

2. A person learns that the individual he or she wanted to administer their Will has become disabled or passed away, and they know of no one else whom they trust to handle their estate.

3. An administrator/nurse/social worker in a nursing or private home, or assisted care living facility becomes concerned about:

- the possibility that someone is financially exploiting a resident, e.g., the resident is writing checks to someone more frequently or in excess of what he/she normally gives to others; or there is a sudden romance accompanied by a sudden diminishment of assets;
- the increasing inability of a resident to manage his/her financial affairs, e.g., routine bill paying, management of outside investments, and assets such as the maintenance of his/her separate house, etc. Often, creditor complaints and collection or foreclosure notices are an early clue;
- a resident's family which cannot agree on how to deal with the resident's financial assets which appear to be wasting through a lack of proper attention;
- a resident expresses distrust over the actions of someone who is supposed to be acting for him/her under a power of attorney or other authorization;
- a resident suffers a debilitating stroke or other serious medical emergency and there is no one authorized to step forward to help manage his/her assets, pay bills, etc; or,
- a resident dies and attempted contact(s) with listed persons/family members/persons named in a Will are not returned or followed through with, or the listed persons indicate that they are not willing or able to act.

The above examples provide typical fact patterns which have involved the Public Administrator. The circumstances which you confront may be different, but when in doubt know that the goal of every Public Administrator is to help those who would otherwise be without assistance or protection. If you know of a situation where a Public Administrator may be needed, please contact the office in the appropriate county.

# A Final Word About Fees



With regard to fees, it may help to know that the compensation of a Public Administrator and their staff comes solely from the estates they handle. The Public Administrator receives no public funds. Therefore, if an estate has little or no economic value, it can cost the Public Administrator personally to administer the estate.

R.L. Steenrod, Jr. is the Public Administrator for the City and County of Denver, and he is an attorney. He does not charge the estate both a fiduciary and a legal fee so no duplicate billing for his services is involved. He receives only one fee for his professional fiduciary time and the legal services of his office. Further, in order to keep fees and expenses to a reasonable level, Mr. Steenrod's office makes extensive use of paralegals with computer support in the routine administration of estates. Attorneys are only utilized when legal expertise is required. Our goal is to provide affordable probate, trust, and conservatorship services in a responsible, professional manner.



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# About Public Administrators

**What they are  
What they do  
When they should  
become involved  
&  
Examples of  
how they can help**

# What they are

A Public Administrator is a private individual (not a public employee) appointed by the District Court (in Denver, the Probate Court) to collect, protect, and manage the assets of certain individuals, and to administer the estates of decedents where the decedent left no one who is willing and able to administer the estate. Public Administrators are bonded and are required to fully account to the Court in each case in which they are appointed. They also file annual reports of their activities with the Court.

# What they do

## Conservatorships and Trusts

The Public Administrator is often appointed to administer assets in situations where the person who owns the assets is unable to effectively manage them and there is no other suitable person available to act as a Conservator or Trustee. These cases apply to minors as well as adults.

## Decedent Estates

After the death of an individual, the Public Administrator may be asked to step forward and protect a decedent's residence or assets until the family or the person designated in a Will is located and is able to take charge of the estate.

In other cases, the Public Administrator will be appointed as the Personal Representative (Executor) to administer the decedent's estate when it is inappropriate or inconvenient for a family member to be present to act or no one has been located who is willing or able to administer the estate.

The Public Administrator often acts as a neutral fiduciary in controversies involving "protected persons"

(persons for whom a Conservator has been appointed) and the estates of decedents, when an independent fiduciary is needed to protect or preserve assets or to administer an estate while a dispute is resolved in the courts.

Similarly, the Public Administrator may be appointed as a Special Conservator or a Special Administrator when the existing Conservator or Personal Representative has a conflict of interest, or when family members distrust one another and there is a need for a third party to provide impartiality.

The Public Administrator may also act as a Special Administrator of decedent's estates in personal injury and wrongful death cases when an injured party wishes to bring a suit against the decedent's estate to recover insurance benefits.

Finally, the Public Administrator is sometimes nominated as the personal representative in a Will when the person writing the Will does not have someone else in mind to administer their estate.

# When They Should Become Involved

## Living People

Whenever a person has assets in need of protection, the Public Administrator is available to act. Generally, this arises when the person to be protected is unable to effectively manage his or her financial affairs, has not made other arrangements for that purpose, (e.g., through a power of attorney), does not have close family willing to come forward and accept responsibility or there is the need for an independent person.

## Decedents

In dealing with the estates of decedents, there is a two-step process to determine whether the Public

Administrator needs to act. First, the situation is reviewed to determine if there is someone present who has the right under Colorado law to administer the estate. Second, we ask is that someone both willing, appropriate and able to act? If the answer to either inquiry is no, then the Public Administrator's Office becomes involved.

Statutorily, "someone" means an heir, or a devisee (i.e., beneficiary under a Will), or a person designated by the Will to act as the Personal Representative. The term "heir" means an individual with a legal right to receive a portion of the estate, and not just a blood relative.

Because of the foregoing requirements, it is important after a person's death to make a diligent search for their heir(s), devisee(s), and any nominated personal representative prior to contacting the Public Administrator. If you are unsure or unable to locate an heir with a right to receive a portion of the estate, or a beneficiary under the Will or a person nominated as a personal representative in the Will, then the Public Administrator's Office needs to be notified as soon as possible.

Prompt notification to the Public Administrator's Office is important (and statutorily required) to protect the assets while the process of determining who should administer the estate takes place.

# Examples of How They Can Help

Examples of cases which have involved the Denver Public Administrator illustrate how they can help:

1. A person has no one he or she trusts and is concerned that they may be losing the ability to effectively manage their financial affairs, or believes that others may be taking financial advantage of them.

