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Conservatorship: What to [Call](#) [en a](#) [chedule](#) Conservator is Abusing Their Power



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A conservatorship is an arrangement where someone acts as another person's financial overseer. Usually, that person is elderly, nearing the end of their life, and has become incapacitated in some way; "incapacitated" meaning they can't make financial decisions anymore and are unable to take care of their ongoing financial obligations.

[Click here to learn more about conservatorships.](#)

Guardianship is similar to a conservatorship but involves the care of that person's (a "ward") self, including their medical care. Conservatorship is strictly limited to the management of a financial estate.

[Click here to learn about the differences between guardianships and conservatorships.](#)



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business expenses (if present), and any other financial obligations that the conservatee is no longer able to handle themselves. While conservators are often responsible



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It's not hard to see why this is so common, considering the power endowed upon conservators:

“(2) A conservator, acting reasonably and in an effort to accomplish the purpose of the appointment, and without further court authorization or confirmation, may: (a) Collect, hold, and retain assets of the estate, including assets in which the conservator has a personal interest and real property in another state, until the conservator considers that disposition of an asset should be made; ...”

C.R.S. § 15-14-425

When a conservator is appointed, that person gains total financial control over the estate. And while courts take every precaution to prevent the abuse of this power, it does happen—often. If you suspect that your or your family member's conservator is abusing their court-appointed



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THE TRUE COST

A corrupt conservator is capable of utterly ruining an estate,



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exorbitant cost, whether the conservatee needs it or not. If the conservatee doesn't have friends or family in close proximity (in other words, no one is watching what's going on), the conservator can claim expenses that didn't even occur. The conservator and his/her attorney are also paid fees, which come out of the conservatee's estate. Thus, some conservators will and do inflate their time when record-keeping.



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ELDER FINANCIAL ABUSE



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FOR EVERY **1** INCIDENT OF ELDER ABUSE...
5 OTHERS ARE UNREPORTED

SIGNS OF ABUSE

1

APPEARANCE OF NEW "FRIENDS" AND TALK OF "GIFTS" MADE TO THESE FRIENDS SHOULD RAISE A RED FLAG IMMEDIATELY.

2

CONSERVATORS USING FUNDS TO SET UP A NEW "CHARITY" ESPECIALLY IF A CHARITY WAS NOT A PART OF THEIR WILL OR ESTATE PLAN BEFORE THEIR CONSERVATORSHIP STARTED.

3

SUDDEN LIMITATIONS ON CONTACT OR PERSONAL ACCESS TO YOUR LOVED ONES. A BAD CONSERVATOR WILL TRY TO KEEP YOU AWAY.

4

BE AWARE OF NEW PEOPLE INVOLVED WITH THE CONSERVATEE'S CASE. NEW ATTORNEYS, CAREGIVERS, ACCOUNTANTS, HELPERS, OR NEW GUARDIANS.

5

LOOK FOR UNPAID EXPENSES, LAPSES IN COVERAGE ON REGULARLY-PAID SERVICES, OR NEW COLLECTIONS ATTEMPTS, ESPECIALLY IF YOUR LOVED ONE WAS KNOWN FOR BEING FINANCIALLY RESPONSIBLE BEFORE BECOMING INCAPACITATED.

\$2.9 BILLION
ESTIMATED LOSS TO
FINANCIAL EXPLOITATION

34% OF ABUSE CASES
ARE CAUSED BY SOMEONE THE SENIOR KNOWS
PERSONALY

ELDER ABUSE
CONTINUES TO BE THE
**"CRIME OF THE
21ST CENTURY"**



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same things make it easier for them to steal from the conservatee.



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beauty products business, using her father's money. In this manner, she continues to siphon funds from Harry's estate until his death. Harry had previously invested in her business and made a few orders before he became incapacitated—to help her business get started. If challenged, Rosa could use this as evidence that she was simply continuing to follow her father's wishes—not that it matters. Since no other family member chooses to intervene on Harry's behalf, Rosa gets away with it.

