

The Association for Conflict Resolution

GUIDELINES FOR ELDERCARE COORDINATION



**Association for
Conflict Resolution**

VOICES, CHOICES, SOLUTIONS

OCTOBER 2014

**Association for Conflict Resolution Task Force
on Eldercaring Coordination
2014**

GUIDELINES FOR ELDERCARING COORDINATORS

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**Association For Conflict Resolution
Task Force On Eldercaring Coordination**

GUIDELINES FOR ELDERCARING COORDINATION

FOREWORD

The Association for Conflict Resolution Task Force (“ACR Task Force”) envisions the use of “eldercaring coordination,” as an application of the “coordination” process to guardianship/probate cases in which high conflict family dynamics interfere with the well-being and safety of the elder, limit adherence to court orders, impede court processes, and detract from the efficacy of guardianship and other appointments by the court. Since parenting coordination has been established as a viable dispute resolution option for high conflict cases, the Association for Conflict Resolution (ACR) Task Force on Eldercaring Coordination (“ACR Task Force”) used the process of “parenting coordination” as a model to develop a “coordination” process specific to the unique needs of elders. These guidelines will address the current discrepancy between dispute resolution options available for high conflict parents dealing with young children and high conflict cases regarding an elder’s needs, care and safety. Although courts recognize both children and elders as vulnerable populations, there is currently no option for dispute resolution for parties involved in high conflict cases regarding elders.

The Association of Family and Conciliation Courts (“AFCC”) was instrumental in the development of parenting coordination, a dispute resolution process to assist high conflict parents and children involved in family court actions, currently utilized throughout the United States, Canada and other countries. Learning from the processes that led to the development of parenting coordination, in 2012 Linda Fieldstone, former President of AFCC and AFCC Task Force on Parenting Coordination secretary, approached Sue Bronson, Co-Chair of the ACR Elder Section, to explore the utilization of this process in cases involving elders. ACR leadership was aware that the potential benefits for parties and the court would become even more relevant since the number of baby boomers reaching 65 years of age will double from 2008 to 2030. They believed that this project forwarded their mission to “give voice to the choices for quality conflict resolution.” Thus, the ACR Task Force on Eldercaring Coordination was created in January 2013 with the following mission:

To develop a dispute resolution option specifically for high conflict cases involving issues related to the care and safety of elders in order to complement and enhance, not replace, other services such as provision of legal information or legal representation, individual/family therapy, medical, psychological or psychiatric evaluation or mediation.

Eldercaring coordination focuses on improving relationship dynamics so that the elder, family, and others in supportive roles can better collaborate with the professionals able to help them make the onslaught tough decisions ahead and support each other during times of transition.

The Task Force was composed of representatives from the following entities:

Alternative Dispute Resolution Institute of Canada
American Association for Marriage and Family Therapy
American Bar Association Commission on Law and Aging
American Bar Association Dispute Resolution Section

American Psychological Association
Association of American Retired Persons
Association of Conflict Resolution
Association of Family and Conciliation Courts
Elder Justice Coalition
Florida Chapter of the Association of Family and Conciliation Courts
National Academy of Elder Law Attorneys
National Association of Professional Geriatric Care Managers
National Adult Protective Services Association
National Association of Area Agencies on Aging
National Association of Social Workers
National Center for State Courts
National College of Probate Judges
National Committee on the Prevention of Elder Abuse
National Council of Juvenile and Family Court Judges
National Guardianship Association
National Guardianship Network

The representatives composing the ACR Task Force 2013-2014 were: Co-Chairs Sue Bronson, and Linda Fieldstone, Joan Braun, Georgia Anetzberger, Annice Davis-White, Andrew Capehart, Christie Coates, Resa Eisen, Amie Gourlay, Julie Gray, Trudy Gregorie, Kim Grier, Chris Herman, Michelle Hollister, Sally Hurme, Michael, Kirkland, Sandy Markwood, Hon. Sandy Karlan, Karen Largent, Linda Oxford, Meredith Ponder, Mary Joy Quinn, Jessica Singer, Matt Sullivan, Brenda Uekert, Erica Wood, Hon. Mike Wood, Martin Zehr and Zena Zumeta.

An Advisory Committee, composed of national experts in relevant fields, was created to answer targeted questions, review work product, join Task Force Committees and provide additional assistance upon request. Support was also received by *Collaborate*, joint American Bar Association and Elder Section of the ACR Listserve, and the AFCC Parenting Coordination Listserve.

Additionally, concurrent with the establishment of the ACR Task Force, the Florida Chapter of AFCC (FLAFCC) created its own Task Force on Eldercaring Coordination, composed of statewide entities, with the same mission and similar work product goals and stages. The two Task Forces worked collaboratively during Stage One of this project, with the ACR Task Force focused more generally to provide over-arching advice and an umbrella version of practice guidelines and the FLAFCC Task Force demonstrating how a state may apply those recommendations to their specific needs and characteristics. Accordingly, the work of each Task Force was elevated and educated through the efforts of the other.

The objectives of this project include:

1. developing a discussion amongst stakeholders (organizations and associations, professions, court, collaterals) regarding the application of a “coordination” process (i.e. eldercaring coordination) to high conflict family dynamics when elders are an issue;
2. using existing and facilitating new research to study the implications of eldercaring coordination as a vehicle for high conflict management and the resolution of disputes regarding eldercare issues;
3. exploring the ethical challenges and considerations in applying concepts used in the coordination of parents with minor children to the elder population and existing legal frameworks for elders;

4. creating the process of eldercaring coordination to best address high conflict family dynamics when eldercare is an issue;
5. developing guidelines, including training and qualifications, for professionals practicing this dispute resolution process for elders (i.e. eldercaring coordination);
6. creating a court pilot project proposal to refer parties for eldercaring coordination in high conflict cases, including eldercaring coordination project assessment tool;
7. encouraging interdivisional collaboration between court divisions to conserve resources by utilizing them for families of all ages and life stages;
8. enhancing the definition of “family” in the court to include the range of family dynamics and needs throughout the years;
9. expanding the use of “coordination” as a dispute resolution method to address high conflict cases involving various situations and issues.

Both the ACR Task Force and FLAFCC Task Force projects were divided into three stages:

- Stage One: to complete a work product which includes a definition for eldercaring coordination, qualifications, ethical guidelines and training protocol, grievance process, a template for Court ElderCaring Coordination Project Proposal, and project evaluation component;
- Stage Two: to disseminate the work product to the court, professionals and the public; to develop and facilitate a model training program for ElderCaring Coordinators; to develop and facilitate a train the ElderCaring Coordinator training program; to assist with the integration of the Court Pilot Project in circuits, jurisdictions, and provinces; to seek possible sources of funding, including grant opportunities; and to implement an assessment component for those cases entering into the process;
- Stage Three: to reassess the work product for improvements, revise work product and disseminate the results.

In order to develop this new coordination field responsibly and ensure the well-being and safety of the elder, the ACR Task Force developed the following, included herein:

1. Ethical Guidelines for ElderCaring Coordination
2. Recommended Complaints Procedure
3. ElderCaring Coordination Training Guidelines and Protocols
4. Court Rule Proposal Template, including standardized forms
5. ElderCaring Coordination Project Assessment Tool/Pre- and Post- Surveys for Elders, other participants and the ElderCaring Coordinator

On October 5, 2014, the Board of Directors of the Association of Conflict Resolution voted unanimously to approve the ACR Task Force work product, which can be found on the ACR website at: <http://acrelidersection.weebly.com/>. The ACR Guidelines for ElderCaring Coordinator were formally endorsed by the Association of Family and Conciliation Courts on November 6, 2014.

The ACR ElderCaring Coordination Project Assessment Team will utilize the information obtained from participating Court Pilot Project sites to continue to enhance the development of the eldercaring coordination process. Analysis conducted will be provided to the Project sites on an interim basis to inform improvements to the process throughout its implementation. The success of this project may be assessed by:

- Reduction in hearings before the court in cases referred to eldercaring coordination;

- Review of Eldercaring Coordination Survey given to the participants in eldercaring coordination;
- Instances of reports of elder abuse, neglect and exploitation;
- Increased use of community resources (e.g. physicians, attorneys, guardians, elder mediators, health care, psychosocial and financial experts, etc.) to assist the elder/incapacitated and family;
- Development of a project design that can be replicated in various circuits, jurisdictions and provinces interested in pursuing these project goals and objectives.

Association for Conflict Resolution GUIDELINES FOR ELDERCARING COORDINATION

OVERVIEW AND DEFINITION OF ELDERCARING COORDINATION

Eldercaring coordination will focus on reducing conflict and court involvement so the elder, family members and other participants are able to focus productively on the issues related to the needs and safety of the elder and to work collaboratively with others in the support network that provides legal advice, guidance and care.

The process of eldercaring coordination has been developed to:

- Help manage high-conflict family dynamics so that the elder, family, and stakeholders can address their non-legal issues independently from the court;
- Ready the elder and family to work with others in their support network to address the care and needs of the elder, avoiding delays and resulting in better decisions;
- Promote the self-determination of the elder to the extent of his or her ability as fully as possible;
- Promote safety by monitoring situations at high risk for abuse or neglect;
- Provide a support system for the elder and family during times of transition; and
- Free precious judicial time by addressing matters for which other dispute resolution processes have been unavailable or have been ineffective.

Definition of Eldercaring Coordination:

Eldercaring coordination is a dispute resolution process during which an Eldercaring Coordinator assists elders, legally authorized decision-makers, and others who participate by court order or invitation, to resolve disputes with high conflict levels that impact the elder's autonomy and safety by:

- Enabling more effective communication, negotiation and problem-solving skills;
- Offering education about elder care resources;
- Facilitating the creation and implementation of an elder care plan;
- Making recommendations for resolutions; and
- Making decisions within the scope of a court order or with the parties' prior approval.

Eldercaring Coordinators have varied professional backgrounds including jurisprudence, social work, psychology, marriage and family therapy, mediation, parenting coordination, and geriatric care management, but share an expertise in helping elders and families resolve high-conflict disputes involving issues related to the care and needs of elders. Since the role of the Eldercaring Coordinator may include decision-making authority for how the resolution to a conflict is addressed, it is crucial that the court appoint only those professionals who are qualified. These professionals would have training to ensure best practices are maintained, including the use of ongoing screening regarding the elder's understanding of the process, the elder's safety, and the possibility of abuse, neglect, coercion, fraud and exploitation.

Qualifications of Eldercaring Coordinators:

1. An Eldercaring Coordinator shall be licensed or certified by a regulatory body of a jurisdiction, state or province, with at least a master's degree and all of the following:
 - a. Completion of family mediation training certified or approved by the circuit, state or province or commensurate with the objectives established by the Association for Conflict Resolution; and
 - b. Completion of elder mediation training certified or approved by the circuit, state or province or commensurate with the objectives established by the Association for Conflict Resolution; and
 - c. Completion of eldercaring coordination training certified or approved by the circuit, state or province or commensurate with the objectives established by the Association for Conflict Resolution; and
 - d. Extensive practical experience in a profession relating to high conflict within families.
2. An Eldercaring Coordinator shall be psychologically and cognitively able to perform the requirements of the Eldercaring Coordinator role; and have no situation, condition, impairment, or disorder that prevents the ethical, responsible and effective exercise of the Eldercaring Coordinator role.
3. An Eldercaring Coordinator must decline a case, discontinue service and immediately report to the court and the parties if any disqualifying circumstances as noted above occur, or if he or she no longer meets the minimum qualifications.

Responsible Practice of Eldercaring Coordinator (EC)

The Eldercaring Coordinator's primary responsibility is to the elder. At the same time, the Eldercaring Coordinator must develop and maintain good working relationships with family members and other professionals involved in the elder's care. In addition, the Eldercaring Coordinator supports the well-being and safety of elders within complex systems of public and private social services, legal services, and health care providers. To perform these varied functions, the Eldercaring Coordinator must be trustworthy and accountable to everyone involved in the eldercaring coordination process, and at all times follow the legal and ethical requirements that govern his or her professional practice. The Eldercaring Coordinator should also continue to expand his or her professional knowledge and skills, cultural competence, and strive to understand how the larger societal issues affect elders and families.

