Lowndes

Guardianship Strategy in Florida: Lessons from Cher's Conservatorship Denial

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Introduction

On April 24, 2026, a Los Angeles County judge denied Cher's emergency petition for a temporary conservatorship over her 49-year-old son, Elijah Blue Allman, for the second time in roughly two years. Cher's case reveals strategic decisions families face when seeking court intervention over a loved one who cannot manage their own affairs.

One of Cher's primary concerns is that her son receives $120,000 per year from a trust established by his late father, which Cher alleged is immediately squandered on substance abuse and reckless spending to his detriment.

He had been arrested twice in New Hampshire in early 2026 and was hospitalized in a locked psychiatric facility. Yet, the judge ruled that Cher's concerns do not necessarily equate to a finding that the proposed conservatee lacks capacity or that a probate conservatorship is appropriate. The court explained that it did not see sufficient urgency for intervention, reasoning in part that because Cher's son was already confined to a facility, there was no immediate risk he would access his upcoming trust distribution and squander it. The denial was without prejudice, meaning Cher can try again, and the judge scheduled a follow-up hearing in June to reconsider the matter.

Despite the court's denial, Cher's revised legal strategy offers valuable lessons for families in Florida navigating the guardianship process.

Strategic Pivot: From Family Member to Professional Fiduciary

When Cher first sought conservatorship in December 2023, she asked to be named her son's financial conservator herself. The court declined, and the parties settled privately in 2024. When Cher returned in 2026, she made a notable shift: instead of seeking the role herself, she asked the court to

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appoint a licensed private fiduciary.

This change reflects a reality that families aren't often prepared for – a parent may not always be the strongest candidate to present as proposed guardian. Sometimes there's a risk that the proposed ward may resist a parent's control, or courts may question whether a family member's judgment is clouded by emotional or personal interest. In Cher's case, her son opposed his mother's first petition, promising that he would get his life in order. Cher's second petition alleged that those promises were nothing more than words. Having been denied appointment herself the first time, Cher's team made the strategic decision to propose a licensed, independent fiduciary instead, a move that shifted the focus away from who would serve as guardian and toward the underlying question of whether Cher's son needed court-supervised financial oversight at all.

This strategic consideration applies directly in Florida. While what California calls a "conservatorship" for adults, Florida calls a "guardianship" under Chapter 744 of the Florida Statutes, the underlying dynamics are the same. Florida law gives preference to family members when appointing a guardian, but that preference does not always translate into success. A professional guardian can bring a perception of neutrality that a judge may find more persuasive, especially when family conflict exists or a prior attempt has failed.

The Urgency Question: Meeting the "Imminent Danger" Standard

The other major takeaway from Cher's case involves urgency. The judge noted that because Cher's son was confined to a facility, he could not access his upcoming trust distribution to spend irresponsibly to his own detriment.

In Florida, Section 744.3031 of the Florida Statutes permits a court to appoint an emergency temporary guardian only upon finding "imminent danger that the physical or mental health or safety of the person will be seriously impaired or that the person's property is in danger of being wasted, misappropriated, or lost unless immediate action is taken." If granted, the appointment lasts only 90 days, with a possible 90-day extension, and the guardian's powers must be specifically enumerated by the court.

The lesson for Florida petitioners is that the danger must be imminent and concrete, not speculative. Generalized concerns about poor decision-making or long-term self-destructive patterns, while relevant to a full guardianship proceeding, may not satisfy the heightened emergency threshold. As Cher's circumstances show, even a genuinely dire situation can fail the urgency test if existing circumstances, such as hospitalization, are themselves providing a temporary safeguard.

Coming Back After a Denial

Cher's case also demonstrates that a denied petition is a setback, not a final answer. Both denials were without prejudice, leaving the door open for renewed efforts.

For Florida families, a similar adjustment might include gathering stronger medical evidence, reconsidering who is proposed as guardian, or – critically – demonstrating that less restrictive alternatives have been tried and failed. In Florida, courts should explore alternatives to guardianship before appointing a plenary guardian. However, when those alternatives fail, that failure may strengthen a renewed petition.

Practical Takeaways

Cher's case is far from over – the judge indicated a more comprehensive hearing is forthcoming. But the case already offers practical lessons for Florida families.

- The choice of proposed guardian matters as much as the underlying facts. Families should consider whether a professional guardian might be a stronger choice, particularly where family conflict exists or a prior attempt has failed.
- A denial is not the end of the road, but a renewed petition must bring meaningful different evidence or strategy.
- The guardianship process itself carries costs – financial, emotional, and relational – that should not be underestimated.

In guardianship cases, the most important question may not be whether a court will grant the petition, but whether the proposed arrangement will in fact protect the person who needs help. Families navigating this process should consult an experienced Florida guardianship attorney to evaluate their options and build the strongest possible case before approaching the court.