When Family Law Rights Conflict with Guardianship Standing: *Guardianship of Bayouth* Further Defines Adverse Interests

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A parent's statutory right to reduce child support payments can deprive that parent of standing to seek guardianship of the child's estate. The Eastland Court of Appeals held that a father's effort to obtain a credit authorized by the Texas Family Code created an adverse interest under the Estates Code because it would reduce funds available for his incapacitated daughter. The decision distinguishes a parent's entitlement to pursue financial relief from the right to seek guardianship, and how the two can put each other at odds.

In *In re Guardianship of Addison Kay Bayouth*, No. 11-25-00090-CV, 2026 WL 3161666 (Tex. App.—Eastland Oct. 22, 2026), LaNoard Bayouth sought appointment as guardian of the estate of his adult daughter, Addison, who had been adjudicated totally incapacitated because of Down syndrome. LaNoard and Addison's mother, Tammie, divorced in 2010, and their divorce decree required LaNoard to pay child support for Addison's benefit. *Id.* at *1.

Before applying for guardianship, LaNoard pursued a separate proceeding to reduce his child support obligation under Texas Family Code Section 154.132. He paid Tammie $2,650 monthly for Addison's benefit, and Tammie also received $1,829 in derivative Social Security disability benefits as Addison's representative payee. LaNoard sought to credit those benefits against his obligation, reducing his monthly payments to $821. Two weeks after amending his modification petition, he applied for guardianship of Addison's estate. *Id.* at *1–2.

In the guardianship proceeding, Tammie challenged LaNoard's standing through a motion in limine, contending that the financial relief he sought created an interest adverse to Addison. Following an evidentiary hearing, the trial court found that LaNoard lacked standing, dismissed his guardianship application, and awarded Tammie attorney's fees. LaNoard appealed those rulings. *Id.* at *2–3.

A statutory right can create an adverse interest

Texas Estates Code Section 1055.001(a) generally permits any person to commence a guardianship proceeding. Subsection (b) disqualifies an applicant with an interest adverse to the proposed ward, and subsection (c) directs the trial court to determine such standing through a motion in limine. Standing presents a legal question reviewed *de novo* by the appellate court, which implies factual findings supporting the judgment when the trial court enters none. *Bayouth*, 2026 WL 3161666, at *3–4.

LaNoard argued that pursuing the child support credit could not create an adverse interest because the Family Code expressly authorized it. He also claimed that his financial dispute concerned Tammie, who received the payments, rather than Addison. But reducing LaNoard's obligation would decrease the combined guaranteed funds available for Addison's benefit by $1,829 each month while allowing LaNoard to retain that amount. *Id.* at *4–5.

The court acknowledged that "no court has directly addressed the factual scenario that we are confronted with here." *Id.* at *5. Because the Estates Code does not expressly define an adverse interest, the court examined other Texas appellate decisions. Two decisions found adverse interests arising from competing financial interests. In *In re Guardianship of*

Benavides, No. 04-13-00197-CV, 2014 WL 667525, at *1 (Tex. App.—San Antonio Feb. 19, 2014, pet. denied), the applicant separately sought to invalidate a prenuptial agreement and reclassify the proposed ward's separate property as community property, potentially depriving the ward of a one-half interest. Similarly, in *In re Guardianship of Bernsen*, No. 13-17-00591-CV, 2019 WL 3721339, at *10 (Tex. App.—Corpus Christi–Edinburg Aug. 8, 2019, pet. denied), the applicant's children stood to benefit financially from litigation against the proposed ward. Even though the applicant disclaimed her own inheritance, the trial court could infer that she placed her children's financial interests above the ward's.

By contrast, *Betts v. Brown*, No. 14-99-00619-CV, 2001 WL 40337, at *4 (Tex. App.—Houston [14th Dist.] Jan. 18, 2001, no pet.), found no adverse interest where the proposed ward guaranteed the applicant's loan and granted the lender a security interest in the ward's assets, but no evidence established that the arrangement threatened the ward's well-being. *Bayouth*, 2026 WL 3161666, at *4–6.

After comparing these cases, the Court held LaNoard's interests were adverse to the proposed ward's. Unlike those prior cases, *Bayouth* involved a financial benefit expressly authorized by statute. Yet the court rejected the argument that statutory authorization negated the resulting adverse interest. It explained, "Because the Legislature requires this credit be applied in certain circumstances, that LaNoard might be entitled to it does not automatically render his interest less adverse." *Id.* at *5. The court affirmed the dismissal without deciding whether LaNoard qualified for the credit, leaving that issue to the family court. *Id.* at *6.

An unjustified application can support attorney's fees

LaNoard separately challenged the trial court's attorney's fee award, arguing that his guardianship application was neither brought in bad faith nor prosecuted without just cause. Unlike standing, which receives *de novo* review, an attorney's fee award receives abuse of discretion review. Section 1155.151(c) permits fees when a party prosecutes a guardianship application in bad faith or without just cause. Either ground independently supports an award. *Id.* at *6–7.

The Eastland court determined that the trial court could reasonably reject LaNoard's assertion that alternatives to guardianship were infeasible. Addison had a special needs trust managed by a financial institution, and Tammie served as representative payee. LaNoard acknowledged these arrangements, conceded that Addison had no substantial personal property, and raised no concerns about the trust's administration. His complaints about Tammie's management involved temporary deposits into her personal account and uncertain reporting dates, which the trial court could reasonably find insufficient to justify guardianship. *Id.* at *7–8.

According to the appellate court, the timing could also support a finding of bad faith. LaNoard applied for guardianship just two weeks after amending his child support petition, permitting the trial court to infer that he sought to circumvent the pending modification proceeding and gain control over Addison's property. Applying the deferential abuse of discretion standard, the court affirmed the fee award. *Id.* at *8–9.

Bayouth confirms that a statutory right to reduce financial support does not eliminate the resulting adverse interest for guardianship standing. It also serves as a warning against filing guardianship applications that carry the appearance of a personal motive.