



Bulletin

## Oh, Brother! With Parents Aging, Squabbling Siblings Turn to Elder Mediation

by: Sally Abrahms | from: [AARP Bulletin](#) | September 20, 2010



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In 2006, when Ella Bayliss moved from her home of 45 years outside Boston into assisted living, all four daughters agreed that it made sense. Their mother, then 83, was having memory issues and needed more care. But after she was diagnosed with Alzheimer's and broke her ankle, the former social worker started to decline further, and the siblings were divided over the next step.

Two sisters thought she could stay where she was, while the youngest, Martha Whyte, believed Bayliss should be at a place with more resources. The fourth, in Texas, didn't see her mother enough to weigh in, and decided to defer to the others.

Because Whyte, 49, lives closest and is her mother's primary caregiver, she believed she was in the best position to determine her capabilities and needs. "The conversations with my sisters were incredibly unpleasant about who knows better," recalls Whyte. "I'd attended virtually every doctor's appointment with my mother for the last four years, but the attitude was, 'She's the baby sister, what

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does she know?' They were always second-guessing me if I made decisions. Yet I'm the one in the emergency room at 2 a.m. It got to the point where we weren't talking to one another."

### **New solutions to old problems**

At an impasse, the family turned to elder mediation. In this fast-growing field, a trained, neutral conflict-resolution professional—sometimes an attorney or therapist—meets with adult siblings and, if they're alive and able, their parents, to sort out contentious or unresolved issues relating to Mom and Dad. The mediator's job is to defuse the situation and keep the group focused on their common goal: to come up with the best possible outcome for a parent they all love and to preserve family relationships. Everyone gets to talk (or vent or cry) and problem-solve to reach an agreement. In some situations, an elder law attorney, financial planner, caregiver or geriatric care manager also attends to lend his or her expertise.

"Across the country, we're seeing private mediators, community mediation programs and court-based providers expanding their elder mediation services at a rate far beyond anything we've seen before," says Robert Rhudy, an attorney, mediator and president of the nonprofit Senior Mediation and Decision-Making Inc.

It's no surprise that issues involving aging parents offer limitless opportunities for disagreements and all-out fights.

The dissension may revolve around any number of issues:

- Money—who controls it, distrust of the adult child handling the checkbook, a sibling who has received more than his "fair share" of financial support or bears unequal caregiving costs.
- Medical and end-of-life choices.
- Family possessions, including inheritance, guardianship, sale of the parent's primary or vacation home.
- Independence and safety (for example, taking away the car keys).
- Living arrangements or caregiving—one sibling shouldering the burden or being controlling, another not pulling her weight, or someone feeling cut out of the loop.

Other issues include: multiple decision-makers and personalities, economic and geographic disparities among siblings, different expectations, complicated role reversals, ingrained ways of behaving, old "baggage" and personal commitments. As these issue play out, siblings watch a cherished parent decline or deal with loss—and a new industry is born.

Rather than going to court, where a judge calls the shots, mediation is nonbinding and confidential, decisions are made by consensus, and attendance is voluntary. It's also cheaper than litigation: \$150 to \$500 per hour for several hours for a private mediator's time, or a nominal fee if you work through community mediation centers. Family members often share the costs. Another option—doing nothing and letting problems fester—can carry the much heavier price tag of ruptured relationships, impacting interaction with beloved cousins, nieces, uncles and even the next generation.

## Coming apart, coming together

"When Mom or Dad have been the hub, and all of a sudden no longer have that role, children don't have that glue to hold the family together," says Blair Trippe, the Bayliss mediator. "Some sibling relationships get stronger, while other brothers and sisters stop speaking. They have to work things out, and are not used to doing that. Mediation helps them develop new communicating and consensus-building skills."

While Whyte and two of her sisters met with the mediator, another sibling, Roberta Hill, was connected via conference call from Texas. (Beforehand, Trippe had spoken on the phone with each sister to get her perspective and visited Bayliss in assisted living. She was in the hospital the day of the mediation.) The result: The siblings agreed to hire a geriatric care manager to do an assessment of their mother and make recommendations.

