



[All Articles](#) > [Estate Planning](#)

4 minute read

Conservatorship Abuse Examples and Consequences

Keep reading to find out what you need to know about conservatorship abuse, and how you can protect yourself from it.



Doug Luftman,
@DougLuftman
Legal Expert



RECOMMENDED FOR
YOU



ESTATE
PLANNING
— 10 MIN
READ

Protecting
Your
College
Student
with
Estate
Planning

ESTATE
PLANNING
— 5 MIN
READ

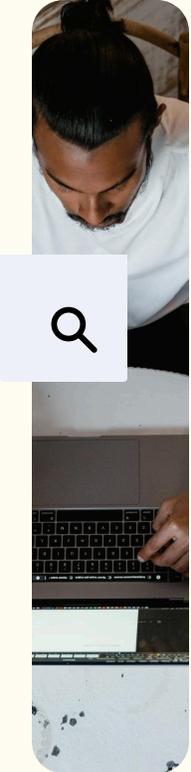
Estate
Planning
for
Employee
Engagement
& Equity



Conservatorship is a powerful legal tool that protects those who need it most. It strips away an individual's ability to make their own decisions, which can be appropriate when an individual has a mental illness or cognitive disability. However, when used inappropriately, it can be oppressive and demoralizing. The conservatee can also be at risk of experiencing **conservatorship abuse**.

What Is Conservatorship Abuse?

Conservatorship abuse occurs when a conservatee is abused or exploited by their conservator. Examples of conservatorship abuse include financial exploitation, physical abuse, and mental oppression.



**ESTATE
PLANNING
— 5 MIN
READ**

**Generational
Wealth:
the next
big
employee
benefit?**

When a court appoints an individual as the conservator, they have a fiduciary duty to make decisions on behalf of the conservatee. The conservatorship itself will dictate the scope of duties, including conservatorship of the estate and conservatorship of the person.

It's most common for a conservatorship to be for both a person and their estate. The conservator makes business, legal, and personal life decisions on behalf of the conservatee. In other words, the conservatee can no longer make their own decisions without the approval of the conservator. This creates a power dynamic of which a conservator could take advantage.

Cases in which the victim is an elderly person are especially common. The U.S. Government Accountability Office (GAO) released a [report](#) that found hundreds of cases of elder abuse, including physical abuse, financial exploitation, and neglect. The report analyzed conservatorships

Create your estate plan or file for probate today.

Get Started

taking place in 45 states, during the span of 10 years. A total of \$5.4 million was exploited and stolen during this time.



What are the Signs of Conservatorship Abuse?

If you have a loved one who is or may be placed under conservatorship, worrying about the potential for conservatorship abuse is valid. The baby boomer generation is moving into their golden years, meaning that the number of those placed under a conservatorship or guardianship will increase. To be clear, the elderly are not the only victims of conservatorship abuse. Any individual placed under conservatorship could potentially be at risk of some form of abuse, regardless of their age or

cognitive ability. Luckily, there are ways to prevent it, which we'll get to in a moment.



With conservatorship abuse as something that is already shockingly common, it's important to know the signs so that we can protect those who are most vulnerable. Here are some warning signs that could potentially point to financial exploitation, the most common form of abuse:

- **Unpaid Bills:** The conservatee begins to receive notices for overdue bills, even though their conservator should have paid them.
- **Changes in gifting behavior:** The conservator begins to forget or significantly downsize birthday or other holidays gifts they are supposed to give on behalf of their conservatee.



- **Changes in the Estate Plan:** Assets are suddenly removed or reallocated in a way that would somehow benefit that conservator.
- **Bounced checks:** Checks made on behalf of the conservatee are bouncing, pointing to a lack of funds.

These are some basic signs that point to the possibility of abuse. However, there are other types of abuse, including physical abuse, emotional abuse, and neglect. Not all forms of abuse are easy to detect, and a corrupt conservator will likely make their best effort to hide them. It's important to implement mechanisms for oversight and accountability when possible.

High-Profile Examples of

Conservatorship Abuse



The topic of conservatorship has garnered a spotlight of late, thanks to pop icon Britney Spears' fight to end her 13-year conservatorship. The conversation currently centers around when conservatorship is appropriate, and when it is inappropriate and worse, abusive. Ms. Spears' case is just one of several high-profile examples that bring the question of conservatorship into light:

- **Britney Spears:** Britney Spears' long fight against her conservatorship begs the question of when a conservatorship becomes more harmful than it is helpful. During her 13-year conservatorship, she has released several music albums, taken part in reality television shows, performed on tour, and took residency in Las Vegas. According to



Ms. Spears, the conservatorship has prevented her from having children because her conservator won't allow her to remove her IUD. Ms. Spears' father, her conservator, reportedly received a significant cut of her proceeds.

