

First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0567.01 Jane Ritter

HOUSE BILL 11-1232

---

HOUSE SPONSORSHIP

Court, Duran, McCann, Pabon

SENATE SPONSORSHIP

Carroll,

---

House Committees  
Judiciary

Senate Committees

---

A BILL FOR AN ACT

101 CONCERNING THE ADMINISTRATION OF TRUSTS WITH  
102 COURT-APPOINTED FIDUCIARIES.

---

Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billssummaries>.)*

The bill creates a registry (registry) for approved guardians, conservators, and court-appointed trustees (fiduciaries) to be administered by the judicial department. Fiduciaries may apply for inclusion on the registry and pay a fee as set by the judicial department. Quarterly, rather than annually, guardian, conservator, and trust reports are mandated.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

Other reasonable requests for information from a fiduciary shall be honored within 30 days or less. Noncompliance results shall be considered grounds for removal from the registry.

---

1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1.** The introductory portion to 15-14-317 (1) and  
3 15-14-317 (3), Colorado Revised Statutes, are amended, and the said  
4 15-14-317 is further amended BY THE ADDITION OF A NEW  
5 SUBSECTION, to read:

6           **15-14-317. Reports - monitoring of guardianship.** (1) Within  
7 sixty days after appointment or as otherwise directed by the court, a  
8 guardian shall report to the court in writing on the condition of the ward,  
9 the guardian's personal care plan for the ward, and account for money and  
10 other assets in the guardian's possession or subject to the guardian's  
11 control. A guardian shall report at least ~~annually~~ QUARTERLY thereafter  
12 and whenever ordered by the court. The ~~annual~~ QUARTERLY report must  
13 state or contain:

14           (3) The court shall establish a system for monitoring  
15 guardianships, including the filing and review of ~~annual~~ QUARTERLY  
16 reports. IF ADDITIONAL INFORMATION IS REQUESTED, THE GUARDIAN  
17 SHALL PROVIDE THE INFORMATION REQUESTED TO THE COURT WITHIN  
18 THIRTY DAYS OR LESS FROM THE DATE OF THE REQUEST.

19           (4) FAILURE TO PROVIDE THE REQUESTED INFORMATION PURSUANT  
20 TO THIS SECTION SHALL BE CONSIDERED GROUNDS FOR REMOVAL, AT THE  
21 COURT'S DISCRETION, FROM THE REGISTRY OF APPROVED FIDUCIARIES  
22 CREATED IN SECTION 15-10-506.

23           **SECTION 2.** 15-14-420 (1) and (5), Colorado Revised Statutes,  
24 are amended, and the said 15-14-420 is further amended BY THE

1 ADDITION OF A NEW SUBSECTION, to read:

2 **15-14-420. Reports - appointment of monitor - monitoring -**  
3 **records.** (1) A conservator shall report to the court about the  
4 administration of the estate ~~annually~~ QUARTERLY unless the court  
5 otherwise directs. Upon filing a petition or motion and after notice, a  
6 conservator shall be entitled to a hearing to settle all matters covered in  
7 an intermediate or final report. An order, after notice and hearing,  
8 allowing an intermediate report of a conservator adjudicates all of the  
9 conservator's, his or her other counsel's, and his or her other agent's  
10 liabilities concerning all matters adequately disclosed in the report. An  
11 order, after notice and hearing, allowing a final report adjudicates all  
12 previously unsettled liabilities of the conservator, his or her counsel, and  
13 that of his or her agents relating to the conservatorship, the protected  
14 person, or the protected person's successors.

15 (5) A conservator shall keep records of the administration of the  
16 estate and make them available for examination on reasonable request of  
17 an interested person. THE CONSERVATOR SHALL PROVIDE THE RECORDS  
18 REQUESTED PURSUANT TO THIS SUBSECTION (5) TO THE BENEFICIARY  
19 WITHIN THIRTY DAYS OR LESS FROM THE DATE OF THE REQUEST.

20 (6) FAILURE TO PROVIDE INFORMATION REQUESTED PURSUANT TO  
21 THIS SECTION SHALL BE GROUNDS FOR REMOVAL, AT THE COURT'S  
22 DISCRETION, FROM THE REGISTRY OF APPROVED FIDUCIARIES CREATED IN  
23 SECTION 15-10-506.

24 **SECTION 3.** 15-10-501 (2) and (3), Colorado Revised Statutes,  
25 are amended to read:

26 **15-10-501. Court powers - definitions - application.**  
27 (2) **Definitions.** As used in this part 5, unless the context otherwise

1 requires:

2 (a) "Court" means a district court of Colorado and the probate  
3 court of the city and county of Denver.

4 (b) "Estate" means the estate of a decedent; a guardianship; a  
5 protective proceeding; a trust, including an implied trust; an agency  
6 created by a power of attorney; or a custodial account created under the  
7 "Colorado Uniform Transfers to Minors Act", article 50 of title 11, C.R.S.

8 (c) "Jurisdiction" means, and is restricted to, the personal  
9 jurisdiction obtained by a court over a fiduciary as a result of the filing of  
10 a proceeding concerning the estate. The filing of a trust registration  
11 statement, by itself, shall not constitute a proceeding for the purposes of  
12 this part 5.

13 (d) "REGISTRY" MEANS THE REGISTRY OF APPROVED FIDUCIARIES  
14 CREATED IN SECTION 15-10-506.

