

WHAT TO DO ABOUT MOM'S FAILING HEALTH?

Mediation and Elder Care

By Louise Phipps Senft

Published in *Family Mediation Quarterly* Fall 2006

One Scenario: Mom is about to turn 92 and has been living in her own home since the 1920's. She always said, "Just carry me out in a basket." Mom can still walk and talk, but now she is failing and becoming increasingly reclusive. She lacks energy on many days, often not eating much. One daughter, who lives in town, has been checking in on her for years, but now is having to go twice daily. The other siblings have not had much input except to question their sister from time to time about why she doesn't do something else with Mom. Daughter feels somewhat out of touch with her sisters, wants to be the caretaker, but it is getting harder and harder physically, emotionally and time-wise. She doesn't want to say anything for fear of burdening Mom or creating conflict between herself and her sisters. If she moved Mom anywhere now, Daughter thinks she might die....

Another Scenario: At a family meeting in the lawyer's office, Mom, who is only 66, is repeating to the lawyer that she wants to remain in control of her money. The three adult children are arguing, clearly agitated as they discuss the future and dredge up old wounds from childhood. Mom looks bewildered by the exchanges. Dad is reassuring Mom that the family wants the best for her, as he looks lovingly at a wife he is losing to dementia....

Many conflicts of all kinds arise because of misunderstandings or lack of information. This can also be true where older people are involved. The misunderstandings may be among family members, health care providers, care home administrators or staff, or even friends or patient roommates, as well as the older person herself or himself. Such situations are not always dealt with effectively in people's daily lives especially when faced with the process of loved ones aging in unexpected ways. There is a much better chance that these situations can be dealt with effectively in the mediation setting, a much better chance.

Since mediation is a process focused on quality decision making, the participants have nothing to lose and a lot to gain by trying to thoughtfully, quickly, satisfactorily and inexpensively resolve a matter. Mediation is especially appropriate where one or more of the participants is perceived as dominant or is strong and forceful or quiet but aggressive, and also in such situations where one or more of the participants is less equipped to deal with conflict, is less able to articulate concerns, is feeling less powerful, or is less able to negotiate. The latter can often be the case when one of the participants is elderly.

Older people sometimes become confused. They may appreciate that there is something wrong or that they are not happy, but not fully understand their problem or what will solve their problem. Or, they may have unrealistic ideas of what should be done. Or, they may be contented with their living situation, but concerned about the poor relationships of their children and often a sense of burden that their children shoulder. Families can clarify their thinking just by the process of talking things out, and best with a third party neutral who is there to make room in the conversation for all voices, all experiences and all ideas and to make it safe to have otherwise difficult discussion about various possibilities and their consequences and their

benefits. In mediation, people of all ages have had the experience of seeing light bulbs go on as they speak about a situation, and the mediator can help this process for older people and their family members, as well as their other caregivers, without losing neutrality. With reflecting, summarizing and asking thoughtful open questions, the mediator can invite each person to speak more and try to explain more and to feel more relaxed and comfortable with speaking more and explaining more.

Even where there is no confusion, a person timid or having other difficulty expressing herself or himself can often function better in a mediation where one of the listening persons is the mediator who is not challenging or questioning what the person is saying. Some people, and older people in particular, often are worried about offending anyone, especially a family member, and they may find it easier to direct some of their comments to the mediator, with the other people listening.

Sometimes older people are caught up in disagreements between family members or other loved ones over what care or other arrangements are seen as appropriate for them. This can make their life uncomfortable as they try to avoid siding with one person or the other. It may even happen that the views of the older person are not even sought by the family members who become, understandably, either caught up in their role of their parent's care or who defer to others to decide. This is common. What is also common is that different family members have different ideas, spoken or unspoken, about what the elderly parent desires, or what is best for the parent. In mediation, the views and preferences of the older person may be invited out before others speak so that the older person can talk without having to be in the position of disagreeing with what others have said, and the differences between siblings, in the presence of or outside the presence of the parent, can be discussed and better understood.

In addition, since there are so many options available to consider in mediation, there is room for all participants to agree on temporary or trial arrangements. These trial arrangements can include where the parent shall live; who shall care for the parent; expectations of other family members and the variety of shared care-giving responsibilities; clarified expectations for compensation or thanks; benchmarks for how long the older person can remain at home; whether the person receives home care or care as a resident of an institution; what kind of facility will work best; hospice care at home or in a facility; what other financial arrangements or options are feasible; legal and other documents needed; and how future decisions will be made. It can happen that different options considered and tried as a follow up to mediation will prove themselves as being good ideas or not so good ideas. Face saving is often involved in resolving family conflicts. For this reason also, trying out the suggestions of different people, or even giving them serious consideration, can help bring the various participants together. And the participants can always decide on back up plans or return to the mediation process.

Mediation gives everyone an opportunity to be heard and to be involved in the process. When this happens, ultimate decisions are better accepted by everyone. Again, this can be important where arrangements or other important decisions affecting an older loved one or family member are involved. It has been said that there is a larger grace bestowed on society when families demonstrate their respect for and acceptance of loved ones growing old and together thoughtfully make decisions about their care. A mediator can assist in the process of every one being involved.

Disagreements or unspoken bad feelings or guilty feelings concerning mom, dad or another family member can cause lasting rifts. This is so unfortunate, especially where these can possibly be avoided or mended. Consideration of mediation really makes sense where what is presently going on isn't working or where there are divisive side conversations going on. If anyone reading this article is aware of a situation described above, I would urge that serious consideration be given to mediation where people can better understand where each participant is coming from and gain other helpful information. At the very least what might become apparent in a mediation is that more information is in fact needed, and the mediation opportunity can provide a clear plan of next steps.

Mediation is a dialogue and decision-making process facilitated by a neutral person. For elder care situations, it is usually one of the best alternatives for families and elder caregivers and providers. Better process...better outcome.



Louise Phipps Senft is founder of Louise Phipps Senft & Associates/Baltimore Mediation which specializes in mediation, facilitation and training in conflict transformation skills. She was voted "Baltimore's Best" Mediator 2003. For questions and comments, she can be reached at 443-524-0833 or www.BaltimoreMediation.com.