

APPENDIX 2
CY PRES DOCTRINE
APPLICABLE TO OUTRIGHT TRANSFERS AND TRUSTS*

	Adopted by Statute, Case Law or Dictum [48]**	General intent			Standard		
		Required [17]	Presumed (P) or Eliminated (E) [18]	Inferred [13]	Impossible or Impractical [46]	Inexpedient, Wasteful, Other [20]	Expedited Procedures for Small Trusts [23]
AL	X (S)(T)	X			X		
AK							
AZ							
AR	X (S)(UTC)		P		X	X	X (UTC)
CA	X			X	X		
CO	X	X			X		
CT	X (S)			X	X		X
DE	X (S)		E		X	X	
DC	X (S)(UTC)		P		X	X	X (UTC)
FL	X	X			X		
GA	X (S)		P		X		
HI	X (D)						
ID	X (S) ¹			X	X	X ²	X
IL	X (S) ¹			X	X	X ³	X
IN	X (S)(T)	X			X	X	X (2005)
IA	X (S)	X			X		
KS	X (S)			X	X		X (UTC)
KY	X	X			X		
LA	X (S)			X	X		
ME	X (T)(UTC)		P		X	X	X (UTC)
MD	X (S)	X			X		
MA	X (S)		P		X		
MI	X (T)			X	X		
MN	X (S)	X			X	X	
MS	X	X			X		
MO	X (S)(UTC)		P		X	X	X (UTC)
MT	X (S)(T)	X			X		
NE	X (S)(UTC)		P	X	X	X	X (UTC)
NV	X (D)						
NH	X (S)(T)	X	P		X	X ⁴	X
NJ	X			X	X		
NM	X (S)(UTC)		P		X	X	X (UTC)
NY	X (S)			X ⁵	X		X
NC	X (S)(UTC)		P		X	X	X (UTC)
ND							
OH	X	X			X		
OK	X (S)	X			X		
OR	X (T)(S)(UTC)		P		X	X	X (UTC)
PA	X (S)		E		X		X
RI	X (S)			X	X		X
SC	X (DV)(S)(UTC)		P		X	X	X (UTC)
SD	X (S)(T)			X ⁶	X	X	
TN	X (S)(UTC)		P		X	X	X (UTC)
TX	X (S)	X			X		
UT	X (S)(UTC)		P		X	X	X (UTC)
VT	X (S)			X	X		
VA	X (S)(T)(UTC)		P		X	X	X (UTC)
WA	X	X			X		
WV	X (S)	X			X		
WI	X (S)	X			X		X
WY	X (T)(S)(UTC)		P		X	X	X (UTC)

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* In the following eleven states the cy pres doctrine applies to the general assets of charitable corporations: AR, CA, CT, IL, MD, MA, MN, MO, NY ("quasi cy-pres"), PA, TX. In addition, statutes in all states except DE, MS and OK require distribution of assets upon dissolution to other charitable corporations.

** (S) - adopted by statute. (T) - doctrine applicable to trusts only, not outright transfers. (D) - approved in dictum. (DV) - deviation used as substitute. (UTC) - incorporation of Uniform Trust Code

¹ Trustee need not obtain the approval of any court but does need the consent of the Attorney General.

² "Impractical because of changed circumstances adversely impacting [trust] purposes."

³ "Inconsistent with charitable needs of community."

⁴ "Obsolete or ineffective or prejudicial to the public interest to carry out."

⁵ Donor consent required if living.

⁶ Donor consent required if living and mentally competent.