ORDER IN THE COURT!
NAVIGATING THE CONFLICT OUT OF THE COURTROOM

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LEARNING OBJECTIVES:
1. Define Eldercaring Coordination and describe how it is different from other related services.
2. Describe how to create a Pilot Site.
3. List at least three benefits of Eldercaring Coordination.
4. Detail accomplishments as well as challenges faced in the inaugural year.

Families don’t age out of conflict...

Baby Boomers turn to Aging Boomers – 65 year olds double from 2008-2030

WHY SHOULD COURTS CARE?
• Conserves resources - capitalizes on court / community resources
• Begins to equalize disproportionate interest in court cases with children’s issues
• Addresses lack of ADR options for elders / provides differentiated responses
• Greater intergenerational conflict
• Safety issues increasing/still lack of reporting
• Time for interdivisional collaboration
ELDERCARING COORDINATION MISSION:
A dispute resolution option specifically for those high conflict cases involving issues related to the care and needs of elders –
• to compliment, not replace, other services!

DEFINITION OF ELDERCARING COORDINATION:
A dispute resolution process during which an Eldercaring Coordinator (EC) assists elders, legally authorized decision-makers, and others who participate by court order or invitation to resolve disputes with high conflict levels in a manner that respects the elder’s need for autonomy and safety.

BY:...
• Enabling more effective communication, negotiation and problem-solving skills;
• Offering education about elder care resources;
• Facilitating the creation, modification, or implementation of an elder care plan;
• Making recommendations for resolutions; and
• Making decisions within the scope of a court order or with the parties’ prior approval.

Transforming Intractable Conflict

PURPOSE OF PROJECT
• Address non-legal issues out of court
• Ready elder and family to work with others, avoid delays and make better decisions
PURPOSE CONTINUED...

- Free judicial time
- Safety
- Foster self-determination
- Provide a support system

ELDERS ARE NOT “WRINKLED CHILDREN”...

HOW IS ELDERCARING COORDINATION DIFFERENT?

- When the conflict, rather than the issues, becomes the driving force of the family and/or litigation process.

COMPARING PROCESSES

<table>
<thead>
<tr>
<th>ELDER LAW</th>
<th>ELDERCARING COORDINATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Focus on Legal issues</td>
<td>Non-legal issues drive the conflict.</td>
</tr>
<tr>
<td>One person is the client</td>
<td>Elder plus multiple parties are the client.</td>
</tr>
<tr>
<td>Family dynamics are</td>
<td>Family dynamics are central to elder’s care.</td>
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<tr>
<td>distracting.</td>
<td>Use of court motions and orders to accomplish goals.</td>
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<td></td>
<td>Work with family outside court to establish priorities and examine consequences.</td>
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</table>
### COMPARING PROCESSES

<table>
<thead>
<tr>
<th>Elder/Family Mediation</th>
<th>ELDERCARING COORDINATION</th>
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</thead>
<tbody>
<tr>
<td>Issue Driven.</td>
<td>Conflict Driven.</td>
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<tr>
<td>Focus: Care of elder</td>
<td>Reducing conflict over elder’s care and safety</td>
</tr>
<tr>
<td>Voluntary Process</td>
<td>Court Ordered</td>
</tr>
<tr>
<td>Screen for abuse, neglect, and exploitation</td>
<td>Ripe for identifying abuse, neglect, and exploitation</td>
</tr>
<tr>
<td>Facilitate negotiation and decision making</td>
<td>Multiple tools and strategies</td>
</tr>
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</table>

### EC QUALIFICATIONS

- At least a master’s degree
- Licensure or Certification
- Extensive practical experience in a profession related to high conflict families

### AND TRAINING REQUIRED:

- a. Family mediation training
- b. Elder mediation training
- c. Eldercaring coordination training
  (Ohio Supreme Court hosted two ACR trainings/FLAFCC hosted first in FL)
PILOT SITES

• One judge, or a group of judges, in a specific county, circuit or province, who refers at least six families that participate in eldercaring coordination.

...Or a group of attorneys who refer at least 6 cases through agreed orders...

PILOT SITES:
Florida
Idaho
Indiana
Minnesota
Ohio

Research:
Pamela Teaster, Ph.D. and Megan McNab, Ph.D.
Virginia Tech's Center for Gerontology

IDENTIFYING CASES:
• Mediation impasse
• Multiple motions
• Imbalance of power/alliances
• Repeated disputes about unsubstantiated items
• Possessive or controlling behavior
• Cases completed with APS where concerns continue

BARRIERS/CHALLENGES:
• Identifying Cases – Adult Protective Services to assist
• Death of four elders – early identification
• Push back from attorneys/guardians – education/website
• Undermining party – Request for Status
• Fees/Affordability – sliding scale--lo/pro bono--potential scholarship--project funding/grants
• Language – need diversity in ECs
• Continued issues – term of EC
• Access to records—court order
• Need process for vulnerable adults – possible grant
RESEARCH IN:

• Training
• Demographics
• Clinical reports

BENEFITS RECOGNIZED:

• Cost savings
• Fewer motions
• Fewer delays
• Focus on safety
• Person-centered care plan
• Expand elder and family options
• Heightened awareness and use of ADR
• Triage cases - Not One-Size-Fits-All
• Developing support system
• Attorneys requesting ECs
• COGNITIVE SHIFT

SUPPORTS:

• Research
• Ongoing collaboration among Pilot Sites, ECs and Task Forces
• Monthly meetings
• Continued development/responses to challenges
• Supportive, ongoing training

GUIDELINES FOR ELDERCARING COORDINATION

ACR Task Force Guidelines:
http://acreldegersection.weebly.com/

FLAFCC Task Force Guidelines:
http://www.flafcc.org/

ELDERCARINGCOORDINATIONFL.ORG

Task Force on Eldercaring Co-Chairs:
Linda Fieldstone at LindaFieldstone@outlook.com
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Sue Bronson Sbronson@wi.rr.com