In the Missouri Court of Appeals
Eastern District

DIVISION FOUR

IN THE MATTER OF: LAUREN MICAELA TAYLOR,	)	No. ED113222
	)	Cause No. 2211-PR00588
	)	FILED: November 18, 2025

APPEAL FROM THE CIRCUIT COURT OF ST. CHARLES COUNTY
The Honorable Dennis R. Chassaniol, Judge

Opinion

Lauren Taylor[1] (Lauren) and her mother, Elaine Taylor (Mother) (collectively Appellants), appeal the St. Charles County Probate Court's (Probate Court) denial of their motion to set aside thirteen orders previously issued by a Georgia Probate Court (Georgia Court). The Probate Court denied said motion for lack of jurisdiction, as the underlying guardianship and conservatorship in which Appellants' motion was filed had already

[1] To avoid confusion, we use the first name of one of the Appellants who shares the same last name as that of another Appellant. No familiarity or disrespect is intended.

been terminated. [2] Appellants also appeal the Probate Court's denial of their motions to reconsider and to reopen the terminated case.

Appellants raise three points on appeal. First, Appellants contend the Probate Court erred in finding it lacked authority to review the Georgia orders, as once it accepted a transfer of the Georgia probate case, it had the authority to review the orders and set them aside. Next, Appellants argue the Probate Court's termination of Lauren's guardianship and conservatorship did not bar its review of the motion to set aside the Georgia orders. Finally, Appellants posit an alternative argument, that the Probate Court never properly terminated Lauren's guardianship and conservatorship, and consequently, the matter is still pending, permitting the Probate Court to review the motion to set aside the Georgia orders.

Because the Probate Commissioner's order denying the motion to set aside the Georgia orders was never confirmed by a judge as required by Missouri law, and because a judge did not timely confirm the order denying the motions to reconsider and reopen the evidence, no final appealable judgment exists. Therefore, this Court dismisses the appeal for lack of appellate jurisdiction.[3]

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[2] This Court notes that this is not an issue of jurisdiction, but rather of statutory authority. "[T]he circuit courts shall have original jurisdiction over all cases and matters, civil and criminal." *J.C.W. ex rel. Webb v. Wyciskalla*, 275 S.W.3d 249, 253 (Mo. banc 2009) (emphasis in the original); Mo. Const. art. V, § 14. "When a statute speaks in jurisdictional terms or can be read in such terms, it is proper to read it as merely setting statutory limits on remedies or elements of claims for relief the courts may grant." *Hightower v. Myers*, 304 S.W.3d 727, 733 (Mo. banc 2010) (quoting *Wyciskalla*, 275 S.W.3d at 255).

[3] In Respondents' brief, William Jenkins (Jenkins), Lauren's temporary substitute conservator appointed by the Georgia Court, argues he is improperly named as a

Background

In May 2019, a horse kicked Lauren in the head during a work-related equestrian accident in South Carolina, resulting in a traumatic brain injury. Lauren's employer, a show horse farm based out of Tennessee, began paying worker's compensation benefits to her through its insurer, American Zurich Insurance Company (American Zurich), shortly after her injury. At the time of the accident, Lauren was comatose and was airlifted to Shepherd's Center, a facility in Georgia, for care.

The Georgia Court appointed Mother as Lauren's guardian in September 2019 and conservator in October 2019. In November 2019, after making significant medical improvements and upon the recommendation of her medical team, Shepherd's Center transferred Lauren to QLI, a rehabilitation facility in Nebraska. This transfer occurred despite Mother's and Lauren's objections, as they had considerable concerns about Lauren's safety during transfer in light of the Covid-19 pandemic amongst other issues.