The ACR Task Force recognizes that each Eldercaring Coordinator is guided by the ethical code, practice standards, and scope of practice for her or his respective profession. Therefore, the Task Force has applied the core ethical principles common to most human service professions to the eldercaring coordination role and addressed the following two broad aspects of the ethical practice of eldercaring coordination:

1. Unique considerations in working with the elder population.
2. Tasks and functions specific to the role of Eldercaring Coordinator.

These guidelines are aspirational in nature and serve as guidance to courts and programs interested in implementing eldercaring coordination as a viable dispute resolution process for high conflict cases involving elders. Ethical behavior requires more than just avoiding wrong-doing or resolving complaints. These guidelines were developed to help the Eldercaring Coordinator understand and follow relevant ethical principles. Professionals considering becoming or serving as Eldercaring Coordinators can find best practices and ensure their proper training to facilitate the process most effectively. Additionally, the guidelines and training protocols provide quality control and protection for the consumer as they include minimal expectations for conduct and best practices for the Eldercaring Coordinator.

FOUNDATIONAL ETHICAL PRINCIPLES OF ELDERCARING COORDINATION

1. Autonomy – defined as self-determination; respect for elders’ rights and dignity; the right of elders to be self-governing within their family and social system and cultural framework

Every adult has the right to make his or her own life decisions, unless adjudicated by a court to not have the ability to make certain decisions. Even after court adjudication, the adult has the right to be included in the decision-making process to the extent of his or her ability. The Eldercaring Coordinator shall promote the self-determination of the elder as fully as possible within the context of the eldercaring coordination process. The Eldercaring Coordinator has a responsibility to assist the elder in articulating his or her goals, needs, and preferences so that these can be incorporated into the plan of care to the greatest extent possible. The Eldercaring Coordinator is aware of potential conflicts that may arise when balancing the benefits and risks of interventions being considered, and shall strive to ensure that the elder’s choices are respected and accommodated as fully as possible.

The Eldercaring Coordinator shall respect the rights and dignity of the elder and shall strive to balance the elder’s autonomy with the need for protection and safety. Unless an elder’s decision will cause harm to herself or himself or others, the preferences expressed by the elder should be followed even when others, including the Eldercaring Coordinator, do not agree with those decisions.

Regardless of the elder’s decisional capacity, the Eldercaring Coordinator shall involve the elder, to the greatest extent possible, in decisions that impact the elder’s life. The elder should be the primary decision-maker in all eldercaring coordination issues, unless a court has appointed a surrogate decision-maker. In situations where a surrogate decision-maker (such as a guardian or conservator) has been appointed, the Eldercaring Coordinator shall facilitate the ability of elders to make their goals, needs, and preferences known and to have them seriously considered.

If questions regarding the elder’s decisional capacity exist, she or he should be evaluated by a professional who is competent to make that determination, other than the Eldercaring Coordinator. If the elder does not comprehend the factors involved in the decision-making process and, therefore, cannot make an competent decision, the Eldercaring Coordinator shall ensure that all decisions concerning the elder are made by the person(s) with the legal authority to do so, striving to ensure that the elder’s goals, needs, and preferences are represented and that the elder is in the center of the decision-making.

The Eldercaring Coordinator shall strive to facilitate clear communication with elders and families, including the use of professional interpreters when needed, to ensure that the elder’s goals, needs and preferences are understood and accommodated to the fullest extent possible. Family

members or any individual significantly involved in an elder's living situation should not be relied upon to interpret language.

The Eldercaring Coordinator shall promote person-centered service delivery by communicating with the elder to the greatest extent possible. When such communication is limited, the Eldercaring Coordinator shall strive to keep the elder's goals, needs and preferences at the center of the process. The Eldercaring Coordinator shall maintain open, respectful communication with legally authorized decision-makers and others participating in the eldercaring coordination process. The Eldercaring Coordinator shall ensure that the specific information needed by the elder and/or designated decision-maker to make informed decisions (such as the potential risks and benefits of all options) is presented and understood, that the elder and/or designee consents to services, and that the elder's or designee's right to discontinue services at any time is respected.

2. Beneficence – defined as doing good to others; promoting the well-being of eldercaring coordination participants

The Eldercaring Coordinator has a professional obligation not only to avoid harm to any party in the course of the eldercaring coordination process, but also to conduct the process with close attention to the interests of all parties. The Eldercaring Coordinator shall promote the elder's goals, needs and preferences in such a manner as to maximize the benefit to the elder while avoiding harm to the elder or others.

In situations in which harm could come to others as a result of a contemplated action or decision by the elder, the Eldercaring Coordinator shall take reasonable steps to explain to the elder the risk of harm and shall attempt to mitigate that risk. If this effort is unsuccessful, the Eldercaring Coordinator shall not assist the elder in carrying out a decision or action that poses a threat of substantial harm to the elder or to others.

While the Eldercaring Coordinator shall maintain impartiality in the process of eldercaring coordination, the Eldercaring Coordinator is not neutral regarding the outcome of particular decisions and shall strive for outcomes that promote the well-being and safety of the elder. Impartiality means the freedom from favoritism or bias in word, action, or appearance, and includes a commitment to assist all parties.

3. Collaboration – defined as working together cooperatively in the interest of achieving shared goals

Eldercaring coordination entails collaboration on three levels: between the Eldercaring Coordinator and participants in the eldercaring coordination process, among eldercaring coordination participants, and between the Eldercaring Coordinator and other service providers. The Eldercaring Coordinator shall strive to promote such collaborations on behalf of the elder served. The Eldercaring Coordinator recognizes that misunderstandings, differences of opinion, and lack of communication often underlie conflicts regarding elders' care. Impasses may be reached when an elder's preferences conflict with those of legally authorized decision-makers and other eldercaring coordination participants, when decision-makers and other participants disagree about the best approach to eldercare, or both. The Eldercaring Coordinator endeavors to facilitate communication and, if needed, care planning among all participants (including the elder) in the eldercaring coordination process.

The process of eldercaring coordination often involves interdisciplinary and inter-organizational collaboration on behalf of the elder. Thus, the Eldercaring Coordinator may facilitate

communication among existing service providers or help participants in the eldercaring coordination process develop relationships with new service providers. In such instances, the Eldercaring Coordinator shares information judiciously and only as authorized, safeguarding confidentiality, privacy, and privileged communications as appropriate.

The Eldercaring Coordinator shall strive to develop and maintain professional and cooperative relationships with all other professionals involved in the eldercaring coordination process. Eldercaring coordination is interdisciplinary in nature and typically involves collateral contacts with other professionals who have knowledge of, or provide services to, the elder or family members. The Eldercaring Coordinator shall strive to develop and maintain collaborative relationships with other professionals who provide services to the elder, including those in the legal, medical, mental health, and social service communities, in the interest of promoting the continuity and effectiveness of the eldercaring coordination process.

4. Professional Competence – defined as possessing the requisite skills, knowledge and ability to provide efficacious services

The practice of eldercaring coordination requires the acquisition and application of specialized knowledge, skill and expertise in dispute resolution/ conflict resolution, dynamics of family systems, aging, and familiarity with legal requirements relevant to eldercaring coordination. The Eldercaring Coordinator also needs to recognize the presence of mental health, cognitive, or other issues affecting the elder's capacity to provide informed consent to participation in the eldercaring coordination process and ability to represent his or her own goals, needs and preferences in that process to ensure his or her care and safety. The Eldercaring Coordinator shall strive to continue to acquire additional specialized knowledge through activities, such as continuing education and case-specific consultation. The Eldercaring Coordinator shall also strive to understand legal authorities, terminology, and procedures that affect eldercaring coordination practice.

The Eldercaring Coordinator shall be qualified by education, training, and skills to undertake the eldercaring coordination role and shall continue to develop professionally in the role. Because eldercaring coordination is a complex process involving multidisciplinary areas, the Eldercaring Coordinator must stay abreast not only of developments within her or his profession, but also of a wide range of knowledge relevant to the execution of the Eldercaring Coordinator's role.

If the Eldercaring Coordinator has limited experience or knowledge in the matters which impact a specific case, the Eldercaring Coordinator must be prepared to develop further expertise in order to effectively handle the specific case. Such enhanced expertise may result from consulting other professionals, continuing education, and reviewing treatises and other reference materials. The Eldercaring Coordinator shall request appropriate assistance in the case, decline an appointment, or withdraw from a case, when the facts and circumstances of the case are beyond the Eldercaring Coordinator's skills or expertise and the Eldercaring Coordinator cannot, in a timely manner, develop the specific competency and expertise that is required.

The Eldercaring Coordinator shall be psychologically and cognitively able to perform the requirements of the Eldercaring Coordinator role as noted in minimum requirements above.

5. Fidelity – defined as honoring commitments, keeping promises and respecting the trust placed by eldercaring coordination participants in the service provider

Meeting the duty of fidelity requires far more than simply performing the professional services to which the Eldercaring Coordinator is contractually obligated or for which the Eldercaring

Coordinator makes verbal promises. It means recognizing and meeting the responsibilities of the primary profession of the Eldercaring Coordinator, and demonstrating loyalty to the elder involved in the eldercaring coordination process.

The Eldercaring Coordinator shall be trustworthy and dependable in all aspects of both professional and business relationships. The Eldercaring Coordinator shall maintain confidentiality, avoid conflicts of interest, and always pursue the best interests of elders.

The Eldercaring Coordinator shall facilitate the participants' understanding of the eldercaring coordination process so that they can give informed consent to the process.

The Eldercaring Coordinator shall avoid conflicts of interest that interfere with the ability to promote participants' interests and which may result in an actual, apparent, or potential benefit to the Eldercaring Coordinator. Moreover, the Eldercaring Coordinator shall not engage in dual or multiple roles with any eldercaring coordination participant.

6. Integrity – defined as providing services with trustworthiness, veracity, and adherence to professional, ethical, and legal requirements

Integrity means that the Eldercaring Coordinator shall be honest, diligent, and accountable in the provision of service and shall act in a manner consistent with the values reflected in his or her professional ethical code(s). The Eldercaring Coordinator shall be familiar with sources of ethical and professional guidance that may be relevant to the provision of eldercaring coordination services, including, professional practice standards and laws relevant to eldercaring coordination.

Integrity involves both understanding and fulfilling the duties associated with the Eldercaring Coordinator role and abiding by the limitations and scope of the role. The Eldercaring Coordinator shall endeavor to understand the Eldercaring Coordinator role, including sources of authority and appropriate activities, in order to maintain professional boundaries and to avoid incorporating clinical, forensic, or legal practices that are beyond the scope of the Eldercaring Coordinator's role.

7. Justice – defined as non-discrimination; being fair in the treatment of all eldercaring coordination participants; providing appropriate services to all

The Eldercaring Coordinator shall act in a just and fair way in all professional relationships. The Eldercaring Coordinator shall not promote or sanction any form of discrimination based on age, race, ethnicity, family status, gender, gender expression, gender identity, spirituality or religion, sexual orientation, national origin, disability, socioeconomic status or other factors.

The Eldercaring Coordinator shall provide equitable service to all participants in the eldercaring coordination process, without regard either to cultural and linguistic factors or to each participant's financial contribution to the eldercaring coordination process. The Eldercaring Coordinator shall provide a forum for each participant's views while upholding the goals, needs and preferences of the elder.

Throughout the eldercaring coordination process, the Eldercaring Coordinator shall consider how ageism and other forms of social injustice affect elders and eldercare. Such injustice may be manifested in multiple ways, including disregard of elder's goals needs and preferences; economic and health disparities; decreased access to information, resources, and services; and

elder abuse or neglect. The Eldercaring Coordinator shall endeavor, within the limits of both the Eldercaring Coordinator's role and her or his professional discipline, to mitigate such injustice. The Eldercaring Coordinator shall promote access to information, resources, and services that may enhance the well-being of the elder and support other eldercaring coordination participants in their caregiving roles.

