

Colorado Bar Association

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Chapter 11 - Protecting Yourself from Crime

Passing on Property to Others

The law recognizes two types of property: real property and personal property. Real property includes land and structures placed on land, such as houses and commercial and agricultural buildings. Personal property is all property other than real property, such as money, cars, boats, personal items, stocks, bonds and bank accounts.

Intestate Succession

If you do not have a plan in place to give away your assets at your death, such as a will or a funded living trust, your property will be disposed of through a process called intestacy or intestate succession. Colorado law dictates who will receive your property if you die without a will. For example, if you are married when you die and have no surviving issue or parents, your spouse will receive all of your estate. If you are not married at the time of your death, any children will receive all of your property in equal shares. If you have no spouse or children, your parents will receive your property. If your parents have died, your brothers and sisters will receive your property.

If you have no family or relatives, then the state of Colorado will get your property.

Wills

A will is a statement that describes how your assets will be given away after you die. A will lets you give anything you own, including real estate, cars, business holdings, money and personal property, to anyone you want after your estate debts are paid. A will also may state who you want as guardian of a minor or disabled adult child. In a will, you can appoint a personal representative (executor or administrator) to complete your affairs after your death.

If you wish to make a will, you must meet these minimum legal requirements:

- You must be at least 18 years old.
- You must be "of sound mind." This means you must understand what property you have to give and to whom you are giving this property after your death.
- You must be making a will because you want to and not because someone is forcing you to do it.
- The will must be in writing (or typed) and dated.
- You must sign the will. If another person is signing for you because you cannot, he or she must sign the will at your request and in your presence.
- Two disinterested witnesses must sign the will in your presence, and certify that

you signed the will voluntarily and were of sound mind. It also is best to have all the signatures notarized.

You may prepare your own will, however, it is not recommended. Hire a lawyer to prepare your will to make sure that it is valid. A lawyer can tell you why you need a will and what you can give away through a will.

You may not be able to use a will to give away some of your property. For example, your will cannot give away property you own in joint tenancy with right of survivorship if the other joint owner survives you. ([See Chapter 7, Part II, on transfer of real property.](#)) In addition, your will cannot give away property that has a named beneficiary, such as the proceeds of life insurance policies. Also, while Colorado law gives you broad freedom to give away your estate as you desire, a major restriction on this freedom is that a surviving spouse has the right to take a percentage of the estate of a deceased spouse. Review your will periodically to make sure it reflects your wishes, especially after any financial or other changes in your life.

Protection from Street Crime

- Walk with confidence and remain aware of your surroundings.
- Do not walk alone on dark, deserted streets.
- Park in well-lit areas as close as possible to the door of a business.
- Ask a store clerk to walk you to your car.
- Lock your car doors at all times.
- Look under, around and inside your car before getting in it.
- Keep your wallet or purse where pickpockets cannot reach it. A close-fitting pouch is more secure than a purse.
- Hold your purse firmly and do not leave it unattended on a counter, grocery cart or car seat.
- Men should keep wallets in a front pants pocket or inside a suit coat pocket.
- Separate your cash, checks and credit cards in your purse or pocket to reduce a loss if a pickpocket tries to take your wallet.
- Only carry the cards you know you will need that day and never carry your Social Security card.
- Carry a driver's license and other important papers in a small wallet kept in your pocket.
- Never carry a large sum of money.
- Never write your PIN number on your ATM or Electronic Banking Transfer cards.
- Avoid ATM machines in deserted areas. Instead, use ATMs in stores or bank lobbies.

- Keep a list of your credit cards somewhere other than your wallet to make it easier to report a loss. Report any loss immediately.
- If you are going out alone at night, let someone know your plans. When out alone, keep a whistle or personal body alarm handy and hold your keys in your hand while walking.
- Avoid waiting at deserted bus stops. Walk to the next bus stop where others may be waiting. Also, consider taking a taxi and ask the driver to wait until you are inside at home.
- If you are riding the bus, be aware of anyone who might be staring at you. Tell the bus driver if you are concerned for your safety. You can prevent trouble by anticipating it.
- If someone grabs your purse, do not put yourself at risk by resisting. If you try to resist, you may be injured. Other options are to sit down to avoid being knocked down, make noise, whistle or call for help. In any case, tell the police as soon as possible.
- Always remember - your life and well-being are more important than your belongings.

