretion or a breach of fiduciary duty;
 - (e) Determine the extent to which KRS 386B.13-210 applies to a prior exercise of the decanting power;
 - (f) Provide instructions to the trustee regarding the application of KRS 386B.13-210 to a prior exercise of the decanting power; or
 - (g) Order other relief to carry out the purposes of KRS 386B.13-010 to 386B.13-280.
- (2) On application of an authorized fiduciary, the court may approve:
 - (a) An increase in the fiduciary's compensation under KRS 386B.13-150; or
 - (b) A modification under KRS 386B.13-170 of a provision granting a person the right to remove or replace the fiduciary.

Effective: July 15, 2026

History: Created 2026 Ky. Acts ch. 134, sec. 94, effective July 15, 2026.