**MINUTES**

Meeting of the Executive Council Elder Law Section of the Colorado Bar Association

May 1, 2024 - 11:00am

Location: **In-person at CBA Offices or Virtual**

1. Call to Order: 11:02 am
2. Roll Call for Voting Members:

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| X | Emily McDaniel,  Chair | X | Scott Challinor, Chair-Elect | X | Angela Rockwood, Secretary | X | Cathleen Giovannini, Treasurer | E | Shauna Clemmer, Past Chair - excused |
| X | David Imbler,  At Large Member |  | Patricia Rankin, At Large Member |  | Amy Wegner-Kho, At Large Member |  | Chelsea Ziegler,  At Large Member |  | Tammy Conover,  Opt-In Past Chair |
| X | Lisa Blattner,  Co-LPC Liaison | X | Arlene Barringer, Opt-In Past Chair |  | Marco Chayet,  Opt-In Past Chair |  | Charles Connell,  Opt-In Past Chair |  | Carl Glatstein,  Opt-In Past Chair |
| X | Spencer Crona,  Opt-In Past Chair | X | Claire Dineen,  Opt-In Past Chair | X | Brandon Fields,  Opt-In Past Chair |  | Susie Germany,  Opt-In Past Chair | X | Catherine Seal,  Opt-In Past Chair |
|  | Jennifer Gormley,  Opt-In Past Chair | X | Lori Hulbert,  Opt-In Past Chair | X | Marcie McMinimee,  Opt-In Past Chair |  | Martha Ridgway,  Opt-In Past Chair |  |  |
|  | Tamara Trujillo,  Opt-In Past Chair | X | Kris Zumalt,  Opt-In Past Chair |  | Shari Caton,  Opt-In Past Chair |  |  |  |  |

1. Confirm Quorum – no quorum today
2. Topics for Discussion:
   1. Legislative Update/UGCOPAA Discussion – Emily McDaniel, Tyler Mounsey and Letty Maxfield
      * UGCOPPA passed out of Senate Appropriations and the Finance Committee – financial resources were found to fund the Bill along with scheduling a delayed implementation until July 1, 2026. So, if the Bill is passed it will go through this year without funding allowing judicial to have one more year to implement the necessary changes required.
      * State judicial filed a challenge to the $2.5M fiscal note, but was not accepted.
      * In the meantime, many meetings have occurred between all interested parties to walk through numerous issues raised – there have been many concessions made and amendments accepted that will be read during the second reading of the Bill. However, we do not presently have a list of what amendments have been addressed and what has been left off – the amendments themselves are 17 pages long.
      * Letty stated that if all of our proposed amendments are accepted then potentially, we could switch our position to a neutral one – but we are not there yet. Some of the amendments agreed to are:
        1. Changing standard to implement guardianship – change is NOT intentional
        2. Changing concerns regarding emergency guardianships hearings
        3. Court can appoint Court Visitor but just need to disclose the trainings, skills or experience of the Court Visitor to parties
        4. Decided on using “substantial financial harm” rather than “significant financial harm” terminology
      * One item still needing to be evaluated is:
        1. Delegation – currently as written a conservator can delegate their functions to a third party and liability does not fall back on conservator – issue is there is no checks and balance for that third party – proposed fix would be to take the following language and add it into the bill: “agent is submitting to Personal Jurisdiction of Colorado Courts and can be personally sued for breach of financial duty.” Letty also suggested taking the language presently in CO law and putting that into the Bill.
      * Legislative session ends on May 8, 2024 so not much time to coordinate all these efforts.
      * Scott asked whether we could get another bite at the apple – if the Bill passes this year can we still make changes in the next legislative session? Letty stated that technically yes, but she is questioning whether we could accomplish that task and who would sponsor those changes.
      * Cathy commented that many of the CBA’s amendments were accepted due to the diligent work of our members and committee.
      * Next opportunity for testimony will be in the House. Please check emails and telephone voicemails over the weekend in case the committee needs assistance for testimony.
      * Letty stated that if the amendments proposed and the second reading in the Senate doesn’t happen today – she finds it highly unlikely that we will have any ability to amend in the House.

Adjourn: 11:37am