

CBA TRUST AND ESTATE SECTION
STATUTORY REVISIONS COMMITTEE
MINUTES – September 6, 2023

To: Trust and Estate Section — Statutory Revisions Committee

From: Hayley Lambourn

The next meeting will be October 4, 2023 from 1:30 p.m. to 3:15 p.m. in person and via Zoom.

Please join us in person, if possible.

- I. Welcome and Call to Order.
 - A. Attendance and Introductions. Hayley M. Lambourn called the meeting to order at 1:35pm.
 - B. Reminders. Please let Marianne Luu-Chen know if you did not receive meeting materials or if you would like to be removed from the email list.
(marianne.luuchchen@hcbcboulder.com)
 - C. Approval of Minutes of August 2, 2023 meeting. Letitia Maxfield moved to approve, and Lauren Da Cunha seconded the motion. The minutes were approved with no objection.
- II. Chairperson’s Report
- III. Legislative Liaison’s Report
 - A. The report was made by Leia Ursery.
 1. Uniform Guardianship, Conservatorship and Other Protective Arrangements Act will likely be presented by Senator Gardner this year. An Elder Law Subcommittee, chaired by Brooke Brestel and Catherine Seal, worked on extensive review and comment on a prior version of this Act. The Elder Law Section anticipates reforming/reactivating this Subcommittee to comment on this revised Act as it moves forward.
 2. Uniform Health-Care Decisions Act was approved by the Uniform Law Commission (ULC) this year, and we are awaiting information on which uniform laws the Colorado commissioners will submit. The Subcommittee formed to provide initial feedback to Colorado commissioners anticipates meeting in the near future, but no meeting date is set at this time.

IV. Announcements

V. Subcommittee Reports

A. Active Matters Pending Approval

1. Colorado Uniform Electronic Wills Act, conforming amendments to C.R.S. §§ 15-12-406 and 15-12-303(3)
 - a. Chair: Letitia Maxfield (lmaxfield@wadeash.com)
 - b. Chair anticipates setting its initial meeting in September, and thereafter setting a recurring monthly meeting. Anyone interested in joining this Subcommittee should email its Chair.
2. Uniform Non-Testamentary Electronic Estate Planning Documents Act
 - a. Chair: Steve Brainerd
 - b. Subcommittee is finalizing comments to provide to the Colorado commissioners.

B. Inactive Matters. None.

VI. Section reports

A. Elder Law. The Denver District Attorney's Office ("DA") met with the section to discuss steps it is taking to address elder abuse. The DA indicated to the Section that it is available to answer hypothetical questions on elder abuse, as well as provide guidance as to how it might assist with addressing elder abuse. The Denver Police Department recently created an "elder law" unit to specifically address elder abuse claims.

B. Other. No other reports.

VII. New Matters

A. Carl Stevens reintroduced the Subcommittee to review statutes related to beneficiary deeds and coverage of casualty insurance after death of the beneficiary deed grantor. Anyone interested in joining this Subcommittee should contact Carl as Chair of this Subcommittee. SRC Chair moves this matter to "Active Matters."

VIII. Announcements

A. Marianne Luu-Chen and Bette Heller are working on a Colorado Lawyer Article on the new law and program for handling Abandoned Wills. They are asking that

anyone who has used or attempted to use the new law (and specifically to upload an Abandoned Will) to reach out to them to let them know about the experience – good or bad – so that they can include that information in their Article.

Adjourned at 2:35 pm

Respectfully submitted by Marianne Luu-Chen

NOTICE OF MEETING
STATUTORY REVISIONS COMMITTEE

TO: Trust and Estate Section — Statutory Revisions Committee
FROM: Hayley Lambourn, Marianne Luu-Chen

The next meeting will be November 1, 2023 - 1:30 – 3:15 p.m. in person and via Zoom. Please join us in person.

AGENDA – October 4, 2023

I. Welcome and Call to Order.

- a. *Attendance and Introductions*
- b. *Reminders.* Please let Marianne Luu-Chen know if you did not receive meeting materials or if you would like to be removed from the email list.
(marianne.luuchen@hbcboulder.com)
- c. *Approval of Minutes:* September 6, 2023 Meeting

II. Chairperson’s Report.

III. Legislative Liaison’s Report

IV. Announcements

V. Subcommittee Reports

- a. *Active Matters Pending Approval*
 - i. Electronic Estate Planning Documents Act (Chair: none) Report.
 - ii. Colorado Uniform Electronic Wills Act, conforming amendments to C.R.S. §§ 15-12-406 and 15-12-303(3) (Chair: Letitia Maxfield)
 - iii. Uniform Health-Care Decisions Act (Chair: Leia Ursery)
 - iv. Amendment to C.R.S. § 15-12-203(4), Personal Representative Priority Statute (Chair: Gordon Williams)
 - v. Beneficiary Deeds Statute Update (Chair: Carl Stevens)
- b. *Inactive Matters*
 - i. **Approved, but not moving forward.** Colorado Electronic Preservation of Abandoned Estate Planning Documents Act. (Chair: Pete Bullard). The language approved by the committee was much broad (7 categories of estate planning documents) than the State Court Administrator was able to achieve (1 category, Wills). The State Court Administrator created a pilot

program, which was scheduled to be implemented on February 1, 2023. This matter will remain inactive pending the pilot program. When the program is complete, the committee will consider whether to attempt to reincorporate the broader language to include the other 6 categories of estate planning documents (as described in HB 19-1229 as introduced on 3/8/2019) should be added to the Act by amendment.

- ii. Uniform Cohabitants Economic Remedies Act (Chair: Connie Eyster). Indefinitely on hold until taken up by the legislature.
- iii. **Unapproved.** Child Support in Probate (Chair: Pat Mellen)

VI. Section Reports

- a. *Elder Law*
- b. *Other*

VII. New Matters

VIII. Approved Proposals for Inclusion in Omnibus Bill or standalone legislation

- a. Lodged Wills Statutes, C.R.S. §§ 15-12-304, 15-12-402, and 15-10-305.5
- b. C.R.S. § 15-5-103(10) “Interested person” means a qualified beneficiary or other person having a property right in or claim against a trust estate, which right or claim may reasonably and materially be affected by a judicial proceeding pursuant to this code. The term also includes fiduciaries and other persons having authority to act under the terms of the trust. The meaning as it relates to particular persons may vary from time to time and is determined according to the particular purposes of, and matter involved in, any proceeding.
- c. Proposed change to UTC Termination of Trust §15-5-411 – Elder Law will advance.
- d. Disclosure of Fiduciary Fees, C.R.S. §§15-10-602 and 15-10-705.