

Adult Guardianship Mediation Services



Aging adults often find themselves involved in disputes regarding their rights, wishes and beliefs, which may have been overlooked or disregarded by family members, social service organizations, or the legal system. Often, an aging person's need for care conflicts with the necessity of respecting their rights. When this happens, adult guardianship mediation can help resolve the conflict.

Adult guardianship mediation is a facilitated, non-adversarial negotiation in guardianship settings that takes place in addition to, or in lieu of, formal legal proceedings. It is effective in helping the parties involved in the dispute reach an agreement.

Guardianship cases often involve disputes among family members or caregivers, or between the person who allegedly needs a guardian and the person petitioning for the guardianship. For example, if a child seeks to have guardianship of one of their parents, the parent may feel demeaned or insulted. Another common conflict occurs between siblings who battle over who should be the guardian, or the plan that will best suit the needs of the parent. In some of these instances, the guardianship may not be the real issue behind the conflict. Instead, long-standing sibling rivalries may be the real underlying cause of the dispute. An adversarial proceeding that grants or denies guardianship will not be effective in addressing the root causes of these types of situations. Likewise, any disputes that are raised after a guardian has already been appointed can take a great emotional toll on the elder, their family members and caregivers.

Mediation introduces a neutral third party into the dispute. This person is called the facilitator, and they commonly do not have decision-making or reporting powers if the conflict is being resolved in a confidential and informal setting. Mediation helps the older person maintain their autonomy and dignity by making him/her a vital part of the decision-making process. Using mediation helps families explore alternatives to guardianship; it also encourages consensus-building and helps preserve the relationships between the older adult and their family members and caregivers. The mediation process can help ensure that the older person receives the best and most appropriate assistance in the calmest and most stress-free environment possible. In addition, mediation can help educate all parties as to what can and cannot realistically be achieved by appointing a guardian. It can also allow alternatives to be presented, such as money management services, bill-paying services, home care, durable powers of attorney, advance directives for health care, etc.

For additional information on mediation and instruction on how to find a mediator, contact:

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