

**386B.13-160 Relief from liability and indemnification.**

- (1) Except as otherwise provided in this section, a second-trust instrument may not relieve an authorized fiduciary from liability for breach of trust to a greater extent than the first-trust instrument.
- (2) A second-trust instrument may provide for indemnification of an authorized fiduciary of the first trust or another person acting in a fiduciary capacity under the first trust for any liability or claim that would have been payable from the first trust if the decanting power had not been exercised.
- (3) A second-trust instrument may not reduce fiduciary liability in the aggregate.
- (4) Subject to subsection (3) of this section, a second-trust instrument may divide and reallocate fiduciary powers among the fiduciaries, including one (1) or more trustees, distribution advisors, investment advisors, trust protectors, or other persons, and relieve a fiduciary from liability for an act or failure to act of another fiduciary as permitted by law of this Commonwealth other than KRS 386B.13-010 to 386B.13-280.

**Effective:** July 15, 2026

**History:** Created 2026 Ky. Acts ch. 134, sec. 102, effective July 15, 2026.