

SEVENTEENTH JUDICIAL DISTRICT

ADAMS COUNTY AND THE CITY AND COUNTY OF BROOMFIELD

ADMINISTRATIVE ORDER OF THE CHIEF JUDGE

12-04A as amended
12-08-17

POLICY AND PROCEDURES FOR SINGLE TRANSACTION CASES, PROTECTIVE PROCEEDINGS, AND PROBATE ACTIONS

All District Court Probate cases will be subject to the following procedures:

The Court finds, that under C.R.S. §15-14-102, the threshold for requiring a case to be filed as a Conservatorship is \$14,000. The Court orders any case, where the minor will receive funds in the amount of \$14,000 and over, to be filed as a Conservatorship at the time of filing the Petition to Settle Injury Claim, unless good cause exists. A CBI Report, a Credit Report, and a copy of the proposed Conservator's Driver's License must be filed along with the Petition for Conservatorship. The Court will only accept Credit Reports directly from Experian, Equifax, and Transunion. All other Credit Reports will be rejected. The Clerk's Office has the right to refuse filing of the new case in the event that the CBI Report, the Credit Report, and the copy of Driver's License are not filed with the Petition for Conservatorship. If the Petitioner is not a resident of the State of Colorado, the Petitioner is to provide the State of their residence's criminal report equivalent to the CBI Report.

For cases involving less than \$14,000, the parties will be required to place all funds into a Restricted Account and file the Acknowledgement of Deposit of Funds to Restricted Account within thirty (30) days after the hearing approving the settlement. The Court will require JDF 896 Restricted Account Report and a copy of the annual bank statement to be filed with the Court thirty (30) days after the protected person's birthday. The check, for the amount to be placed in the restricted account, should not be written in the name of the parent fiduciary. The check should be titled "for minor to be placed in a restricted account in minor's name". The Court will put banks on notice that should they sign an Acknowledgement of Deposit of Funds to a Restricted Account and then allow funds to be withdrawn from the account without a Court Order, the Court will issue a contempt citation against the bank and hold the bank liable for the funds withdrawn. A copy of the Fiduciary's Driver's License will be required at the time of filing the Petition to Settle Claim. No hearing on the Petition to Settle Injury Claim will be set until the copy of the Fiduciary's Driver's License is filed with the Court.

At the time of filing a Petition for Guardianship, Conservatorship, Successor Guardianship, or Successor Conservatorship, the Court requires a copy of the CBI Report,

a Credit Report, and a copy of the Driver's License for the nominated Guardian or Conservator. All Guardian and Conservator Professionals, such as, but not limited to, the Public Administrator and her Deputies, Guardianship Alliance, Care Management Advocates, and Baysore & Christian, are not required to file these documents each time they enter a case, based on the volume of cases handled by the professionals; however, they are required to file an updated CBI Report, Credit Report, and Driver's License every three (3) years.

All Guardians and Conservators, except professionals already addressed above, are required to file a new CBI Report, Credit Report, and Driver's License every two (2) years with the Court. If the Guardian/Conservator is not a resident of the State of Colorado, the Guardian/Conservator is to provide the State of their residence's criminal report equivalent to the CBI Report.

The Court requires that the proof of service of the Notice of Hearing to the Respondent/Minor, as well as the Notice of Hearing to Interested Parties, must be filed at least five (5) days prior to the hearing or the Court will vacate the hearing.

Miscellaneous Procedures

The Protective Proceedings Checklist will be used to actively manage all Guardian and Conservatorship cases. Review dates are set as needed to monitor the status of cases and to ensure timely filing of required documents and/or reports.

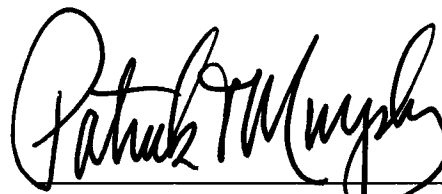
All required reports shall be due thirty (30) days after the protected person's birthday with the reporting period starting on the protected person's birthday and ending the day before the protected person's birthday the next year.

If a Judge grants a bond waiver, the Judge will cite the reasons on the record and this information will be included in the minute order and on the written order.

The Appointment of an Emergency Guardian will require the appointment of an attorney for the adult protected person. The protected person's estate will be required to pay the attorney's fees; however, if the protected person is indigent, the protected person, or Guardian for the protected person, shall file Form JDF 207 Request and Authorization for Payment of Fees for the Court to determine who will be responsible for the attorney's fees.

So ordered this 8th day of December, 2017, to be effective immediately.

BY THE COURT:



PATRICK T. MURPHY
Chief Judge
Seventeenth Judicial District