

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 January 3, 2024 from 1:30 p.m. to 3:15 p.m. via Zoom only.

MINUTES – December 6, 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.luuchchen@hcboulder.com)
 - C. Approval of Minutes of November 1, 2023 meeting. Leia Ursery moved to approve, and Lauren Dacunha seconded the motion. The minutes were approved with no objection.
- II. Chairperson’s Report. **The next meeting will be January 3, 2024 from 1:30 p.m. to 3:15 p.m. via Zoom only.**
- III. Legislative Liaison’s Report
 - A. The report was made by Tyler Mounsey
 1. Lodged Wills. There is bipartisan support for this legislation. Colorado no longer passes omnibus bills as a general rule with few exceptions, so the strategies from prior years have had to change. Judicial has some questions and comments about this. Legislative session begins January 10, 2024. Legislative Policy Committee (LPC) will meet every Friday at 7:30 am with a hybrid option.
 2. Uniform Health Care Decisions Act is delayed one year. Comments need to be ready by next fall.
 3. Uniform Non-Testamentary Electronic Estate Planning Documents Act is also pending.

4. Elder Law Section is taking the lead to examine the Uniform Guardianship, Conservatorship and Other Protective Arrangements Act (UGCOPAA) and have met with The Arc of Colorado (ARC) and Disability Law Colorado. Letitia Maxfield and Andrew Rogers are co-chairing the subcommittee.
5. CBA Annual Legislative Reception is tentatively scheduled for January 23 from 4:30-7:30. RSVP.

IV. Announcements

- A. New documentary about Terry Schiavo: “Between Life and Death: Terry Schiavo’s Story” (more of a legal perspective)

V. Subcommittee Reports

- A. Active Matters Pending Approval
 1. Uniform Health Care Decisions Act
 - a. Chair: Leia Ursery (lursery@goodspeedmerrill.com)
 - b. Subcommittee will create list of CRS sections affected by the Act and coordinate efforts with ULC Commissioners.
 2. Conforming Amendments to proposed Uniform Guardianship, Conservatorship and Other Protective Arrangements Act (UGCOPPA)
 - a. Chair: Leia Ursery
 - b. Subcommittee will prepare list regarding sections in the Probate Code that will be affected by an adoption of UGCOPPA.
 3. Uniform Non-Testamentary Electronic Estate Planning Documents Act
 - a. Chair: Vacant (Stan Kent reporting)
 - b. Accepted by the Colorado Commissioners of the Uniform Law Commission
 4. 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. Subcommittee continues to identify statutes that need conforming amendments and opportunities for new statutes to address infrastructure with e-wills. (*e.g.*, evidence needed by a proponent to

validate an electronic will, whether witnessed, notarized, or self-proved), including the presumption of the existence of an electronic will. The Colorado State Court Administrator Connie Lind is retiring. Subcommittee may have proposals ready in April. Subcommittee discussing registration statements, presumptions, and notice provisions.

5. Amendment to CRS § 15-12-203(4) Personal Representative Priority Statute

- a. Chair: Gordon Williams
- b. It may not require a statutory change but instead a coordinated effort with Colorado court clerks.

6. Beneficiary Deed Statute

- a. Chair: Carl Stevens
- b. Carl will send out proposed language for insurable interests for consideration to members of the subcommittee. WY has already passed a related statute.

B. Inactive Matters.

1. Approved, but not moving forward. Colorado Electronic Preservation of Abandoned Estate Planning Documents Act.

- a. Chair: Bette Heller
- b. 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.

2. Uniform Cohabitants Economic Remedies Act

- a. Chair: Connie Eyster
- b. Indefinitely on hold until taken up by the legislature.
- 3. Unapproved. Child Support in Probate
 - a. Chair: Pat Mellen

II. Section reports

- A. Elder law. UGCOPAA is a complete overhaul of Article 14 of Title 15. Offices of the Public Administrator, professional fiduciaries, ARC of Colorado, Disability Law Colorado, protective proceeding monitors, and the Office of Public Guardianship is involved in the analysis. Group will request support in educating professionals and possibly delaying implementation in the meantime. Committee will also request comments to be published, as the comments are helpful with interpretation of the Act.
- B. Other. No report.

III. New Matters. None.

IV. Announcements

Adjourned at 2:02 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 February 7, 2024 - 1:30 – 3:15 p.m. in person and via Zoom. Please join us in person.

AGENDA – January 3, 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:* December 6, 2023 Meeting

- II. Chairperson’s Report.**

- III. Legislative Liaison’s Report**

- IV. Announcements**

- V. Subcommittee Reports**
 - a. *Active Matters Pending Approval*
 - i. Uniform Health-Care Decisions Act (Chair: Leia Ursery)
 - ii. Conforming Amendments to proposed Uniform Guardianship, Conservatorship and Other Protective Arrangements Act (Chair: Leia Ursery)
 - iii. Electronic Estate Planning Documents Act (Chair: none)
 - iv. Colorado Uniform Electronic Wills Act, conforming amendments to C.R.S. §§ 15-12-406 and 15-12-303(3) (Chair: Letitia Maxfield)
 - v. Beneficiary Deeds Statute Update (Chair: Carl Stevens)
 - vi. Amendment to C.R.S. § 15-12-203(4), Personal Representative Priority Statute (Chair: Gordon Williams)
 - b. *Inactive Matters*
 - i. **Approved.**

- ii. **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.
- iii. Uniform Cohabitants Economic Remedies Act (Chair: Connie Eyster). Indefinitely on hold until taken up by the legislature.
- iv. **Unapproved.**
 - 1. 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. Approved in 2015-2016.