MCAFM, today we're thinking

FAMILY LAW CASE RIPE FOR MEDIATION?
A JOINT PRESENTATION TO MCAFM MEMBERS:
THE MARICOPA COUNTY ASSOCIATION OF FAMILY MEDIATORS
BY ATTORNEYS ROBBIN COULON & DEBBIE WEECKS

2024. OUTSIDE THE BOX.

Dear MCAFM Audience Member: Disoriented yet? As practitioners in fields affecting family cases, it is imperative that we be able not only to recognize but to discuss with empathy when there is a vulnerable adult among us. For those of you who program understand the preceding sentence, it is our hope that today's For those updates you on some tools of the legal trade and sister professions. are in the audience whose glazed look means we've lost you already, we provide hopeful that this program and our handout materials enlighten and structure thinking outside the box about

Draw me a picture.

VULNERABLE ADULTS IN FAMILY LAW MEDIATION.

Who is a vulnerable adult? From the youngest to the eldest, everyone among us can be situationally vulnerable. Our MCAFM presenters over time have often spoken of challenges when one party is situationally vulnerable in a title 25 family case. For instance, in cases of domestic violence, financial disparity between parties, or in even a "friendly" break-up of an adult relationship resulting in re-thinking budgets, life style and life choices, and child custodial matters. These issues are addressed in evidentiary hearings following filing of motions, but in the world of ADR (alternative dispute resolution), MCAFM members view these challenges as opportunities to re-define one's life structure by mediated agreements. However, for purposes of the Adult Protective Services Act, **a vulnerable adult is** anyone age 18 or over "*who is unable to protect himself from abuse, neglect or exploitation by others because of a physical or mental impairment*." including someone "*impaired by reason of mental illness, mental deficiency, mental disorder, physical illness or disability, chronic use of drugs, chronic intoxication or other cause, except minority, to the extent that he lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his person*." [A.R.S. §§46-451; 14-5101]

This educational guide contains both discussion and quoted material in the following order:

- Requesting a Guardian *Ad Litem*;
- Supported Decision-making Agreements & Comparing Powers of Attorney in a family case context;
- Motions to intervene to gain legal standing including guardianships and conservatorships over a spouse in a divorce process;
- Customizing language in POAs, trusts, and other estate planning documentation to avoid step-family dysfunction or undesirable interference;
- New Legislation in G-C Proceedings
- Ethics when handling and resolving family issues to meet vulnerable adult's needs; and
- Protecting the vulnerable adult's rights and interests in relationship break-ups.

Requesting a Guardian *Ad Litem*

A.R.S. §25-1501; Arizona Rules of Family Law Procedure, Rule 37.1

Divorces, legal separations, anulments, paternity, and child custodial cases generally speaking are governed by title 25 of the Arizona Revised Statutes substantively, and their paths are set forth in procedural court rules. For the non-attorneys in the audience, you may access those provisions at each of www.azleg.gov and www.azcourts.gov , respectively. In a title 25 ("family law") case, the Superior Court judicial officer may appoint an attorney to act as a guardian *ad litem* to investigate and to decide whether a vulnerable adult party in a family case needs a representative to stand in the vulnerable adult's shoes. If so, the GAL may petition in the Probate Department of the Court in a separate case, seeking appointment of either or both of a guardian over the vulnerable adult or a conservator over his/her finances and legal matters. As part of the GAL's investigation, the GAL may seek a licensed physician's independent evaluation, or the judicial officer might order such evaluation. The GAL and any evaluator may be paid from the vulnerable adult's or by his/her marital community's assets. Upon appointment of a GAL in this context, there is a *stay*. A stay means that the court case essentially is paused. During the stay, existing orders remain in effect unless the judicial officer orders differently. The stay does not end until the judicial officer "*lifts the stay.*"

Supported Decision-Making Agreements

A.R.S. §14-5721; Arizona Rules of Family Law Procedure, Rule 36

Anyone 18 years or older with a physical or mental impairment "*that substantially limit[s] one or more major life activities*" may enter into a Supported Decision-Making Agreement under yet another new law which has created "*a process of supporting and accommodating an adult to enable the adult to make life decisions, including decisions related to where the adult wants to live, the services, support and medical care the adult wants to receive, whom the adult wants to live with and where the adult wants to work, without impeding the adult's self-determination*." (A.R.S. §14-5721). For purposes of the new law, "major life activities" includes: "(*a) Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.; and (b) The operation of a major bodily function, including functions of the immune system, normal cell growth and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions*." (A.R.S. §41-1492). A Supporter may not be compensated, must act without "self-interest" or conflicts of interest, and, like any fiduciary breaching duties or engaging in malfeasance of a variety of sorts, may be prosecuted.