Conservatorship abuse can be monstrous, and the court won't necessarily notice it by themselves. If the conservator follows the law as it's written, they aren't likely to do anything further.

Consider this—conservators are explicitly allowed to:



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on credit, at public or private sale, and manage, develop, improve, exchange, partition, change the character of, or abandon an asset of the estate." C.R.S. § 15-11-125



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father's money. It doesn't matter whether he would have wanted those products or not—as far as the court is concerned, Rosa acted within the permissions given to her. Given that she is also a close family member to the conservatee, Harry, and there is no legal history of abuse or animosity between them, there aren't necessarily any glaring reasons that Rosa should be stopped. That's why the intervention of those close to the conservatee is essential in situations like this one.

Signs of Abuse

Abuse is not always immediately obvious, but look for warning signs such as the appearance of new “friends” your vulnerable relative begins to talk about, or receive visits from.



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arrangement checks warrant supervision, since the very reason your loved one has a conservator is because they are no longer capable of making this type of decision anymore.



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Be wary if there are suddenly limitations on contact or personal access to your loved one. A crooked conservator won't want family members to know what they are up to, and they often arrange for the conservatee's isolation to prevent interference.

Watch the people involved with the conservatee's case. New attorneys, caregivers, accountants, or "helpers" are often colluding with the abusing conservator, who pays them out of the vulnerable conservatee's estate. Also beware of so-called "guardianship agencies."

Finally, any unpaid expenses, lapses in coverage on regularly-paid services (such as cell phone bills or internet), or previously-unknown collections attempts should raise suspicion, especially if your vulnerable loved one was known



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Abuse

If you suspect that the conservator appointed to your family



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protection for the conservatee. It's a promise to not abuse the conservatee's money. You can make a claim against the bond for many reasons, but they need to be financial in nature (since the conservator is only in charge of financial matters). These include, but aren't limited to misuse of money, theft, fraud, misrepresentation, going against the conservatee's wishes, and other similar allegations. It's important to note that a successful claim against the bond doesn't obligate the court to replace the conservator or terminate the conservatorship.

According to the Colorado Judicial Branch, ***“Any person concerned about the Protected Person’s [conservatee’s] financial situation, or any person who would be negatively affected if the Protected Person’s finances are not managed***



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...if you need to make a claim against the conservator, you can go right for replacing the conservator. You can do this yourself, but having an informed attorney on your side will



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“Notice of the hearing on a petition for termination of conservatorship must be served on the protected person, if then living, and all other interested persons, as defined by law or by the court pursuant to § 15-10-201(27), C.R.S., if any. Such hearing may be held pursuant to Rule 24.”

Probate Procedure Rule 26, CO

The court will hold a hearing, and will require evidence to prove that the conservatorship has been abused. This is presented by your attorney. Some evidence may not be available to you, but because a conservator is considered an agent of the court, they are required to keep records, and these records will be made available. The court may also subpoena any other records relevant to the case, such as bank statements.



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where things might hit a roadblock; if multiple family members disagree over who should be named conservator, this may take a long time; longer than your incapacitated



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conservator may have to pay back whatever they stole from the conservatee's estate, if a successful bond claim is also made. Other penalties may also be applied, depending on how severe the abuse was. Conservatorship abuse is essentially theft, and deceitful conservators (as well as their accomplices) are likely to be found guilty of this, if not perjury, since they are appointed officers of the court. With the assistance of a skilled lawyer, they can be made to pay for the injustice they've inflicted on your family.

We're On Your Side

Conservatorships themselves aren't a bad thing; it's how people misuse them that continues to be a problem. Abuse can be totally destructive to a conservatee's estate, and often is. If you have a beloved relative or friend under an



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...not to take Robinson and Henry's compassionate attorneys
are standing by to help. **Call (720) 895-9834** for a
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