

What is elder mediation?

Mediation is a voluntary, self-determining, facilitative process, in which the mediator works with all the parties to assist them to communicate respectfully, identify and prioritise mutual issues of concern, develop options and arrive at their own decisions about how best they might handle or resolve the issues. The mediator controls the process, does not give advice, does not take sides and does not judge or make decisions. Discussions are confidential and held in a private, safe setting. Any agreement reached must be acceptable to all participants.

Elder mediation is mediation of any issue or conflict that involves older people, their family members, and/or significant others in their lives. It is a voluntary, cooperative process, in which a *professionally trained* elder mediator helps facilitate discussions that assist people in addressing the myriad of changes and stresses that often occur throughout the family life cycle.

Elder mediation is based on a wellness model that promotes a person-centred approach for all participants. Elder mediators explore the many ways that can enhance the rights of the older person and ensure that older persons, with or without capacity, have a ‘voice’ that is heard (directly or indirectly) and respected.

Elder mediation typically involves larger numbers of participants including older people, family members, friends and others who are willing to provide support. Depending on the situation, it is not uncommon to include paid caregivers, hospital staff, nursing home and or community care representatives, doctors, social workers, support persons, advocates and other professionals.

Screening in the initial process of elder mediation can identify suspicions of elder abuse or neglect that have previously been unrecognised or unnamed and are sometimes difficult, if not impossible, to prove. Trained elder mediators can provide a safe, trusting environment where any suspected or actual abuse can be identified and named, and plans can be safely put in place to prevent any future abuse or neglect.

Elder mediation promotes positive, respectful communication and the involvement of a range of informal and formal supports for older people and their families. The following are typical issues of aging that can be addressed in elder mediation. The potential for abuse or neglect is present within each of them.

- Health and medical care (at home, in the community, in the hospital, continuing care and long-term care communities)
- Progressive dementias and other memory impairments
- Caregiving
- Financial issues
- Guardianship issues
- Housing issues
- Living arrangements
- Intergenerational relationship issues
- New marriages and step-relative issues
- Religious issues
- Cultural issues
- Gender and LGBTIQ+ issues
- Indigenous issues
- Family business issues
- Driving issues
- Abuse, safety issues, self-neglect
- Legal issues (estate, inheritance, living will, power of attorney etc.)
- End-of-life planning and decision-making

Elder mediation provides an opportunity for older people to talk frankly with family members and significant others about their wishes and preferences, values they hold and risks they are or are not willing to take. They can acknowledge their needs for assistance during mediation without fearing that it will lead to a ruling of incapacity. If physical, mental or legal capacity is in question, trained elder mediators can make appropriate accommodations and, if necessary, explore effective ways to enhance supported decision making, including by involving a trusted, known support person or advocate for the older person.

Finally, elder mediation can provide the elder law system with a resource to deal effectively with underlying issues the legal system cannot, for example: ageist, gendered and cultural attitudes and values; family history and intergenerational dynamics; issues of autonomy, safety and trauma; interpersonal estrangement or conflict, and quality-of-life choices. The mediation process can help to add, improve, preserve, or restore relationships. It provides a non-adversarial model of communication and opportunities for therapeutic and practical discussions, meetings and interventions, where all parties are able to contribute their concerns and ideas freely and without prejudice, with the intention to protect the rights and wishes of the older person and maintain family/carer and other supportive relationships.

References

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