This leaves all of us with questions on interpretation regarding the scope of the Supporter's involvement in our client's case. For instance, may the Supporter accompany the Disabled Adult to your mediation session? Speak for the Disabled Adult? Make decisions for the Disabled Adult? Enter into a binding Rule 69 agreement at mediation? Can we conclude that a Disabled Adult with a Supported Decision-Making Agreement has knowingly, voluntarily, and intelligently entered into a mediation agreement? The Supporter is specifically deemed *not* a surrogate decision-maker and is specifically prohibited to sign the Adult's legal documents or bind the Adult to a legal agreement. There are ethical issues, such as for example whether the attorney-client privilege could be deemed waived if a Supporter participates in otherwise privileged communications. A review of the authority that the agreement *might* as well as might *not* include is worthy. If faced with a Supported Decision-Making Agreement, counsel for the Parties and the mediator all need to read what the document actually states. While Rule 36 permits for a guardian or conservator to "bring or defend" a Family Law case on behalf of the protected person, the rules appear not to have accommodated the appearance in the court case of the Supporter under a Supported Decision-Making Agreement.

The adult who enters into Supported Decision-Making Agreement may authorize for the Supporter to:

"1. Provide supported decision-making, including assisting the adult in understanding the options, responsibilities and consequences of the adult's life decisions, without making those decisions on behalf of the adult.
2. Assist the adult in accessing, collecting and obtaining from any person information that is relevant to a given life decision, including medical, psychological, financial, education or treatment records.
3. Assist the adult in understanding the information described in paragraph 2 of this subsection.
4. Assist the adult in communicating the adult's decisions to appropriate persons." A.R.S. §14-5721

Further, a "supported decision-making agreement extends until:

1. Terminated in writing by either party or by the terms of the supported decision-making agreement.; 2. At any time the adult becomes an incapacitated person as defined in section 14-5101.; 3. On the appointment of a guardian pursuant to article 3 of this chapter." Id.

Restrictions are plenty.

For example, the Supporter *may not*:

- **make a decision for or on behalf of the decision-maker.**
- **receive any financial support, remuneration or compensation, either directly or indirectly, for or related to the Supporter's services and role as a supporter to the decision-maker.**

The Supporter *must*:

1. ***"1. Act in good faith.***
2. ***Act with loyalty to the decision-maker.***
3. ***Act without self-interest.***
4. ***Avoid conflicts of interest.***
5. ***Stop serving as a supporter at any time that you question the capacity of the decision-maker to continue making decisions even with your support.***
6. ***Stop serving as a supporter at any time that the supported decision-making agreement is revoked by the decision-maker or you, or the agreement ends as a matter of law.***
7. ***Respect the decision-maker's relationships with friends and family members and not attempt to isolate or alienate the decision-maker from those friends and family members."***

Motions to Intervene

Arizona Rules of Civil Procedure Rule 24 ("Intervention"), applicable by way of Arizona Rules of Family Law Procedure, Rule 33(c) ("Third-Party Rights and Other Claims,..')

The Arizona Rules of Family Procedure provide that "Any other request to assert a counterclaim, a third-party claim, or for joinder of parties, interpleader, or intervention, must be made according to the procedures provided by Rules 13, 14, 18, 19, 20, 21, 22, and 24 of the Arizona Rules of Civil Procedure." ARFLP, Rule 33(c). The Arizona Rules of Civil Procedure. Rule 24 has some grounds of required intervention and some grounds of discretionary, or permissive, intervention. These matters may be litigious, so the reader should not conclude that because a rule provides a standard that the interpretation by the parties, counsel, or judicial officer align with the reader's. Thus, if an adult wishes to stand in the shoes of the party to the Title 25 relationship break-up case (divorce, legal separation, and anulment), the adult might consider to petition in the Probate Department of the Superior Court to be the guardian and/or conservator.

Petitioning Under Title 14

A.R.S. §14-5301 *et seq.*; Arizona Rules of Probate Procedure

Following a process of petitioning for guardianship over another adult or conservatorship over that adult's affairs, the court appoints counsel to the alleged incapacitated adult. There are reports by a court investigator and a medical report, and notice of hearing. The Superior Court judicial officer eventually will hear evidence presented under oath. The road to "permanent" orders is lengthy in the best circumstances because of the need for each of these steps to have occurred. If an objection to a petition is filed, court rules for an adversarial proceeding are invoked, perhaps delaying the occurrence of a permanency hearing.

