

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

STEPHANIE SMITH,
Petitioner/Appellee,

v.

ROBERT M. CALLAHAN,
Objector/Appellant.

No. 2 CA-CV 2020-0068
Filed December 14, 2020

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
NOT FOR PUBLICATION
See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Civ. App. P. 28(a)(1), (f).

Appeal from the Superior Court in Pima County
No. GC20190251
The Honorable Cynthia T. Kuhn, Judge

AFFIRMED

Robert Callahan, Tucson
In Propria Persona

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MEMORANDUM DECISION

Judge Brearcliffe authored the decision of the Court, in which Presiding Judge Staring and Chief Judge Vásquez concurred.

BREARCLIFFE, Judge:

¶1 Appellant Robert Callahan appeals the trial court’s decision to deny him guardianship over his mother, M.C. For the following reasons, we affirm.

Factual and Procedural Background

¶2 In May 2019, Appellee Stephanie Smith filed a petition to be appointed as guardian of M.C., her grandmother. Callahan objected and requested that he be appointed as M.C.’s guardian. Following a two-day trial, the trial court denied both Smith and Callahan’s petitions for guardianship and appointed the Pima County Public Fiduciary (“the Public Fiduciary”) as M.C.’s guardian.

¶3 In December 2019, the Public Fiduciary asked the court to reconsider its decision to appoint the Public Fiduciary, and not Smith, as M.C.’s guardian. The Public Fiduciary also urged that Callahan should have no contact with M.C. under the circumstances present at that time. Callahan, in an apparent response to the Public Fiduciary’s motion, reasserted his objections to Smith’s appointment. Ultimately, the Public Fiduciary accepted guardianship of M.C., and Smith and Callahan’s powers of attorney were revoked in April 2020. This appeal followed.¹ We have jurisdiction pursuant to A.R.S. § 12-2101(A)(9).

Analysis

¶4 Callahan contends that he “deserve[s] guardianship over . . . his mother” and that he should be “reimburse[d] for the stolen [\$]5000.00.” The trial court determined that neither Callahan nor Smith, was

¹We suspended this appeal and revested jurisdiction with the trial court to enter a final, appealable order pursuant to Rule 54(c), Ariz. R. Civ. P. See Ariz. R. Civ. App. P. 3(b). The court entered a final, appealable order on December 1, 2020, and we reinstated the appeal.

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“appropriate to serve as guardian” for M.C., and appointed the Public Fiduciary as the guardian.

¶5 “We generally decline to address issues that are not argued adequately, with appropriate citation to supporting authority.” *In re J.U.*, 241 Ariz. 156, ¶ 18 (App. 2016) (citing Ariz. R. Civ. App. P. 13(a)(7)). Rule 13(a)(7) requires an appellant’s opening brief to contain his arguments on appeal, “with citations of legal authorities and appropriate references to portions of the record on which the appellant relies.”

¶6 Callahan’s opening brief contains no legal citations or references to the record to support his arguments. Callahan claims that he should have guardianship over his mother, but provides no support for that assertion in either the record or legal authority. Merely mentioning a claim is insufficient to develop an argument on appeal, *see Polanco v. Indus. Comm’n*, 214 Ariz. 489, n.2 (App. 2007), and “[i]t is not incumbent upon [this] court to develop an argument for a party,” *Ace Auto. Prods., Inc. v. Van Dyne*, 156 Ariz. 140, 143 (App. 1987). Because Callahan does not cite to “relevant supporting authority and does not develop [his argument] further,” he has waived this issue and we will not address it. *See Polanco*, 214 Ariz. 489, n.2.

Disposition

¶7 For the foregoing reasons, we affirm the trial court’s guardianship appointment.