

**NO FISCAL IMPACT**

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**Drafting Number:** LLS 10-1050**Date:** April 23, 2010**Prime Sponsor(s):** Sen. Carroll M.  
Rep. Court**Bill Status:** Senate Judiciary**Fiscal Analyst:** Chris Ward (303-866-5834)

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**TITLE:** CONCERNING CLARIFYING REVISIONS TO CERTAIN PROVISIONS OF THE COLORADO PROBATE CODE.**Summary of Legislation**

The bill makes several modifications to the probate code. Specifically, the bill:

- requires that cost-of-living adjustments of certain dollar amounts be rounded to one-thousand-dollar increments, rather than one-hundred-dollar increments;
- defines the word "will" to exclude designated beneficiary agreements, but clarifies the rights of a designated beneficiary to receive all or part of an intestate estate;
- clarifies that a child who is in the process of being adopted by a second adult in a second-parent adoption when the second adult dies shall be treated as adopted by the second adult if the child's parent survives the second adult by 120 hours;
- reduces the evidence required to overcome a presumption that a deceased spouse has a parent-child relationship with a child born using assisted reproduction technologies;
- revises the scope of the rules of construction applicable to wills and other governing instruments to specify that new class gift rules apply only to documents executed or re-published on or after the effective date of the applicable statute;
- requires that official comments to the code be published in the statute;
- removes statutory language awarding a part or all of an intestate estate to a designated beneficiary who was designated by the decedent to be his or her designated beneficiary for purposes of intestate succession;
- removes statutory language awarding a share of an intestate estate for a decedent's stepchildren when there are no blood relatives of the decedent available to receive an intestate share; and
- amends the effective date-applicability clause of HB09-1287, enacted in 2009.

The bill takes effect July 1, 2010.

**Assessment**

The bill has no fiscal impact. It clarifies some changes to the probate code adopted in 2009, but will not affect state or local government revenue or expenditures.

**Departments Contacted**

Judicial