

633A.2302 Spendthrift protection recognized.

Except as otherwise provided in section 633A.2303:

1. A term of a trust providing that the interest of a beneficiary is held subject to a “spendthrift trust”, or words of similar import, is sufficient to restrain both voluntary and involuntary transfer, assignment, and encumbrance of the beneficiary’s interest.

2. A beneficiary shall not transfer, assign, or encumber an interest in a trust in violation of a valid spendthrift provision, and a creditor or assignee of the beneficiary of a spendthrift trust shall not reach the interest of the beneficiary or a distribution by the trustee before its receipt by the beneficiary.

3. Notwithstanding subsections 1 and 2, the interest of a beneficiary of a valid spendthrift trust may be reached to satisfy an enforceable claim against the beneficiary or the beneficiary’s estate for either of the following:

a. Services or supplies for necessities provided to or for the beneficiary.

b. Tax claims by the United States to the extent authorized by federal law or an applicable provision of the Code.

99 Acts, ch 125, §23, 109

C2001, §633.2302

2004 Acts, ch 1015, §28; 2005 Acts, ch 38, §54

CS2005, §633A.2302

2008 Acts, ch 1119, §22