Victims' compensation programs help victims of violent crimes. For more information or an application form, contact your local district attorney's office.

Protection at Home

- When planning to be away from home, never hide a door key under the doormat, behind the shutter or in a mailbox. These are the first places a burglar looks. A neighbor or family member can keep an extra key for you.
- Turn on some inside lights when you are away. Use timers to vary the lights you leave on. A dark home is an invitation to burglars.
- Keep outside lights near doors and large windows turned on. Strong outside lighting helps prevent burglaries.
- When you plan to be away from home a long time, tell the police. Ask a friend or family member to check your home each day, turn on different lights, pick up mail and newspapers, mow the grass and set out trash on regular trash pick-up days.
- Lock your doors and windows whether you are at home or away, and remember to keep your screen or storm door locked.
- When at home, keep your shades pulled at night and whenever you are undressing. Be cautious as to who knows you are alone.
- When someone knocks at your door, first check to see who it is and do not open your door to a stranger. Ask for identification and references before you let anyone into your house. If the person shows you a business card, call the company for proof before you let the stranger into your home. • Also, call the police or fire department if anyone claiming to be an officer is at your door.

- Use deadbolt locks that require a key inside and outside (but keep your key in the inside of the door in case of a fire).
- Consider replacing the glass in your door with Plexiglas or Lexan or covering it with a decorative iron grill.
- Keep all doors and windows in good repair.
- Inside locks should secure all windows, except emergency exits. Place a broomstick or pole in the track of sliding doors or windows so they cannot be forced open by a burglar.
- Trim shrubs and bushes hiding doors and windows because they make excellent cover for burglars.
- Do not keep large amounts of money in your house. Burglars look in your bedroom first for valuables, so put valuables somewhere else in the house or in a safe deposit box.
- Do not list your first name or address in the telephone book or on your mailbox.
- Call your local police department for a home security and personal safety review of your home.
- Call your local fire department for help designing a fire safety plan.
- Mark your valuables with an identification number or name. This makes it difficult for a burglar to sell your valuables and easier for the police to return them to you. Your local police department can refer you to an engraving service. Sometimes libraries will have engraving tools to loan. Photograph jewelry and artwork and keep copies of these in a safe deposit box or with your insurance agent.

Protection for Your Finances

- Plan for the possibility of becoming incapacitated. An attorney can advise you about **powers of attorney, representative payee** arrangements, joint tenancy and joint accounts, trusts, **guardianships** and **conservatorships**. Making these plans does not mean you will give up control of your finances.
- Consider putting special protections into your Power of Attorney, such as requiring your agent to send bank statement copies to other family members. This will allow more than one person to know your affairs and notice if something goes wrong with the way your agent is managing your care or your finances.
- Make a will and review it regularly, but do not revise it lightly.
- Think twice before deeding your house, changing your will or giving property to someone in exchange for a promise to take care of you or to keep you out of a nursing home. That person may not keep his or her promise or care for you the way you want them to. Always consult an attorney to ensure you are protected.

- Know your financial status and how to handle your finances. If you are unsure about anything, consult an attorney, bank official or a consumer credit counseling service.
- Always review your bills, credit card and bank statements as soon as you receive them.
- Do not pay any bills you do not owe or do not understand.
- Arrange for direct deposit of all checks you receive regularly, such as your Social Security check.
- Do not lend money to anyone, including your family, unless you feel completely comfortable about it. If you are uncomfortable saying "no," ask a friend to help you by being with you when you say "no."
- Do not co-sign a loan for relatives or friends, unless you are willing to make all the payments if they stop making the payments.
- Do not become dependent on only one person or solely on family for help with transportation, household chores, shopping, banking, bill paying or companionship. Make sure there always are people around who care about you.
- Be suspicious of bargains, services or free offers of any kind that come to you by mail or phone call, or involve ordering by mail or phone.
- Be especially wary of anyone soliciting door-to-door. Never allow a stranger in your home, no matter who they claim to represent.
- Do not give financial information (Social Security number, bank account code or credit card number) over the telephone. If you feel pressured to reveal any personal information, hang up.
- Take the time to understand any contract, purchase or investment that you do not understand.
- Consult with someone you trust (such as your attorney, banker, friend or family member) before making any major financial decision.
- Do not allow yourself to be rushed into making a quick decision. Always take a few days to contact references and decide what you want to do. Remember, a reputable business will encourage you to check it out. Any legitimate good deal will be there tomorrow.

