

**USING MEDIATION TO ADDRESS
ADULT FAMILY DYNAMICS AND
DISPUTES**

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- Director, Caregiver Services since 2001
- Has served the aging community and family caregivers for nearly 40 years
- Previously Care Manager, CNY Elderplanning, and Executive Director, Alzheimer's Association of Syracuse & Central NY
- Completed graduate studies at Cornell University and SUNY Oswego
- NYS Certified Mediation Intensive Program, SU College of Law

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NEW JUSTICE CONFLICT RESOLUTION SERVICES**



- Professor Emerita, Law & Public Policy, Whitman School of Management, Syracuse University
- J.D., Syracuse University College of Law
- Certificate of Advanced Study in Conflict Resolution, Maxwell School
- Advanced training in Elder and Adult Family Mediation

WHY TALK ABOUT ADULT FAMILY MEDIATION AND FAMILY CAREGIVER PLANNING TODAY?

- In almost 60% of elder abuse and neglect incidents, the perpetrator is a family member.
- Mediation and Family Caregiver Planning can help families to
 - de-escalate conflict,
 - recognize and address coercive and controlling dynamics,
 - establish constructive communication, and
 - restore relationships.

WORKSHOP OBJECTIVES

1. To heighten awareness of common triggers of adult family conflict and barriers to resolving related disputes.
2. To become acquainted with alternatives to litigation for dispute resolution and understand the characteristics of mediation.
3. To appreciate the potential of mediation and Family Caregiver Planning to help families de-escalate conflict, recognize and address coercive and controlling dynamics, and restore and repair relationships.
4. To become familiar with community resources specializing in elder/adult family mediation.



Asley Brynston Law Firm, Madison, Wisconsin
https://www.youridm.com/watch/homestead_04m9xw3v6m_3T545550#source=share_s41-q3wz5j0x&time=147497

SOME COMMON TRIGGERS OF ADULT FAMILY CONFLICT

- Residence and caregiving decisions
- Financial decisions
- Safety considerations
- Sale of home or other valuable assets
- Inheritance disputes
- Control of family business
- Guardianship
- Health or other crisis

SOME COMMON BARRIERS TO RESOLVING ADULT FAMILY CONFLICT

- Different perceptions of fairness
- Entrenched relationship patterns
- Unhealed wounds
- Geographical dispersion
- Wealth disparities
- Poor communication
- Lack of trust
- Multiple, intersecting issues

ADDITIONAL CHALLENGES THAT OFTEN COME UP WHEN DISPUTE INVOLVES AN ELDER

- Complicated role reversals
- Physical/cognitive health of elder
- Putting off “the talk” can lead to crisis-mode decision making
- Imbalance of power inherent in high stakes for elder



Arly Bryson Law Firm, Madison, Wisconsin
https://www.youtube.com/watch?v=ncvccwae_31405&feature=embed&utm_source=youtu&utm_medium=video



<http://www.pattersoncourthouse.com/whichday.php?iplocid=Page%20ow43>



<http://3.bp.blogspot.com/1uQPS7Wu0BtU86L8wAuIAAAAAAALQULAP934QPS1405Lw-V5253r-Order-V5Uhwgqrfuawrauhqgqvq2pg>



The Mediation & Training Collaborative, Cranfield, MA
<https://www.yousaie.com/what/What%20is%20GRI%20Mediation%20is%20>

ALTERNATIVE DISPUTE RESOLUTION

- Arbitration
- Negotiation
- Mediation

HOW MEDIATION WORKS

Parties describe issues

Discuss their interests, understandings, and feelings

Explore ideas for resolution

MEDIATION

- 3 key ways mediating a dispute is different from going to court:
 - Neutral
 - Confidential
 - Voluntary

MEDIATION vs. COURTS

- Cheaper
- Faster
- Informal
- Parties participate in problem-solving and have control over the outcome
- May preserve existing relationships
- Greater and longer-lasting satisfaction with outcome

NEW JUSTICE
CONFLICT RESOLUTION SERVICES, INC.

**ELDER TRANSITIONS
MEDIATION PROGRAM**

- Why have a specialized mediation program for conflicts involving older adults?
 - Demographic trends
 - Changing attitudes
 - Benefits of tailored approach

**ELDER TRANSITIONS
MEDIATION PROGRAM**

- Specialized, customized strategies to support the distinctive circumstances of older adults
 - Before
 - During

**ELDER TRANSITIONS
MEDIATION PROGRAM**

- Before
 - Enhanced intake assessment
 - Elder abuse
 - Capacity
 - Party dynamics

**SCREENING FOR POTENTIAL ABUSE
ELDER ABUSE SUSPICION INDEX, OR EASI©**

Within the last 12 months ...

- a. Have you relied on other people for bathing, dressing, shopping, banking, or meals? IF YES, b-f
- b. Has anyone prevented you from getting food, clothes, medication, glasses, hearing aids or medical care?
- c. Has anyone prevented you from being with people you want to be with?
- d. Have you been upset because someone talked to you in a way that made you feel shamed or threatened?
- e. Has anyone tried to force you to sign papers or to use your money against your will?
- f. Has anyone made you afraid, touched you in ways that you did not want, or hurt you physically?

**ASSESSING ABILITY TO PARTICIPATE IN MEDIATION:
9 QUESTIONS, CENTER FOR SOCIAL GERONTOLOGY**

- 1. Can the respondent understand what is being discussed?
- 2. Does s/he understand who the parties are?
- 3. Can the respondent understand the role of the mediator?
- 4. Can the respondent listen to and comprehend the story of the other party?
- 5. Can s/he generate options for a solution?
- 6. Can s/he assess options?
- 7. Is the respondent expressing a consistent opinion?
- 8. Can s/he make and keep an agreement?
- 9. Is s/he able to participate without feeling intimidated by others?

**ELDER TRANSITIONS
MEDIATION PROGRAM**

- During
 - Neutrality
 - Co-mediation
 - Flexible arrangements
 - Technology

ELDER TRANSITIONS
MEDIATION PROGRAM

Annual Income	Initial Fee	Additional Sessions
Under \$9,000	0	0
\$9,000 - \$30,000	\$25	0
\$30,000 - \$50,000	\$50	0
\$50,000 - \$80,000	\$75	\$25
Over \$80,000	\$100	\$50



Asky Brykston, Law Firm, Madison, Wisconsin
https://www.youtube.com/watch?v=8xoz00d_0m0

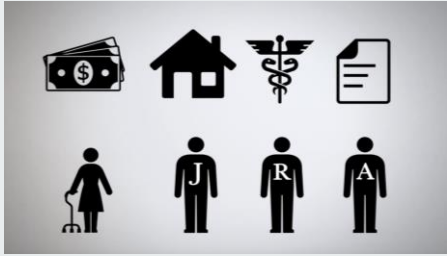
CAREGIVING:
A COMMON TRIGGER OF FAMILY CONFLICT



FAMILY CAREGIVER PLANNING PROGRAM

- Goals
- Basic Assumptions
- When Appropriate
- Process





Axley Brynelson Law Firm, Madison, Wisconsin
https://www.youtube.com/watch?annotation_id=annotation_335405&feature=iv&src_vid=Ljwmeu3jw3c&v=MXd1w17auRY

THANK YOU!

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WITH THANKS FOR VIDEO EXCERPTS AND IMAGES TO
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MADISON, WISCONSIN
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