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A rare conviction and tearful Capitol testimony are intensifying pressure to reform Colorado's guardianship system

Elder abuse prevention advocates are cheering the conviction of a Colorado Springs conservator accused of stealing from her wards. And lawmakers hear emotional testimony from loved ones with guardians.



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4:30 AM MDT on May 2, 2022



The Colorado State Capitol viewed from the Ralph L. Carr Colorado Judicial Center on Tuesday, July 20, 2021, in Denver. (Olivia Sun, The Colorado Sun)

It was a call about an unpaid bill from her mother's doctor that led Barb Dowski to begin unraveling the deception.

Dowski tried to question her mother's court-appointed conservator, who was in charge of paying those medical bills and the rest of Barbara Moore's finances, but got no answers. So she headed down a paper trail on her own, and what she discovered hit her like a punch in the stomach.

In the span of five years, her mother's court-appointed conservator had written 26 checks to herself from Moore's bank account, totaling \$118,000.

Dowski's sleuthing led to a Colorado Springs police investigation that lasted more than three years and uncovered 19 victims, all at-risk adults assigned to the same El Paso County conservator, Andria Beauvais. In all, Beauvais was accused of stealing more than \$400,000. When she was sentenced in Colorado Springs in April, the courtroom was filled with her former wards — a person who was severely burned in a car accident, another with Alzheimer's who couldn't sign her own name, and a woman with developmental disabilities.

Beauvais' conviction, even with a plea deal that left her with no prison time and a reduction from 16 counts of theft to just one, was considered a victory for advocates trying to prevent elder abuse and protect wards from their guardians. Despite dozens of horror stories, including several told in the El Paso County courtroom and before a state Capitol committee considering guardianship reform, only a handful of convictions are on the books statewide. Prior to the Beauvais case, the last conviction of a legal guardian or conservator in Colorado was in 2013, according to a national advocacy group.

It's a long-discussed problem — whether Colorado has enough guardrails in its system to protect some of the state's most vulnerable residents. Thanks to Beauvais' conviction as well as two bills at the state legislature, the issue is once again getting close scrutiny.

Conservator's reports were fraudulent

Dowski's first clue came when the doctor's office told her that her mother, who was 89 years old and had Alzheimer's disease, was no longer enrolled in Medicare. At first, Dowski thought her mother's conservator was inept at her job. Then she reviewed 10 years of the conservator's financial reports and realized it was worse than a paperwork slip-up.

Dowski soon noticed a pattern. In the middle of each month, there was an extra check, like a duplicate payment for one of Moore's bills. A second \$7,500 monthly payment to the memory care center where Moore lived. Or an extra dentist bill.

Dowski eventually found out from her mother's credit union that Beauvais had written the extra checks to herself. On average, she had stolen \$20,000 per year for six years from Moore's accounts, Dowski said.

Moore sought a conservatorship, a type of guardianship, when she was 80 and soon after she was diagnosed with Alzheimer's disease. She didn't want her daughter and two sons to have to deal with her affairs, Dowski said.

Moore had raised the children alone after their father, a pilot, died in Vietnam in 1967. Left with a large mortgage payment on a new home, Moore returned to work at age 43, teaching third graders in Colorado Springs, and could not afford to retire until age 70. Soon after retirement, she started showing signs of memory loss.

It was 2008 when an attorney advised Moore to set up a conservatorship, telling her it was a "very safe system" and that the conservator would have to provide annual accounting to the court, Dowski recalled.

"That would be funny if it weren't so sad given today's circumstances," she said.

Beauvais, according to court testimony, bought a house in 2014, a car and Disney vacations. A judge sentenced her to probation, saying she should work to pay off her debts, even though many relatives of the victims asked the judge to put her in prison.

Dowski said she is most disturbed that the thefts went on for years and might have continued had she not spent multiple hours each day for months researching her mother's financial records.

"She stole from victims who had less than she did," Dowski said. "They were supposed to be protected by the court. It's staggering how there are all these people statewide that are protected under the Colorado courts and when it really comes down to it, the court is not protecting them. Why even have this system?"

"To me, it's open season on at-risk persons."



