



HOUSE BILL 388: Amend Business Corporations Act, Part X: Updates to Elective Share Statutes

2025-2026 General Assembly

Analysis of: S.L. 2025-33, Part X

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Part X of S.L. 2025-33 amends the law governing a surviving spouse's claim for an elective share to:

- Provide additional guidance drafting trusts that will count 100% towards the spouse's elective share.
- Clarify that the requirement of a nonadverse trustee must be in place for the duration of the trust, including successor trustees, and that this requirement is met if the surviving spouse serves as his or her own trustee.
- Clarify and simplify the process by which a surviving spouse files a claim for elective share.

This Part becomes effective January 1, 2026, and applies to elective share claims filed on or after that date.

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