In April 2020, the Georgia Court appointed Dana Ashford (Ashford) as Lauren's guardian ad litem, and requested that Ashford make a report on whether the appointment of a temporary substitute conservator and guardian was necessary. Based on Ashford's report and its own inquiry, the Georgia Court found that Mother had interfered in Lauren's medical care by refusing to follow the directives of Lauren's medical team,

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respondent in this appeal and should be dismissed as such. Appellants concede Jenkins is improperly named as Respondent in their reply brief. Generally, "[w]here the [respondent] named in a petition is not the proper party to the action, the petition fails to state a claim upon which relief can be granted." *Johnson v. Jackson Cnty.*, 910 S.W.2d 303, 306 (Mo. App. W.D. 1995). However, because this Court lacks the authority to address the merits of this appeal, we likewise do not reach the merits of Jenkins' request.

which resulted in the suspension of medical benefits from the Tennessee Department of Worker's Compensation at various times during her treatment. In May 2020, the Georgia Court suspended Mother as Lauren's conservator and appointed Jenkins as temporary substitute conservator. Then in July 2020, the Georgia Court suspended Mother as Lauren's guardian and appointed Sharon Gorman (Gorman) as temporary substitute guardian. Appellants sought to set aside Mother's substitution and suspension, in addition to other orders, alleging a lack of due process. Moreover, Appellants maintained they were advocating for the necessary therapies, treatments, and environment required for Lauren's continued recovery and that the temporary conservator, temporary guardian, medical providers, and American Zurich were primarily motivated by financial considerations when making medical decision.

Also, in May 2020, and again over Lauren's and Mother's objections, QLI discharged Lauren, and she moved back home to Foristell, Missouri, where she has resided ever since. In October 2020, the Georgia Court permitted Jenkins to hire counsel (Attorney Roberts) in Tennessee to pursue Lauren's worker's compensation claims, and those claims eventually resolved through a settlement, approved by the Georgia Court, and the Tennessee Court of Worker's Compensation in August of 2021. Since the agreement's inception, Lauren and Mother have challenged the legality of the settlement alleging fraud and lack of authority by the temporary conservator and guardian to enter into the agreement.[4] Sometime after her move back to Missouri, and at the request of

[4] Lauren and Mother have also unsuccessfully sought to have the judgment approving the settlement agreement be set aside by the Tennessee courts.

Appellants, the Georgia Court transferred Lauren's guardianship and conservatorship case to the State of Missouri, and in May 2022, the Probate Court accepted transfer of the case. In Missouri, Mother was appointed as Lauren's guardian and conservator.

In September 2022, Appellants filed a joint petition to restore all rights to Lauren and terminate Mother's guardianship and conservatorship of Lauren. The Probate Court terminated the guardianship and conservatorship on October 25, 2022. Nearly two years later, on August 20, 2024, Appellants motioned the Probate Court to set aside thirteen orders entered by the Georgia Court between November 1, 2019, and February 11, 2022. On August 23, 2024, the Probate Court Commissioner issued an order denying the motion to set aside, finding it lacked jurisdiction because the Probate Court had previously terminated Lauren's guardianship and conservatorship. A St. Charles County judge did not issue a notice of confirmation of the Commissioner's order.

On August 26, 2024, Appellants filed two separate motions: (1) a motion to reconsider the denial of the set aside, and (2) a motion to reopen the guardianship case, for the limited and sole purpose of setting aside the thirteen orders that the Georgia Court allegedly unlawfully entered. The Probate Court held a hearing on these motions on October 25, 2024, and took the matter under advisement. On October 29, 2024, the Probate Commissioner issued an order denying both of Appellants' motions.

On December 26, 2024, Appellants filed their Notice of Appeal of the October 29, 2024 order. In January 2025, this Court issued an order directing the Appellants to show cause as to why the appeal should not be dismissed for lack of jurisdiction because the October 29, 2024 order was signed by a commissioner, not an Article V judge, as

required by Missouri law. On February 7, 2025, in response to the show cause order, Appellants secured a signed notice of confirmation of the October 29, 2024 order denying the motion to reopen the case from the Hon. Dennis Chassiniol, St. Charles County Probate Judge, but not the motions to set aside or reconsider. This appeal followed.

