

Domestic Asset Protection Trust States

2026 State Comparison Chart

Twenty states have enacted DAPT legislation. The four most commonly used are Nevada, South Dakota, Delaware, and Alaska, each with no state income tax on trust assets and an established trustee market.

State	Statute	Year enacted	Waiting period	Creditor's burden	Exception creditors	In-state trustee	Authority
Alabama	Ala. Code ch. 19-3E	2021	2 years; 1 year after discovery where the claim was concealed	Preponderance	None listed; child support arrears and spousal property division limit protection	Yes, or a state-supervised organization	§§ 19-3E-2, 19-3E-5
Alaska	AS 34.40.110	1997	4 years; 1 year after discovery for a prior creditor	Clear and convincing	None listed; child support 30 days in default defeats the restriction	Yes, for Alaska law to govern the trust	AS 34.40.110(b), (d); AS 13.36.035, 13.36.390
Arkansas	A.C.A. §§ 28-72-701 to 28-72-712	2023	2 years; 6 months after discovery for a prior creditor	Clear and convincing	None stated	Yes, or a bank or trust company with an Arkansas office	§§ 28-72-702(b), 28-72-712
Connecticut	Conn. Gen. Stat. §§ 45a-487j to 45a-487s	2019 (effective 2020)	4 years; 1 year after discovery for a prior creditor	Clear and convincing	Support, alimony, property division; prior tort claims	Yes, or a bank with a Connecticut place of business	§§ 45a-487k(9), 45a-487p, 45a-487q
Delaware	12 Del. C. §§ 3570 to 3576	1997	4 years; prior creditors under 6 Del. C. § 1309	Clear and convincing	Support, alimony, property division; prior tort claims	Yes, or a state-supervised institution	12 Del. C. §§ 3570(8), 3572, 3573
Hawaii	HRS ch. 554G	2010	2 years; prior creditors within the fraudulent transfer act period	Clear and convincing	Support or alimony in default, prior tort claims, lenders, state taxes	Yes, or an authorized in-state institution	HRS §§ 554G-2, 554G-8, 554G-9
Indiana	IC 30-4-8	2019	2 years; 6 months after recording or discovery for a prior creditor	Clear and convincing	Child support, marital property division, the State of Indiana	Yes, or an Indiana-supervised institution	IC 30-4-8-6, 30-4-8-8
Michigan	MCL 700.1041 to 700.1050	2016	2 years; 1 year after discovery where the claim was concealed	Clear and convincing	None listed; child support arrears and spousal property division limit protection	Yes, or a state-supervised institution	MCL 700.1042(p), (r); 700.1045
Mississippi	Miss. Code Ann. §§ 91-9-701 to 91-9-713	2014	2 years; 6 months after discovery for a prior creditor	Clear and convincing	Support, alimony, property division; prior tort claims; the State; any creditor up to \$1.5 million if the required \$1 million policy lapses	Yes, or a state-supervised institution	§§ 91-9-703(k), 91-9-707
Missouri	Mo. Rev. Stat. § 456.5-505	2004 (trust code; no DAPT act)	None specific; ordinary fraudulent-transfer law applies	Ordinary fraudulent-transfer standard	Not stated	No	§ 456.5-505.3, .4

