

Colorado Judicial Branch  
**Denver Probate Court**



*The Honorable  
C. Jean Stewart, Presiding*



November 2006 Issue No: 1

Quarterly Newsletter

## ***From the Judge's Desk***

### **Determination of Emergency Conditions for Protective Proceedings**

The “emergency” allegation that is used by some parties and occasionally by counsel to gain immediate access to the Court in protective proceedings can be abused (utilized as an automatic gateway to permanent guardianship that bypasses procedural safeguards) and hence alerts us to proceed with extreme caution. Recently, we have hired Susie Jordan to serve as Facilitator and Coordinator of Protective Proceedings. Susie is also Magistrate Gallegos’ division clerk. In addition to Sarah Solano, Susie will be screening cases for emergency settings.

A true emergency is one that implicates the respondent’s health, safety and welfare. We require that the petitioner identify circumstances that could jeopardize the very life of the respondent. It is never enough to identify inconveniences, hardships, or problems faced by the hospital, nursing home, or the petitioner. The only concern we have in allowing “emergency” settings is the life, health, safety and welfare of the respondent. Keep this test in mind when asking one of the clerks to schedule an emergency hearing.

Emergency proceedings should be the exception and not the norm. Try not to become identified as one of the attorneys who consistently asks for emergency orders. It is harder for clerks to take you seriously if you describe most of your cases as emergencies.

In appropriate circumstances, you may be eligible for “expedited setting.” An expedited setting is a setting that is placed on the docket

as a trailing matter on the first day following the requisite notice period. You are still expected to comply with all notice requirements but we find a way to get your hearing on the Judge’s or the Magistrate’s docket for a full hearing on that day following satisfaction of the notice requirements.

We have discovered that some of the situations that parties and attorneys consider to be “emergencies” can be diffused by simply notifying third parties that a Petition for Appointment of Guardian/Conservator has been filed and a hearing is set. Nursing homes and hospitals, for example, will often proceed simply upon your representation that the proper procedures are being followed and a Court order will be forthcoming. Likewise, proxy decision-makers and powers of attorney (such as the parental appointment of an agent pursuant to C.R.S. §15-14-105) do not require court action and can serve to accomplish your client’s objectives.

The Court is anxious to serve the needs of the vulnerable in our community but we are charged with protecting them and safeguarding their rights and liberties. When we decline to set so-called “emergencies” we are fulfilling both of these duties. Please familiarize yourself with the rules under UGPPA and with the National Probate Court Standards so that we do not come into conflict over these emergency issues.

Judge C. Jean Stewart  
November 2006

Reprinted from the Fall 2006 issue of Council Notes

# SPOTLIGHT

**Name:** Melissa Barnes

**Job Title:** Judicial Assistant

Years at Denver Probate: 4.5 years

**What do you do?** Front office clerk, Lexis Nexis clerk review, customer service (phones, counter, and email), process new cases and incoming documents (scan/up load, post, forward, etc....), contact for the pro se office, contact for off site request and anything else that comes up that I am able to help with..... mail, copy work, issue letters/orders, etc.....

**Family:** Husband (Steve), son (Brian), daughter (Brittany), Dalmatian (Cammie), Shiti zu (Monquie)

**What is your idea of happiness?** Anything that warms the heart.

**When I'm not working, I'm...** Enjoying/working on our new home, enjoying family/friends, shopping, baking/cooking, ..... a little bit of this and that.

**What is the quality you most like in a person?** Integrity

**Best gift you ever received?** My children

**What's the most useless thing you ever bought?** Well, I have been told, it was all my Beanie Babies.

**Not many people know that I:** I guess it is a mystery.

**Toughest thing about your job?** The commute

**Best memory at Denver Probate?** Having someone visit the Court from Japan during Christmas.



**What would you do if you won the lottery?** Go to a beach and wait for that answer to come to me.

**What did you want to be when you grew up?** Not sure.

**What three individuals of historic or present would you like to have over for dinner?** The three wise men. Their take on today's world should be pretty interesting.

**What is your greatest luxury?** My loving husband.

**What is the craziest thing you would do for a million dollars?** Make me an offer and we will see.

**Describe your perfect day:** It would begin with a good cup of coffee and a beautiful sun rise.....then where ever the mood takes me.

