



LGBT INDY LAW *BLOG*

from the desk of BARBARA J. BAIRD, Attorney at Law

Indianapolis LGBT Guardianship Attorney Barbara J. Baird Helps Clients Establish and Contest Guardianship Proceedings

In the state of Indiana, guardianship is defined as a probate court's appointment of an individual, also known as a guardian, to make decisions on behalf of another, called the ward, who is unable to make certain decisions because he or she is either incompetent or is a minor child. Someone may be designated guardian of the person to manage personal affairs, health care, or guardian of the estate to manage the finances, or both. In this way, a guardianship is an estate overseen by the probate court for management of the personal care, the property or both of a minor child or "incompetent" adult.

Although the new recognition of same-sex marriages resolves some previous fears of LGBT couples in planning for their family's future, marriage does not resolve every issue. Both heterosexual and homosexual couples should consider how wills and guardianships can protect their specific rights to inherit from their partners, to make health care decisions on behalf of incapacitated partners, and to receive custody of any children of the partnership. Because family members may hold conflicting opinions on guardianship issues, it is crucial that you have an attorney on board who is well-versed in LGBT laws in the state of Indiana.

For example, who should be named as the guardian of an incapacitated child or parent? What accommodations and comforts should the ward be awarded? Are the ward's financial assets being managed with consideration and care?

What does the ward need in terms of medical care and who should provide it? Making sure that you have a lawyer compassionate and experienced in the areas of LGBT law is vital to ensure that you protect your rights in court.

These issues can be a source of fighting among the children and relatives of a ward, and if not properly resolved through careful litigation, they can tear a family apart. Indianapolis Guardianship Attorney Barbara J. Baird has successfully handled many guardianship litigation cases. She also represents individuals who are contesting guardianship and she works with clients to establish guardianships

Contesting Guardianship

In the case of minor children of same-sex partners where one or both die unexpectedly or become unable to care for their children, it is not uncommon that disputes can arise over appointment of a guardian for the children, even if the parents have properly named a guardian in their wills. Family may try to interfere with the choices made by the incapacitated or deceased parent of the children. Other disputes can arise over the ability of elderly individuals to manage their affairs and the need for a guardianship. If you need help navigating these murky waters, contact Attorney Barbara J. Baird for assistance.

Indiana LGBT lawyer Barbara J. Baird has the skill and experience you need to represent you in these often emotional and difficult guardianship cases. Contact Attorney Baird at her Indianapolis office a (317) 248-5120 to begin discussing your guardianship case today.