

## JUDICIAL RESOURCE MANUAL (JRM) SECTIONS REVIEW

### PARTY TYPES

**OTH** – Other is currently listed for: Heirs/Devisee, Nominee and Interested Persons/Party

#### Recommendation

**HER** – Heirs/Devisee

**NOM** – Nominee

**OTH** – Interested Persons/Party

### SCHEDULED EVENTS

**HFPR – Formal Probate of Will Hearing** is currently listed in the Intestate Formal JRM Section

#### Recommendation

Change the description of the **HFPR** code to **Formal Probate Hearing** which would cover all formal estate hearings without creating a new scheduled event code.

### COURT PROCEDURE

Check name index to determine if an existing decedent case exists. Also, check if an existing guardianship and/or conservatorship case exists.

Check probate misc. index to determine if a lodged or deposited will exists.

**ISSUE:** We do not provide direction for what to do if an existing case is found, or if a will has been lodged/deposited.

#### Should the recommendation be:

1) Check name index, **OR** do a statewide (SWI) name index search to determine if an existing decedent case exists? Same with checking for guardianship/conservatorship cases.

2) If an estate case exists *within your court*, should the recommendation be:

a. Accept the new filing – Application/Petition and **relate** it to the **existing case**.

b. Do **NOT** issue Letters in the new case, but consult with the judicial officer assigned to the case on how to proceed.

**OR**

c. Application/Petition should be filed/uploaded into the existing case. If filed via CCE, call the attorney and inform them of the existing case. Reject pleading with a note to the attorney to file the pleading into the existing case.

d. Do **NOT** issue Letters on the new filing, but consult with the judicial officer assigned to the case on how to proceed.

3) If a guardianship/conservatorship case exists *within your court*, should the recommendation be:

a. Relate the new estate case to the existing guardianship/conservatorship case.

4) If an estate case exists *in another court*, should the recommendation be:

a. Accept the new filing – Application/Petition but do **NOT** issue Letters.

b. Consult with the judicial officer assigned to the case on how to proceed.

**Or**

b. Should the case be rejected and the applicant/petitioner be made aware of the existing case in the other court location? **Or**

c. Check with the clerk of court and refer to local policy?

5) If a guardianship/conservatorship case exists *in another court*, should the recommendation be:

a. Note the other court's case number? **And**

b. If so, should a comment be added to the application/petition event or by adding a MINO, whichever is consistent with your local policy?

### **Intestate Formal JRM Section**

1) General Information lists C.R.S. §15-12-401. Is §15-12-401 correct or should it be §15-12-402?

2) Persons with priority, in this order, are: (1) surviving spouse, (2) other heirs, and, (3) after 45 days, any creditor. See §15-12-203(1), C.R.S.

Should this be updated as such?: (1) The surviving spouse, (2) The surviving party to a civil union entered into in accordance with article 15 of title 14, C.R.S., (3) other heirs of the decedent, (4) 45 days after the death of the decedent, any creditor.

### **Questions/Discussions**

1) Should the ESTV code be entered in estate cases (excluding PA Statement of Accounts – Small Estates)?

2) Can uncontested – Formal Testate & Intestate Cases to be set on the Non-Appearance Docket?

### **If Time Permits**

In the JRM Section - Monitoring of Plans & Reports Conservatorship & Guardianship, **should it be a requirement for the Conservator's Financial Plan be set for a hearing or non-appearance hearing?**

It currently states: The conservator must either set the approval of the plan for non-appearance hearing or for an appearance hearing.