When disputes pertaining to eldercare arise during the eldercaring coordination process, the Eldercaring Coordinator shall attempt to resolve issues and reduce conflict among all participants—ideally, by reaching agreement—in a timely manner. When participants are unable to reach agreement, and if it has been ordered by the court or authorized by consent, the Eldercaring Coordinator shall decide the disputed issues.

8. Nonmaleficence – defined as avoiding harm to others

The principle of nonmaleficence directs the Eldercaring Coordinator to act in such a way that causes no harm to others. In particular, the Eldercaring Coordinator shall not cause avoidable or intentional harm, and shall avoid subjecting any party in the eldercaring coordination process to unnecessary risk of harm.

Types of harm range from physical and emotional injury to deprivation of property or violations of rights. The experience of harm can be subjective, and situations may arise in which some type of harm seems inevitable. For example, an older person may find it necessary to give up some measure of independence in the interest of maintaining her or his personal safety and security. In such cases, when one harm may be imposed in order to avoid a greater harm, the Eldercaring Coordinator shall strive to choose the lesser of the possible harms. To the extent possible, the Eldercaring Coordinator shall facilitate the elder's choice in such matters, for each elder can best determine which harm seems the "greater" or "lesser" harm for himself or herself.

The Eldercaring Coordinator shall aspire to facilitate healthy environments for elders and constructive relationships between elders, their families, and care providers, while ensuring the safety of all participants in the eldercaring coordination process. If the elder has been abused, the case may present substantial safety risks or power imbalances, and may not be appropriate for eldercaring coordination. The Eldercaring Coordinator shall report all matters of actual, suspected or potential harm to the proper authorities (law enforcement, protective services, etc.) as directed in his or her profession's code of ethics and/or the law of her or his state, province, or jurisdiction.

9. Cultural competence – defined as providing culturally informed and responsive services that accommodate the elder's communication requirements, not simply as cultural awareness and respect

Culture is an "integrated pattern of human behavior that includes thoughts, communications, languages, practices, beliefs, values, customs, courtesies, rituals, manners of interacting and roles, relationships and expected behaviors of a racial, ethnic, religious or social group; and the ability to transmit the above to succeeding generations" (National Center for Cultural Competence, 2006, nccc.georgetown.edu/documents/pptculture.pdf).

The Eldercaring Coordinator recognizes that every interaction with elders, other eldercaring coordination participants, and other service providers constitutes a cross-cultural interaction. Therefore, the Eldercaring Coordinator shall exercise cultural and linguistic competence throughout the eldercaring coordination process, including communicating in a manner that is easily understood by participants in the eldercaring coordination process, using plain language and incorporating professional interpreters, professionally translated materials, and assistive

devices as needed. The Eldercaring Coordinator regularly evaluates and, as needed, modifies eldercaring coordination services to enhance cultural and linguistic accessibility and responsiveness to clients.

The Eldercaring Coordinator strives to recognize and respond to relevant sources of professional guidance in regard to multicultural and diversity issues in the provision of eldercaring coordination services. Lack of awareness of these issues may influence the Eldercaring Coordinator's professional judgment and decision-making. The Eldercaring Coordinator shall develop and maintain awareness of, respect for, and responsiveness to the diversity of families' cultural contexts. Specifically, the Eldercaring Coordinator shall consider how factors and personal biases pertaining to age, gender, gender identity, sexual orientation, family status, race, ethnicity, culture, spirituality or religion, disability, language, and socio-economic status influence both the parties' and the Eldercaring Coordinator's values and expectations regarding family dynamics and eldercaring coordination. The Eldercaring Coordinator shall endeavor to understand expectations and behaviors regarding eldercaring practices that are based in frameworks different from their own and to integrate this knowledge into their interventions.

APPENDIX A:

COMPLAINTS PROCEDURE REGARDING THE ELDERCARE COORDINATOR'S PROFESSIONAL CONDUCT AND OBJECTIONS TO RECOMMENDATIONS AND DECISION-MAKING

Participants, the Eldercare Coordinator and the court all benefit from an established complaints procedure when an Eldercare Coordinator's conduct, recommendations or decisions are in question. It is crucial that the Eldercare Coordinator explains the complaints procedure during the intake process of every participant, and that all participants understand the procedures for redress should there be complaints regarding their Eldercare Coordinator. A well-defined complaints procedure can protect the participants as consumers of the service by providing them with an opportunity for reparation and can protect the Eldercare Coordinator from unfounded complaints to licensing and regulatory boards. A structured complaints procedure can also provide a model for the participants to work out their differences less adversarially by encouraging open and appropriate communication with their Eldercare Coordinator when possible. Additionally, if the issue is brought to court, at least the parties and the Eldercare Coordinator will have realistic expectations of the possible outcomes.

Complaints Procedure – defined as protocols to follow when a party or parties have a complaint regarding the Eldercare Coordinator or the eldercare coordination process.

An Eldercare Coordinator shall inform the parties about the complaint procedure before they enter into the eldercare coordination process.

A party may make a written complaint to an Eldercare Coordinator regarding the Eldercare Coordinator's conduct. After a party reviews a written complaint with the Eldercare Coordinator, if the complaint has not been resolved to the party's satisfaction, that party may file a complaint against a court-appointed Eldercare Coordinator with the court. The complaint must show good cause as to why a hearing regarding the Eldercare Coordinator's conduct should be scheduled. Following written notice to the Eldercare Coordinator of the complaint and a hearing at which the Eldercare Coordinator shall be given the opportunity to respond to the complaint, the court may remove the Eldercare Coordinator from the case upon a finding of good cause for removal. The court may also appoint a substitute Eldercare Coordinator. If appropriate after the hearing, the court or party may forward the complaint to any regulatory body that licenses or certifies the Eldercare Coordinator for further investigation of the allegations in the complaint.

A Step-by-step guide can be provided to the parties as follows:

Any party (or parties) in an eldercare coordination process with a complaint about the conduct of an Eldercare Coordinator shall provide a written complaint to the Coordinator. A party who wishes to include an advocate or neutral facilitator in the discussion shall first provide the Eldercare Coordinator with a written complaint.

- a. If the party or parties are not satisfied with the resolution, they may submit to the presiding judge a written complaint showing good cause, with specific objection to the Eldercare Coordinator's conduct.

- b. Following notice and a finding of good cause, the judge shall hold a hearing at which the Eldercaring Coordinator will have the opportunity to respond to the complaint. The Eldercaring Coordinator may suspend services temporarily while the complaint is pending.
- c. The judge may remove the Eldercaring Coordinator, based upon the merit of the complaint and other related issues deemed necessary, and may replace the Eldercaring Coordinator.
- d. If the judge finds the complaint without merit, the court may assess costs and attorney's fees against the party or parties submitting the complaint.
- e. The judge may forward the complaint to the regulatory body overseeing the Eldercaring Coordinator's qualifying licensure.

APPENDIX B:

TRAINING MODULES AND TRAINING PROTOCOLS FOR ELDERCARE COORDINATION

In order to attain the goal of ensuring a high level of proficiency in the performance of Eldercare Coordinators, the following training guidelines have been developed. This guide contains two components, the first include the learning objectives and the second is how the training should be conducted.

PART I: LEARNING OBJECTIVES

These training objectives are recommended to orient professionals qualified by their states or jurisdictions to the issues and skills necessary to enter the practice of eldercare coordination.

1. Eldercare Coordination Concepts

- a) Define eldercare coordination as a dispute resolution process and describe potential benefits for elders, their families, other stakeholders and courts.
- b) Explain the definition of eldercare coordination in any applicable law and any Court Rules of Procedure.
- c) Discuss the source(s) of authority for the eldercare coordination process.
- d) Describe the roles and functions of an Eldercare Coordinator, including the activities of the Eldercare Coordinator:
 - i. Facilitating more effective communication, negotiation, and problem-solving skills;
 - ii. Offering education regarding elder care resources;
 - iii. Facilitating the creation, modification, or implementation of an elder care plan;
 - iv. Making recommendations for resolutions; and
 - v. Making decisions within the scope of a court order or with the parties' prior approval.
- e) Identify how the role of an Eldercare Coordinator differs from other types of roles supporting elders and their families in conflict such as legal services, mediation, geriatric care management, guardianship, guardian ad litem, power of attorney, family substitute decision-maker, medical surrogacy, or family counseling.
- f) Discuss the professional guidelines and standards that guide the practice of eldercare coordination.

2. Elder Law Pertaining to the Eldercare Coordination Process

- a) Detail the specific legislation, as well as court procedures, relevant to elders in your circuit or jurisdiction that are pertinent to the eldercare coordination process.
- b) Describe how the parameters of the law relate to the eldercare process and the role of the Eldercare Coordinator.

- c) Clarify roles of those with joint or sole authority with regard to financial and health care decision-making for the elder.
- d) Explain the responsibilities and powers when a guardianship is ordered by the court and the implications on the eldercaring coordination process.
- e) Describe the legal concepts that relate to the eldercaring coordination process including, but not limited to: due process, ex parte communications, relocation, and privilege.
- f) Explain the statutory constraints of eldercaring coordination where domestic violence exists and/or protective orders have been issued by the court.
- g) Describe when and how the Eldercaring Coordinator should interface with the court system.
- h) List the procedures to follow when requested to provide testimony or evidence.
- i) Describe the Eldercaring Coordinator's responsibilities to the court.

3. Capacity Considerations for the Eldercaring Coordination Process

- a) Explain legal and medical perspectives of capacity and its relevance to eldercaring coordination
- b) Explore the elder's as well as other participants' ability to participate in the eldercaring coordination process.
- c) Describe and demonstrate screening for capacity to participate in the eldercaring coordination process and how to respond appropriately, while avoiding a dual role inherent in performing a broader screening for or assessment of capacity, which should be done by a qualified professional who is not acting as an Eldercaring Coordinator.
- d) Identify strategies to creatively enhance each person's capacity to engage fully in the eldercaring coordination process.
- e) Explain the presumption that the elder participates in all cases to the extent possible.
- f) Discuss ways to incorporate the expressed wishes and current as well as long-standing values of an older person if she or he is not able to participate fully in the process.

4. The Eldercaring Coordination Process

- a) Explain the processes of voluntary referral to eldercaring coordination and court ordered referral to eldercaring coordination, and potential differences between the two.
- b) Identify and explain the components of a (Ratified) Order of Referral or Stipulated Agreement for Eldercaring Coordination
- c) Identify all of the parties that could potentially be involved in the eldercaring coordination process including, the elder, legally authorized decision-makers and invited parties.
- d) Explain the importance of the written professional services agreement, including the

elements that need to be included in the written agreement between the parties and the Eldercaring Coordinator that describe the Eldercaring Coordinator's services.

