

Eldercare Mediation: A New Way to Make Decisions Regarding Aging Parents

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"Mother should live in a retirement home where she can get help if she needs it."

"No way! Mother wants to stay in her house, and if you'd just help her more, she could."

"Why can't you kids get along? I didn't raise you to argue with family like that."

Being estranged from your family can affect all aspects of your life. Adult brothers and sisters often disagree on the provision of care for their parents. Unfortunately, few families even consider advanced planning with regard to eldercare. When hasty decisions are made at the time of an emergency, lifelong sibling animosity may result due to deeply hurt feelings. Since children value personal affection from their parents and detest favoritism, the perception of favoritism to the caregiver can lead to hostility among siblings. That can adversely affect the caregiver's health and sense of well-being, resulting in suffering by the parent. If the parent deeds the family home or changes his or her Will in gratitude to the caretaker, additional animosity arises.

A study found that "nearly 40 percent of adult children providing parent care reported serious conflict with a sibling, usually related to lack of sufficient help from that sibling." The study is cited by Deborah B. Gentry in her article "Resolving Middle-Age Sibling Conflict Regarding Parent Care", Conflict Resolution Quarterly, Vol. 19:1, Fall 2001, p. 35. And families are changing more and more--they are smaller, more urban, and are more widespread geographically. In addition, gender roles have changed and there have been numerous technological improvements, with better health care resulting in longer lives. Gentry, p. 31.

What Can We Do to Preserve Our Family Relationships?

Treat your parents as you want to be treated, return their caring love, and find a strategy that works for all of your family members. Good solutions begin with healthy conversations, not with arguing. Family members need to reach a fair agreement sharing responsibility. Family mediation is a new, more effective way to make decisions as a family. Middle-aged brothers and sisters can work with their parents to come up with the best solutions while preserving their dignity and their relationships. With aging, there will still be difficult changes in family relationships. An adult child may view a parent as a wise protector--someone to turn to in times of great strife. But when the same child becomes the caretaker for the parent, family dynamics will change.

What Is Family Mediation?

Mediation is a new way to find the best possible answers to these important quality-of-life questions. In mediation, all family members including the parents agree to the process, and agree to the inclusion of any other participants. They might choose to include the children's spouses, grandchildren, other relatives, parents' friends, caregivers, medical providers, pastors and lawyers. Mediation is time-limited and goal-focused. The mediation process itself tends to provide a safe place for respectful, civilized conversation. In this atmosphere, differences can be discussed, information can be gathered, and agreements can be reached.

What Kinds of Decisions Can Be Discussed?

Topics are chosen by the family and may include parental living arrangements, health and personal care (such as driving ability), provisions in the case of terminal illness, home upkeep and repair, financial concerns, nursing home care, trust and estate issues, guardianship, power of attorney, as well as relationships between parents, grandparents and grandchildren. Families can use mediation to avoid guardianship proceedings at which a parent's incompetency must be proven in court. Children and parents may work to develop agreement as to which child should hold the parent's power of attorney and which should serve as the parent's health care representative.

What Does A Family Mediator Do?

A family mediator:

- is a neutral third party who helps the family with appropriate processes in order to help them reach true consensus on decisions regarding eldercare.

- helps clear up misunderstandings, provides for the expression of true feelings, and keeps the family on track.
- helps family members heal hurt feelings, as well as working to avoid blame and self-pity.
- provides for future modifications of their written agreement as the need arises.
- involves the parents in the process focusing on their capabilities rather than their perceived incapacities. Attorneys often deal exclusively with a guardian or attorney-in-fact, but in mediation, parents can be included fully or to the extent possible.
- encourages family members to focus on what is in the best interest of their parent.
- helps the family members consider as many options as possible, and
- helps them evaluate options while leaving the decision making to the family.

What Does A Family Mediator Not Do?

The family mediator does not:

- make any of the decisions for the family. Rather, the mediator keeps the family focused on priorities and opportunities for clarification.
- provide family therapy, although mediation may prove to be therapeutic.
- practice law while serving as a mediator, although many mediators are also attorneys. However, family members are entitled to legal advice from their attorneys at every step of the process before signing any agreements.

What Role Do Family Members Play in Mediation?

- The family members make decisions with and for their relatives even though they may have differences in philosophy, as well as in their time, space and financial resources.
- Their parents maintain their dignity and autonomy by being involved as much as possible.

- Mediation brings family members closer together to improve their communication skills and work collaboratively.
- Finances and tasks can be divided up rather than falling on one child's shoulders, and
- Children unable to attend due to distance can still take part by telephone or other electronic means.

What are the Advantages of Family Mediation?

- Parents can maintain their dignity and autonomy by being involved as much as possible in decision making.
- Finances and tasks can be divided up, rather than falling on one child's shoulders.
- Participants can build a "custom-made" plan that works well for them.
- In a private, informal setting, the mediator will help them overcome obstacles that block problem-solving.
- Families that turn to family mediation can improve their relationships and show loving care for their parents.

"I am so pleased that you agreed to take care of Mom three weeks a year so I can go on vacation. It helps me just to know you'll be there for me, and I appreciate your financial contributions as well. "

"Well, it only seems fair to share the responsibility. Just because you live near Mom doesn't mean you should be the only child caring for her. "

"I'm so glad you kids worked this out with me. Now I know you can still count on each other after I'm gone."