Beware of:

- Testimonials that you cannot check out;
- Unwillingness to provide written information or references that you can contact; |
- High-pressure sales tactics;
- Offers that sound too good to be true;
- Offers that "cannot wait";

- Offers to send someone to your home to pick up money or to use overnight mail; statements that something is "free" followed by a requirement that you pay something; demands that you send money by Western Union, to a post office box, or to a foreign country;
- Investments that are "without risk"; and
- Suggestions that you should buy or invest based on trust.

Other Reminders:

- Never give a stranger information about yourself (personal or financial);.
- Do not withdraw money from your bank account at the suggestion of a stranger, contractor or even a new friend;
- If someone commits a crime against you, immediately call the police or your district attorney's office to report the offense, no matter how embarrassing it is to you;
- If you are 60 or older, you may get free legal help. For a referral to the program nearest you, call your local Area Agency on Aging. ([See Resources list](#) at end of chapter.);
- If you suspect that someone has been or is being abused, contact the Colorado Department of Human Services, Adult Protective Services at (303) 831-4043;
 - They will investigate and, if appropriate, offer protective services. You do not have to give your name. You cannot be sued if you make your complaint in good faith; and
 - If you are unsure who to call, contact your local district attorney or AARP ElderWatch at (800) 222-4444 through the Colorado Consumer Line.

Protection from Abuse

You do not have to accept threats or abuse from anyone, including your family. If someone close to you has threatened you with violence or abused you in any way, the Colorado Domestic Abuse law can help protect you. Under this law, you can get an **injunction**, which is an order to stop the abuser from contacting you or coming to your home or place of work.

Under this law the abuser must be:

- A current or former relative;
- Someone who lived or lives with you; or
- Someone you are or have been intimately involved with.

A temporary or permanent **restraining order** to prevent domestic abuse may include:

- Stopping an abuser from threatening, molesting, injuring or contacting you;
- Keeping the abuser from your home if you can show that you could be physically or emotionally harmed;
- Even if someone does not fit the definition of an abuser under the Colorado Domestic

Abuse law (such as a stranger or home health worker), you can still get a restraining order against him/her.

• Under this rule, the county court can give you a temporary or permanent restraining order if anyone has:

- Attacked, beaten or molested you;
- Threatened your life; or
- Threatened to do serious bodily harm to you.

There is a special type of restraining order available to older persons. People 60 or older who have been emotionally abused can get a restraining order to prevent further emotional abuse. The abused person or any other person can ask for the restraining order.

With a temporary or permanent restraining order to prevent emotional abuse you can stop someone from:

- Verbal threats or assaults;
- Verbal harassment;
- The inappropriate use or threat of inappropriate use of medications;
- The inappropriate use of physical or chemical restraints;
- The misuse of a Power of Attorney that results in unreasonable confinement or restriction of your:

- Liberty if you are 60 years or older; and/or
- The misuse of a guardianship or conservatorship that results in unreasonable confinement or restriction of your liberty if you are 60 years or older.

You can get the necessary forms and instructions for all three types of restraining orders at the county court in the county where the abuser lives. The filing fee and sheriff's fee for service can be waived if you cannot afford to pay it. You can contact victims' assistance agencies to accompany you and assist you with the paperwork.

Victims' assistance programs and some legal services programs can help you prepare the forms you need. They also can refer you to safe shelters and other services.