On October 22, 2025, Appellants filed a notice and letter of supplemental authority with this Court and attached as an exhibit an October 21, 2025 decision of the Georgia Court of Appeals. The Georgia Appellate Court's decision held that the Georgia Probate Court "never issued a final order terminating [Lauren's] guardianship/conservatorship," and "[a]bsent a final order, the [Georgia Probate Court] retains exclusive and continuing jurisdiction over the proceedings *until it is terminated by the court.*" Consequently, the Georgia Court of Appeals vacated the Georgia Probate Court's order denying Appellants' motion to set aside the 13 orders at issue for lack of jurisdiction and remanded the case for further proceedings. For the reasons set forth in this opinion, and especially in light of the Georgia Appellate Court's recent decision, this Court firmly holds it must dismiss this appeal.

Standard of Review

> In all appeals, this Court is required to examine its jurisdiction *sua sponte*. A prerequisite to appellate review is that there be a final judgment. If there is no final judgment, this Court lacks jurisdiction and must dismiss the appeal. A judgment is final only if it leaves nothing for future determination. If an intended judgment does not dispose of all issues and all parties in the case or does not form a final disposition of the matter, it is not a final, appealable judgment and we have no jurisdiction to entertain an attempted appeal therefrom.

Smith v. State, 63 S.W.3d 218, 219–20 (Mo. banc 2001).

In relevant part, "[t]he probate division of the circuit court may hear and determine all matters pertaining to …, ***the appointment of guardians and conservators of minors and incapacitated and disabled persons***, … as provided by law and of such other probate business as may be prescribed by law. § 472.020 (emphasis added).[5]

> Any interested person aggrieved thereby may appeal to the appropriate appellate court from the order, judgment or decree of the probate division of the circuit court in any of the following cases: … ***In all other cases where there is a final order or judgment*** of the probate division of the circuit court under this code except orders admitting to or rejecting wills from probate.

§ 472.160.1(14) (emphasis added).

Discussion

For ease of discussion, we address all three of Appellants' points together. Appellants' contend (1) the Probate Court had authority to vacate the Georgia Court orders because the case was transferred to it under the Uniform Adult Guardianship and Protective Proceedings Act (UAGPPJA) (§§ 475.531, 475.532) and the Uniform Enforcement of Foreign Judgments Law (Rule 74.14;[6] § 511.760); (2) any prior termination of Lauren's guardianship and conservatorship did not bar a subsequent motion to set aside; and (3) alternatively, the Probate Court did not properly terminate Lauren's guardianship and conservatorship because it failed to follow the transfer requirements of the UAGPPJA. Here, a review of the record reveals the Probate Court's October 29, 2024 order does not constitute a final appealable judgment pursuant to Missouri law. *See* § 472.160.1(14).

[5] All statutory references are to RSMo (2016) unless otherwise indicated.
[6] All Rule references are to Mo. R. Civ. Pro. (2023) unless stated otherwise.

I. This Court dismisses the appeal because a judge did not confirm the probate commissioner's orders to set aside and reconsider, and the confirmation of the motion to reopen was untimely

Appellants claim that Judge Chassiniol's February 2025 confirmation of the Commissioner's October 2024 order denying the motion to reopen provided the Probate Court authority to reopen the case and set aside the Georgia orders. Appellants are mistaken because the February 2025 confirmation of the October 29, 2024 order does not constitute a final appealable order. "A commissioner possesses the powers and duties of a judge only where his actions have been either approved or rejected by the probate [court]." *Estate of Norman v. Norman*, 792 S.W.2d 920, 921 (Mo. App. E.D. 1990). Thus, if the probate court judge does not confirm the order of the commissioner, there exists no final appealable order. *Id.*; *see also Clemans v. Mercantile Bank of St. Louis, N.A.*, 936 S.W.2d 889, 890 (Mo. App. E.D. 1997) (commissioner denied the appellant's motion for rehearing, however, the probate judge never confirmed the order, therefore, it was not a final appealable judgment). "An appealable judgment resolves all issues in a case, leaving nothing for future determination." *In Matter of Smith*, 550 S.W.3d 541, 546 (Mo. App. E.D. 2018) (quoting *Gibson v. Brewer*, 952 S.W.2d 239, 244 (Mo. banc 1997)). "If the [circuit] court's judgments are not final, this Court lacks jurisdiction and the appeal [] must be dismissed." *Id.* (quoting *Gibson*, 952 S.W.2d at 244). Here, Judge Chassiniol never confirmed the orders denying the motions to set aside or reconsider. As such, these orders are not final and appealable.

