

## CHAPTER 101

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**PROBATE, TRUSTS, AND FIDUCIARIES**


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## SENATE BILL 18-165

BY SENATOR(S) Neville T. and Todd, Donovan, Smallwood, Marble, Martinez Humenik, Tate;  
also REPRESENTATIVE(S) Winter and Saine, Kraft-Tharp, Humphrey, Michaelson Jenet, Reyher.

## AN ACT

## CONCERNING REQUIREMENTS FOR PUBLIC ADMINISTRATORS.

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

**SECTION 1.** In Colorado Revised Statutes, 15-12-619, **amend** (4) and (6) as follows:

**15-12-619. Public administrator - appointment - oath - bond - deputy.**

(4) Every public administrator shall procure and maintain a general bond in the sum of ~~twenty-five~~ ONE HUNDRED thousand dollars covering the public administrator's performance and the performance of the public administrator's employees to the people of the state of Colorado. Such bond shall be conditioned on the faithful discharge of the duties of the office of the public administrator and ~~shall~~ MUST be filed in the office of the secretary of state ON AN ANNUAL BASIS. If the Colorado attorney general finds reasonable grounds to believe that a public administrator has improperly administered a public administrator's estate, the attorney general may sue upon such bond in the name of the people of the state of Colorado to compensate any party harmed by any neglect or wrongful act by a public administrator or the public administrator's employees. In addition to the above general bond, a public administrator may also be required to give such bonds as are required of other fiduciaries.

(6) Subject to the approval and confirmation by the district or probate court in each judicial district, the public administrator may also appoint one or more deputy public administrators. Deputy public administrators ~~shall~~ MUST be qualified electors over the age of twenty-one. Any deputy public administrator ~~shall serve~~ SERVES at the pleasure of the appointing court and the public administrator in that judicial district until such time as the deputy public administrator is discharged by the court

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*Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

or the public administrator or until the deputy public administrator resigns. ~~No~~ THE resignation of a deputy public administrator ~~shall be~~ IS NOT effective until it is filed with and approved by the appointing court. The deputy public administrator shall act as directed by the public administrator in the deputy public administrator's judicial district. DEPUTY PUBLIC ADMINISTRATORS ARE SUBJECT TO ALL REQUIREMENTS OF PUBLIC ADMINISTRATORS AS SET FORTH IN THIS SECTION, INCLUDING THE BOND REQUIREMENT IN SUBSECTION (4) OF THIS SECTION.

**SECTION 2.** In Colorado Revised Statutes, 15-12-621, **amend** (6) as follows:

**15-12-621. Public administrator - decedents' estates - areas of responsibility.**

(6) Small estates, as defined in section 15-12-1201, may be administered by the public administrator using an affidavit as provided in section 15-12-1201, with the same effect as provided in section 15-12-1202. The claims period ~~shall end~~ ENDS one year from the date of the decedent's death. At the end of the claims period, the public administrator shall summarily make distribution of estate assets by distribution to allowed claimants pursuant to the priorities set forth in section 15-12-805. The remainder of the estate's funds, if any, ~~shall~~ MUST be distributed to the decedent's heirs or devisees as determined under the Colorado Probate Code. In determining who is entitled to an estate's funds, a public administrator may rely on affidavits by persons who set forth facts to establish their claims, heirship, or the validity of a testamentary document. The public administrator ~~shall not be~~ IS NOT liable for any improper distributions made in reasonable reliance on information contained in such affidavits. All estates administered by a public administrator pursuant to the small estate procedure ~~shall be~~ ARE closed by the filing of a public administrator's statement of account with the appointing district or probate court. The statement of account ~~shall~~ MUST set forth all receipts and disbursements made during the administration of the estate including the public administrator's fees and costs, and the fees and costs of the public administrator's staff and investigators. COPIES OF ALL FEE STATEMENTS REFLECTING SUCH FEES AND COSTS MUST BE FILED WITH THE STATEMENT OF THE ACCOUNT. Upon filing of the public administrator's statement of account, the public administrator ~~shall~~ MUST be discharged and released from all further responsibility and all liability with regards to the estate.

**SECTION 3.** In Colorado Revised Statutes, 15-12-623, **amend** (2) as follows:

**15-12-623. Public administrator - administration - reports - fees.** (2) On or before March 1 of each year, each public administrator ~~shall file with the appointing court such reports concerning the administration of public administrator cases during the previous calendar year as the appointing court shall direct~~ AND DEPUTY PUBLIC ADMINISTRATOR SHALL FILE WITH THE APPOINTING COURT, USING A STANDARD REPORT FORM DIRECTED BY THE CHIEF JUSTICE, AN ANNUAL REPORT CONCERNING THE ADMINISTRATION OF THE PUBLIC ADMINISTRATOR CASES DURING THE PREVIOUS CALENDAR YEAR. IN ADDITION TO THE INFORMATION REQUIRED ON THE STANDARD REPORT FORM, THE PUBLIC ADMINISTRATOR SHALL PROVIDE ANY ADDITIONAL INFORMATION REQUIRED BY THE APPOINTING COURT.

**SECTION 4. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a referendum petition is filed pursuant to section 1 (3)

of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 2, 2018