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Nevada	Nev. Rev. Stat. ch. 166	1999	2 years; 6 months after discovery for a prior creditor	Clear and convincing	None	Yes, or an in-state trust company or bank	NRS 166.015(2), 166.040, 166.170
New Hampshire	RSA 564-B:5-505A	2017 (current section)	4 years; 1 year after discovery for a prior creditor	Not stated; the creditor must prove the transfer fraudulent	Child support and basic alimony; state and federal claims	No	RSA 564-B:5-505A(f), (g), (o), (q)
Ohio	Ohio Rev. Code ch. 5816	2013	18 months; 6 months after discovery for a prior creditor	Clear and convincing	Child or spousal support, alimony, spousal property division	Yes, or a state-supervised institution	R.C. 5816.02(S), 5816.03(C), 5816.07
Rhode Island	R.I. Gen. Laws §§ 18-9.2-1 to 18-9.2-5	1999	4 years; 1 year after discovery for a prior creditor	Clear and convincing	Support, alimony, property division; prior tort claims	Yes, or a state-supervised institution	§§ 18-9.2-2(9), 18-9.2-4(b), 18-9.2-5
South Dakota	SDCL ch. 55-16	2005	2 years; 6 months after discovery for a prior creditor	Clear and convincing	Support, alimony, property division owed at the transfer	Yes, or a state-supervised institution	SDCL 55-16-3, 55-16-4, 55-16-10, 55-16-15
Tennessee	T.C.A. ch. 35-16	2007	18 months; 6 months after discovery for a prior creditor	Clear and convincing	Past due child support, alimony, marital property division	Yes, or a state-supervised entity	T.C.A. §§ 35-16-104, 35-16-108, 35-16-112
Utah	Utah Code §§ 75B-1-301 to 75B-1-310	2003	2 years, or 120 days after notice to a known creditor	Clear and convincing	Domestic support obligations, on default or missing notice	Yes, or a Utah trust company	Utah Code §§ 75B-1-303, 75B-1-307
Virginia	Va. Code § 64.2-745.1	2012	5 years, restarting on each later transfer	Not stated; the voidable transactions act governs	None stated	Yes, or an entity authorized to act in Virginia	Va. Code §§ 64.2-745.1, 64.2-745.2
West Virginia	W. Va. Code §§ 44D-5-503a, 44D-5-503b	Not stated	4 years, restarting on each later transfer	Not stated; the voidable transactions act governs	None stated	Yes, or an in-state trust entity	W. Va. Code §§ 44D-5-503a(d), 44D-5-503b
Wyoming	W.S. §§ 4-10-510 to 4-10-523	2007	2 years, or 120 days after notice to a known creditor	Clear and convincing	Child support in default, a listed-asset lender, fraudulently transferred property	Yes, or a regulated in-state institution	W.S. §§ 4-10-103(a)(xxv), 4-10-517, 4-10-520, 34-14-210

Fifteen of the twenty require the creditor to meet a clear and convincing evidence standard; Alabama asks only a preponderance, and Missouri, New Hampshire, Virginia, and West Virginia state no standard of their own. Mississippi conditions its protection on the settlor carrying a \$1,000,000 liability policy. Virginia's waiting period runs five years, and it restarts on each later transfer.

None of the five most populous states (California, Texas, Florida, New York, and Pennsylvania) has enacted DAPT legislation. A resident of any of them who wants self-settled trust protection must form the trust in a DAPT state and appoint a trustee there, which sets up the choice-of-law problem discussed below.

Which state protects best depends on where the settlor lives, what assets will fund the trust, and whether income tax treatment is a goal alongside creditor protection.

Sources

The statute behind each row of the chart, state by state: the sections that set the window, the burden, the exception creditors and the trustee rule. Where a cell says Not stated, the sections named are the ones read.

Alabama

Ala. Code § 19-3E-1 (short title; Act 2021-238, eff. April 20, 2021)
Ala. Code § 19-3E-2(18), (19) (qualified disposition; qualified trustee)
Ala. Code § 19-3E-5(b)(3), (c), (d)(3)
Ala. Code § 19-3E-7 (avoidance remedies; no exception-creditor list)

Alaska

AS 34.40.110(a), (b)(1), (b)(4), (d)
AS 13.36.035(c) (state jurisdiction provision)
AS 13.36.390(3) (qualified person)

Arkansas

A.C.A. § 28-72-701(4) (domestic asset protection trust)
A.C.A. § 28-72-702(b) (in-state trustee)
A.C.A. § 28-72-712(a), (b), (c) (limitations; clear and convincing)
A.C.A. §§ 28-72-703 to 28-72-711 (no exception-creditor list)
Act 2023, No. 291, § 1, eff. 8/1/2023

Connecticut

Conn. Gen. Stat. § 45a-487j (short title)
Conn. Gen. Stat. § 45a-487k(9), (10) (qualified trustee; trust instrument)
Conn. Gen. Stat. § 45a-487p(a), (b) (burden; limitations)
Conn. Gen. Stat. § 45a-487q (exception creditors)

Delaware

12 Del. C. § 3570(7), (8) (qualified disposition; qualified trustee)
12 Del. C. § 3572(a), (b) (route; limitations; clear and convincing)
12 Del. C. § 3573(a), (b) (exception creditors)
6 Del. C. § 1309 (pre-existing creditor period, by cross-reference)

Hawaii

HRS § 554G-2 (permitted trustee; L 2010, c 182; am L 2011, c 161)
HRS § 554G-8(a), (b)(1), (b)(2), (c)
HRS § 554G-9(1) to (5) (exception creditors)
HRS § 651C-9 (pre-existing creditor period, by cross-reference)

Indiana

IC 30-4-8-1(a), (b) (application; dispositions after June 30, 2019; P.L.221-2019)
IC 30-4-8-2(12) (qualified trustee definition)
IC 30-4-8-6(a), (b) (Indiana resident or supervised institution)
IC 30-4-8-8(a), (b), (e) (allowed claims; limitations; State of Indiana)