You will want to file a copy of your restraining order with your local police department.

If your abuser disobeys the court order, call your local police or sheriff immediately for help. If you do not feel satisfied with their response, talk to the supervisor or captain of the district police station.

If you wish, you may cancel the order later by going back into court. However, consider this decision carefully and discuss your options with someone you trust.

Injunctions

A temporary or permanent restraining order to prevent domestic abuse may include:

- Restraining a party from threatening, molesting, injuring or contacting any other party or the minor children of either of the parties;
- Excluding a party from the family home or the home of another party upon showing that physical or emotional harm would otherwise result; and/or
- Awarding temporary care and control of minor children of either party for up to 120 days.

You can get the necessary forms and instructions for this type of restraining order at county, district and authorized municipal courts. You must go to the county where the abuser lives. The filing fee and sheriff's fee for service can be waived if you cannot afford to pay it. You can contact victims' assistance agencies to accompany you to court and assist you with the paperwork.

Glossary

At-Risk Adult

An individual 18 years or older who is susceptible to mistreatment or self-neglect because the individual is unable to perform or obtain services necessary for the individual's health, safety or welfare, or lacks sufficient understanding or capacity to make or communicate responsible decisions concerning the individual's person or affairs.

Conservator

An individual, institution or other organization who is appointed to be responsible for the property of an incapacitated person.

Financial Exploitation

The illegal or unauthorized use of an at-risk adult's funds, property or resources for another person's profit or advantage.

Guardian

An individual, institution or other organization who is appointed to be responsible for the care and custody of the person of an incapacitated person through a formal court proceeding.

Injunction

A court order directing the people named within the order to refrain from doing certain specified acts or to do a particular act.

Power of Attorney

A written instrument by which one person, called the principal, appoints another as his agent or attorney-in-fact, and gives him the authority to perform certain specified acts or kinds of acts on behalf of the principal.

Representative Payee

An individual, institution or other organization who is appointed to receive payments on behalf of a person receiving Social Security disability or retirement, Supplemental Security Income (SSI) or Veterans Administration benefits if that person is unable to manage his/her financial affairs.

Restraining Order

An injunction directing the person named within the order to refrain from doing certain specified acts.

Resources

Colorado Area Agencies on Aging Fund Title III Legal Programs provide free legal assistance to persons age 60 or older. For a referral to the program nearest you, call your local Area Agency on Aging or the State Legal Assistance Developer.

Area Agencies on Aging:

- Counties: Washington, Yuma, Logan, Morgan, Phillips, Sedgwick
Sandra Baker, AAA Director
Northeastern Colorado Association
of Local Governments
Northern Region
231 Main St., Suite 211
Fort Morgan, CO 80701
Phone: (970) 867-9409, ext. 234
Fax: (970) 867-9053
E-mail: aaa@twol.com

- County: Larimer
Margaret A. Long, AAA Director
Larimer County Office on Aging
Northern Region
Larimer County Human Services
1501 Blue Spruce Dr.
Fort Collins, CO 80524
Phone: (970) 498-6801
Fax: (970) 498-6455
E-mail: longma@co.larimer.co.us

- County: Weld
Eva Jewell, AAA Director
Weld County Area Agency On Aging
Northern Region
1551 N. 17th Ave.
P.O. Box 1805
Greeley, CO 80632
Phone: (970) 353-3800, ext. 3331
Fax: (970) 304-6442
E-mail: EJewell@co.weld.co.us

- Counties: Adams, Arapahoe, Broomfield, Clear Creek, Denver, Douglas, Gilpin, Jefferson

Sue Bozinovski
AAA Director - Northern Region
Denver Regional Council of Governments Aging Services Division
Cherry Creek Corporate Center
4500 Cherry Creek Dr. S., 8th Fl.
Denver, CO 80246
Phone: (303) 455-1000
Fax: (303) 480-6790
E-mail: sbozinovski@DRCOG.org