"Mediation has reinforced that in order for my mother to get what she needs, the four of us have to work together regardless of our feelings for one another," says Whyte. Hill realizes the family was at a stalemate, but regrets that they needed "an outsider to come in and open up family issues that are no one else's business."

## A growing national trend

As the concept of elder mediation gains more exposure, that attitude is likely to change. Earlier this month, at its national conference, the Association for Conflict Resolution offered six elder mediation workshops, while the American Bar Association and the National Academy of Elder Lawyers also have held seminars on the subject. "In five years, elder mediation will be known in the same way as divorce mediation is today," predicts Arline Kardasis, cofounder of Elder Decisions in Norwood, Mass., which will train 120 elder mediators this year. "Divorce mediation has become almost the norm in some states."

Says Janet E. Mitchell, an Indiana mediator and cofounder of [Eldercaremediators.com](http://Eldercaremediators.com): "When I tell people what I do, they always say, 'I could use your service or know someone who can.'" Two reasons: Age 85-plus is the largest-growing demographic group in the United States, and 19 million to 22 million children act as family caregivers.

"Most of our parents did not go through this caregiving and life passage the way we are, because they didn't live as long. Therefore, there's no model," says Francine Russo, author of *They're Your Parents, Too! How Siblings Can Survive Their Parents' Aging Without Driving Each Other Crazy*. "For the first time in history, adult siblings and their parents have to reengage intensively and long-term even though they have not lived in the same household for 30 or 40 years."

You'd never know it, though. "A lot of times, all that old stuff from eighth grade is still there," says Eileen Schaeffer, an elder law attorney and director of the elder mediation program at Montgomery Conflict Mediation Center in Eagleville, Pa. "Undercurrents of family conflicts are driving some of the elder conflict even more than the immediate reason that they come to mediation." That "old stuff" can interfere with sound decision-making.

## Parental wishes

Mom and Dad are typically less interested in what those decisions are than that their kids get along, maintain elder care experts. Out of fear of triggering sibling strife or displeasure from their children, they may not level with family members. Mediators like to visit parents to hear what they're thinking and, while they're at it, make sure the children aren't making decisions for them when they're perfectly

capable.

Parents vital enough to take part may decide not to attend mediation, or to speak at the beginning of the meeting, then leave. (Some siblings also choose not to participate.) "It's incredibly debilitating for the parent to see sibling conflict and realize that once they're gone, their children may have nothing to do with one another," says Forrest Mosten, a Los Angeles mediator and attorney.

### **The blessings of a neutral party**

Carol Rice, 57, believes a skilled elder mediator might have prevented the rift in her family. After her father died, Rice's mother, now 92, was afraid to be alone. So Rice and her two sisters suggested that each of the six adult children take turns hosting Mom for two nights. Their mother was onboard, but three of the siblings refused and have bowed out of caregiving, says Rice. "We can't understand why they are so detached from my mother, but they are," says Rice. "Before this happened, we took trips together and hung out at one another's house. But everything is different now."

That wrenching experience prompted Rice, cofounder of the Conflict Resolution Academy in Atlanta, to start offering elder mediation and to train professionals in this specialty. Yet, even if she had had the knowledge, "it doesn't matter how trained you are," believes Rice. "When you're the person in the situation, you lose perspective. You need someone who can help the family move forward, maintain the dignity of the parent, and keep relationships you've valued all your life."

As parents live longer, sibling relationships are likely to get tested over and over. "My mother is in good health and this situation could go on for a long time," says Rice. "I fully expect her to live to be 100. I might not make it, but she will!"

### **Tips for finding an elder mediator**

There is no national credentialing or formal licensing for elder mediators, and states have different requirements. Choose a mediator familiar with elder issues. For referrals, try these sources:

- [Mediate.com](http://mediate.com)
- [National Eldercare Mediator Network](http://nationaleldercaremediator.com)
- [eldercaremediators.com](http://eldercaremediators.com)
- Enter "elder mediation" in an Internet search engine plus city or state for local or state-specific mediation associations.

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