

Expanding Mediation for Seniors and Their Families in Maryland

By Robert J. Rhudy and Carolyn J. Rodis

Mom, age 85, is unsteady on her feet and has fallen several times. The siblings are arguing over Mom's living arrangement. Jane, the eldest, wants her to move to assisted living, while John says she's not able to care for herself and should be in a nursing home. Mom says she's not moving from her three-story home and doesn't need any help. James, the youngest, thinks he should file a guardianship petition so he can make the decisions for her.

Stan and Mary's son and daughter-in-law are going through a bitter divorce fight, including a contested custody battle. They are concerned about being able to continue having a close relationship with their two grandchildren, now six and four.

Earl and Betty are doing estate planning and establishing advance medical directives for their care. They are concerned that their adult children understand and accept their wills, rather than go through a costly and contentious estate challenge as happened following the death of one of their friends. They also want their children to respect their end-of-life decisions and support any decisions made by their surrogates.

These scenarios are typical of the decisions and conflicts facing aging persons and their families today. Mediation and facilitated decision-making can enable families to acknowledge and resolve the sometimes difficult transitions they face as family members age, including both internal family issues as well as helping seniors deal with a wide range of other conflicts involving housing, neighbors, health care, insurance, nursing homes, employers and agencies.

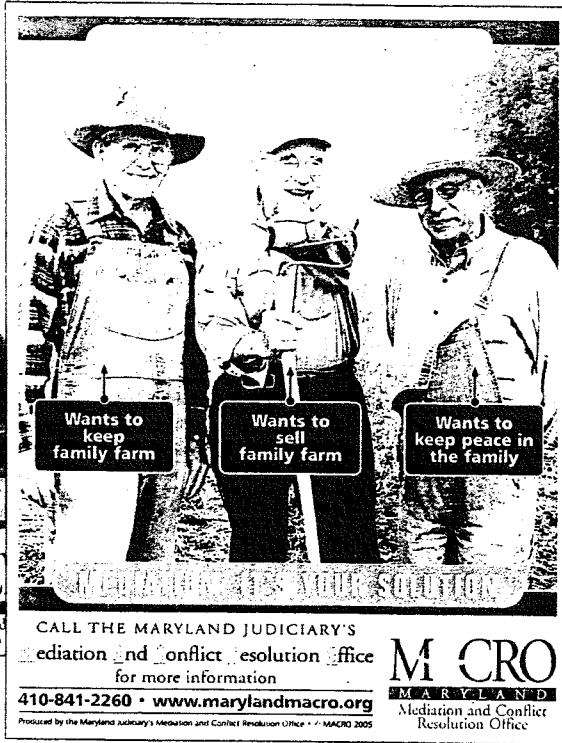
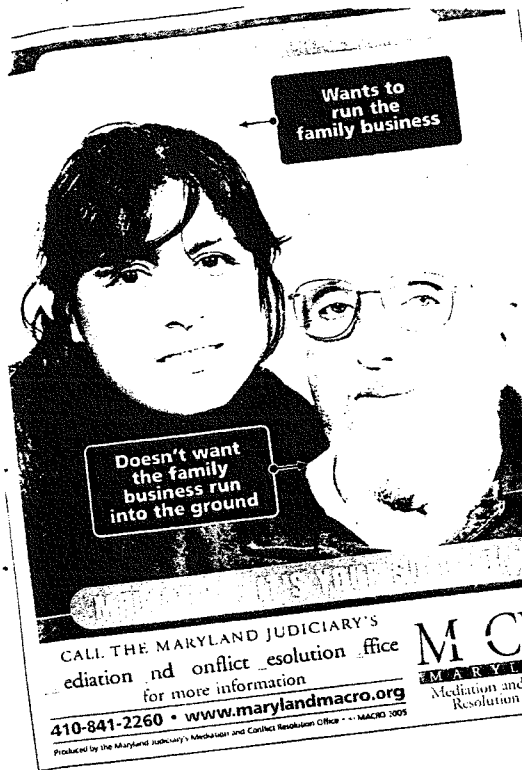
Skilled mediators can play an important role in helping families resolve issues involving seniors, but unfortunately many people are not aware of these services. To improve public understanding of mediation and other dispute resolution processes, the state of Maryland recently launched the Maryland Senior Citizen Mediation Project. The project will be carried out by the Maryland Department of Aging through a grant from the

Maryland Mediation and Conflict Resolution Office (MACRO). The Maryland Association of Area Agencies on Aging, Maryland Association of Community Mediation Centers, Maryland's Legal Aid Bureau, and The Center for Social Gerontology, Ann Arbor, MI (under funding from the U.S. Administration on Aging) are also providing support for the project. The project will provide mediation and other dispute resolution services for seniors and their families in a range of conflict and decision-making areas.

