

# Family Trusts in a Divorce

*Consideration of trust interests in determining support and property division*

To what extent is a trust vulnerable to or immune from attack in divorce? Trusts present unique challenges when dividing marital assets in a divorce and may also be a factor in determining support. Some trusts are considered marital property subject to division, while others are protected from division but may still impact the court's overall financial analysis. The case law on this topic has been continuously evolving and the past few years have seen a cascade of decisions from appellate courts. Trusts are so commonplace and yet often quite sophisticated and nuanced. When handling a divorce, it is critical to read the trust, understand its terms, and understand the law as it pertains to the ability to attack a trust and how to defend against such an attack.

Our panel of family law and trust litigation experts discuss best practices to represent divorcing parties who have an interest in or seek to claim an interest in a spouse's trust. The panel reviews trust terms, landmark decisions, and strategies on both sides of trust-related claims in divorce.

## Agenda

- What Are the Key Words and Concepts to Understand When Analyzing a Trust Incident to Divorce Litigation?
- How Are Trust Interests Treated When Equitably Dividing Assets?
- What Are the Landmark Decisions in This Area, and How Has the Law Evolved?
- Can a Prenuptial or Postnuptial Agreement Limit One Spouse's Access to the Other's Trust Interests?
- "Ask the Experts" Q&A Session

## Faculty

Tiffany M. Bentley, Esq., *Burns & Levinson LLP, Boston, Cochair*

Lisa M. Cukier, Esq., *Burns & Levinson LLP, Boston, Cochair*

Hon. Thomas J. Barbar, *Probate and Family Court, Commonwealth of Massachusetts*

Hon. Nan M. Sauer, *Probate and Family Court, Commonwealth of Massachusetts*

## Dates & Location

Register at [www.mcle.org](http://www.mcle.org)

### LIVE WEBCAST

Tuesday, May 23, 2023

3:00 pm–5:00 pm

Program Number: 2230172WBC

### REBROADCAST

Wednesday, June 07, 2023

10:00 am–12:00 noon

Program Number: 2230172RBC

### REBROADCAST

Thursday, June 15, 2023

12:00 noon–2:00 pm

Program Number: 2230172RB1

### ON DEMAND WEBCAST

View after Thursday, June 15, 2023

Program Number: 2230172WBA

## Tuition *(includes written materials)*

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## Materials

The materials for this program include MCLE's *Financial Aspects of Divorce in Massachusetts*, which, along with any other materials, can be downloaded via the link emailed to you upon registration.

Also, there is no need to take extensive notes. Two weeks after the live webcast, all registrants receive a link to a verbatim transcript and audio and videorecordings of this program.

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