- **Chandra Bozelko:** Princeton graduate and columnist Chandra Bozelko was placed under conservatorship from 2005 to 2014, after having served time in prison for nonviolent crimes. According to Bozelko, her parents placed her under a conservatorship without any formal notice or hearing. Instead, her parents had a doctor write a report of incapacity — a doctor that she had never met. Due to the conservatorship, Bozelko was denied the right to fight and appeal criminal charges that were brought against her.



- **April Parks:** April Parks represents one of many professional conservators who engaged in financial abuse. Parks served as the conservator for hundreds of clients who were disabled or elderly. Through the guardianship, Parks was given financial control, which she abused in order to isolate wards from their families and drain their bank accounts. When caught, Parks pleaded guilty and was sentenced 16 to 40 years.

How To Fight Against Conservatorship Abuse

Many experts agree that conservatorship should be used only as a last resort, because it is such a



tremendously powerful legal tool. It should only be leveraged in instances when stripping away someone's legal rights will help them more than it would harm them. Because it can be so demoralizing, courts should only grant conservatorships when absolutely necessary, which is when the conservatee is unable to manage their affairs due to mental illness or cognitive disability. This requires a fight on the systemic end. California Assembly member Evan Low recently introduced [A B 1194](#), which proposes registration requirements for conservators, and creates stricter laws that would help revoke conservator rights if they are not acting in the best interest of the client.

In addition, proper vetting is absolutely critical. Vetting must take place to ensure that a conservatee would benefit from a conservatorship, and that the appointed conservator will act in their best interest. In Chandra Bozelko's case, a conservatorship was placed without a



hearing and without a proper assessment. Her parents allegedly arranged for a doctor to write a statement, yet she never met this doctor. Candidates for conservatorship should be granted a proper hearing and mental assessment to confirm that they do not have the mental capacity to handle their own affairs. The April Parks case shows that there are predatory conservators, professional or unprofessional. It falls on the court system and the families of the conservatee to thoroughly vet the individual who is appointed to serve as the conservator.

If any suspicions of conservatorship abuse arise, the conservatee must retain counsel and either petition to terminate the conservatorship or petition to change the conservator. However, we must recognize how hard this can be if the conservatee is mentally disabled or incapacitated and cannot self-advocate. Because of this, accountability,

oversight, and transparency on the front-end is absolutely critical.



Estate Planning as a Preventative Measure

The key protection against conservatorship abuse is prevention. First and foremost, conservatorship should only be used sparingly, and only as a last resort. When used inappropriately, conservatorship can lead to social justice issues, including women's rights, elder rights, and rights for individuals with disabilities. The courts should only order conservatorships when absolutely necessary, and even then, we need more legislation to provide more oversight and options for legal recourse.



Luckily, there's one powerful measure of protection we can take for ourselves, which is estate planning. During the process of establishing our estate, we have the option of setting up a Health Care Directive and Power of Attorney. Instead of giving up your rights, you're voluntarily designating an individual who you trust to handle your affairs if you ever became incapacitated. To be clear, having a Power of Attorney does not override the possibility of a conservatorship. However, if the court system sees that you already have a valid plan in place, they are less likely to revoke your plan and appoint a conservator. At the end of the day, a righteous court wants to see that you are protected, and that someone can properly exercise your rights if you are unable to do so. By setting up an estate plan, you can have peace of mind knowing that your affairs will be handled by someone you personally vetted, hand-selected, and trust. In an unexpected scenario, the difference

could be something as stark between empowerment and complete disempowerment.



Are you interested in setting up an estate plan so that you can empower and protect yourself? You'll be rejoiced to find out that you can get it done quickly, easily, and at a low cost! Click [here](#) to find out how to get started today.



Ready to protect your family and safeguard your legacy with an estate plan?



Trust & Will has you covered! Explore what we have to

[Explore Trust & Will](#)

Share this article



Recommended for you

[View All Articles](#) >



**ESTATE PLANNING —
10 MIN READ**

**Protecting Your
College Student
with Estate Planning**



**ESTATE PLANNING —
5 MIN READ**

**Estate Planning for
Employee
Engagement &
Equity**



**ESTATE PLANNING —
5 MIN READ**

**Generational
Wealth: the next big
employee benefit?**

Which Estate Plan is best for you?

Find out by taking a simple quiz.

[Take the quiz](#)

BROWSE BY CATEGORY

[Trusts](#)

[Wills](#)

[Probate](#)

[Guardianship](#)

[Estate Planning](#)

[End of Life Planning](#)

[News](#)

[Financial Advisors](#)