- e) Discuss affordability issues regarding eldercaring coordination, description of fees and other costs, options for fee allocation, and implications of affordability issues.
- f) Explain the possible screenings for capacity to participate in the eldercaring coordination process that is to take place as part of the intake and how to implement ongoing screening on a periodic basis in order to identify characteristics of individuals who may not continue to be appropriate to participate in the eldercaring coordination process.
- g) Identify other screenings that may need to be performed by qualified professionals to assess substance use disorder or mental health or health care condition.
- h) Identify other logistical factors that might influence or enhance the eldercaring coordination process including, but not limited to, accessibility to attend a meeting location, proximity of bathrooms, break times, beverages, snacks or meals.
- i) Explain how to structure the eldercaring coordination process from screening and intake, through orientation, meetings, and outcome possibilities.
- j) Detail components of the orientation process for eldercaring coordination, explaining the process directly with participants and explaining the concepts which must be disclosed in writing to the parties.
- k) Explain the importance of obtaining written acknowledgment by the parties that the Eldercaring Coordinator, in person, reviewed the terms of the Order of Referral, described the process and the role of the Eldercaring Coordinator, and notified the participants in writing of the information which must be disclosed.
- l) Identify collaterals and the development of a collaborative team to enhance the eldercaring coordination process. Clarify the Eldercaring Coordinator's role, responsibility, limitations and communication protocols within that context.
- m) List possible options for scheduling meetings at appropriate intervals to allow for reassessments of parties, progress of the eldercaring coordination and possible venues to consider; if meeting separately with parties, explain considerations for when joint appointments would be appropriate provided there are no safety concerns.
- n) Detail protocols for eldercaring coordination meetings logistics and interventions including, but not limited to, scheduling of appointments, communication protocols and documentation.
- o) Detail the procedures of each eldercaring coordination meeting including, but not limited to, creating an agenda, handling emergencies, maintaining balance, and reassessment of conflict.
- p) Discuss how to appropriately interface with the court to request clarification or direction if necessary in furtherance of the eldercaring coordination process, to request a hearing if issues of safety arise, or to request termination of the process if the process was court ordered

- q) Explain how to assess phases of the eldercaring coordination process as it progresses including data gathering, conflict resolution, maintenance and termination.
- r) Assess the needs of the client system with specific focus on the voice, risks and lifestyle preferences of the elder and the participants' past and current relationships with the elder and between each other.
- s) Assess productive procedures for facilitating eldercaring coordination meetings depending upon parties' relationships and abilities to communicate with one another, including the need for initial and interim private meetings, caucus, and meetings by phone, electronic means or in person.
- t) Identify components of the elder care plan as possible outcome of the process including, but not limited to, how the elder and parties will continue to address and resolve conflict, who might assist them, their resource and support team, their goals to continue after the process is completed, procedure for decision-making, and division of responsibilities to carry out goals.
- u) Describe factors that may enhance or undermine the effectiveness of the eldercaring coordination process.

5. Ethical Considerations Pertaining to Eldercaring Coordination

- a) Identify the foundational Ethical Principles for Eldercaring Coordination described in the Association for Conflict Resolution Guidelines for Eldercaring Coordination: autonomy, beneficence, collaboration, professional competence, fidelity, integrity, justice, non-maleficence, and cultural competence.
- b) Explain the ethical value of a person-centered service provision that underlies the eldercaring coordination process.
- c) Identify ethical issues that might arise at any point in the eldercaring coordination process: person-centered/primacy of the elder's interests, self-determination, informed decision-making, coordinator neutrality, confidentiality, conflicts of interest, elder abuse, and professional boundaries.
- d) Identify common ethical dilemmas that might arise in the eldercaring coordination process and how to resolve them.
- e) Discuss policies and procedures that support an ethical practice as an Eldercaring Coordinator.
- f) Discuss the Association for Conflict Resolution Guidelines for Eldercaring Coordination.

6. The Elder Adult Within the Context of the Eldercaring Coordination Process

- a) Identify and explain an elder's unique developmental needs and their impact on care-giving and decision-making.
- b) Describe the interrelationship between physical challenges, mental declines and psychosocial well-being of the elder and their possible effects on the eldercaring coordination

process.

- c) Describe societal and participants' biases and cultural attitudes regarding aging, including myths of aging and stereotype, and possible effects of such on the eldercaring coordination process.
- d) Explain the effects of the elders' loss or potential loss of independence including, but not limited to, their finances, driving, living arrangements and decision-making, and possible effects of such on the eldercaring coordination process.

7. Family Dynamics Related to Elders Within the Context of the Eldercaring Coordination Process

- a) Explain family systems including, but not limited to, homeostasis, boundaries, enmeshment/ disengagement, triangulation, collusion, communication styles, personality disorders, trauma histories, and how they relate to the eldercaring coordination process.
- b) Explain family dynamics including family of origin, unresolved past, relationships and emotion, power and influence, and how they relate to the eldercaring coordination process.
- c) Detail significant transitional life changes of an elder and the possible impact on existing family dynamics and emotions of loved ones which may affect the eldercaring coordination process.
- d) Discuss the unique and complex roles of family caregivers, professional and paraprofessional practitioners, substitute decision-makers and power of attorney and their relationship with the elder and clarify their impact on existing family dynamics which may affect the eldercaring coordination process.
- e) Explain the intricacies inherent in multi-generational and blended families and their possible effects on the eldercaring coordination process.
- f) Identify others who may be significant in the elder's life, how their roles may be interrelated to the elder and how they may be helpful or hinder the eldercaring coordination process.
- g) Explain possible effects of mental illness, substance use disorders, and other vulnerabilities in the family system which could affect the eldercaring coordination process.
- h) Explain how "high conflict" families can impact the care of an elder, as well as the eldercaring coordination process, including the role of the elder in creating, perpetuating and or responding to the conflicts that exist within the family system
- i) Explain the psychosocial effects when transitioning through terminal illness of a loved one, the grieving process, and establishing closure in order to provide a support system through the eldercaring coordination process.
- j) Identify and be sensitive to the issues of culture, language and spiritual needs of the family system in a highly diverse society.
- k) Describe the impact of high conflict family situations on an elder including, but not limited

to, impact of alignments, estrangements and alienation throughout the family system and during the eldercaring coordination process.

- l) Identify characteristics, impasse styles and patterns of interaction in high conflict families that hinder conflict resolution and interventions to reduce conflict within the eldercaring coordination process.
- m) Explain relevant psychological theories and social science research applicable to professional interventions for a family in eldercaring coordination.
- n) Develop methods to improve communication between the elder and the other parties in order to meet the needs and enhance the safety of the elder.
- o) Explain processes for obtaining information to facilitate resolution of disputes as they arise within the eldercaring coordination process.
- p) Describe methods to encourage compliance with court orders.

8. Elder Abuse, Neglect, Exploitation and Family Violence and Their Implications on the Eldercaring Coordination Process

- a) Discuss the legal and non-legal definitions of elder abuse, neglect, and exploitation, as well as interpersonal violence, and their context within the eldercaring coordination process.
- b) List specific dynamics within the family and caregiving relationship that may contribute to elder abuse and neglect, exploitation, extortion, dependency, influence, coercion, control, threat and duress, and their potential influence on the eldercaring coordination process.
- c) Discuss the effects of elder abuse, neglect, and exploitation on relationship and family dynamics, and the potential influence on the eldercaring coordination process.
- d) Explain the importance of understanding the history of the relationships and family dynamics in recognizing coercive, controlling behavior and their effects on the eldercaring coordination process.
- e) Explain the dynamics of perpetrators of abuse and the impact on the elder's abilities which could affect the eldercaring coordination process.
- f) Discuss the implications of different types of abuse (i.e. elder abuse, neglect, extortion, exploitation, family violence, and substance abuse) and their possible impact on the ability of the elder and others to participate in the eldercaring coordination process.
- g) Describe the unique problems and inherent dangers presented by family violence of all types in terms of establishing balance with the goals, needs and preferences of the elder as priority, facilitating agreements between those involved in the eldercaring coordination process, and the need for safety in the eldercaring coordination process.
- h) Identify procedures for initial and on-going screening for elder abuse, neglect, and exploitation, as well as family violence, and appropriate courses of action when safety parameters are needed.

- i) Utilize a screening tool that identifies risk factors and the various ways they are manifested, such as power imbalances and safety issues that may impact the eldercaring coordination process.
- j) Explain the importance of monitoring adherence to the elder care plan.
- k) Explain the importance of employing safety precautions and interventions in the eldercaring coordination process including the elder, family members, other stakeholders and the Eldercaring Coordinator.
- l) List appropriate pre-cautions, safety interventions and obligations when confronted with elder abuse and neglect, exploitation, family violence, substance abuse and mental health issues within the context of the eldercaring coordination process.
- m) Explain the limitations of confidentiality and the legal and ethical responsibility of the Eldercaring Coordinator, as well as others that may be participating in the eldercaring coordination process, to report elder abuse, neglect and exploitation.
- n) Explain the importance of reporting to a judicial officer infraction of existing court orders including the need to modify an eldercaring plan with the inclusion of safety parameters, using the appropriate forms for communicating to the court.
- o) Describe the process for terminating the eldercaring coordination process when continuing with the process would endanger the safety of those involved including the Eldercaring Coordinator.
- p) Detail when it is mandatory to report to the court regarding safety issues including what constitutes reasonable cause to suspect the elder has or is being abused, neglected, or exploited, or is expected to be or wrongfully removed from the jurisdiction of the court without prior approval of the court, and what procedures are required when reporting emergencies to the court.
- q) Identify the specific Statutes relevant to safety and protection of elders and how they apply to the eldercaring coordination process.
(Note: A minimum of four hours of instruction on safety relating to the eldercaring coordination process shall be offered integrated into eldercaring coordination training.)

9. Resources and Professional Supports for the Elder and Family as well as the Eldercaring Coordination Process

- a) Explain how to include existing professional supports in the eldercaring coordination process such as attorneys, those authorized by the court with decision-making discretion, doctors, nurses, professional guardians and other health care professionals.
- b) Identify additional professional resources that may assist with the planning, care and well-being of the elder and support system including, but not limited to, mediators, geriatric care managers, social workers, patient advocates.
- c) Explain how to work with legal, mental health (e.g. social workers, psychologists, marriage

and family therapists) and other professional disciplines, and promote cooperation among those dealing with the family and stakeholders.

- d) Detail when and how to refer to and collaborate with a qualified expert and use a team approach to best serve the parties in the eldercaring coordination process.
- e) Identify resources to assist in the caregiving of the elder and enhance financial, health care, and social service benefits.
- f) Explore possible living arrangements or domicile including those provided by family members (may include granny flats), others in supportive roles, skilled nursing facilities, assisted living communities, and personal care homes.
- g) List specific sources of referrals for parties.

10. Eldercaring Coordination Techniques

- a) Detail the characteristics and training that enhance or undermine the effectiveness of the Eldercaring Coordinator.
- b) Describe the need for appropriate accommodations for the eldercaring coordination process and how the range of accommodations is used to enhance or support participation of the elder and by all parties.
- c) Develop strategies for intervention with the elder and parties, including goals and time frames, within the eldercaring coordination process.
- d) Identify the concept of intractable conflict and discuss how to transform it into a framework more suitable for resolution of conflicts within the eldercaring coordination process.
- e) Explain elder care plan agreements and how to memorialize agreements between the parties during the eldercaring coordination process.
- f) Explain procedure for having agreements ratified and incorporated as an order of the court during the eldercaring coordination process.
- g) Identify skills and parameters of decision-making for the Eldercaring Coordinator when more facilitative processes are ineffective; analyze when a more directive approach is needed or when more time or skill is needed for facilitative problem solving to be effective.
- h) Create and modify an elder care plan taking into consideration the elder's health, abilities, goals, needs and preferences, and the ideal integration of these elements to meet the best interests of the elder.
- i) Select elder care plan elements that address different family circumstances including, but not limited to, geographic distance, safety focused parameters, high conflict elements, and special needs of family members.
- j) Develop strategies to assist the parties involved to implement their elder care plan and court orders during the eldercaring coordination process.

- k) Identify appropriate boundaries of an Eldercaring Coordinator, including establishing office safety policies and establishing appropriate limits for client demands.

PART II: TRAINING PROCEDURES FOR ELDERCARING COORDINATORS

In order to attain the goal of ensuring a high level of proficiency in the performance of Eldercaring Coordinators, the following training guidelines are recommended.

