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Colorado guardianships can bleed estates with little to no oversight

“It’s a money-making machine,” says one man.

Anyone can file a petition to probate court for a guardianship in Colorado if they are concerned about the well-being of an adult. The goal of court appointed conservators or guardians is to protect the most vulnerable, but some insist they are instead draining bank accounts with little oversight.

By: Jennifer Kovaleski
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DENVER – When Pat Brannigan received a settlement from the United States Postal Service (USPS) after being injured while working, he

thought he'd be paying off his mother's house. But instead, he wound up broke and lost his dog.

"It was almost like a nightmare," Brannigan said.

Brannigan, a custodian for the post office, fell on the job and broke his hip, which led the USPS to give him a $100,000 settlement. But before he could get the money, Brannigan was placed into a court-ordered conservatorship.

He was appointed a conservator who became responsible for overseeing all his finances.

Pat's friend — and head of Littleton's Postal Union, David Steinbach — said social services petitioned the court and felt Brannigan couldn't take care of the settlement money because he can't read or write and is developmentally disabled.

"And within two years all the money was gone," Steinbach said.

Then he said, they took more.

When Brannigan's dog, Gerri, became ill, he said the conservator "didn't want to deal with it" and made him give her up.

"They took that dog to break his heart," Steinbach said.

Anyone can file a petition to probate court for a guardianship in Colorado if they are concerned about the well-being of an adult.

The goal of court appointed conservators or guardians is to protect the most vulnerable, but some insist guardians and conservators are draining bank accounts with little oversight.

“They just want my money. There’s something we’ve got to do. This isn’t right,” Brannigan said.

Britney Spears fights conservatorship

In a higher-profile case in a different state, Britney Spears has been under a court-ordered conservatorship in California ever since a public meltdown in 2008.

Her father, Jamie Spears, and some attorneys have been put in charge of much of her life including her finances. Spears is now fighting to have the conservatorship removed, which has sparked the #FreeBritney movement.

How the money quickly disappears

In Colorado, court records from Brannigan show how people’s money can quickly disappear when a conservator gets involved with someone’s estate.

“The conservator worked 29.4 hours times $210 per hour, which she charges, for a total of $6,174,” Steinbach said while reading one of Brannigan’s documents.

Records show those fees were charged to Brannigan for the conservator to pay his bills and make telephone calls on his behalf. And instead of paying off his mother’s home, a reverse mortgage was placed on it.

Family disputes often at the core

Internal disputes can lead to families losing control of their loved one's estates through the courts. That is what happened to Greg and David Wells. The twin brothers were caught in the middle of a family legal battle, and while it played out, probate court got involved.

"Their agenda is to steal," Greg Wells said.

Their 80-year-old mother, Sharon Wells, now has a court-appointed guardian who oversees her care, and a conservator who oversees her money. Reports from the conservator show both have drained hundreds of thousands of dollars from her estate in fees. These reports are required to be submitted to the courts.

"They separate family and then they put a restraining order against you," David Wells said. "You have predatory attorneys who are in this for profit."

For one 18-month period, records show the conservator charged nearly $150,000 to Sharon Wells, making up to $325 an hour for taking care of her estate.

"It's a money-making machine," said Greg.

Local victim now helps other families

Luanne Fleming is a victim-turned-advocate after her mother was placed in a guardianship in Colorado several years ago.

“We did eventually get my mom back, but our whole estate was gone, is gone,” Fleming said. “This is happening systematically throughout Colorado.”

Fleming now runs a weekly online radio show called F.A.C.E.U.S radio, which stands for Families Against Court Embezzlement Unethical Standards, to help other families.

“I have talked to over 160 families in Colorado,” she said. “They are telling me that their moms are being taken away from them unwarranted, their estates are being pillaged, that they are restricted from seeing their mothers.”

Adult Protective Services role

The process for a guardianship often starts with Adult Protective Services. Denver7 Investigates contacted Denver’s Office of Adult Protective Services, but the office denied an interview request.

Instead, the office sent us a statement reading in part, it considers guardianship/conservatorship “as the most restrictive intervention” and “a last resort to protect an at-risk adult.”

“The caseworker is required to independently verify if family, friends, or others are willing, available, and appropriate to act in these roles,” a spokeswoman said in an emailed statement.

Former lawmaker tried to do something

Laura Woods is a former Colorado state senator from District 19 in Jefferson County. Woods tried to pass legislation in 2017 that would

have given basic rights to those placed in guardianship — including access to a cell phone, mail, and visits from family.

“If the state legislature can’t shut them down, I don’t know who can,” Woods said.

She said the bill was killed in the House because “we were going to impact the cash cow they have.”

Woods pointed to the recent a Netflix movie called “I Care a Lot,” which she said shows what’s happening in courts across Colorado.

“One-hundred percent accurate,” she said.

Woods also pushed for more accountability when she requested a state audit in 2017. It found a lack of oversight with the courts is at the root of the problem, with conservators charging rates up to $350 per hour.

Another audit six years prior identified similar problems but very little has been done since.

“Nobody knows that this is going on until they're caught up in it and then they're scrambling for help and there's none to be had,” Woods said.

Denver7 is not naming any of the guardians or conservators involved because they are doing nothing illegal, but there are no limitations to what they can charge, which critics say leaves the system ripe for abuse.

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