Furthermore, despite Judge Chassiniol eventually confirming the Commissioner's order denying the motion to reopen, the confirmation is unenforceable under § 478.266.1 because it was not timely. The Probate Code makes it clear that

> …Subject to approval or rejection by the judge of the probate division, the commissioner shall have all the powers and duties of the judge for matters within the jurisdiction of the judge of the probate division. A judge shall by order of record reject or confirm all orders, judgments and decrees of the commissioner ***within the time the judge could set aside such orders, judgments or decrees had the same been made by him***. If so confirmed, the orders, judgments and decrees shall have the same effect as if made by the judge on the date of their confirmation.

§ 478.266.1 (emphasis added).[7]

"Pursuant to § 511.060 [], a [probate] court retains control thirty days after the date of judgment." *Garner v. Director of Revenue*, 893 S.W.2d 394, 395 (Mo. App. E.D. 1995). Specifically, a "judgment may, for good cause shown, be ***set aside*** at any time within ***thirty days*** after it is entered, upon such terms as are just." § 511.060 (emphases added).

Here, the Probate Court judge had to confirm the Commissioner's order within thirty days of its issuance to be considered a final appealable judgment. The record on appeals shows on August 20, 2024, Appellants motioned the Probate Court to set aside thirteen orders entered by the Georgia Court. On

[7] Similarly, pursuant to the local rules of the 11th Judicial Circuit, St. Charles County Court the confirmation is also untimely. "The judge of the probate division shall by judgment of record reject or confirm all judgments, decrees and orders of the probate commissioner within the time the judge could set aside such judgments, decrees and orders had the same been made by it. If so confirmed, the judgments, decrees and orders shall have the same effect as if made by the judge on the date of their confirmation." St. Charles County Local Court Rule 4.3.1(a) (2008).

August 23, 2024, the Probate Commissioner issued an order denying the motion to set aside finding the court lacked authority over the guardianship and conservatorship as it had been terminated on October 25, 2022. Then on October 29, 2024, the Probate Commissioner issued an Order denying motions to reconsider the denial of the set aside and to reopen the case. A Probate Court judge did not issue a notice of confirmation of the October 29 Order until February 7, 2025. This far surpasses the 30-day confirmation period. As such, this Court lacks jurisdiction to address the merits of this appeal. *See Bridges v. Hurd*, 645 S.W.2d 377, 379 (Mo. App. W.D. 1983) ("Since cases heard by the probate [court] commissioner result in a final judgment only if they are confirmed by the probate [court] judge within thirty days after the commissioner enters the judgment, and this requirement was not met in this case, there is no final judgment, and the appeal is therefore dismissed.").

Conclusion

Here, the record shows that the probate judge did not confirm the commissioner's order within thirty days. "The matter is, thus, pending in the probate court and no final appealable order has been entered." *Norman*, 792 S.W.2d at 921. This appeal is dismissed and remanded for the Probate Court to renew its final judgment on all pending motions and to issue notices of confirmation within the statutorily mandated timeframe so as to constitute a final appealable judgment.



Rebeca Navarro-McKelvey, P.J.

Gary M. Gaertner, Jr., J and
James M. Dowd, J., concur.