



Contested Guardianships and Conservatorships

Overview

A contested guardianship or conservatorship arises when there is a dispute over the appointment of a legal guardian or conservator for an individual who is deemed unable to manage their personal or financial affairs. These cases often involve elderly individuals, adults with disabilities, or minors whose parents are unable to care for them.

In a contested guardianship, the court must determine whether the proposed guardian is suitable and whether the individual truly lacks the capacity to make decisions for themselves. Family members or other interested parties may challenge the need for a guardianship, argue over who should be appointed, or dispute the extent of the guardian's authority.

Similarly, in a contested conservatorship, disputes arise over who should control an individual's financial affairs. Common challenges include concerns about financial mismanagement, undue influence, or disagreements about the necessity of a conservatorship.

These cases often involve court hearings, medical evaluations, and financial reviews. Attorneys representing different parties may present evidence to support or contest the need for guardianship or conservatorship, ensuring that the court makes a decision that is in the best interest of the individual involved.

Since contested proceedings can be emotionally charged and legally complex, an attorney with expertise in probate and elder law can be invaluable in advocating for the client's rights, protecting assets, and ensuring proper care for the individual at the center of the dispute.

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605 W 47th Street, Skelly Building, Suite 350, Kansas City, MO 64112
(816) 753-5400

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