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THE WALL STREET JOURNAL.

WSJ.com

ENCORE | MARCH 14, 2010

Mediators Focus on Elder Issues

By ANNE TERGESEN

For years, divorcing couples have hired mediators to avoid court battles. Now, some mediators are starting to specialize in resolving disputes that relate to older adults, such as those over inheritances and caregiving.

"Elder mediation has started to take off over the past couple years," says Dana Curtis, an attorney who mediates disputes and trains elder mediators at Elder Mediation Group in Sausalito, Calif.

Families who hire an elder mediator often do so to save money. To work with a mediator in private practice, a family can expect to spend from \$100 to \$500 an hour. A national network of nonprofit "community mediation" services charge little to nothing.

In contrast, if a family opts to pursue a lawsuit, each party must retain an attorney.

And unlike court proceedings, the mediation process is confidential, says Myer Sankary, founding director of Adult Resolutions & Mediation Services, a California nonprofit that trains elder mediators.

But while attorneys or judges sometimes refer families to mediation, participation is voluntary and the mediator "has no authority" to impose a settlement, Mr. Sankary adds.

Mediators can help families resolve a range of issues. Most often it's to resolve a fight over money. But some conflicts concern responsibility for caregiving or for making decisions on behalf of an aging parent.

Don't confuse mediation with group therapy, however. "To the extent that a mediator needs to deal with family dynamics, we do so. But the purpose of mediation is not to heal the relationships," says Ms. Curtis.

Ms. Curtis says when families contact her, she typically speaks privately with each person, to better "understand the circumstances and see what the issues are."

While some mediators continue to meet separately with each family member, Ms. Curtis prefers to get everyone at the same table. Having the entire family work together can "have huge implications for creating peace at the end of life," she says.

Before the first session, Ms. Curtis typically develops a formal agenda. Together with participants, she sets ground rules, such as "be respectful."

Mediators also may provide information families can use to make decisions. For instance, when one family hired Ms. Curtis to referee a dispute over a child's request for an early inheritance, she helped them calculate how much they could afford to give the child -- after setting aside enough to cover the parents' needs and inheritances for the

rest.

To find a mediator specializing in elder issues, ask for referrals from elder-law attorneys or residential facilities for older adults. Mediate.com lists mediators in private practice.

The National Association for Community Mediation at nafcm.org has links to community mediation centers.

Ask for references and the percent of cases the mediator generally settles. And figure out whether the mediator's background -- many are attorneys or social workers -- suits your needs.

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