- County: Boulder
Rosemary Williams,
AAA Director - Northern Region
Boulder County Aging Services Division
P.O. Box 471 (3482 N. Broadway)
Boulder, CO 80306
Phone: (303) 441-3570
Fax: (303) 441-4550
E-mail: rwilliams@co.boulder.co.us

- Counties: Park, El Paso, Teller
Michael Decker, AAA Director
Pikes Peak Area Agency on Aging Southern Region
15 S. 7th St.
Colorado Springs, CO 80905
Phone: (719) 471-7080, ext. 114
Fax: (719) 471-1226
E-mail: mdecker@ppacg.org

- Counties: Cheyenne, Elbert, Kit Carson, Lincoln
Terry Baylie, AAA Director
East Central Council of Governments
Northern Region
P.O. Box 28
128 Colorado Ave.
Stratton, CO 80836
Phone: (719) 348-5562
Fax: (719) 348-5887
E-mail: baylie@prairiedevelopment.com

- Counties: Baca, Bent, Crowley, Kiowa,
Otero, Prowers
Donna Rohde, AAA Director
Lower Arkansas Valley Area Agency on Aging
Southern Region
13 W. Third St., Room 110
P.O. Box 494
La Junta, CO 81050

Phone: (719) 383-3166
(800) 438-3752
Fax: (719) 383-4607
E-mail: donna.rohde@state.co.us

- County: Pueblo
Jane Garnett, AAA Director
Pueblo Area Agency on Aging
Southern Region
2631 E. 4th St.
Pueblo, CO 81001
Phone: (719) 583-6124
Fax: (719) 583-6323
E-mail: jgarnett@co.pueblo.co.us

- Counties: Alamosa, Conejos, Mineral,
Rio Grande, Saguache, Costilla
Dan Gutierrez, AAA Director
South-Central Colorado Seniors, Inc.
Southern Region
1116 3rd St.
P.O. Box 420
Alamosa, CO 81101
Phone: (719) 589-4511
Fax: (719) 589-2343
E-mail: slvsccs@fone.net

- Counties: Archuleta, Dolores, La Plata,
Montezuma, San Juan
V.A. "Sally" Johnson, AAA Director
San Juan Basin Area Agency on Aging
Western Region
701 Camino Del Rio #208
Durango, CO 81301
Phone: (970) 259-1967
Fax: (970) 259-1968
E-mail: aregion9@fone.net

- Counties: Delta, Gunnison, Hinsdale, Montrose, Ouray, San Miguel
Leslie Jones, AAA Director
Region 10 League for Economic Assistance & Planning - Western Region
Drawer 849
Montrose, CO 81402
Phone: (970) 249-2436
Fax: (970) 249-2488
E-mail: leslie@region10.net

- Counties: Garfield, Mesa, Moffat, Rio Blanco, Routt

Dave Norman, AAA Director
Associated Governments of Northwest Colorado
Western Region
P.O. Box 20000-5035
Grand Junction, CO 81502
Phone: (970) 248-2717
Fax: (970) 248-2702 or
(970) 248-2849/2883
E-mail: norda@mcdss.co.gov

• Counties: Eagle, Grand, Jackson, Pitkin, Summit
Jean Briley, AAA Director
Alpine Area Agency on Aging - Western Region
P.O. Box 2308
Silverthorne, CO 80498
Phone: (970) 468-0295, ext. 107
Fax: (970) 468-1208
E-mail: jbriley@nwc.cog.co.us

• Counties: Chaffee, Custer, Fremont, Lake
Steve Holland, AAA Director
Upper Arkansas AAA - Southern Region
139 E. 3rd St.
Salida, CO 81201-2612
Phone: (719) 539-3341
Fax: (719) 539-7431
E-mail: smh@my.amigo.net

• Counties: Huerfano, Las Animas
Cindy Howard, AAA Director
South Central Council of Governments AAA
Southern Region
300 Bonaventure Ave.
Trinidad, CO 81082
Phone: (719) 845-1133, ext. 207 &
(719) 738-2205
Fax: (719) 845-1130

