

RULE CHANGE 2008 (08)

CHAPTER 27

COLORADO RULES OF PROBATE PROCEDURE

Rule 8.8. Non-Appearence Hearings

(a) Unless otherwise required by statute, these Rules or order of ~~Ce~~ourt, matters that are routine and ~~which~~ are expected to be unopposed may be set for a Non-Appearence Hearing. Such Non-Appearence Hearings shall be conducted as follows:

(1) Attendance at the hearing is not required or expected.

(2) Any interested person wishing to object to the requested action set forth in the motion or petition attached to the notice must file a specific written objection with the ~~court~~Court at or before the hearing, and shall furnish a copy of the objection to the person requesting the court order. Form JDF 722 in the Appendix to these Probate Rules may be used and shall be sufficient.

(3) If no objection is filed, the ~~court~~Court may take action on the motion or petition without further notice or hearing.

(4) If any objection is filed, the objecting part shall, within 10 days after filing the objection, set the objection for an Appearance Hearing.

(5) Failure to timely set the objection for an Appearance Hearing as required by section (4) of this rule shall result in the dismissal of the objection with prejudice without further hearing.

(b) The notice of a Non-Appearence Hearing, together with copies of the motion or petition and proposed order must be served on all interested persons no less than 10 calendar days (plus 3 calendar days for mailing) prior to the setting of the hearing and shall include a clear statement of the rules governing such hearings. Form 2NJDF 712 or JDF 963 in the Appendix to these Probate Rules may be used and shall be sufficient. The authorization of this Form shall not prevent use of another Form consistent with this rule.

Rule 28. Inventories—Inventory with Financial Plan - Conservatorships - Date Due - Contents - Oath or Affirmation

Unless the deadline for filing is extended in a written order
fFor good cause shown, within 60 days after the Order Appointing
Conservator is entered by the Court, may enter a written order
permitting additional time for the preparation and filing or
sending of an inventory. each inventories filed by Ceonservators
shall file with the Court and serve on every interested person
an Inventory with Financial Plan. Each Inventory with Financial
Plan shall include a list and value of all assets in which the
protected person has an interest as of the date letters of
appointment were issued, and shall provide the same information
as inventories in decedents' estates. identify all projected
income and expenses of the protected person.
InventoriesInventories with Financial Plans prepared by personal
representatives and conservatorsConservators shall include their
oath or affirmation that it is complete and accurate so far as
they are informed on the date of filing. In the event that the
assets, their value, the income or the expenses change in any
material way, an Amended Inventory with Financial Plan must be
promptly filed with the Court and served on all interested
persons. Any Inventory with Financial Plan and any Amended
Inventory with Financial Plan filed with the Court shall be
deemed to include a Petition for Approval thereof and may be
acted on by the Court with or without the filing of a separate
Petition requesting that the Court review and accept or approve
the Inventory with Financial Plan.

Rule 30.1. Conservatorship - Closing

Unless otherwise ordered by the courtCourt, a petition to
terminate a conservatorshipPetition to Terminate Conservatorship
and Schedule of Distribution (JDF 888) shall be accompanied by a
final conservator's report and proposed schedule of
distribution.Conservator's Report (JDF 885). The protected
person or minor, if then living, and all other interested
persons, as defined by law or by the Court pursuant to §15-10-
201(27), C.R.S. if any, shall be given notice of the hearing on
the petition, which may be held pursuant to Rule 8.8.

(New) Rule 31.1 Conservator's Report (Minors and Adults)

A Conservator's Report shall contain sufficient information to
put the interested persons on notice as to all significant
transactions affecting administration during the

accounting/reporting period. Conservator's Reports that substantially conform to JDF 885 shall be considered acceptable as to both content and format for purposes of this Rule.

- (a) A Conservator's Report filed shall show with reasonable detail the receipts and disbursements for the period covered in the report, shall list the assets remaining at the end of the period, and shall describe all other significant transactions affecting administration during the reporting period. In any specific case, for good cause shown, the court may require the fiduciary to produce such invoices, billing statements, or other supporting evidence as the Court requires.
- (b) A Conservator shall keep records of the administration of the estate and make them available for examination on reasonable request of an interested person.
- (c) If the Court appoints a suitable person pursuant to §15-14-420(3), C.R.S. to investigate, review, and audit such accountings/reports, such costs may be the responsibility of the estate, or as ordered by the Court.
- (d) Interested persons may file a pleading objecting to the appropriateness of disbursements, the compensation of fiduciaries, attorneys, and others and the distribution of estate assets.

(New) Rule 31.2. Guardian's Report (Minors and Adults)

A Guardian's Report (JDF 834 or JDF 850) shall contain sufficient information to put the interested persons on notice as to all significant information regarding the welfare and care of the protected person during the reporting period.

Rule 32. ~~Accounts~~ Reports - Multiple Minors or Beneficiaries

When the same person is conservator or guardian of two or more related minors he/she shall file a separate accountingreport for each minor or, with court approval, he/she may file a combined accountingreport which shows the interest of each minor in the receipts, disbursements, and other transactions reported therein and the amount of money or other property held for each. This Rule shall also apply to a trustee of a court-supervised trust

for two or more beneficiaries unless the trust provides otherwise.

APPENDIX A TO CHAPTER 27

COLORADO PROBATE CODE FORMS

(Forms in this Appendix are available from the Colorado courts web page at

<http://www.courts.state.co.us/chs/court/forms/selfhelpcenter.htm>
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The following forms replace current CPC forms.

FORM		REPLACES
JDF 703	Petition for Transfer of Lodged Will	CPC 9-A
JDF 711	Notice of Hearing	CPC 2
JDF 712	Notice of Non-Appearance Hearing Pursuant to C.R.P.P. 8.8	CPC 2-N
JDF 714	Affidavit Regarding Due Diligence and Proof of Publication	CPC 5
JDF 716	Notice of Hearing by Publication	CPC 6
JDF 718	Personal Service Affidavit	CPC 7-P
JDF 719	Waiver of Notice	CPC 8
JDF 721	Irrevocable Power of Attorney Designating Clerk of Court as Agent for Service of Process	CPC 18-A
JDF 730	Decree of Final Discharge	CPC 26
JDF 731	Receipt and Release	CPC 54
JDF 805	Acceptance of Office	CPC 18-AO
JDF 807	Notice of Hearing to Respondent/Minor	CPC 2-R
JDF 812	Notice of Appointment of Guardian and Conservator	CPC 2A

JDF 824	Petition for Appointment of Guardian - Minor	CPC 34
JDF 834	Guardian's Report - Minor	CPC 32-GRM
JDF 841	Petition for Appointment of Guardian - Adult	CPC 32
JDF 850	Guardian's Report - Adult	CPC 32-GR
JDF 861	Petition for Appointment of Conservator - Minor	CPC 29
JDF 876	Petition for Appointment of Conservator - Adult	CPC 29
JDF 882	Conservator's Inventory with Financial Plan	CPC 20 and CPC 29-FP
JDF 885	Conservator's Report	CPC 29-CR
JDF 963	Notice of Non-Appearance Hearing on Petition for Final Settlement and Distribution	CPC 24-NA

NEW FORMS

(NEW) JDF 704	Order for Transfer of Lodged Will
(NEW) JDF 722	Objection: To Non-Appearance Hearing
(NEW) JDF 809	Order Appointing Visitor
(NEW) JDF 883	Order Regarding Approval of Conservator's Inventory with Financial Plan

**Amended and Adopted by the Court, En Banc April 10, 2008,
effective immediately.**

BY THE COURT:

**Nancy E. Rice
Justice, Colorado Supreme Court**