When you cannot trust the trustee

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Your Right To Obtain A Trust Accounting and How Legal Counsel Can Help Address Your Concerns.

The Massachusetts Uniform Trust Code ("MUTC") imposes several critical duties upon trustees serving in their fiduciary capacity. Among these duties, a trustee must reasonably inform beneficiaries as to their administration of the trust and provide a trust accounting to beneficiaries with respect to the nature and value of the trust property, known as trust corpus. A beneficiary holds the right to request an accounting of transactions the trustee conducts. A trust accounting is a "statement of receipts and payments by a trustee concerning the estate confided in his care; the detailed statement of its administration while in his hand, what has been received, and from what sources, what has been paid out and for what purposes, and the balance, if any, remaining." *See* Chopelas v. Chopelas, 294 Mass. 327, 335 (1936)

As such, Trustees are required to maintain clear, complete, and accurate records with respect to the administration of the trust, so that they may properly provide a trust accounting upon request of a beneficiary. A trust accounting may include receipts for expenses, distributions made to beneficiaries, and for the sale and purchase of all trust property. A trustee must provide the beneficiaries with a trust accounting detailing their administration on an annual basis. A trustee that fails to fulfill the duty to keep beneficiaries reasonably informed and/or fails to provide a trust accounting altogether, may be removed in their fiduciary capacity. When a trustee fails to furnish a trust accounting of administration, an aggrieved beneficiary may file a Petition to Render Account with the Probate and Family Court. Whether there exists grounds for removal of a trustee from their fiduciary capacity or enforcing a beneficiary's right to access trust accounting, our office can help individuals through this process.

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