Maryland has been a leader in promoting the use of alternative dispute resolution and has some of the most innovative ADR programs in the country. In 1998 Chief Judge Robert M. Bell of the Maryland Court of Appeals created and chaired the Maryland Alternative Dispute Resolution Commission to study and make recommendations on dispute resolution. The Commission published *Join the Resolution: A Practical Action Plan for ADR in Maryland* in 1999, and in 2000 the Maryland Judiciary established MACRO to implement the plan. MACRO currently makes grants of approximately \$1.7 million annually to support mediation services in Maryland. Under MACRO's leadership and funding, mediation and related services have been expanding substantially in courts, government, schools, communities and other areas throughout the state.

Until this year, there has been little or no public attention in Maryland to the possible value of mediation for seniors. Persons in Maryland aged 60 and over accounted for 15 percent of the population in 2000, and this figure is projected to increase to nearly 27 percent by 2030. Seniors encounter many of the same conflict areas as the rest of the population, as well as other age-related issues. Interviews with Maryland mediators, however, have indicated that this state's seniors are currently using mediation less than other age groups in the population.

"With the aging of the Baby Boomers and their longer life expectancy, the need for mediation will grow," said Rachel Wohl, executive director of MACRO. "I am grateful to the Maryland Department of Aging for bringing together a broad stakeholder group to create a program that will address seniors' conflict



MACRO has produced 24 different Mediation posters formatted like the ones here, which highlight mediation in a variety of settings, including conflicts in neighborhoods, families, business, courts and schools. Available on-line nationwide later this year at the MACRO website — www.marylandmacro.org.

security, home care support services, senior housing options, estate planning and other issues that affect senior citizens. In addition to helping mediators increase their understanding and skills, specialized training will also be provided for service providers in order to increase their understanding of mediation and increase their confidence in making referrals to mediators.

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resolution needs.” According to Maryland Governor Robert L. Ehrlich, Jr., the grant will “help Maryland’s seniors and their families resolve conflicts and make decisions concerning issues including life care, housing, nursing care services, health, insurance and housing.” To our knowledge, this project represents the first statewide effort to expand senior mediation services, which we believe will help support the work of private mediators in this area while also involving community and court-based mediators.

As a first step, the Maryland Department of Aging held a conference in May that was attended by 50 people from various stakeholder groups including mediators (private, court-based and community), court personnel, representatives of state and local departments of aging, and public and private elder law attorneys. Participants at the conference began drafting a work plan to guide the development and implementation of a Senior Mediation Program in Maryland.

The plan reflects the importance of providing state-level support for programs where appropriate, while tailoring local programs to local circumstances and needs. Project organizers will create information, screening and referral systems, and foster key partnerships with groups such as aging service providers, health care workers, elder law attorneys, ministers, police and others who are in contact with seniors.

Specialized training programs will be developed by the Maryland Department of Aging with input from the mediation community and others. The training will prepare mediators to work with clients who may have physical impairments, decreased mental capacity or other problems, and cover particular types of senior conflicts, such as adult guardianship, long-term care planning and advance directives. Mediation training may also include basic information about Medicare, Medicaid, social

ing referrals to mediators.

Public education efforts will be needed to help people understand the mediation process and how to access services. MACRO has developed a series of posters to educate the public about mediation, including three that feature senior citizens. These posters will be distributed to community mediation centers and other nonprofit groups around the state. Other outreach efforts include brochures, web-based information, published articles, and presentations at senior centers and other locations.

We believe there are complementary roles for private mediators, community mediation centers and court-based mediation programs to provide the range of dispute resolution services needed by Maryland’s expanding senior citizen population. Representatives of these groups will participate in the program’s design and operation and help guide and support the project in communities across the state. By working together, it is hoped that Maryland’s Senior Mediation Program will be a win/win for all involved. ☺



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