1. **Prerequisites for training:** Trainees are expected to meet the professional qualifications of Eldercaring Coordinators, as well as having completed a comprehensive family mediation training and training in elder mediation.
2. **Focus of eldercaring coordination as a unique interdisciplinary process.** The training should entail an integrated process for learning the concepts and skills to perform the duties of an Eldercaring Coordinator, while building upon the knowledge already brought in by the trainees. To cover all the modules the training will necessitate a minimum of 28 hours, although more time is encouraged to cover the objectives thoroughly.
 - a. The training should go beyond the general concepts and move to specifics in order to encompass all types of cases the Eldercaring Coordinator may encounter.
 - b. The training should combine the new concepts through lecture and readings with experiential learning, application of the ideas, and feedback.
 - c. The key to a brief training is to integrate the specific and unique knowledge base needed for the trainee's future practice as an Eldercaring Coordinator.
3. **Training methodology**
 - a) Pedagogy. A complete eldercaring coordination training program should include, but is not limited to, the following: lecture, group discussion, written exercises, simulations and role plays. In addition, readings and other resources should be provided by the trainer to supplement the training.
 - b) Role Play Requirements.
 - i. Eldercaring coordination training should allow ample time for role plays to help the Eldercaring Coordinator develop and practice skills that are specific to the process and the role.
 - ii. At a minimum, every participant should participate in a role play of an eldercaring coordination session. The role play should be practical in time and scope.
 - iii. At the conclusion of each role play, time should be allocated for self-reflection and oral or written feedback to the participants. Feedback to participants should be provided or supervised by the trainer.
 - iv. Role play developers should consider role descriptions that suggest realistic ways of "playing" the older client and discuss biases that arise.
 - v. Training should provide time to practice all stages of the eldercaring coordination process and should support Eldercaring Coordinators in gaining competence to facilitate discussions that include multiple generations, blended families, multi-parties, high conflict and ethical considerations.
 - vi. Role play debriefing should support reflection and a safe environment for learning and self-evaluation.
(Note: The ACR Elder Mediation Training Objectives has an Appendix attached to their work entitled "Appendix: Mediation Skills Training: Best

Practices" which has a comprehensive list of points and concepts to help trainers present skill training through role play.)

- c) Simulation. A complete eldercaring coordination training should present a role play simulation of an eldercaring coordination session (either live or by video) prior to the participant's role play experience.
- d) Breaks. Trainers should provide appropriate breaks during their training sessions which should be in addition to the number of required hours for training.

4. Ethics.

- a) A complete eldercaring coordination training program should review eldercaring coordination ethics for at least two hours and include the Association for Conflict Resolution recommended Ethical Guidelines for Eldercaring Coordination.
- b) Eldercaring Coordinator ethics should be woven throughout the training program and materials wherever applicable.

5. Primary Trainer qualifications

- a) Primary Trainer. A primary trainer should be present throughout the entire course.
- b) Primary Trainer Qualifications: A primary trainer should demonstrate all of the following qualifications as stated in the guidelines:
 - i. Meet the qualifications to be a Eldercaring Coordinator
 - ii. Successful completion of an eldercaring coordination training that meets the Association for Conflict Resolution Eldercaring Coordination recommendations for training.
 - iii. Previous experience in training of other relevant topics, such as elder mediation or parenting coordination.
- c) Eldercaring Coordination Experience: Serving as Eldercaring Coordinator in at least 5 cases lasting at least six months in duration, with a minimum of two active cases within the last two years.
- d) Eldercaring Coordination Continuing Education: An eldercaring coordination trainer should complete a sufficient amount of continuing education in order to be current with rules, statutes and research applicable to eldercaring coordination. Live attendance is preferable.

6. Use of guest lecturers

- a) As an interdisciplinary process, the trainer should demonstrate collaboration and team work by inviting guest lecturers such as judges, attorneys, mediators, mental health professionals, psychologists, social workers, marriage and family therapists, domestic violence experts, health care providers, professional guardians, and geriatric care managers.
- b) A guest lecturer should have a substantial part of his or her professional practice in the area about which the specialist is lecturing and should have the ability to connect his or her area of expertise with the eldercaring coordination process.
- c) Lectures on elder law should be presented by a member of The State/Providence Bar with elder law experience.
- d) Lectures on family dynamics and mental health and psychosocial issues should be presented by a qualified mental health professional (such as a social worker, psychologist,

- or marriage and family therapist).
- e) Lectures on health and medical issues relating to elders should be presented by licensed physicians, nurses, and other medical professionals.

7. Course Content Requirements

- a) Learning Objectives. A complete eldercaring coordination training should incorporate the learning objectives contained in Part I of this document.
- b) Required Training Materials. At a minimum, trainers should provide each of the participants with the following written materials:
 - i. An agenda annotated with the learning objectives to be covered in each section;
 - ii. A training manual that includes basic information for each module, relevant statutes, Court Rules of Procedure and Administrative Orders, forms, role play simulation, additional resources, and other pertinent materials.

8. Completion of training and evaluation of students

- a) Participants should complete the eldercaring coordination training requirement by physically attending one entire live training program.
- b) The primary trainer is responsible for ensuring that the integrity of each portion of the program is not compromised.
- c) A training program should provide, at the conclusion of the training, written documentation of completion to participants who successfully complete the program.

9. Program evaluation

At the completion of the course, each participant should complete a course evaluation which should be reviewed by the trainer as part of quality assurance.

10. Records retention policy

The primary trainer should be responsible for maintaining records of those who completed the program for no less than five years.

APPENDIX C:

The Association for Conflict Resolution (ACR) Task Force on Eldercaring Coordination

ELDERCARING COORDINATION PILOT PROJECT PROPOSAL TEMPLATE

The following is a possible template of a court program that demonstrates inter-divisional court collaboration to provide Eldercaring Coordination as a dispute resolution option for high conflict cases involving elders. This template is for illustrative purposes and is meant to be modified and adjusted according to circuit or jurisdiction needs and available resources. Further explanation can be found under specific headings as to how this template may be used to inform the court or obtain funding for a program. Potential forms that could be integrated into the Pilot Project, including an Order of Referral to Eldercaring Coordinator, are included as Exhibit items A-D.

I. Introduction and Brief Overview

The Case Management Unit of the Probate/Guardianship Division, (Family Court Services of the Family Division and Mediation/Arbitration Division of the # Judicial Circuit seek to collaborate in a Pilot Project to enhance the use of dispute resolution options for elders, and specifically to add “eldercaring coordination” as a viable resource in high conflict probate/guardianship cases involving elders.

Using the role of parenting coordination (a process frequently used in family law cases) as a model, eldercaring coordination has been developed for use in probate/guardianship cases in which high conflict family dynamics interfere with the well-being and safety of the elder, limit their adherence to court orders, impede their court process, and detract from the efficacy of guardianship and other appointments by the court.

Guidelines for Eldercaring Coordinators were have been developed by an interdisciplinary Task Force consisting of twenty U.S. and Canadian organizations convened by the Association for Conflict Resolution (members listed on Appendix E), hereinto for referenced as “ACR Task Force.”

II. Justification: In order for a program to be taken seriously, factual information including statistics pertinent to that locality will be necessary to verify need; include population demographics as well as potential savings to the court and community (e.g. sample language, which may be customized to local, state, or province data follows).

The acceptance and utilization of parenting coordination for high conflict cases involving children gives precedence to the application of the “coordination” process in other situations involving conflict. Parenting coordination is governed by (Administrative Order, Statute and/or Rule). The application of this process to cases involving elders is a natural evolution of “coordination” and the expansion of the definition of “family” to include the life span of the family unit.

Members of the “Baby Boom Generation” began turning 65 in 2011 and nationally the number of elders is expected to more than double by 2050. The growth of this demographic will increase the burdens on Guardianship programs and the Probate/Guardianship Division of this Circuit. (Name) County has experienced a growing population of people over sixty years of age (# in year). This segment of the population faces unique challenges, with the numbers of elders diagnosed with dementia expected to increase (%). The (year) Census cites that over ___% of the population of the County was 65 years or older that year. ___ percent or # of those elders 65 years or older were living in poverty in (year). Of those 75 years and older, ___% lived alone with unmet needs, with # living below the poverty line. However, # of elders (___ %) own their homes. ___ percent of the elders reside alone and are at high risk for self-neglect. Most elders are supported by their families with additional funds. However, elders who have other family living with them (___ %) actually have a higher risk for abuse and exploitation, especially if they own their property.

According to the (Agency/Department), ___% of the elder population in _____ county are minorities, including ___% of residents of (specify minorities) 60 years or older. There were ___% females over 60 years compared to ___% males.

As of (date), the projected caseload of the Probate/Guardianship Division in this Circuit is # cases, which includes over # guardianship cases. Other cases filed not counted in the above are # Baker Acts cases and # substance abuse cases that are filed on a monthly basis, and other # miscellaneous petitions. In (previous date for basis of comparison), there were # Baker Acts filed; that number has grown to # as of (date), a ___% increase.

III. Interdivisional Court Collaboration: Briefly describe court Divisions and units such as Probate/Guardianship Division, Case Management Unit, Mediation/Arbitration Division, Family Division/Family Court Services and any other court or community entity or program that will collaborate to develop eldercaring coordination; include brief descriptions of each so that it is clear how they may contribute individually and/or jointly in this partnership.

The Probate/Guardianship Division, Case Management Unit, Mediation/Arbitration Division, and Family Division/Family Court Services are prepared to collaborate in order to conserve and capitalize on existing court resources in order to effectuate this Pilot Project.

- The Circuit's Probate/Guardianship Court Case Management Unit is responsible for maintaining and tracking compliance with state Statutes, Rules of Procedure and local rule requirements governing the probate estate and guardianship cases. Work involves tracking and monitoring the judge's caseload and guiding cases through the appropriate court processes.
- The Mediation Division of this Circuit currently provides access to mediators for cases in the Family and Juvenile/Dependency Divisions and County Court cases (including Landlord Tenant, Small claims and other civil matters). Elder Mediation is a relatively recent dispute resolution option available to elders and their families in this Circuit through community providers; there are (no) court connected elder mediators at this time.
- (If there is a Family Court Services) This Circuit formally created its Family Court Services Unit in (year) to fulfill judicial requests in order to expedite court proceedings and respond to the needs of parents and children with cases in the Family (Domestic Violence, Unified Family Court) Divisions. Family Court Services provides court-ordered intervention to high conflict cases in order to promote the well-being of children in their relationships with both parents, while reducing children's exposure to parental discord. Services are available to parties to supplement their mediation process when they have reached a partial agreement, impasse, or need further support to implement their agreements. (Replace paragraph with reference to resources available to the Family Division if no Family Court Services is available.)

The Family Court Services Unit provides parenting coordination services. Parenting coordination is a child-focused dispute resolution process in which a trained Parenting Coordinator helps facilitate resolution of parenting issues between high conflict parents in a timely manner. Family Court Services provides parenting coordination to indigent cases and referrals to Parenting Coordinators in the community when affordability is not an issue. There are currently # PCs in this circuit on the roster of those qualified according to state Statute, (who have also taken a circuit

specific training to inform them of the Circuit protocols).¹ Since a study of judges/general magistrates, attorneys, and Parenting Coordinators in Florida surveyed in 2010 found a significant approval rate for the process,² it is time to offer a coordination process adapted to the needs of high conflict families dealing with elder issues.

The systems in place for parenting coordination are easily adaptable to address the needs of elders in high conflict family situations. The Probate/Guardianship Division Case Management Unit, Mediation/Arbitration Division and Family Court Services/Family Division wish to collaborate during this Pilot Project to provide eldercaring coordination as a dispute resolution option for high conflict cases to a defined group of probate or guardianship cases.

IV. Eldercaring Coordination Pilot Project Mission: Describe eldercaring coordination and include the definition and qualifications of Eldercaring Coordinators endorsed by the ACR Task Force on Eldercaring Coordination, as well as specific goals of the Pilot Project.

Eldercaring coordination is a dispute resolution option specifically for high conflict cases involving issues related to the care and needs of elders in order to complement and enhance, not replace, other services such as provision of legal information or legal representation, individual/family therapy, medical, psychological or psychiatric evaluation or mediation. Eldercaring coordination focuses on improving family dynamics so elders, their family, and other stakeholders are able to work better with each other and with service providers in times of transition and the difficult situations that often arise during the aging process. Families and stakeholders who work together are better equipped to address an elder's needs in a manner that respects the elder's autonomy, promotes the elder's safety, and increases the benefits available from various service providers.

Definition of Eldercaring Coordination. The ACR Task Force on Eldercaring Coordination approved the following definition of this process to assist high conflict cases involving elders:

Eldercaring coordination is a dispute resolution process during which an Eldercaring Coordinator assists elders, legally authorized decision-makers, and others who participate by court order or invitation to resolve disputes with high conflict levels in a manner that respects the elder's need for autonomy and safety by:

- Facilitating more effective communication, negotiation, and problem-solving skills;
- Offering education about elder care resources;
- Facilitating the creation, modification, or implementation of an elder care plan if such a plan is necessary to reach a resolution;
- Making recommendations for resolutions; and
- Making decisions within the scope of a court order or with the parties' prior approval.

