

Guardianship

Shulman Rogers provides guidance for clients seeking advice on Guardianship in Maryland, the District of Columbia and Virginia. Guardianship is the legal authority and duty to care for a person and their property interests.

A guardianship relationship can be necessary in a variety of circumstances:

- An elderly parent who can no longer manage his or her affairs
- An individual who suffers from mental health issues
- An adult child with disabilities
- A minor child who needs a court-appointed guardian for financial or other reasons

Our attorneys have a wide breadth of experience advising and litigating these issues, including capacity, guardianship, estate planning, special needs trusts, Medical Assistance planning, involuntary commitment, will contests, and neglect and financial exploitation.

We assist families with the full range of issues related to guardianship, and our attorneys often serve as fiduciaries for individuals who are unable to make financial decisions. The courts regularly appoint our attorneys as Best Interest Attorneys or representatives for individuals in guardianship matters.

The process for securing legal guardianship varies from jurisdiction to jurisdiction. In the Washington D.C., legal guardianship of “incapacitated adults” is implemented through the Superior Court of D.C. Probate Division Court. In Maryland, guardianship is determined by the circuit court of the county in which the person with the potential need for guardianship resides, and, in Virginia, decisions regarding guardianship rest with the circuit court judges.

In addition to a deep knowledge of the applicable laws and filing processes for each legal jurisdiction in the Washington Metropolitan region, our team understands the rules and procedures of the health and human services agencies which often play a role in determining guardianship. Equally important, our team understands the tendencies of these agencies and courts and provides clients with insight into the way these officials have evaluated similar petitions.