Michigan

MCL 700.1041 (short title; 2016 PA 330)
MCL 700.1042(p)(iii), (r)(i) (child support arrears; qualified trustee)
MCL 700.1045(2), (3), (4), (11) (burden; limitations; divorce; creditor agreements)

Mississippi

Miss. Code Ann. § 91-9-703(k) (qualified trustee)
Miss. Code Ann. § 91-9-707(b), (i)(1)(A) to (D), (I) (limitations; exception creditors; liability policy)
Laws 2014, ch. 513 (HB 846), eff. 7/1/2014

Missouri

Mo. Rev. Stat. § 456.5-505.3, .4 (spendthrift protection for the settlor; statutory exceptions)
Mo. Rev. Stat. § 456.5-505 credit line (L. 2004 H.B. 1511; A.L. 2009, 2011, 2022)
Mo. Rev. Stat. ch. 428 (ordinary fraudulent-transfer route)

Nevada

Nev. Rev. Stat. § 166.015(2) (in-state trustee)
Nev. Rev. Stat. § 166.040(1)(b) (self-settled spendthrift trust)
Nev. Rev. Stat. § 166.170(1), (2), (3) (limitations; discovery; clear and convincing)

New Hampshire

RSA 564-B:5-505A(d), (f), (g), (o), (q) (spendthrift bar; four-year window; proof; state and federal claims; exception creditors)
RSA 564-B:5-505B (coordination with the repealed RSA 564-D)
2017, 257:21, eff. Sept. 16, 2017
2017, 257:59, III, eff. Sept. 16, 2017 (repeal of RSA ch. 564-D)

Ohio

Ohio Rev. Code § 5816.02(K), (S) (legacy trust; qualified trustee)
Ohio Rev. Code § 5816.03(C) (exception creditors)
Ohio Rev. Code § 5816.07(A), (B), (C) (specific intent; 18 months; clear and convincing)

Rhode Island

R.I. Gen. Laws § 18-9.2-1 (short title; P.L. 1999, ch. 402, § 1)
R.I. Gen. Laws § 18-9.2-2(9) (qualified trustee)
R.I. Gen. Laws § 18-9.2-4(b) (four years; one-year discovery tail; clear and convincing)
R.I. Gen. Laws § 18-9.2-5(1), (2) (exception creditors)

South Dakota

SDCL 55-16-3 (qualified person; SL 2005, ch 261, § 3)
SDCL 55-16-4 (nonresident natural person may not be a qualified person)
SDCL 55-16-9, 55-16-10 (intent to defraud; two years; six months after discovery; clear and convincing)
SDCL 55-16-15(1) (exception creditors)

Tennessee

T.C.A. § 35-16-104(b), (c) (18 months; six-month discovery tail; clear and convincing; 2021 Pub.Acts c. 420, eff. 7/1/2021)
T.C.A. § 35-16-104(i)(1)(A) to (D) (exception creditors)
T.C.A. § 35-16-108(a) (qualified trustee)
T.C.A. § 35-16-112 (dispositions on or after July 1, 2007; Acts 2007, ch. 144)

Utah

Utah Code § 75B-1-303(2)(a)(ii), (2)(a)(iv), (2)(c), (5)(a)(i), (7) (Utah trustee; domestic support notice; clear and convincing)
Utah Code § 75B-1-307(2) (two years, one-year discovery limb, 120 days after notice)

Virginia

Va. Code § 64.2-745.1(C), (D), (E), (F)(2), (G) (five years; restart; creditor rights limited to the section)
Va. Code § 64.2-745.2 (qualified trustee; independent qualified trustee; qualified self-settled spendthrift trust)
Va. Code § 55.1-402 (avoidance route, by cross-reference)

West Virginia

W. Va. Code § 44D-5-503a(a), (c), (d), (e), (f)(2), (g) (qualified interest; four years; restart; creditor rights limited to the section)
W. Va. Code § 44D-5-503b(a), (b) (qualified trustee; independent qualified trustee)
W. Va. Code ch. 40, art. 1A (avoidance route, by cross-reference)

Wyoming

W.S. § 4-10-103(a)(xxxv) (qualified trustee)
W.S. § 4-10-510(a) (qualified spendthrift trust)
W.S. § 4-10-517(a) (clear and convincing)
W.S. § 4-10-520(a) (exception creditors)
W.S. § 34-14-210(b) (two years, six-month discovery limb, 120 days after notice)

The statutes cited here are read at their current text on each state's official code site.