Legal Assistance Developer for the Elderly

• Val Corzine, Esq.
The Legal Center
455 Sherman St., Suite 130
Denver, CO 80203
(303) 722-0300
(303) 722-3619 (TDD for Hearing Impaired)

Colorado Crime Victims Compensation Programs

- Amy Greer, Coordinator
First Judicial District
District Attorney's Building
500 Jefferson County Pkwy.
Golden, CO 80401
(303) 271-6846

- Linda Ferry, Coordinator
Second Judicial District
201 W. Colfax Dept. 801
Denver, CO 80202
(720) 913-9253

- Linda Sumner, Coordinator
Third Judicial District
500 S. Albert
Walsenburg, CO 81089
(719) 738-1510

- Kelly Kissell, Coordinator
Fourth Judicial District
105 E. Vermijo Ste. 600
Colorado Springs, CO 80903
(719) 520-6051

- Krista Whittle, Coordinator
Fifth Judicial District
P.O. Box 2000
Georgetown, CO 80444
(303) 569-2567 x10

- Jane Foy, Coordinator
Sixth Judicial District
P.O. Box 3455
Durango, CO 81302
(970) 247-88505

- Stacy Schottel, Coordinator
Seventh Judicial District
1200 N. Grand Ave. #D
Montrose, CO 81401
(970) 252-4275

- Joan Marchesano, Coordinator
Eighth Judicial District
201 La Porte, Ste. 200
Fort Collins, CO 80524
(970) 498-7290

- Judy Martin, Coordinator
Ninth Judicial District
109 8th St. #308
Glenwood Springs, CO 81601
(970) 945-8635
- Florence Hunt, Coordinator
10th Judicial District
201 W. 8th St. #801
Pueblo, CO 81003
(719) 583-6030
- Barbara Topliss, Coordinator
11th Judicial District
136 Justice Center Rd. Rm. 203
Cañon City, CO 81212
(719) 269-0170
- Carla Gomez, Coordinator
12th Judicial District
426 San Juan
Alamosa, CO 81101
(719) 589-3691
- Paula Bragg, Coordinator
13th Judicial District
220 Prospect
Ft. Morgan, CO 80701
(970) 867-2877
- Angela Pay, Coordinator
14th Judicial District
P.O. Box 770129
Steamboat Springs, CO 80477
(970) 879-1146
- Candy Batteron, Coordinator
15th Judicial District
110 E. Oak St.
Lamar, CO 81052
(719) 336-7446
- William Ziegler, Coordinator
16th Judicial District
311 Santa Fe
La Junta, CO 81050-0928
(719) 384-8786
- Kate Horn-Murphy, Coordinator

17th Judicial District
1100 Judicial Center Dr., #100
Brighton, CO 80601
(303) 655-3808

- Wendy Buter, Coordinator
18th Judicial District
7305 S. Potomac #300
Englewood, CO 80112
(720) 874-8607

- Karol Patch, Coordinator
19th Judicial District
P.O. Box 1167
Greeley, CO 80632
(970) 356-4000, ext. 4748

- Jude Allen, Coordinator
20th Judicial District
Boulder County Courts Bldg.
1035 Kimbark St.
Longmont, CO 80501
(303) 682-6801 or 6802

- Mary Sommerfeld, Coordinator
21st Judicial District
P.O. Box 20000-5031
Grand Junction, CO 81502-5031
(970) 244-1730

- Jacqueline Berdzar, Coordinator
22nd Judicial District
P.O. Box 936
Cortez, CO 81321
(970) 565-1147

Elder Abuse:

- 911 or your local police department
- Adult Protection: Call your County Dept. of Social Services
- Colorado Coalition for Elder Rights and Adult Protection
(800) 773-1366
- AARP ElderWatch through the Colorado Consumer Line
(800) 222-4444 (option 2) for referrals and assistance information
- Denver District Attorney's Office

(720) 913-9179

- Adams/Broomfield Counties District Attorney's Office
(303) 659-7720

- Arapahoe/Douglas Counties District Attorney's Office
(720) 874-8547

- Jefferson/Gilpin Counties District Attorney's Office
(303) 271-6980