A temporary guardianship over another adult or conservatorship over that adult's affairs is the implementation of a judge's order(s) for an appointment of an alleged incapacitated adult while the case continues forward towards permanent findings and appointments. For instance, if the alleged incapacitated adult does not have a guardian and "*an emergency exists or if an appointed guardian is not effectively performing the duties of a guardian and the welfare of the ward is found to require immediate action, the alleged incapacitated person, the ward or any person interested in the welfare of the alleged incapacitated person or the ward may petition for a finding of interim incapacity and for the appointment of a temporary guardian*." A.R.S. §14-5310 (Temporary guardians; appointment; notice; court appointed attorney hearings; duties). Similarly, there is statutory provision for a temporary conservatorship appointment.

Sometimes, one turns to appellate court case interpretation of a statute or rule when the answer is unclear or when specific legal authorization is lacking within a statute or rule. One case example is *Ruvalcaba v. Stubblefield,* 174 Ariz. 436, 850 P.2nd 674 (Ariz.App. Div.One 1993) In *Ruvalcaba*, the mother of the incapacitated adult filed a marital dissolution petition for her daughter and sought child custody and support orders. Mrs. Stubblefield as guardian also obtained a protective order against her son-in-law for her daughter. The *Ruvalcaba* court provided a lengthy analysis of statutes and rulings in many states, in the end holding in part that

> "*that a spouse who has been adjudged to be 'incapacitated' under A.R.S. section 14-5101 retains the means to dissolve his or her marriage under A.R.S. section 25-314. We further hold that, when a spouse is unable, because of incapacity, to assert his or her right to petition for dissolution under A.R.S. section 25-314, the spouse's guardian may assert that means of terminating the marriage on behalf of the ward in accordance with A.R.S. section 14-5312 and Rule 17(g) of the Arizona Rules of Civil Procedure*" *id*. 174 Ariz. ____, 850 P.2nd 681. Further: "*We find nothing in A.R.S. section 25-314 which expressly prohibits a guardian ad litem from filing and pursuing an action for dissolution of marriage on behalf of an incompetent adult ward. Furthermore, we find that such an action may be brought by the guardian pursuant to the guardian's general powers to act on behalf of an incompetent ward under A.R.S. section 14- 5312(A) and Rule 17(g), Arizona Rules of Civil Procedure*." *Id.* 174 Ariz. ____, 850 P.2nd 684.

Customizing Language Under POAs

A.R.S. §§14-5501 *et seq.*, 36-3222 *et seq*, 36-3281

In Arizona, there is statutory authority for a principal (adult with capacity to execute documentation) which confers authority upon an agent to make decisions, sign documents, and otherwise step into the shoes of the principal another adult without court intervention. These documents confer fiduciary duties upon the agent. They are most commonly known by names such as General, Durable Power of Attorney for legal and financial matters, Health Care Power of Attorney for medical, Mental Health Care Powers of Attorney for behavioral health, and otherwise may be accompanied by other estate planning documentation in some instances (living wills, DNR or "do not resuscitate" instructions, trusts, last wills and testaments, etc.) In the absence of POAs, for a medical emergency a facility might recognize a surrogate decision-maker (*see* A.R.S. 36-3231) in the order or priority in the statute. Without such documentation, the previously explored options in this essay may come into play.

With our handout materials for the MCAFM February 2024 presentation, we will include some sample powers of attorney. Also, many of the state's websites contain sample forms. In fact, in the statutory framework itself, there are sample provisions and samples of some forms.

However, what is lacking often in the final product is the freely customized drafting necessary to make one's wishes known. For instance, if a family member is *not* to be provided information, if the person to serve as agent is *not* in the natural order of priority one might expect, if co-agents or tie-breakers are named, and so on. It is imperative for the principal to consider family dynamics before execution of such important documents, and the more-so in late life or step-parent situations.

Often, powers of attorney take effect upon the principal's incapacity, so s/he may have lost the ability to protest, clarify, or explain. Another consideration is explaining to those affected why the principal nominated certain agents, the order of nominations, and the factors to be considered in exercising duties. Consider such questions as providing for a spouse when one's separate children wish to start a divorce case in the name of the principal. These unpleasant scenarios do occur, and may lead to adversarial court action; often avoidable with clear and early communications.