Qualifications of an Eldercaring Coordinator.

¹ **Note:** Include other statistics if available.

² Fieldstone, L., Lee, M., Baker, J., McHale, J. (2012) Perspectives on Parenting Coordination: Views of Parenting Coordinators, Attorneys, and Judiciary Members, Family Court Review, July 2012.

1. An Eldercaring Coordinator shall be licensed or certified by a regulatory body of a jurisdiction, state or province, with at least a master's degree and all of the following:
 - a. Completion of family mediation training certified or approved by the circuit, state or province or commensurate with the objectives established by the Association for Conflict Resolution;
 - b. Completion of elder mediation training certified or approved by the circuit, state or province or commensurate with the objectives established by the Association for Conflict Resolution;
 - c. Completion of eldercaring mediation training certified or approved by the circuit, state or province or commensurate with the objectives established by the Association for Conflict Resolution; and
 - d. Extensive practical experience in a profession relating to high conflict within families.
2. An Eldercaring Coordinator shall be psychologically and cognitively able to perform the requirements of the Eldercaring Coordinator role; and have no situation, condition, impairment, or disorder that prevents the ethical, responsible and effective exercise of the Eldercaring Coordinator role.
3. An Eldercaring Coordinator must decline a case, discontinue service and immediately report to the court and the parties if any disqualifying circumstances as noted above occur, or if he or she no longer meets the minimum qualifications.

The court may require additional qualifications to address issues specific to the elder and other eldercaring coordination participants.

A qualified Eldercaring Coordinator must be in good standing, or in clear and active status, with all of the respective professional licensing authorities or certification boards affiliated with the regulatory body (or bodies) of her or his state(s), province(s), or jurisdiction(s), as applicable.

ACR Eldercaring Coordination Court Pilot Project. The ACR Task Force included in its mission to develop the Eldercaring Coordination Court Pilot Project (heretofore referred to as "Pilot Project"). The ACR Task Force proposes that the process of eldercaring coordination, and therefore the Pilot Project, will:

- Help manage high conflict family dynamics in probate/guardianship cases, so that the elder, family members and stakeholders can address non-legal issues without court involvement;
- Ready the elder and high conflict family to work with collaterals to address medical, financial and legal issues, avoiding delays and resulting in better decisions for the elder;
- Promote the self-determination of the elder to the extent of his or her ability as fully as possible;
- Promote safety by monitoring situations at high risk for abuse or neglect;
- Provide a support system for the elder and family during times of transition; and
- Free precious judicial time by addressing matters for which other dispute resolution processes have been unavailable or have been ineffective.

V. Projected Outcomes of Pilot Project: Detail how the Pilot Project results may be measured or assessed and what outcomes are anticipated both short and long term. The Florida Chapter of the Association of Family and Conciliation Courts (FLAFCC) Task Force and the ACR Task Force collaborated to create a project assessment consisting of pre-

and post-surveys for the elder, other participants, and the Eldercaring Coordinator (included herein).

The success of this Pilot Project will be assessed by an independent research team and measured by:

1. reduction in hearings before the court in moderate and high conflict probate situations;
2. review of Eldercaring Coordination Surveys for elders and their families and stakeholders (e.g. professional guardians, other court appointed decision-makers, non-family members) that have participated in eldercaring coordination;
3. identification of and reduction of elder abuse, neglect, and exploitation;
4. increased use of community resources (e.g. physicians, guardians, geriatric care managers, occupational therapists, mental health counselors, social workers, elder mediation, legal services, etc.) to assist the elder and family;
5. development of a Pilot Project design that can be replicated statewide and nationally by other circuits interested in pursuing project goals and objectives.

The Pilot Project would, therefore, identify the # Judicial Circuit as a leader in developing this dispute resolution option for probate/guardianship cases. Based on the outcome of the Pilot Project, possible long range goals include:

- developing further discussion amongst stakeholders (professional, court, collaterals) regarding the expansion of eldercaring coordination in the courts when differences regarding eldercare exacerbate high conflict within families and with others in supportive roles for the elder;
- creating a possible program to refer parties for eldercaring coordination in high conflict cases;
- using existing and facilitating new research to study the implications of eldercaring coordination as a vehicle for high conflict management and the resolution of disputes regarding eldercare issues;
- exploring the ethical considerations and challenges in applying concepts used in the coordination process for parents with minor children to the elder population and existing legal frameworks for elders;
- expanding the definition of “family” within the context of the court;
- encouraging interdivisional collaboration between court divisions to conserve resources by utilizing them for families of all ages and life stages; and
- expanding the use of “coordination” as a dispute resolution option to address high conflict cases involving various situations and issues.

VI. Proposed Pilot Project Design: Explain who or what Division will implement the program and with what oversight.

This Circuit has a well-established Probate/Guardianship Division Case Management Unit that could assume the implementation of a Pilot Project for “Eldercaring Coordination” in collaboration with the Mediation/Arbitration Division and Family Court Services/Family Division (and/or Community Dispute Resolution Program).

For the purposes of this Pilot Project, each Eldercaring Coordinator would commit to the completion of (at least) ___ eldercaring coordination cases on a pro bono basis.

All Eldercares Coordinators would also commit to meeting monthly with the Supervisor of Probate Case Managers, Supervisor of Family Court Services/Family Court Manager, the Director of Mediation/Arbitration and the Director of the Probate Division to review standards and develop protocols for the Pilot Project and for the Court's Probate/Guardianship Division to consider when reviewing outcomes and the possible benefits of the Pilot Project.

VII. Pilot Project Timeline: List specific steps toward implementation with expected time-frames for each.

Upon approval of the Pilot Project, the Supervisor of Family Court Services/Family Court Manager, the Director of Mediation/Arbitration and the Director of the Probate Division would begin the planning stage of the Pilot Project to:

- develop protocols (procedures/forms)
- train the Eldercares Coordinators in circuit/court specific protocols
- educate Probate Case Managers and judiciary
- integrate implementation
- provide mechanism for assessment

VIII. Implementation: Describe in more detail the implementation process, how the program will be executed with eldercares coordination integrated into the services provided by the court or community for high conflict cases involving elders. Include what triggers would identify a case that might be appropriate for eldercares coordination and when in the court process the Eldercares Coordinator could be ordered.

The elder and others in a supportive role may choose to enter the eldercares coordination process voluntarily or through an Agreed Order of Referral to Eldercares Coordinator. The Court may order parties to eldercares coordination without their consent if it determines that:

a) there is evidence of neglect, abuse, or exploitation against the elder, or the elder's health, safety and well-being are in immediate jeopardy; and

b) the elder and other participants of the eldercares coordination process have the financial ability to pay the eldercares coordination fees and costs, or such services are available for an indigent party at no cost or low cost to that party as described below.

The Eldercares Coordinator has the responsibility to determine who would be appropriate to include in the process, in addition to the elder and legally authorized decision-makers, and may change the list of participants over time.

An Eldercares Coordination Court Pilot Project should have the capacity to test this model with participants of the eldercares coordination process with a diverse range of financial means, including parties who are indigent. In selecting a judicial circuit for piloting the eldercares coordination model, priority is given to those circuits which have public and/or private funds available to support this service for at least some indigent parties.

Eldercares coordination could be offered to a Guardianship/Probate Division case at various points of entry in the legal proceedings. If the parties had not attempted elder mediation, and it is available, they may first be diverted to that process. If the parties reach an impasse in mediation or are not amenable to the process initially, the court could designate eldercares coordination to

assist them in managing their conflict. The Mediation Division and Family Court Services/Family Division will work collaboratively to ensure that the parties have the most viable dispute resolution process available to them throughout their court experience.

Examples of Case Conflict Identified as Appropriate for Pilot Project. Cases would be identified for participation in the Pilot Project according to the level of conflict between the elder, possible decision-makers (e.g. certain family members, guardian, others designated by the court), and other stakeholders (e.g. extended family members and significant others, attorneys, health care or other professionals, etc.). Identifiers of conflict levels would be further clarified for training purposes before the Pilot Project and reassessed during the Pilot Project and may include:

| | |
|---|---|
| ✓ | MINIMAL/MILD CONFLICT |
| | Parties have legal issues but are usually cooperative |
| | Caregivers and others involved with the elder can usually separate elder's needs from own needs |
| | Family members and others in a supportive role validate and respect elder, even if elder is incapacitated |
| | Family members disagree but are able to maintain composure when together and when in court |
| | The elder and others in supportive role respect each others' value to the elder |
| | Tolerance for differences; flexibility to cooperate |
| | No risk of violence or abuse flagged |
| | Elder and others in a supportive role committed to same end goal |
| ✓ | MODERATE CONFLICT → Mediation |
| | Negative emotions are able to be brought under control |
| | Parties attempt to form coalition with other family members; sibling splitting |
| | Focus on blame |
| | Imbalance of power |
| | Verbally aggressive though no threat or history of physical violence |
| | Parties berate each other; threats of further litigation |
| | Devaluing others important to elder |
| | Involvement of lawyers for non-legal issues |
| | Parties have difficulty maintaining composure |
| | Discreet issue or few issues to be resolved |
| ✓ | HIGH CONFLICT → Eldercaring Coordination |
| | Mediation has reached an impasse |
| | Multiple motions to the court; high rates of litigation over non-legal issues |
| | Imbalance of power – some family members have attorneys and others do not or all parties self-represented |
| | Constant disputes about un-measurable or unsubstantiated items |
| | Possessive or controlling behavior toward the elder |
| | Difficulty in others separating elder's needs and desires from their own; high degree of rigid thinking; win/lose mentality |
| | Chronic disputes over access and support |
| | Coalitions/sibling splitting entrenched |
| | Possible endangerment of elder or other parties |
| | History of domestic violence in family |
| | Cross allegations of family members; possible safety concerns |
| | Drug/alcohol abuse |
| | Elder being denied access to family member(s) and/or significant others |

| | |
|--|---|
| | Parties being denied access to information |
| | When money is used as bargaining tool or being withheld for care of the elder |
| | High emotionality expressed by parties in court; verbal abuse; loud quarreling |
| | Parties are not able to work cooperatively with collaterals and resources for the elder |
| | Number of collaterals/agencies involved |
| | Others' conflict may place elder in jeopardy |

If identified as “moderate conflict,” the case may initially be offered mediation; if identified as “high conflict,” the case would be ordered for eldercaring coordination. Additionally, cases that impasse in mediation would be referred to an Eldercaring Coordinator.

Points of Entry into the Pilot Project. Depending on the level of conflict observed by court personnel or alleged in court filings, a Probate/Guardianship case would typically be referred to Eldercaring Coordination at one of three times during the case:



General Magistrate’s Report of Recommendations.

Examples of cases with moderate conflict may be referred to mediation:

- Siblings want different social settings for parent: assisted living or in the home of one of the siblings;
- Siblings do not agree which is best suited to be guardian: one is professional with higher income who lives out of state and the other, with fewer financial resources resides near elder;
- Mother and son do not agree which medication to use for father, who has no lucidity when on the currently prescribed treatment plan – mother believes father is overmedicated and wants to change doctors while son believes medication is appropriate.
- Three siblings are competing to be Guardian for their sister.

Examples of cases with high conflict to be referred for eldercaring coordination:

- One sibling that will not give other siblings and their spouses access to parent;
- Current wife moved husband/father and won’t tell his children where;
- Sibling with greater financial resources, represented by attorney, wants to pay for corporate professional guardian instead of family member better suited.

Determination of Incapacity.

Examples of cases with moderate conflict may be referred to mediation:

- Two of three doctors of the Committee who evaluated the elder recommended limited or plenary (total incapacitation) guardian, one of the two siblings believes parent should have the limited right to vote and discretion to spend small amounts of money, the other sibling believes no money should be given to the parent.
- Parent believes he/she is slipping away and wants to volunteer to have professional guardian appointed, child does not agree.
- Parent home alone all day with dog, child wants parent to move in with her without the beloved dog.

