



## Colorado Wills & Trusts October 2016 Update

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### Legal Developments

#### Colorado Revised Uniform Fiduciary Access to Digital Assets Act

Colorado's Revised Uniform Fiduciary Access to Digital Assets Act ("RUFADAA") is effective August 10, 2016. It deals with, and grants, powers that fiduciaries have in accessing and managing digital assets and accounts. The provision in the Fiduciary Powers article has been revised to include new, broader language. There is a new option to add even more detailed terms for fiduciaries, including the ability to name a separate "Digital Fiduciary" to deal with those assets. Click [here](#) for more information. *New Questions 1031-1034*

#### Increased Federal Tax Exemptions (effective January 1, 2016)

Applicable Exclusion Amount: \$5,450,000 (up from \$5,430,000)  
GST Exemption Amount: \$5,450,000 (up from \$5,430,000)  
Gift Tax Annual Exclusion Amount: \$14,000 (no change from 2015)

The adjusted amounts for 2017—an increase in the estate tax and GST tax exemptions to \$5,490,000—will be reflected in the program when it is used in 2017.

### Updated Product Features

#### New Simple Joint Trust Option Added and Trust Menus Revised

In response to customer requests, a new simple joint trust option has been added. A new simple joint trust template file "Trust\_7.xmp" was created to expedite drafting. In addition, the Question 3 "trusts" menu was simplified and new sub-menu questions were added for the revocable, joint revocable and irrevocable trusts. *Question 3 and New Questions 4-6*

#### Expanded Substance Abuse Article and Renamed "Restricted Behaviors"

Formerly called Substance Abuse, this article has been expanded to address other types of dependencies or addictions, e.g., compulsive gambling. We have added an option to include withholding assets from a beneficiary who is incarcerated, including possible forfeiture of undistributed amounts. Based on comments by corporate fiduciaries, we have expanded the ability of the trustee to disclose results of tests (if compelled by law) and the procedures for notifying a beneficiary of such disclosure. *New Questions 714 and 715 and Question 698*

### **New Arbitration Option for Dispute Resolution Provision**

The dispute resolution provision has been enhanced by adding a new “complex” option that mandates arbitration (and redesignating the former language as the “simple” choice). The more elaborate provision directs mediation first to resolve disputes, but if unsuccessful, arbitration becomes mandatory. The rules for arbitration are spelled out in the provision, including the manner, terms and costs of arbitration and awards. *New Question 1113*

### **New Assisted Reproductive Technology (ART) Option**

The topic of Assisted Reproductive Technology (ART) is a hot one, and most state laws have not kept pace, demanding that we deal with the issue in our documents. The program provides two choices--a longer, though far from exhaustive, discussion of ART, or a rudimentary approach to provide clear guidance on the client’s intent about whether or not a postmortem child is a qualifying descendant. For a more thorough discussion, see the Law & Strategy. *New Questions 1116 and 1117. Replaces old Question 1092 (Exclude issue born to unmarried parent). As a consequence of this change, we have removed the perhaps outdated phrase “out of wedlock” from the program (cue the crowd noise).*

### **New Separate Trusts Provision Added**

New provision added in the Administration and Construction Article to avoid any question about the timing of separate trusts or shares, specifying that they are created immediately upon the triggering event and not delayed until funding.

### **REPEAT Questions Added for Alternate Guardian for Will**

New REPEAT questions were added to replace the single text fill in questions for the alternate guardian of both person and property in the will. *New Questions 923-930*

### **New ‘Statutory or Proprietary’ Durable Power of Attorney Option**

The “DPA Form” pop-up window in Word and WordPerfect has been replaced with a new “DPA Type of Form” question in the program where you may select either a “Statutory” or “Proprietary” durable power of attorney. *New Question 10*

## **SOFTWARE UPGRADES**

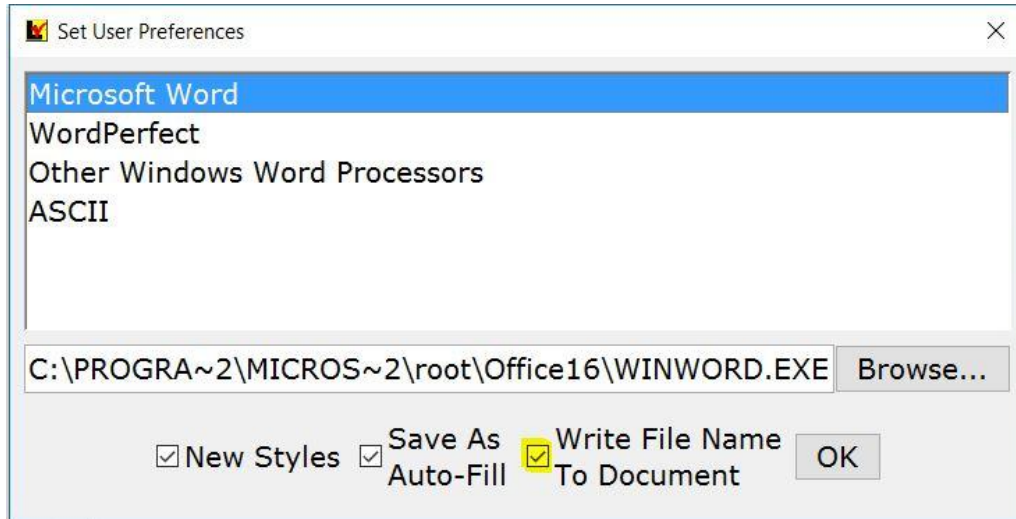
**For Word customers only:** The software has been revised so that when you send a document to Word you will not need to manually activate the cross-referencing. Instead, you will see a new message which will also include a “Do not show this message again” checkbox:

**FORMATTING COMPLETE.  
AFTER THE DOCUMENT IS EDITED, press Ctrl+A, and then F9 (or Alt+Shift+U) TO  
UPDATE REFERENCES.**

This is a reminder that when you make changes to your document, you will need to execute this command to re-format your document.

### New 'Write File Name to Document' Feature

You can now send a single page at the end of our document containing the name of the answer file used to generate the document. It is not anticipated that this would be provided to the client, but it can help find the client's base answer file when preparing additional documents. To activate this option for your documents, go to the Preferences dialog box, and check the new option to Write File Name to Document.



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To view those questions that are new in this update, or where **Law & Strategy**, choices, or default answers have changed, use the "Up\_Oct16" flag file. From inside Lawgic, open any existing answer file; on the **Flags** menu, click **Open Flags**, select the appropriate Title (click **OK**), and next select the "Up\_Oct16" flag file (and click **OK**). To view all flagged questions, click **Expand All** on the **Answers** menu and scroll the Navigator. Flagged questions will be indicated with **blue bold** text.

***Please continue to send us your suggestions on existing or new products. Contact our Technical Support Department at 1-877-2-LAWGIC (252-9442) or e-mail us at support@lawgic.com.***