

SUPREME COURT OF COLORADO
OFFICE OF THE CHIEF JUSTICE

ORDER

Supplemental Charge to the Probate Advisory Workgroup

AUTHORITY AND PURPOSE

The Colorado Supreme Court established the Probate Advisory Workgroup, which is charged with improving procedures and controls for administering probate cases in Colorado Courts.

In 2017, the Colorado Office of the State Auditor conducted a performance audit of the role of public administrators in probate cases. The State Auditor issued a report containing several recommendations to improve court oversight of public administrators. The Probate Advisory Workgroup is the proper body to formulate recommendations for improved practices in response to the audit.

CHARGE

In addition to the existing charge, the Probate Advisory Workgroup is charged with formulating policies and procedures to address the recommendations contained in the 2017 public administrator audit. The State Auditor's Office made the following recommendations.

- Implement mechanisms for collecting sufficient information from public administrators to assess the reasonableness of fees charged to and costs collected from decedent's estates and protected persons' accounts. This should include collecting information on the hourly rate, number of hours charged, and a description of each distinct service provided, and providing guidance on the information that should be included in the small estate statement of accounts.
- Standardize the format and content of Public Administrator annual reports and ensuring that they include the key elements needed to assess the performance of Public Administrators (e.g., total number of hours worked as a Public Administrator and total hours worked per case, tally of total caseload, cumulative fees for a given year and for

each case, value of the estates, etc.). Provide guidance to Public Administrators on the information required in the annual reports.

- Revise the Judicial Resource Manual to specify that court staff must enter the code designating when a Public Administrator is appointed to a large estate, and assign a case number and record details on each small estate reported by Public Administrators, including those reported in a bundle.
- Implement mechanisms to collect and track key information related to Public Administrator performance. Assess the performance of Public Administrators and Deputy Public Administrators in the Judicial Districts to determine if the function is achieving its purpose.
- Implement written policies and procedures to clarify that anyone appointed to act in the capacity of Public Administrator, including Deputy Public Administrators, must comply with the statutory bond requirements and judicial districts should obtain proof from Public Administrators and Deputy Public Administrators that a bond has been procured, appropriately filed with the Secretary of State's Office, and updated as needed.
- Assess the level of bond that would sufficiently cover the activities of Public Administrators, pursuing any necessary changes to the bond amount based on this assessment, and providing guidance to the judicial districts and courts on bond amounts for Public Administrators.


TIMELINE

The Workgroup shall prepare a report to the Chief Justice and State Court Administrator by May 31, 2018, describing recommendations for addressing the issues identified above. A suggested timeline for addressing the duties in this charge is outlined below:



The Legislative Audit Committee is anticipated to set a hearing in Spring 2018 to receive a report from the State Court Administrator on progress implementing audit recommendations. The deadline for implementing the recommendations is September 2018.

Done at Denver, Colorado this 24 day of October, 2017.



Nancy E. Rice
Chief Justice, Colorado Supreme Court