New Legislation in G-C Proceedings

CHAPTER 195 (SENATE BILL 1291; Fifty-sixth Legislature, First Regular Session 2023)

The legislature passed a new "session law" touching on several existing statutes in guardianship and conservatorship cases. Read the chaptered law at www.azleg.gov. Some highlights for this presentation include these excerpts:

"A.R.S. 14-5111. Duties of appointed attorney; contempt

A. NO LATER THAN SEVEN CALENDAR DAYS BEFORE THE INITIAL HEARING ON A PETITION FOR THE APPOINTMENT OF A PERMANENT GUARDIAN OR PERMANENT CONSERVATOR, THE ATTORNEY FOR THE ALLEGED INCAPACITATED PERSON OR THE PERSON ALLEGEDLY IN NEED OF PROTECTION SHALL FULFILL THE FOLLOWING MINIMAL DUTIES:

1. INTERVIEW THE ALLEGED INCAPACITATED PERSON OR PERSON ALLEGEDLY IN NEED OF PROTECTION.

2. INFORM THE ALLEGED INCAPACITATED PERSON OR PERSON ALLEGEDLY IN NEED OF PROTECTION OF ALL THE FOLLOWING:

(a) THE RIGHT TO A TRIAL BY JURY PURSUANT TO SECTION 14-1306.

(b) THE RIGHT TO SELECT AN ATTORNEY OF THE PERSON'S CHOOSING. IF THE ATTORNEY IS APPOINTED BY THE COURT, THE ATTORNEY SHALL EXPLAIN TO THE ALLEGED INCAPACITATED PERSON OR PERSON ALLEGEDLY IN NEED OF PROTECTION THAT THE PERSON MAY HIRE A DIFFERENT ATTORNEY AT THE PERSON'S OWN EXPENSE.

(c) THE RIGHT OF THE ALLEGED INCAPACITATED PERSON OR PERSON ALLEGEDLY IN NEED OF PROTECTION TO APPEAR IN COURT AND HAVE ANY PERSON THE ALLEGED INCAPACITATED PERSON OR PERSON ALLEGEDLY IN NEED OF PROTECTION WISHES TO BE PRESENT WITH THE ALLEGED INCAPACITATED PERSON OR PERSON ALLEGEDLY IN NEED OF PROTECTION.

(d) A REVIEW OF THE COURT PROCESS, TIMELINES AND EXPECTED FUTURE PROCEEDINGS.

3. PROVIDE THE INCAPACITATED PERSON OR PERSON ALLEGEDLY IN NEED OF PROTECTION WITH A COPY OF THE SUPREME COURT PROMULGATED ORDER TO A GUARDIAN, ORDER TO CONSERVATOR OR ORDER TO GUARDIAN AND CONSERVATOR THAT THE COURT WILL ENTER IF THE RELIEF REQUESTED IN THE PETITION IS GRANTED.

B. AT THE INITIAL HEARING ON THE PETITION FOR APPOINTMENT, THE ATTORNEY FOR THE ALLEGED INCAPACITATED PERSON OR THE PERSON ALLEGEDLY IN NEED OF PROTECTION SHALL ATTEST TO THE COURT THAT THE ATTORNEY HAS FULFILLED THE REQUIREMENTS PRESCRIBED IN THIS SECTION OR SHALL PROVIDE AN EXPLANATION AS TO WHY THE ATTORNEY HAS BEEN UNABLE TO COMPLY WITH THE REQUIREMENTS PRESCRIBED IN THIS SECTION.

C. THE COURT MAY FIND AN ATTORNEY WHO FAILS TO FULFILL THE DUTIES PRESCRIBED IN THIS SECTION IN CONTEMPT OF COURT." CHAPTER 195 (SENATE BILL 1291; Fifty-sixth Legislature, First Regular Session 2023)

Further, when petitioning for guardianship or conservatorship, the legislative law has added these requirements:

"11. WHETHER THE ALLEGED INCAPACITATED PERSON IS THE PRINCIPAL UNDER A HEALTH CARE POWER OF ATTORNEY, AND, IF SO, A COPY OF THAT HEALTH CARE POWER OF ATTORNEY MUST BE ATTACHED TO THE PETITION. 12. WHETHER THE ALLEGED INCAPACITATED PERSON IS THE PRINCIPAL UNDER A DURABLE POWER OF ATTORNEY IN WHICH THE ALLEGED INCAPACITATED PERSON HAS NOMINATED SOMEONE TO SERVE AS GUARDIAN, AND, IF SO, A COPY OF THAT DURABLE POWER OF ATTORNEY MUST BE ATTACHED TO THE PETITION. 13. WHETHER THE ALLEGED INCAPACITATED PERSON HAS A PRESENT VESTED INTEREST IN A TRUST, AND, IF SO, THE NAME OF THE TRUST AND THE CURRENT 7 TRUSTEE OF THE TRUST. "*Id.*, adding to 14-5303.B. Procedure for court appointment of a guardian of an alleged incapacitated person

