



*The Honorable
 C. Jean Stewart, Presiding*



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THE IMPACT OF THE RECESSION ON THE PROBATE COURT

Everyone is suffering in this time of economic stress. The impact on the Court system and on the Denver Probate Court in particular, is palpable. The judicial branch is under a hiring freeze which means that when an employee leaves—regardless of the reason—the position is being held vacant until at least June 30, 2010. The work still has to be done—but now must be done by other staff. Every supply order, equipment purchase, and administrative decision is tainted by budget reductions and threats of further cuts. Staff members have concerns at home about recessionary pressures and about threatened furloughs (currently we are expecting to have 8 planned furlough days during the fiscal year July 1, 2009-June 30, 2010). Most of all, as with our constituents, uncertainly plagues everyone and the incoming work is relentless.

Historically and currently we have observed that pro se filings increase during recessionary times and often the needs of the pro se litigants are exceptional. An extraordinary amount of time and patience is demanded of court staff when faced with these ever increasing pressures. When court staff shrinks in number, judicial officers often have to take on administrative roles that would, in times of full staffing, be done by others who are not expected to conduct hearings, rule on motions or issue orders. If a judge is assisting with staff functions some important work is not being addressed in a timely manner.

In the face of all of these forces, adjustments are made. Among other changes that are not so apparent, court attention must be directed to the most urgent needs and other matters deferred. In Denver Probate Court, mental health matters and those protective proceedings where the health or safety of the most vulnerable of our

citizens is implicated are given top priority for settings, hearing times, decisions and orders. Cases where public safety is at risk are ranked next among the most important of the issues to be addressed each day. This leaves a great many more routine matters that are delayed until time becomes available. This is unfortunate but part of the reality of our current world.

To date we have been able to continue to use Linda Riggle as a full-time Registrar to process applications and some notice-based matters so that the probate process continues to move swiftly. Litigated estates will naturally have to be delayed and settings will be further down on the docket. We have recently introduced a mediation program into our protective proceedings to educate litigants about mediation prior to commencing their cases in the probate court. We hope this program will reduce the number of contested cases and also offer the elderly and others involved in this system an opportunity to craft interest-based solutions to family problems.

Most of all, we need your patience and cooperation. If we cannot answer phone calls please do not leave a staff member “a piece of your mind.” If your hearings are delayed please assume that it was because another matter involving someone’s safety—perhaps even someone’s life—took priority. If your orders or copies are not delivered as timely as we would like, please accept our apology in advance.

Thank you—Judge Stewart

This newsletter is intended to provide general reference material in summary form and does not constitute binding authority on this or any other Court in a particular case. Moreover, this information is in no way an adequate substitute for qualified legal representation.

Employee Spotlight

Susanna Baker

Susanna Baker has been with the Denver Probate Court for nearly 2 years and is a Court Judicial Assistant. Susanna is a valuable asset to this Court and is responsible for the day-to-day Mental Health workload. This includes case processing, data entry, appointing attorneys and case monitoring. We receive over 1200 mental health cases each year, and every single case passes through the hands of Susanna. Susanna also serves as bailiff for the mental health cases. Susanna is also responsible for approving all Court appointed attorney



Job Title: CJA

What do you do? – I am working with MH cases for the most part: entering new cases into EClipse appointing attorneys to MH cases, processing MH motions and orders, approving requests for payments in the online billing system...

Family: My husband – John, my son – Samuel, our dog and 2 cats

What is your idea of happiness? – Peace in the world

When I'm not working, I'm..... Reading, going to gym, taking my son to his swimming lessons, walking in the dog park, ice-skating, chatting online...

What is the quality you most like in a person? - Honesty

Best gift you ever received? – My family

What's the most useless thing you ever bought? – Lottery tickets

Not many people know that I: - Volunteer for the Colorado Beagle Rescue

Toughest thing about your job? – Keeping up with filing

Best memory at Denver Probate? - Holiday potlucks & gift exchange games

What would you do if won the lottery? – I have several different plans based on how much money I win. Hopefully, it will allow me to travel around the world...

What did you want to be when you grew up? - Veterinarian

What three individuals of historic or present would you like to have over for dinner? – Nefertiti, Cleopatra, Rasputin

What is your greatest luxury? - My robot – vacuum cleaner. It vacuums on its own and charges itself

What is the craziest thing you would do for a million dollars? – Direct a movie

Describe your perfect day: - The sun is bright, the sky is blue, I don't have to get up early...

What three objects would you rescue from a burning house? – Photo albums, jewelry, and my cosmetic bag

What do you like most about Denver Probate? - People

What do you like least about Denver Probate? – Location



Even 100 years ago, Denverites liked to try newfangled cycling equipment!