**What three objects would you rescue from a burning house?** People, pets and photos

**What do you like most about Denver Probate?** The building, the front office with it's little bit of history still intact and the skylight.

**What do you like least about Denver Probate?** The front office skylight can not be cleaned.

## LAW CLERK TIDBIT

### How to Get Your Settlement Agreements Approved Efficiently

Contrary to what you might expect, court approval of a settlement agreement or stipulation involves more than a judge's rubber stamp. Such agreements often affect the rights and liabilities of individuals who are not parties to the contract. Consequently, an attorney will often choose to give notice and set the motion for a non-appearance hearing. Occasionally, however, attorneys will file settlement agreements or stipulations with the expectation that the Court will simply grant the motion. Unfortunately, this approach creates needless inefficiency and delay.

When the Denver Probate Court unexpectedly receives such motions, we will wait a few days to see if the attorney sets the matter for a non-appearance hearing. If that doesn't happen, Court personnel have to comb through the record and look for individuals who have an interest in the proceeding but who are not parties to the contract. If such interested

parties exist, the Court may require a non-appearance hearing or add language making it crystal clear that the order binds the parties who signed the agreement or stipulation and no one else.

To circumvent this laborious process, consider the following suggestion. If you submit a stipulation or settlement agreement to the court with expectation that only the signatory parties be bound, then notify the court of your intention. For example, include in your motion language to the effect of [1] "all the heirs have signed the stipulation;" [2] "the deadline for creditors to file a claim has expired and no unsatisfied creditors remain;" and/or [3] "there are no other interested persons who require notice." Such proactivity will certainly improve judicial economy and will reduce the amount of time it takes to move a settlement agreement through the system.

## COMPUTER TIP

Many people already utilize the Envelopes and Labels feature of MS Word to create envelopes for business communications. However, one of the most often overlooked features of this tool is the ability to print delivery point bar codes. The delivery point barcode is used by the sorting machines at the United States Postal Service to help route mail more efficiently.

To include the delivery point barcode on your envelopes, follow the steps below:

1. From the menu bar choose Tools – Envelopes and Labels. (In Word 2002/2003, choose Tools - Letters and Mailings - Envelopes and Labels). Word will display the Envelopes and Labels dialog box.

2. Select the Envelopes tab is selected.

3. Click on the Options button. Word displays the Envelope Options dialog box.

4. Select the Delivery Point Barcode check box. A preview of the barcode should appear in the preview window; click on OK.

(According to USPS specifications, the delivery point barcode can appear either above or below the destination address. Word, by default, places it just above the address block.)

5. Make any other changes to the envelope that you like.

Now your mail will more likely reach its destination quicker with the delivery point barcode.

**Additional Tip:** Want your mail to go even faster? Use the 5+4 digit zip code with your bar code. If you regularly send mail to someone, such as a client, doctor or insurance carrier, look up the 5+4 digit zip code and enter that on your envelope.  
 Zip Code Lookup <http://zip4.usps.com/zip4/welcome.jsp>

Check out our newly revised website [www.denverprobatecourt.org](http://www.denverprobatecourt.org)

This updated site is a significant improvement in ease of use and appearance. The website is organized around both the attorney and the pro se individual.

Check it out. Here's what you will find:

- Current court news
- Attorney information page
- Probate forms/packets for downloading
- Frequently asked questions
- Selected opinions

### Just For Fun Wuzzle Puzzles

1. Knee ----- Light	2. iiii ooo oooo oooo oooo	3. MAN BOARD	4. cycle cycle cycle
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Answers: 1. neon light, 2. circles under the eyes,  
 3. Man over board, 4. tri-cycle

Published quarterly  
 1437 Bannock St. Rm 230  
 Denver, CO 80202  
 Phone: 720-865-8310

<b>Sarah Solano</b>	x8311
(Judge's Division)	
<b>Susie Jordan</b>	x8313
(Magistrate's Division)	
<b>Lee Cole</b>	x8389
<b>Linda Riggle</b>	x8312
<b>Micki Harris</b>	x8339

[www.denverprobatecourt.org](http://www.denverprobatecourt.org)

*It does not take a new year to make a brand-new-start-  
 It only takes the deep desire to try with all our heart.*

HELEN STEINER RICE