

**Colorado Supreme Court Advisory Committee on the Rules of Probate Procedure
May 28, 2021 Minutes**

A quorum being present, the Colorado Supreme Court Advisory Committee on Rules of Probate Procedure was called to order by Judge Anthony Navarro at 1:30 p.m., via videoconferencing software WebEx. Members present or excused from the meeting were:

Name	Present	Excused
Judge Anthony J. Navarro, Chair	X	
Shari Caton	X	
Judge Mary Deganhart		X
Judge Allison P. Ernst		X
Kristabel Garcia	X	
Emily Gregory	X	
Michael Holder	X	
Magistrate H. Clay Hurst	X	
Michael Kirtland	X	
Judge Elizabeth Leith	X	
Connie Lind	X	
Judge Mark MacDonnell	X	
Marcie McMinimee	X	
Amber Roth	X	
Charles Spence	X	
Leia Ursery		X
Casey Williams	X	
Non-voting Participants		
Justice Richard L. Gabriel, Liaison	X	
SCAO Representative (vacant)		

I. Attachments & Handouts

A. May 28, 2021 agenda packet

II. Announcements from the Chair

Justice Gabriel welcomed and introduced the new Committee Chair, Judge Anthony Navarro, of the Colorado Court of Appeals. Chair Judge Navarro in turn welcomed everyone and the committee introduced themselves.

III. Business

A. **Electronic Wills – New Rule 57 and Forms 910, 913, 920, 921, 924, 926, XXX**

Drafting Subcommittee Chair Judge Leith shared that the Subcommittee drafted the proposed new rule and comments, and the result is what the Committee sees today. The Committee discussed its overall approval of the rule and then discussed a few minor, friendly amendments. The Committee decided to remove the initial reference to codicils. It also decided to alter the first comment to provide education on where to find the law rather than state the law itself. The Committee did not have any edits to the forms.

B. Rule 40

Marcie McMinimee introduced this rule. The Committee had no changes.

C. Forms 813, 822, 824, 825, 826, 827, 828, 829, 830, 834, 835, 843, 850, 877, 882, 885, 897, 916, 919 (new), 922, 940, 990, and 991

Forms Subcommittee Chair Connie Lind introduced the proposed changes to the forms.

One member mentioned a recent a supreme court decision on the Indian Child Welfare Act (ICWA) and queried whether that decision could impact these forms. Ms. Lind reported that the ICWA language came from a separate group focused specifically on ICWA. With this explanation, the members were satisfied with the language.

One member reported a typographical error in JDF 835. Ms. Lind will fix this.

Because making changes to forms creates a significant amount of work for litigants and the court system, the Committee discussed the utility of adopting small changes to forms versus waiting until there are larger changes. The Committee ultimately decided to go ahead with the changes since some changes were substantive.

One member also noticed that a few titles of the forms in footers did not match the title of the forms. Those will be fixed.

A motion and second were taken to submit the packet to the supreme court as discussed today, along with the accepted friendly amendments. This passed unanimously.

Chair Judge Navarro thanked everyone for their hard work and will provide updates when they occur.

IV. Future Meetings

TBD

The Committee adjourned at 3:40 p.m.