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Photo (c) 2007 Denver Public Library, Western History Collection

A man rides a bicycle adapted as a velocipede for the tracks in the railroad yards near 20th St

Conservatorship Training

The Denver Probate Court offers free training classes for conservators. All conservators are welcome.

Conservators who attend the training will receive a certificate of attendance, a copy of which will be kept in their case file.

- **Conservatorship Training:**
Tuesday - May 5, 2009
- **Time:**
1:30pm to 2:30pm, followed by an optional question and answer session from 2:30pm to 3:00pm
- **Location:**
1437 Bannock St., Room 224
Denver, CO 80202

If you would like to attend, please notify Lucy Murray at lucy.murray@judicial.state.co.us or 720-865-8338.

Lucy Murray, a Certified Public Accountant and Court Volunteer, will conduct the training. Lucy and other Denver Probate Court staff will be available after the training to answer questions.

The goal of the training is to help conservators set up a system to manage the finances of a protected person and perform the required annual reporting in an efficient and effective manner. Not only will the training be informative and helpful to conservators, it will also offer conservators a unique opportunity to meet other conservators and exchange ideas.

The training class covers the following topics:

- The advisability to pay for all expenses for the conservatorship through a central checking account
- The need to maintain all records for the duration of the conservatorship because the Court and Interested Persons can request documentation at any time
- How to prepare the Conservator's Inventory and Financial Plan (JDF 882), and when an amended Financial Plan should be filed with the Court

- How to determine if the remaining assets in the estate are sufficient to provide for the present and future care of the Protected Person
- Common questions and issues when completing the annual Conservator's Report (JDF 885)
- When a conservator must file the IRS Form 1099-MISC to report payments made for services provided to the estate
- How to determine if the amounts paid for professional services are reasonable

We strongly encourage new conservators to attend, as well as conservators who have an upcoming report due.

If you plan to attend, please notify Lucy at lucy.murray@judicial.state.co.us or 720-865-8338.

*Please check our website to confirm future training dates at www.denverprobatecourt.org

Sudoku puzzle

		1	7		8	3		
6	8		5		9		4	7
	7		1		4		6	
7		6				9		1
3		5				8		6
	6		3		1		7	
1	9		2		5		8	3
		7	9		6	2		

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Indian Child Welfare Act

Written by: Paula Constantakis Young, P.C.

It is required that an investigation be made as to whether a child in a guardianship proceeding may be an Indian Child which would initiate notice requirements pursuant to the Indian Child Welfare Act (ICWA).

The beginning point for any determination of whether ICWA applies to a particular proceeding is an inquiry into whether the child involved is an "Indian child" as that term is defined at 25 U.S.C. Section 1903(4). The definition requires that the child be a member of or eligible for membership in an Indian tribe and be the biological child of a member of an Indian tribe.

One of the basic tenants of ICWA is that a child's Indian Tribe has a discrete interest, separate from a parent's or custodian's, in any proceeding involving the custody, guardianship or adoption of an Indian Child that must be protected throughout the proceeding. ICWA allows the tribe an unqualified right to intervene in the proceeding, at any stage, as well as the right to request to transfer the proceeding to a tribal court. There are specific requirements regarding a transfer, as well as exceptions to a transfer, which must be reviewed.

Under ICWA, in any involuntary proceeding where the party initiating the proceeding knows or has reason to know that an Indian child is involved, that party must notify the parent, custodian, and tribe by registered mail, with return receipt requested, of the commencement of the proceedings. The failure to serve proper notice is a jurisdictional defect.

Document Title Documentation

The Court's February 2007 Newsletter featured an article by Melissa Barnes expressing the Court's view that the documentation in the document title is very much appreciated. ([See article](#)). In her article, Melissa noted that all involved in the Court's e-filing system have come a long way.

In the spirit of continuous improvement of the electronic filing system, the Court has recently started to reject certain e-filings due to a lack of "document title" documentation. E-filers may receive a rejection containing this comment when the Court rejects an e-filing:

"When filing any document (pleadings, attachments, exhibits, etc.) please clearly describe the "document title" in the proper field (e.g. "ex. C – Medical Report" rather than simply "ex. C"). This will create a clear register of action and enables the Court to operate more efficiently."

Thank you. The documentation in the "document title" is still very much appreciated!

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INTERNS

Probate Court Population Swells for the Spring Semester

If you've been to the Probate Court, you may have had the chance to meet one of our bright new interns. We are so pleased that six law students joined our crew for the spring semester. The interns quickly become valued members of our team – we are very appreciative of their contributions.

