Elder Mediation:
A Five-step Model

By Hank Straus and Rick Igou

Mom, recently widowed and now living alone, fell and broke her hip. As Dad always took care of the details, Mom was just getting used to managing on her own. Now she can't.

Her two older children live in other states; her youngest lives nearby. There is little agreement among any of the four family members about what to do now, though the two out-of-town siblings share the belief that their baby brother cannot be relied upon to provide for Mom's care.

Situations like this can be extremely difficult for a family to manage. When a family emergency involves an elderly member, disruption often ensues – family roles are switched, old lingering scores may reemerge, and long-established sibling roles can create conflict, while the elder struggles to retain independence.

Elder mediators help families come together to discuss such difficult issues. Trained in conflict resolution, the elder mediator uses techniques that allow families to find common ground. Elder mediation offers an alternative in which family members are given voice to express their concerns and issues in a safe and neutral forum. In the process, elder mediation helps the family preserve and build relationships while avoiding the risk of constant bickering, impasse, or litigation. Elder mediation introduces new tools for effective communication and models skills essential to managing the inevitable challenges aging brings to families.

The best time for elder mediation is before it's really needed. How can the children and mom agree when it's time for mom to stop driving? Is there enough money for mom and dad to live out their lives comfortably? Which siblings will contribute to caretaking, and how will they divide their responsibilities? Do mom and dad even want their children involved, or would they prefer for any help to come from outside the family?

A facilitated discussion, which is essentially a mediation, affords the family the opportunity to create plans and develop methods of communication for managing issues as they emerge. Regardless of whether an advanced plan has been devised, at the time of a crisis elder mediation is a life line for constructive problem solving.

This article discusses the process of elder mediation. It is intended for families needing assistance, or professionals, advisers and clergy who have clients who do.

Of course, there is no one protocol for elder mediation. Described here is a five-step co-mediation model that provides an effective framework for productive family discussion and decision-making. The steps are: introductory interviews, private sessions with each stakeholder, mediation planning, family mediation and follow-up.

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and the amount of progress that they have made on the year’s CLEs is incredible. Don’t miss the 22nd Annual Elder & Special Needs Law Symposium – Feb. 22 and 23 at the Pinehurst Resort. Save the Date for two days of CLE and networking with colleagues! Our CLE committee has arranged for Valerie Peterson of ElderCounsel to be our keynote speaker this year.

- **Pro Bono** – Our Section has partnered with Legal Aid of North Carolina to develop a program that volunteer attorneys can use to present at various Senior Centers on elder abuse and financial exploitation. Please consider registering as a volunteer in your area if you have not done so already! James Young and Angeleigh Dorsey have done the heavy lifting on this for you so you already have all the materials that you need to give the presentation – we just need your time and energy in our efforts to protect this vulnerable population.

- **Newsletter** – Kathleen Rodberg and Daniel Jenkins are our co-editors of “Gray Matters” this year and are always in need of volunteer writers! Please contact them for more details on submitting articles and topics of interest. For newbies, the newsletter is a great way to contribute and get your name out there. For veteran practitioners – we need your expertise and are all interested in what you have to say!

Also, in an effort to create opportunities for our members to connect and support each other all across the state, our Council members will be hosting various meetups in their neck of the woods over the coming months. These won’t be anything formal, but rather, just a chance for us to get together and catch up on life and practice. Stay tuned for emails coming out about this, and if you don’t see a meetup in your area – create one! Just give me a call or send me an email, and I’ll be happy to help you on this.

If you have ideas, feedback, or questions, I’d love to hear from you personally. You can reach me on my cell at 704-774-0971. You can also find me at my office at cferri@ctklawyers.com or 704-553-8221. If you find yourself near me in the Charlotte area, I hope you’ll let me know. Thanks in advance for all that you do – I’m so excited to work with you in the 2017-2018 term.

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