

Powers of Attorney in Family Law Cases

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Recently I was asked by the family member of an incapacitated person if he (the family member) could initiate family law proceedings on behalf of his incapacitated relative. I explained that the answer was yes, under certain conditions. A third party may act on behalf of another individual if he or she has been granted a “power of attorney.” A “power of attorney” enables an individual to appoint someone of their choosing to act on their behalf if they become incapacitated, ill, unable to act on his/her own behalf, or just because the individual wishes to have another person assist them with their day to day issues. The individual would appoint the person of their choosing to be the individual’s “attorney in fact.” It is not necessary for the “attorney in fact” to be a licensed attorney at law. The “attorney in fact” can be the individual’s spouse, sibling, best friend, caregiver, etc. The “attorney in fact” can initiate legal proceedings on the individual’s behalf, such as filing civil lawsuits, family/domestic relations proceedings, etc. The “attorney in fact” can sign all necessary verifications and appear at court on the individual’s behalf. Of course, it is at the court’s ultimate discretion as to whether or not they will allow the final entry of a decree or other settlement document without first having some type of medical or other legal document reflecting the incapacity or inability of the individual to act on his/her behalf.



Timothy Durkin joined JacksonWhite in 2010, and quickly established himself as a highly effective family law attorney with the perfect balance of assertiveness and compassion. Tim is often complimented for his dedication to professional service, as he works closely with his clients to keep them informed, listen to their needs and involve them in the decision making process.

Tim handles all types of family law, including divorces, paternity actions, child custody, child support, relocation and jurisdiction issues, adoptions, termination of parental rights and parental severance actions, title 8 guardianships, spousal maintenance cases, division of marital property and debts, pre-nuptial agreements, post decree modifications and enforcement of custody and divorce orders, mediation services, grandparent visitation cases, and domestic violence issues. He is licensed to practice law in all Arizona State Courts, as well as the United States District Court, District of Arizona, and serves clients throughout the Phoenix metro area. To read more about what former clients are saying about hiring Tim, or to set up a free consultation, please visit www.jacksonwhitelaw.com/arizona-family-law.

Founded in 1983, JacksonWhite P.C. offers a full -range of services to assist individuals, families and businesses with their legal needs. Since its inception, the Mesa firm has grown steadily to include 22 highly experienced attorneys and over 40 paralegals, legal assistants and staff. At this size, the firm is large enough to offer the efficiency and technical expertise of larger firms, yet small enough to provide clients with individualized, personalized attention. JacksonWhite has multiple offices around the state of Arizona including a Mesa, Casa Grande and Peoria locations. For more information on a specific attorney or area of practice, please visit www.jacksonwhitelaw.com, or www.jacksonwhitelaw.com/arizona-family-law.