Types of cases with high conflict to be referred for eldercaring coordination:

- Parent has limited capacity and wants right to marry – children disagree.
- Parent married person 20 or 30 years younger, children wanted to vacate or set aside the marriage.
- Elder's children split in wanting to remove right to take medication, treatment, drive, vote and marry; elder's fiancé, who resides with the elder, and her children believe capacity is not an issue.
- Parent made stepchild medical surrogate and biological children disagree.
- Ex-spouse, who has remarried and still been caring for elder, wants to be Guardian; a sibling of elder, who has not seen her in a year, is requesting to be Guardian.
- Elder's daughter has been caretaker, and elder's son is alleging she has cut him off from their father; he wants to be Guardian, kick sister out of the house and place parent in facility.

Guardianship.

Types of cases with moderate conflict may be referred to mediation:

- Guardian restricting family's access to the elder.
- Elder receiving care at home as delegated by guardian; children do not agree.
- The Guardian is not allowing access to or providing financial information about a parent; the child wants to be reconsidered for position or wants new Guardian.

Types of cases with high conflict to be referred for eldercaring coordination:

- Guardian wants to disconnect from feeding tube and children do not agree.
- Conflict between family members, as current wife and their children do not want former wife and children from prior marriage to have access.
- Siblings do not approve of guardian's decisions, interfering and frustrating the guardianship process.
- Guardian has formed alliance with one child and does not give access or information to other child.

IX. Execution of Eldercaring Coordination: Explain how the program itself would function, including practical aspects from start to finish (e.g. court order, affordability, safety precautions, documentation, term of Eldercaring Coordinator and complaints procedure.

Court Order. Elder and others in supportive roles may choose to enter the eldercaring coordination process voluntarily or through an Agreed Order to Eldercaring Coordinator. The Court may order parties to eldercaring coordination without their consent if it determines that:

a) there is evidence of neglect, abuse, or exploitation against the elder, or the elder's health, safety and well-being are in immediate jeopardy; and

b) the parties have the financial ability to pay the eldercaring coordination fees and costs, or such services are available for an indigent party at no cost to that party as described below.

Once identified for the project by the level of conflict, a standardized Order of Referral to Elder Coordinator be issued by the judge (see Exhibit A), specifying the definition of eldercaring coordination, the role and limitations of the Eldercaring Coordinator, the parties ordered to participate in the process including the name of the elder and all other legally authorized decision-makers for the elder, the preferred language/Family C, whether elder abuse, neglect or

exploitation has been or is currently an issue, and the responsibility for fee payment for the Eldercaring Coordinator's services. A copy of the Order will be sent to the Director of Mediation/Arbitration/Supervisor of Family Court Services/court's designee to facilitate the referral. The parties will first be given the opportunity to choose their Eldercaring Coordinator within 10 working days from the date of the Order, after which time the court's designee will appoint a qualified Eldercaring Coordinator. Once chosen or appointed, the Eldercaring Coordinator will be responsible for submitting the Eldercaring Coordinator Response Form (see Exhibit B) notifying the court of his or her acceptance to the position.

Affordability, Fees and Costs. In determining whether a non-indigent party has the financial ability to pay the Eldercaring Coordinator's fees and costs, the court shall consider the party's financial circumstances, including income, assets, liabilities, financial obligations, resources, and whether paying the fees and costs would create a substantial hardship. The Court may include in its order the maximum fees and costs that each party is required to pay.

If a party is found to be indigent based upon the factors in statute, the court will only require eldercaring coordination if an Eldercaring Coordinator can work on a pro bono basis, or there are public funds available to pay the indigent party's allocated portion of the fees and costs, or a nonindigent party consents to paying the fees and costs for the indigent party.

If a party has caused the Eldercaring Coordinator to expend an unreasonable and unnecessary amount of time, the court may order that party to be solely responsible for payment of the Eldercaring Coordinator's fees and costs for such time expended. Failure to pay the Eldercaring Coordinator's fees and costs in a timely manner may subject the party to sanctions for contempt of court. The Eldercaring Coordinator may suspend services until the issue of fees is resolved.

The Pilot Project should have the capacity to refer individuals and families with diverse financial means for eldercaring coordination, including parties who are indigent. (In selecting a judicial circuit for piloting the eldercaring coordination model, priority should be given to those circuits which have public and/or private funds, or Eldercaring Coordinators that will provide services at low or no cost, available to support this service for at least some indigent parties.

Safety Precautions. The court's Order of Referral to Eldercaring Coordinator should include a provision for the court to acknowledge that the judge has confirmed that there are no reports of verified elder abuse, neglect, or exploitation as defined by statute and there are no domestic violence or other civil injunctions or criminal no-contact orders existing between the parties. The order should also state that the court inquired into whether there is a history of verified elder abuse or domestic violence involving any of the parties. If the court determines there is a history, the court must obtain consent of the elder and from all parties participating and establish appropriate safeguards for the process. Accordingly, each circuit should have in place a process to screen out and/or develop specialized eldercaring protocols and procedures for domestic violence or abuse, neglect or exploitation cases.

An Eldercaring Coordinator must immediately inform the court if an abuse report is pending Adult Protective Services or if there is reasonable cause to suspect that an elder or a minor child will suffer or is suffering abuse, neglect, abandonment or exploitation or that someone is expected to wrongfully remove or is wrongfully removing the elder from the jurisdiction of the court without prior court approval. (See Exhibit C: Eldercaring Coordinator Report of Emergency.)

Eldercaring Coordinator's implementation of the Order. Upon referral, the Eldercaring Coordinator will contact the elder and legally authorized decision-makers, family members and

other stakeholders identified by the court and the parties to obtain preliminary intake information and provide them with initial information about the eldercaring coordination process. The Eldercaring Coordinator will then schedule a joint appointment to explain the process to all of the parties jointly and begin their work together. The Eldercaring Coordinator is responsible to submit a Response Form to alert the court that he or she agrees to provide eldercaring coordination for each specific case in which it is ordered.

Documentation. The Eldercaring Coordinator will send in documentation to the court regarding the parties' adherence to the eldercaring coordination process (e.g. maintaining appointment schedule), if eldercaring coordination is not an appropriate dispute resolution option for that case or is no longer necessary, progress (e.g. specific decisions the elder and participants in the eldercaring coordination process have made), and outstanding items that require further direction from the court (e.g. non-compliance in following court order(s), issues requiring Court intervention). The Eldercaring Coordinator also provides documentation to the court when his or her term expires as Eldercaring Coordinator.

Original documents are sent to/filed electronically with the clerk's office for docketing, copies are sent to the parties, their attorneys, and Guardian, when appointed.

Additionally, the Eldercaring Coordinator is to notify the court of (1) an emergency, such as a verified abuse, neglect, or exploitation report or an injunction for protection or criminal arrest, or (2) the Eldercaring Coordinator has determined that it is no longer safe to continue the process, even with safety precautions in place. Upon receipt of such notice, the court should set a status hearing to determine whether to terminate the eldercaring coordination process.

Note: The Eldercaring Coordinator understands and complies with the duty to inform the appropriate authorities of suspected incidents of elder abuse, neglect or exploitation and/or risk to self or another in accordance with the reporting requirements of her or his respective jurisdiction and profession. When the Eldercaring Coordinator reports a matter of actual, suspected or potential harm to the proper authorities (law enforcement, protective services, etc.) as directed in his or her profession's code of ethics and/or the law of her or his state, province, or jurisdiction, the Eldercaring Coordinator will notify the court immediately (see Exhibit C: Eldercaring Coordinator Report of Emergency) and services of the Eldercaring Coordinator may be suspended while awaiting further direction from the court.

Term. The term of the Eldercaring Coordinator will be included in the Order of Referral to Eldercaring Coordinator, which is not to exceed two years. The court shall remove an Eldercaring Coordinator if that Eldercaring Coordinator becomes disqualified to continue service or if a finding of good cause is shown based on the court's own motion or a party's written motion. Good cause includes, but is not limited to, the perpetration of elder abuse, neglect, or exploitation by the Eldercaring Coordinator; circumstances that compromise the safety of any person or the integrity of the process; or a finding that there is no longer a need for the service of the Eldercaring Coordinator. The motion and notice of hearing shall also be served on the Eldercaring Coordinator. The court may issue a subsequent Order of Referral to Eldercaring Coordinator to a new provider in the same manner as the original.

Complaints Procedure. Any party (or parties) in an eldercaring coordination process with a complaint about the conduct of an Eldercaring Coordinator shall provide a written complaint to the Coordinator. A party who wishes to include an advocate or neutral facilitator in the discussion shall first provide the Eldercaring Coordinator with a written complaint.

- a. If the party or parties are not satisfied with the resolution, they may submit to the presiding judge a written complaint showing good cause, with specific objection to the Eldercaring Coordinator's conduct.
- b. Following notice and a finding of good cause, the judge shall hold a hearing at which the Eldercaring Coordinator will have the opportunity to respond to the complaint. The Eldercaring Coordinator may suspend services temporarily while the complaint is pending.
- c. The judge may remove the Eldercaring Coordinator, based upon the merit of the complaint and other related issues deemed necessary, and may replace the Eldercaring Coordinator.
- d. If the judge finds the complaint without merit, the court may assess costs and attorney's fees against the party or parties submitting the complaint.
- e. The judge may forward the complaint to the regulatory body overseeing the Eldercaring Coordinator's qualifying licensure.

X. Standards and Protocols: Describe accountability and procedures including standardized forms such as those examples provided below.

The Supervisor of Family Court Services, the Director of Mediation/Arbitration and the Director of the Probate Division and providers will conduct meetings on a monthly basis in order to review the progress of cases, reassess the Pilot Project, develop standards and protocols, and create procedures and forms as needed.

Forms will be standardized according to the recommendations of the ACR Task Force on Eldercaring Coordination including, but not limited to, the following specific forms:

- Order to Eldercaring Coordinator (Exhibit A)
- Response Form notifying the court of the acceptance of the case by the Eldercaring Coordinator (Exhibit B)
- Eldercaring Coordinator Report of an Emergency (Exhibit C)
- Eldercaring Coordinator Request for Status Conference (Exhibit D)
- Eldercaring Coordination Process Surveys (Exhibit E)

XI. Budget: Explain what costs may be incurred, how the program will be funded, as well as how costs could be defrayed.

The costs to the Circuit for the Pilot Project are directly related to the time expended by the Supervisor of Family Court Services, the Director of Mediation/Arbitration and the Director of the Probate/Guardianship Division, and court's designee to facilitate the referral to the Eldercaring Coordinator. However, inasmuch that their positions would include developing mechanisms and protocols that reduce court dockets, support the judiciary, and maximize resources of the court, most of their time would be included within their current job descriptions. Peripheral costs incurred would be for the necessary equipment and supplies (e.g. lap top computer, phone, copier, paper, and conference room located on premises).

XII. Oversight and Advisement: Include how oversight and overarching supervision will be provided, as well as guidance to optimize program execution and benefits.

A Pilot Project Advisory Committee ("Eldercaring Coordination Advisory Committee") will be created and may include all or some of the following possible members: one legal representative designated by the court's Legal Counsel one attorney experienced in Elder Law; one Elder Mediator qualified in eldercaring coordination; two Parenting Coordinators qualified in eldercaring

coordination; one trainer in elder mediation; one professional Guardian; one geriatric care manager or social worker; one mental health professional who is licensed or certified by the regulatory body of her or his state, province, or jurisdiction and who meets ACR qualifications to be an Eldercaring Coordinator; and one expert in elder abuse, neglect and exploitation. The Director of the Probate Division, Director of Mediation/Arbitration, Director of Family Division, Supervisor of Family Court Services, one General Magistrate, and one Probate Judge will be standing members of the Committee. The purpose of the Eldercaring Coordination Advisory Committee will be to:

- provide guidance and consultation as the Pilot Project develops
- assist in the creation of forms, procedures and protocols upon request
- assist in the development of standards of practice
- assist in on-going assessment of Pilot Project
- provide evaluation of Pilot Project
- provide information and training in topics related to the Pilot Project
- promote ethical practices
- assist in the forging of collaborations of various professional disciplines that work with elders and their families

The Eldercaring Coordination Advisory Committee members will commit to quarterly meetings and to their availability for individual assistance upon request.

