

SOME BASIC INFORMATION ABOUT THE TYPES OF MATTERS I MEDiate

Guardianship

A Guardianship is the process by which an individual or qualified entity obtains court authority to protect the rights or the property of an individual who has been determined by the court to be unable to provide for his person or to manage his property or financial affairs.

Legal mechanisms exist for those looking to protect a vulnerable or incapacitated member, and a guardianship is one of those mechanisms. Filing for a guardianship provides the best protection against financial exploitation. In essence, the guardian acts in the incapacitated individual's best interests to make key decisions related to estate administration and, if appropriate, health care decisions. This may or may not be the decision your loved one says they want, which can be difficult; however, while your loved one may be frustrated over no longer having the authority to control certain things he or she once controlled, all parties have peace of mind that he or she is not open to cons and scams and has someone who has his or her best interest in mind to make decisions.

Guardianships are useful in many circumstances.

- For the parent or relative of a person over eighteen (18) years of age with a developmental disability, a guardianship will allow the parent or relative to gain control, authority and protection over that individual. This is especially important with regard to medical issues and the guardian's ability to give informed consent for medical treatment for the disabled person.
- For an incapacitated adult or elderly person, a guardianship will allow the person to be protected while protecting those rights they are able to exercise for themselves.

A guardianship can be established for the person only, the estate only, or the person and estate of the incapacitated person. A guardianship of the person covers personal services of the incapacitated individual such as living arrangements, transportation, medical services, and informed consent for necessary medical procedures.

Guardianship of the estate generally covers financial and contractual matters. The court also has the option of appointing a limited guardian of the person only, estate only, or a limited guardian of the person and estate for an individual. A limited guardianship acknowledges that the incapacitated individual has some decision-making abilities and

specifically limits the powers of the limited guardian to assist the incapacitated individual only in those areas where he or she needs help.

The court has the power to make a guardianship last indefinitely, and a guardianship will continue until terminated by court order. This happens when a determination is made by the court that the incapacitated person is no longer incapacitated, the guardianship is no longer necessary because a minor has reached 18 years of age, or if the incapacitated person dies. Anyone, including the incapacitated person, may petition the court at any time to modify or terminate the guardianship.

In the end, the courts make the decision if a guardianship is necessary. The process is thorough to ensure the selected guardian will act in the best interests of the elderly individual at all times. Having an experienced legal advocate can be critical to the process, especially if the guardianship is contested.

Who is appointed as a guardian for another person can be a very sensitive issue, and it's important to be confident that the guardian is acting in the best interests of the ward. If you and your family are facing guardianship issues, mediation can help—but it's critical that your mediator is familiar with the types of issues that can arise in guardianships. Elizabeth Turner has handled hundreds of guardianship cases, and has the expertise and resources necessary to help you make informed decisions in the guardianship process.

Probate

When a person dies, he or she usually leaves assets in the form of real property, stocks, bonds, money in bank accounts, personal property, etc. Through the probate process, the legal heirs of the decedent are identified, the assets are marshaled, debts are paid, and the remainder is distributed to the legal heirs. If the decedent had executed a Last Will and Testament, the terms of the Will dictate how the assets are distributed. Usually the Will names a person to be appointed as a personal representative. Unless there is an objection, the court will appoint the person named in the Will to serve as the personal representative. It is this person who, working with an attorney, manages the administration of the probate. If no Will was executed during the decedent's life, Washington State statutes provide a framework for how the assets are distributed. In such a case, the court appoints someone to serve as the administrator (the name for the person who manages the probate when there is no Will or no one named in the Will).

Many people are afraid of probate, because they have heard horror stories about how much it costs or how it's a complicated process—however, in Washington State most probates go smoothly, and because our attorneys charge by the hour the more work you do the lower your attorneys' fees will be. Trying to avoid probate can wind costing you much more in the long run! During the course of a probate Washington State laws

guide the attorney and the personal representative at every turn. Certain notices must be provided to potential heirs and to those that the decedent may have owed money before death. Sometimes the personal representative will be granted powers by the court to administer the probate without further intervention of the court. Sometimes, the court does not grant such authority and the personal representative must obtain court approval of most actions.

Even if there's a Will, it likely doesn't address everything. For example, who gets Mom's favorite painting—the one that everyone knows always made her smile? Or the sewing basket she always had at her side? Who gets Dad's favorite tweed sweater—the one he bought on that special vacation and wore everywhere? And what about the car—should it go to your brother, who desperately needs a reliable vehicle to get to and from work, or to your sister, whose car runs pretty well but has definitely seen better days? Elizabeth Turner is an experienced probate attorney and can help you and your family through this difficult time.

Family Law



Facing legal issues within the family can create a significant amount of distress for you and your loved ones. At a time when emotions are running high and the future of you and your family is at stake, a compassionate, experienced mediator can make all the difference.

Divorce

Reaching the decision to get a divorce, or even simply considering the possibility of a divorce, is difficult for everyone involved. Whether contested or uncontested, a divorce has the power to radically change your life and the lives of your loved ones. With so much on the line, the stakes are too high to rely on the internet, or well-meaning friends or family who have gone through a divorce, for advice — especially when your situation may not be the same as theirs.

- ***Committed intimate relationships***

Like it or not, when a relationship ends the law treats couples in a legal marriage differently than couples involved in a committed intimate relationship that is not a marriage or a registered domestic partnership. Couples whose committed intimate relationship evolved into a marriage face even more issues.

- ***Same sex relationships***

Even though same-sex couples can now legally marry and divorce, unique issues are often involved that require special attention.

- ***Persons in transition***

Sometimes persons in heterosexual marriages “come out” while ending that marriage. If you are in this situation, you need a lawyer who not only understands the issues involved but can help you through this critical time with compassion and skill.

Elizabeth Turner is especially skilled in working with persons in these types of situations, and can provide you with compassionate, skilled legal representation designed to elicit the best possible results in your case.

Child Custody

Child custody is perhaps the most sensitive of all family law issues. Unless you and the other parent reach an agreement, the court will determine who gets primary physical and legal custody of the children, and how much time each parent will spend with the children. Attorney Elizabeth Turner has represented dozens of Washington families in child custody proceedings, and has the expertise and resources to help you reach an agreement that will protect the interests of you and your children.



Parenting Plans

Creating a solid parenting plan after a divorce or separation is of the utmost importance. A parenting plan can achieve many goals, including keeping your life and the lives of your children as stable as possible in the wake of a separation. Your parenting plan can be affected by a variety of factors, such as work schedules, custody and visitation, and the expertise of your attorney. By working with a seasoned family lawyer as your mediator, you can be confident that you will be able to form a parenting plan that is highly beneficial for you and your loved ones.