Another addition is to A.R.S. §14-5401 ("Protective proceedings,…") requiring a heightened standard of "*clear and convincing evidence.*"

The statute also adds a new requirement that

"UNLESS THE ALLEGED BASIS FOR THE APPOINTMENT OF A CONSERVATOR OR ENTRY OF A PROTECTIVE ORDER IS THAT THE PERSON ALLEGEDLY IN NEED OF PROTECTION IS CONFINED, DETAINED BY A FOREIGN POWER OR MISSING, THE COURT SHALL NOT APPOINT A CONSERVATOR OR ENTER A PROTECTIVE ORDER FOR A PERSON UNDER SUBSECTION A, PARAGRAPH 2 OF THIS SECTION UNLESS THE PERSON ALLEGEDLY IN NEED OF PROTECTION HAS APPEARED BEFORE THE COURT EITHER IN PERSON OR BY VIRTUAL MEANS. IF THAT PERSON IS UNABLE OR UNWILLING TO APPEAR IN PERSON OR BY VIRTUAL MEANS, EVIDENCE OF THE PERSON'S INABILITY OR UNWILLINGNESS TO ATTEND SHALL BE PRESENTED TO THE COURT. IF THE PERSON DOES NOT WISH TO ATTEND IN PERSON OR BY VIRTUAL MEANS, A DECLARATION SIGNED BY THAT PERSON SHALL BE FILED WITH THE COURT TO PROVE THE PERSON'S INABILITY OR UNWILLINGNESS TO ATTEND. THE COURT SHALL WEIGH THE EVIDENCE, REQUEST ADDITIONAL" A.R.S. §14-540.D. (underlining added)

Ethics

For many of our audience members, there are specific ethics' codes and even where not, "best practices." For discussion purpose, we will explore certain of an attorney's considerations in a family law case when one of the parties is a vulnerable adult. Attorneys have ethical obligations to be diligent and competent, to maintain confidences within the boundaries of when those may be disclosed, and communicate. Sometimes an attorney has a client of diminished capacity. While a third party neutral is not an advocate to one party over the other, in mediation or other negotiated settlement discussion, there should be a parallel of the same considerations and accommodations as if the affected adult party were one's own client. Here are a few EXCERPTS of wider-reaching rules, for which rules there are commentaries, opinions, etc. available for greater study from https://www.azbar.org/for-lawyers/ethics/rules-of-professional-conduct/

ER 1.4. Communication "(a) A lawyer shall: (1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in ER 1.0(e), is required by these Rules; (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished; (3) keep the client reasonably informed about the status of the matter; (4) promptly comply with reasonable requests for information….."

ER 1.14. Client with Diminished Capacity

"(a) When a client's capacity to make adequately considered decisions in connection with the representation is diminished, whether because of minority, mental impairment or for some other reason, the lawyer shall, as far as reasonably possible, maintain a normal client-lawyer relationship with the client. (b) When the lawyer reasonably believes that the client has diminished capacity, is at risk of substantial physical, financial or other harm unless action is taken and cannot adequately act in the client's own interest, the lawyer may take reasonably necessary protective action, including consulting with individuals or entities that have the ability to take action to protect the client and, in appropriate cases, seeking the appointment of a guardian ad litem, conservator or guardian. (c) Information relating to the representation of a client with diminished capacity is protected by ER 1.6. When taking protective action pursuant to paragraph (b), the lawyer is impliedly authorized under ER 1.6(a) to reveal information about the client, but only to the extent reasonably necessary to protect the client's interests.