The Court has been able to accomplish some significant goals with this critical mass of talent, energy, intelligence, and enthusiasm. In addition to the standard Three Rs of internship (reading, researching, and 'riting), our interns have assisted with oversight of guardianships and conservatorships, closing decedents' estates, and drafting delay prevention and show cause orders. They've learned about the Court's mental health docket, trust law, will construction, and CRPP 16 personal injury settlement proceedings.

Meet the Interns:

Amanda Duty is currently in her second year at the Sturm College of Law. Amanda is originally from Michigan, and is really enjoying Colorado's weather and beautiful scenery. In her free time Amanda likes to spend time with friends, golf, read, and soon will have a new puppy to take care of and play with! Amanda says, "Working at the Probate Court has given me great insight into this branch of law that I want to practice."

Avery Simpson is a representative from our neighbor to the North, the University of Colorado Law School, where she is in her second year. Avery attended Vanderbilt University, and studied in Scotland and Madrid. Like most Probate interns do, Avery enjoys spending quality time with her dog, a Goldendoodle named Mae.

Cody Christian graduated from the University of Colorado at Colorado Springs with honors. She worked for a family law firm for several years prior to attending the University Of Denver Sturm College Of Law, where she is currently a 2L. Cody "is thoroughly enjoying interning at the Denver Probate Court and I hope to work in the field of Estate and Tax Law upon graduation. In my spare time I enjoy hanging out with my husband (Josh), playing with my Weimaraner (Stryder) and skiing."

Dana Mohr is a second year law student at the University of Denver. In addition to interning with the Denver Probate Court, Dana is working as a Law Clerk at Stathopoulos and Associates, P.C. and concentrating on Estate Planning, Real Estate Transactions, Entity Formation, and Business Law. He is the Principal of the Construction and Real Estate Law Society at DU and a Student Member of both the Colorado Bar Association and American Bar Association. Dana also intends to pursue an LLM in Taxation at the University of Denver. In his spare time, Dana enjoys fishing, hiking, hunting, skiing, and reading. Dana is originally from New England, but plans to practice law in Colorado upon graduation.

Lindsay Miller is a second year law student at the University of Denver, Sturm College of Law where she is Elder Law Society President and Student Bar Association Secretary. Lindsay is currently enjoying her internship with the Denver Probate Court, and hopes to practice in Estate Planning and Probate here in Denver upon graduation. When she is not studying, she is usually spending time with her husband, Joshua, or playing with her beloved dog, Jack.

Pamela Thomas is a University of Kentucky graduate and 3L at DU expecting to graduate in May. Pamela has an interest in estate planning and is an animal lover who enjoys watching films, playing piano, and playing with her pet budgie, Little Bird.

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decedents estates & trusts · conservatorships · guardianships · mental health · personal injury settlements

General Court Information

Puzzle answer from page 3

4	5	1	7	6	8	3	9	2
6	8	3	5	2	9	1	4	7
2	7	9	1	3	4	5	6	8
7	4	6	8	5	2	9	3	1
9	2	8	6	1	3	7	5	4
3	1	5	4	9	7	8	2	6
5	6	2	3	8	1	4	7	9
1	9	4	2	7	5	6	8	3
8	3	7	9	4	6	2	1	5

The following are the legal holidays for **calendar year 2009**:

Monday, May 25 th , 2009	Memorial Day
Friday, July 3 rd , 2009	Independence Day
Monday, September 7 th , 2009	Labor Day
Monday, October 12 th , 2009	Columbus Day
Wednesday, November 11 th , 2009	Veteran's Day
Thursday, November 26 th , 2009	Thanksgiving
Friday, December 25 th , 2009	Christmas Day

Denver Probate Court Contact Information

Judge's Division	x8311
Magistrate's Division	x8313
General Information	x8310
Clerk of Court	x8389
Registrar	x8312

**File & Serve Customer Support
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Law Firm & Attorneys Customer Support: **1-888-529-7587**
File & Serve Accounting Department: **1-800-227-9597 X 56349**

To schedule **File & Serve** training call the Law Firm Training Specialist:
 Elise Herding at 720-982-8395 or elise.herding@lexisnexis.com

Denver Probate Court Staff

C. Jean Stewart
Michael Gallegos
 Lee Cole
 Jennifer Shaler
 Linda Riggle
 Sarah Solano
 Susie Jordan

Presiding Judge
Magistrate
 District Administrator/Clerk of Court
 Law Clerk
 Registrar
 Specialist
 Protective Proceedings Facilitator

Natalie Williams
 Melissa Barnes
 Sam Credle
 Susanna Baker
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Administrative Specialist
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