15 (3) **Application.** EXCEPT AS PROVIDED FOR IN SECTION 15-10-506  
16 (3), the provisions of this part 5 shall apply to any fiduciary over whom  
17 a court has obtained jurisdiction, including but not limited to a personal  
18 representative, special administrator, guardian, conservator, special  
19 conservator, trustee, agent under a power of attorney, and custodian,  
20 including a custodian of assets or accounts created under the "Colorado  
21 Uniform Transfers to Minors Act", article 50 of title 11, C.R.S.

22 **SECTION 4.** Part 5 of article 10 of title 15, Colorado Revised  
23 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
24 read:

25 **15-10-506. Registry of approved fiduciaries - fees - rules.**

26 (1) THERE IS HEREBY CREATED THE REGISTRY OF APPROVED FIDUCIARIES  
27 TO BE ADMINISTERED BY AN OFFICE ESTABLISHED WITHIN THE JUDICIAL

1 DEPARTMENT TO IMPLEMENT THE PROVISIONS OF THIS SECTION. A  
2 FIDUCIARY MAY APPLY FOR PLACEMENT ON THE REGISTRY AND BE  
3 ACCEPTED AT THE DISCRETION OF THE JUDICIAL DEPARTMENT. A  
4 FIDUCIARY SHALL PAY AN ANNUAL FEE, AS DETERMINED IN SUBSECTION  
5 (2) OF THIS SECTION, FOR INCLUSION ON THE REGISTRY. UPON PETITION,  
6 THE FIDUCIARY MAY BE REMOVED FROM THE REGISTRY AT THE  
7 DISCRETION OF THE JUDICIAL DEPARTMENT. NONCOMPLIANCE WITH  
8 SECTIONS 15-14-317, 15-14-420, AND 15-16-303 SHALL BE CONSIDERED  
9 GROUNDS FOR REMOVAL.

10 (2) ON OR BEFORE OCTOBER 1, 2011, THE JUDICIAL DEPARTMENT  
11 SHALL SET THE FEE FOR THE REGISTRY, NOT TO EXCEED THE DIRECT AND  
12 INDIRECT COSTS FOR THE IMPLEMENTATION AND ADMINISTRATION OF THE  
13 REGISTRY.

14 (3) FOR THE PURPOSES OF THIS SECTION, "FIDUCIARY" MEANS A  
15 CONSERVATOR, GUARDIAN, OR COURT-APPOINTED TRUSTEE.

16 (4) A PERSON OR ENTITY SHALL NOT BE APPOINTED BY THE COURT  
17 AS A FIDUCIARY UNLESS, AT THE TIME OF APPOINTMENT, THE PERSON OR  
18 ENTITY IS ON THE REGISTRY OF APPROVED FIDUCIARIES. IF A PERSON OR  
19 ENTITY IS REMOVED FROM THE REGISTRY OF APPROVED FIDUCIARIES, AS  
20 PROVIDED FOR IN SECTION 15-14-317 (4) OR 15-14-420 (6), OR  
21 SUBSECTION (5) OF THIS SECTION, THE APPOINTMENT OF THAT FIDUCIARY  
22 SHALL BE REVOKED AS OF THE DATE OF REMOVAL AND A SUCCESSOR  
23 FIDUCIARY SHALL BE APPOINTED BY THE COURT AS SOON AS FEASIBLE.

24 (5) IF THE COURT DECLINES TO REMOVE THE FIDUCIARY AS  
25 PROVIDED FOR IN SECTION 15-14-317 (4) OR 15-14-420 (6), ANY  
26 INTERESTED PERSON MAY PETITION THE OFFICE ESTABLISHED WITHIN THE  
27 JUDICIAL DEPARTMENT PURSUANT TO SUBSECTION (1) OF THIS SECTION

1 FOR REMOVAL OF THE FIDUCIARY. THE DECISION OF SUCH OFFICE WITH  
2 RESPECT TO THE INTERESTED PERSON'S PETITION FOR REMOVAL OF THE  
3 FIDUCIARY FROM THE REGISTRY SHALL BE FINAL.

4 **SECTION 5.** 15-16-303 (4), Colorado Revised Statutes, is  
5 amended, and the said 15-16-303 is further amended BY THE  
6 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

7 **15-16-303. Duty to inform and account to beneficiaries.**

8 (4) Upon reasonable request, a beneficiary is entitled to a statement of  
9 the accounts of the trust ~~annually~~ QUARTERLY and on termination of the  
10 trust or change of the trustee.

11 (5) THE TRUSTEE SHALL PROVIDE THE STATEMENT OF ACCOUNTS  
12 OR OTHER INFORMATION REQUESTED PURSUANT TO THIS SECTION TO THE  
13 BENEFICIARY IN THIRTY DAYS OR LESS FROM THE TIME OF THE REQUEST.

14 (6) FAILURE TO PROVIDE THE REQUESTED INFORMATION PURSUANT  
15 TO THIS SECTION SHALL BE GROUNDS FOR REMOVAL, AT THE COURT'S  
16 DISCRETION, FROM THE REGISTRY OF APPROVED FIDUCIARIES CREATED IN  
17 SECTION 15-10-506.

18 **SECTION 6. Safety clause.** The general assembly hereby finds,  
19 determines, and declares that this act is necessary for the immediate  
20 preservation of the public peace, health, and safety.