"Comment **[1]** The normal client-lawyer relationship is based on the assumption that the client, when properly advised and assisted, is capable of making decisions about important matters. When the client is a minor or suffers from a diminished mental capacity, however, maintaining the ordinary client-lawyer relationship may not be possible in all respects. In particular, a severely incapacitated person may have no power to make legally binding decisions. Nevertheless, a client with diminished capacity often has the ability to understand, deliberate upon, and reach conclusions about matters affecting the client's own well-being. For example, children as young as five or six years of age, and certainly those of ten or twelve, are regarded as having opinions that are entitled to weight in legal proceedings concerning their custody. So also, it is recognized that some persons of advanced age can be quite capable of handling routine financial matters while needing special legal protection concerning major transactions. **[2]** The fact that a client suffers a disability does not diminish the lawyer's obligation to treat the client with attention and respect. Even if the person has a legal representative, the lawyer should as far as possible accord the represented person the status of client, particularly in maintaining communication. **[3]** The client may wish to have family members or other persons participate in discussions with the lawyer. Nevertheless, the lawyer must keep the client's interests foremost and, except for protective action authorized under paragraph (b), must look to the client, and not family members, to make decisions on the client's behalf. **[4]** If a legal representative has already been appointed for the client, the lawyer should ordinarily look to the representative for decisions on behalf of the client. In matters involving a minor, whether the lawyer should look to the parents as natural guardians may depend on the type of proceeding or matter in which the lawyer is representing the minor. If the lawyer represents the guardian as distinct from the ward, and is aware that the guardian is acting adversely to the ward's interest, the lawyer may have an obligation to prevent or rectify the guardian's misconduct. See ER 1.2(d)." The commentary to E.R. 1.14 continues with a section about taking protective action.

ER 4.4. Respect for Rights of Others. "(a) In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden any other person, or use methods of obtaining evidence that violate the legal rights of such a person. …"

Please note Ethics' Opinion 01-02, which Ms. Weecks requested and which opinion the Bar issued and published. Here is an excerpt:

"01-02: Confidentiality; Disabled Clients; Communication with Clients; Disclosure. When a lawyer learns information during the course of representing an incapacitated person, a vulnerable adult, or someone who owes a fiduciary duty to such a person that is required to be reported under A.R.S. § 46-454, the lawyer ethically may disclose the information to authorities. [ERs 1.4, 1.6]" https://azbar.org/for-lawyers/ethics/ethics-opinions-v2/

Rights in Title 25 Family Law Cases

In cases of divorce, paternity, and other relationship break-ups, varying legal issues arise. Litigation may ensue, or sometimes, parties resolve to find mediated solutions. There are myriad sub-topics within the topics of such cases, but here are some of the oft-involved issues for pleadings, hearings, and maybe, stipulated resolutions in lieu of trials.

- Whether a marriage is irretrievably broker. For more on this point in guardianship – divorce combined cases, please read *Ruvalcaba*, discussed above.;
- Child custodial matters of legal decision-making and parenting time, the new "school education orders," and the effects of domestic violence, substance or alcohol abuse, or other factor leading to requests for supervised parenting time;
- Child support and spousal maintenance, including adjustments to child support calculations that spousal maintenance awards may cause;
- The equitable division pf "the community, joint tenancy and other property held in common equitably, though not necessarily in kind, without regard to marital misconduct.:
- Fee awards

We thank our MCAFM audience for attending
and we appreciate you reading along!, *Debbie & Robbin.*
The Law Office of Debbie Weecks © 02-27-2024.

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For outside audience readers, the above presentation is for professional audience educational purposes only. Nothing herein constitutes legal advice nor does your readership create any confidential, privileged, or other "attorney-client" relationship. We do hope we've shared helpful food for thought!

Provided herewith, for educational purposes only, for your further study:

- Elder Mediation International Network, "*Safeguarding Vulnerable Adults: Guidelines for Elder Mediators*" (March 2021)

- Coulon sample, Supported Decision-Making Agreement, based upon the form as set forth in A.R.S. §14-5721.

- Coulon, Robbin "*Vulnerable Adults in Family Court Mediation*" Slide Show

Other General References of Legal Authority in Arizona:

- Arizona Revised Statutes, at www.azleg.gov
- Arizona Rules of Court, at azcourts.gov

Arizona Standardized Forms, Available
at No Charge for Usage, Including Customization:

- General Power of Attorney at https://superiorcourt.maricopa.gov/media/g4gnsmo5/gnpoa1z.pdf

- Medical Power of Attorney, Mental Health Care Power of Attorney, & other resources at https://www.azag.gov/issues/elder-affairs/life-care-planning

- Code of Ethics for Elder Mediators, at https://elder-mediation-international.net/code-professional-conduct/

- Five Wishes at https://www.fivewishes.org/for-myself/

QUESTIONS? DISCUSSION POINTS?

YOUR NOTES DURING THE PROGRAM, FOR YOUR CONVENIENCE,
PLEASE FEEL FREE TO JOT YOUR OBSERVATIONS AND INSIGHTS HERE: