



# HOUSE OF REPRESENTATIVES

SB 1293

mediation; confidential communications; exception

Prime Sponsor: Senator Driggs, LD 28

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X Committee on Judiciary

Caucus and COW

House Engrossed

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## **OVERVIEW**

SB 1293 permits court-appointed mediators to disclose specific information if they reasonably believe that a minor or vulnerable adult is the victim of abuse, physical injury, neglect or a reportable offense.

## **PROVISIONS**

1. Allows mediators to disclose specific information if they believe a child or vulnerable adult (as defined in [A.R.S. § 13-3623](#)) is a victim of the following:
  - a. Abuse (as defined in [A.R.S. § 8-201](#));
  - b. Child abuse (as defined in [A.R.S. § 13-3623](#));
  - c. Neglect (as defined in [A.R.S. § 8-201](#));
  - d. Physical injury (as defined in [A.R.S. § 13-105](#));
  - e. A reportable offense (as defined in [A.R.S. § 13-3620](#)).
2. Stipulates that the information a mediator discloses must be made in a report to any of the following:
  - a. A law enforcement officer;
  - b. The Department of Child Safety;
  - c. Adult Protective Services.
3. Defines terms using existing statutory references.
4. Makes conforming changes.

## **CURRENT LAW**

[A.R.S. § 12-2238](#) outlines limitations of privileged communications made or used in mediation. Communications made during mediation proceedings are confidential unless any of the following exceptions are met:

- All of the parties to the mediation agree to the disclosure;
- The communication, material or act is relevant to a claim or defense made by a party to the mediation against the mediator or the mediation program arising out of a breach or a legal obligation owed by the mediator to the party;
- The disclosure is required by statute;
- The disclosure is necessary to enforce an agreement to mediate.