Barbara Moore worked as a teacher and raised three children alone after her husband died in Vietnam. Before she died last month, she was the victim of theft by her court-appointed conservator. (Provided by Barb Dowski)

Dowski's mother, 94, was too frail to go to court for the sentencing of Beauvais, and her memory had deteriorated to the point where she couldn't understand the proceedings. Dowski was there, begging the judge to put Beauvais behind bars.

Six days later, Dowski's mother died.

Beauvais' attorney did not respond to a request for comment, nor did two guardianship organizations — the Colorado Guardianship Association and the Guardianship Alliance of Colorado.

Robert Campbell, a detective in the financial crimes unit at the Colorado Springs Police Department, investigated the case against Beauvais on and off for more than three years, poring over thousands of pages of bank statements going back to 2013.

Beauvais originally was charged with 16 counts of theft, and could have faced up to 12 years in prison. But through a deal with prosecutors, she pleaded guilty to one count of theft and was sentenced to probation.



The dome of the Colorado Capitol on July 26, 2019. (Jesse Paul, The Colorado Sun)

Campbell said he wasn't involved in the plea deal, but said he was not surprised by the reduced sentence because of the trend nationally toward lighter sentences, including for financial crimes. "I know the victims and their families were wanting a stronger sentence, so it was not easy to see their reactions and their disappointment," he said.

The case was the only one against a conservator or guardian that Campbell has ever investigated. Much more common are cases in which a conservator is reporting suspected fraud or theft by a family member of an at-risk adult, he said.

Still, the Beauvais case raised concern about Colorado's system, Campbell said. "I saw that there are probably changes that can be made to help prevent this type of theft, especially on this magnitude, from happening," he said. In particular, he suggested policymakers consider more strict regulations about what conservators must file in court, including receipts and copies of the front and back of checks.

Colorado lawmakers look toward reform

About 20,000 Colorado residents are under adult guardianship, according to the Center for Estate Administration Reform, or CEAR, a national advocacy group. Rick Black, executive

director of the group, called the Beauvais conviction “nothing short of a miracle.”

The small victory, he said, comes after more than a decade and “thousands of victories for the predators who use Colorado’s probate court system as a weapon to exploit.” Most of the allegations against guardians are not investigated, Black said, noting that several of the alleged victims of Beauvais, who worked at Elliott & Zebarth, were never interviewed by investigators who worked the case.

The Beauvais case has played out alongside separate conversations about guardianship at the state Capitol this year.

Lawmakers approved a plan to **expand a public guardianship program**, over the loud protests of a bipartisan group of lawmakers and the mother of a boy with disabilities who said the two-year-old program doesn’t have enough oversight.

The public program, funded by taxpayers, is for destitute people who are unable to make their own legal and health decisions and have no family or friends to step in as guardians. It has operated as a pilot program the past two years in Denver County, but the legislature voted to expand it to southwest and southeast Colorado beginning in July.

The private guardianship program in Colorado, the system used by Dowski’s mother, employs paid guardians to manage the finances of people who need help, often those who are elderly.

Rep. Kim Ransom, a Republican from Douglas County, is leading the charge among lawmakers to improve the guardianship system.

Ransom attempted to pass a bill that would have required guardians and conservators to follow a new list of requirements, including that they notify family members within seven days if a “protected person” dies, moves or is admitted to a hospital for emergency care.



Kim Ransom speaks at the GOP state assembly on Saturday, April 9, 2022, in Colorado Springs. (Hugh Carey, The Colorado Sun)

The **legislation** was rewritten to set up a task force to review the guardianship system in Colorado after criticism from the Colorado Bar Association, which agreed that the system needs improvement but said the bill was poorly written. The hearing included a spate of intense testimony, including from adult children and siblings of wards who said their loved ones were taken advantage of by their guardians. The House human services committee often had to cut off testimony as relatives cried and yelled about what they had gone through, including not being told their loved ones had died or been moved.

Lawmakers want the working group to report back on recommended reforms by the end of the year. Meanwhile, Dowski is seeking help from the governor's office and members of Congress, asking for an overhaul of the system.