XIII. Pilot Project Tasks and Responsibilities: Detail the developmental and operational task, who would perform them, deadline, and anticipated outcome.

| Key Activity | Responsible Person(s) | Time Frame | Outcome |
|--|------------------------------|-------------------|----------------|
| Selection of Eldercaring Coordinators | | | |
| Selection of Advisory Committee members | | | |
| Scheduling Elder Mediation training | | | |
| Creating procedures (Standing members of Advisory Committee to approve) | | | |
| Creating forms (Standing members of Advisory Committee to approve) | | | |
| Training of Probate Case Managers | | | |
| Training of Judiciary | | | |

| | | | |
|---|--|--|--|
| Coordinate on-going training in elder issues | | | |
|---|--|--|--|

XIII. Eldercaring Coordination Pilot Project Assessment: *A representative of each Pilot Site will be invited to participate on the ACR Pilot Project Workgroup in order to provide support, exchange information, and confront challenges together. Additionally, a Pilot Project Assessment will be provided by the ACR Project Assessment Team, who will make available pre- and post-surveys for the elder, other participants and Eldercaring Coordinator in each case referred for Eldercaring Coordination. The ACR Project Assessment Team will be provided with the completed surveys which they will conduct their analysis. The information will be provided to all Pilot Project sites participating in order to continue to improve the process throughout the implementation of the Pilot Project.*

IXX. Pilot Project Completion and Review: Include term of project and project assessment process.

The Pilot Project will be considered complete when at least six cases have completed the eldercaring coordination process through its term. The Advisory Committee may choose to modify this time period.

Once the Pilot Project is completed, an assessment of the Pilot Project will be conducted by the Advisory Committee, which may include information provided by the ACR Pilot Project Assessment Team. The information will be presented to the Administrative Judge of the Probate/Guardianship Division, the Administrative Judge of the Family Division, the Trial Court Administrator, and the Chief Judge.

Exhibit: A

| | |
|-------------|-----------------------------------|
| | IN THE CIRCUIT COURT OF THE _____ |
| | JUDICIAL CIRCUIT IN AND FOR |
| | _____ COUNTY, STATE |
| Petitioner, | DIVISION: |
| and | CASE NUMBER: |
| | SECTION: |
| Respondent, | |
| _____ / | |

ORDER OF REFERRAL TO ELDERCARE COORDINATOR

- THIS MATTER having come before the Court upon:
- the Court's own Motion;
 - Motion of the elder;
 - Motion of parties other than the elder;
 - Stipulation of the elder and other parties, or

Motion by _____,
for Appointment of an Eldercaring Coordinator, the Court having reviewed the Motion and the Court file, taken the testimony presented, considered argument of counsel, and being otherwise duly advised in the premise, **FINDS:**

A. Eldercaring Coordination Process. Eldercaring coordination is a dispute resolution process during which an Eldercaring Coordinator assists elders, legally authorized decision-makers, and others who participate by court order or invitation to resolve disputes with high conflict levels in a manner that respects the elder's need for autonomy and safety.

B. Appropriateness of Process. This matter is appropriate for eldercaring coordination and it is in the best interest of the elder: _____.

C. Eldercaring Coordinator. An Eldercaring Coordinator is an impartial third person whose role is to assist the parties by:

- Facilitating more effective communication, negotiation, and problem-solving skills;
- Offering education about elder care resources;
- Facilitating the creation, modification, or implementation of an elder care plan if such a plan is necessary to reach a resolution;
- Making recommendations for resolutions; and
- Making decisions within the scope of a court order or with the parties' prior approval.

D. Selection of Eldercaring Coordinator. The following Eldercaring Coordinator was selected by parties' agreement the court:

Name: _____

Address: _____

Telephone: _____

Fax Number: _____

Email: _____

E. History of Elder Abuse/Domestic Violence. Based upon testimony and evidence presented, a review of related court records, or other representations made to the Court, the Court has determined:

- There is no history of elder abuse, neglect, or exploitation
- There is no history of domestic violence
- There has been a history of verified elder abuse, neglect, or exploitation
- There has been a history of domestic violence, and:
- Each party has had an opportunity to consult with an attorney or domestic violence advocate before this Court has accepted the parties' consent; and
- The elder and each party participating have consented to this referral and the consent has been given freely and voluntarily.

All confidentiality provisions in applicable statutes or Family Rules of Procedure continue to apply to the records made available to the court. The identity of any person reporting the abuse, neglect,

or exploitation is not to be released.

It is therefore, **ORDERED**:

1. **Eldercaring Coordinator.** The elder and following parties are ordered to participate in the eldercaring coordination process: _____

The parties are required to contact the Eldercaring Coordinator within ten (10) working days of the date of this Order to schedule the first appointment.

a. The Eldercaring Coordinator is appointed to serve the Court for an initial period of _____ months (not to exceed two years). The Eldercaring Coordinator shall file a response to this Order within 30 working days accepting or declining the appointment. At any time, any party or the Eldercaring Coordinator may apply directly to the Court for a discharge and shall provide the parties and counsel with notice of the application of discharge.

b. The parties or their attorneys must provide to the Eldercaring Coordinator copies of all pleadings and orders filed in this case, as well as such pleadings and orders related to domestic violence, elder abuse, neglect, or exploitation, and any other pleadings and orders requested by the Eldercaring Coordinator related to eldercaring coordination.

2. **Meetings.** The Eldercaring Coordinator may recommend and, unless otherwise directed by the court, may invite others to participate in the eldercaring coordination process that may provide information, support, or other assistance in facilitating dispute resolution. The Eldercaring Coordinator shall determine the schedule and location for appointments.

3. **Domestic Violence Safeguards.** The parties shall adhere to all provisions of any injunction for protection or conditions of bail, probation, or a sentence arising from criminal proceedings. In addition to any safety measures the Eldercaring Coordinator deems necessary, the following safeguards must be implemented to protect the parties during the process of eldercaring coordination:

- None are necessary.
- No joint meetings.
- No direct negotiations.
- No direct communications.
- Other: _____

4. **Role, Responsibility, and Authority of Eldercaring Coordinator.** The Eldercaring Coordinator shall have the following role, responsibility, and authority:

a. Facilitating the ability of the elder and other eldercaring coordination participants to work collaboratively in a way that respects the safety and autonomy of the elder. The Eldercaring Coordinator shall, for those purposes, initiate referrals for services and investigations if necessary and make recommendations to the parties as he/she deems appropriate.

b. Assisting the parties in creating, modifying and implementing an elder care plan, if necessary to reach a resolution.

c. Educating the parties and developing strategies to more effectively:

- i. Focus on the needs and care of the elder;
- ii. Minimize conflicts;
- iii. Communicate and negotiate with each other;
- iv. Understand the effects of conflict on the elder and each other;
- v. Disengage from another party when engagement leads to conflicts and non-cooperation;
- vi. Identify the sources of their conflict with each other and work individually and/or jointly to minimize conflict and lessen its deleterious effects on the elder; and
- vi. Allow the elder to live free from the threat of being caught in the middle of disputes regarding his or her care, needs and safety.

d. Assisting the elder and parties in identifying and utilizing resources that may assist them in resolving issues regarding the care, safety, and well-being of the elder.

e. Reporting or communicating with the Court concerning nonconfidential matters as provided in paragraph 10 of this order. In the event that the Eldercaring Coordinator is unable to adequately perform the duties in accordance with the court's direction, the Eldercaring Coordinator shall file a written request for status conference.

f. Providing information to health care practitioners and other professionals when the Eldercaring Coordinator deems it is reasonable and necessary.

g. Teaching eldercaring coordination participants communication skills, principles of adult development, and issues facing elders as they age.

5. **Communication:** The Eldercaring Coordinator may communicate with the parties separately or together, in person, by telephone, or any other means, unless otherwise prohibited by court order or applicable law. The Eldercaring Coordinator shall devise detailed guidelines or rules for communication and interaction among the participants and practice those rules with the participants.

6. **Releases of Information:** The Eldercaring Coordinator is entitled to communicate with the parties, health care providers, psychosocial providers, guardian, and any other third party deemed necessary by the Eldercaring Coordinator for the eldercaring coordination process. The participants will cooperate with the Eldercaring Coordinator and shall execute any necessary releases for communications related to the elder. In the event that any psychological evaluations, guardian reports, or any other reports related to the elder are prepared for any participant, the Eldercaring Coordinator may review such evaluations or reports. Furthermore, to the extent that any such evaluation or report is made confidential by any prior Order of the Court, then this Order shall authorize the release of said evaluation or report to the Eldercaring Coordinator.

7. **Scope of Authority.** The Eldercaring Coordinator shall make limited decisions within the scope of this Order of Referral, including:

With expressed written consent of the elder and parties designated in this court order, the Eldercaring Coordinator may have additional temporary decision-making authority to resolve specific non-substantive disputes between the parties until such time as a court order is entered modifying the decision; or make recommendations to the court concerning modifications to orders related to the resolution of disputes regarding the care of the elder.

8. Fees and Costs for Eldercaring Coordination.

a. The parties have consented to this referral to eldercaring coordination.
 This order is without consent of the parties, but the court has determined that the parties have the financial ability to pay the eldercaring coordination fees and costs.
 This order is without the consent of the parties. The Court has determined that one or more of the parties are indigent, but there are public and/or private funds available to pay the indigent parties' allocated portion of the fees.

b. The Court allocates payment of fees and costs for eldercaring coordination as follows:

_____ % shall be paid by _____.
_____ % shall be paid by _____.
_____ % shall be paid by _____.
_____ % shall be paid by _____.

Other: _____

c. If a party has caused the Eldercaring Coordinator to expend an unreasonable and unnecessary amount of time that party may be solely responsible for payment of the Eldercaring Coordinator's fees and costs for such time expended. Failure to pay the Eldercaring Coordinator's fees and costs in a timely manner may subject the party to sanctions for contempt of court.

d. The Eldercaring Coordinator shall not commence the eldercaring coordination process until he/she is satisfied with the terms and conditions of payment for his/her services. Further, the Eldercaring Coordinator shall not perform nor continue to perform the eldercaring coordination services in this case unless all of his/her fees and costs are paid by the parties as ordered, and, in the event of nonpayment, the Eldercaring Coordinator shall file a Request for Status Conference, and the Court will address the issue of non-payment of fees and costs.

9. Confidentiality. All communications made among the parties or between any party and the Eldercaring Coordinator during the eldercaring coordination process cannot be kept confidential from any other parties involved in the eldercaring coordination process. All communications are confidential to parties outside the eldercaring coordination process. However, the Eldercaring Coordinator has a duty to report any suspected abuse, neglect or exploitation required or permitted by applicable law. The Eldercaring Coordinator and each party may not testify or offer evidence about communications made by a party or the Eldercaring Coordinator during the eldercaring coordination meetings, except if:

a. It is necessary to identify, authenticate, confirm, or deny a written agreement entered into by the parties during eldercaring coordination;

b. The testimony or evidence is necessary to identify an issue for resolution by the Court without otherwise disclosing communications made by any party or the Eldercaring Coordinator;

c. The testimony or evidence is limited to the subject of a party's adherence to the Order of Referral to Eldercaresing Coordinator or other orders of the Court that are pertinent to the eldercaresing coordination process.

d. The Eldercaresing Coordinator is reporting that the case is unsafe or no longer appropriate for eldercaresing coordination;

e. The Eldercaresing Coordinator is reporting that he or she is unable or unwilling to continue to serve and that a successor Eldercaresing Coordinator should be appointed;

f. The Eldercaresing Coordinator is not qualified to address or resolve certain issues in the case and a more qualified Coordinator should be appointed;

g. All participants and the Eldercaresing Coordinator agree that the testimony or evidence be permitted; or

h. The testimony, evidence, or report is necessary to protect any person from current future acts that would constitute abuse, neglect, or exploitation of an elder.

10. Agreement on Non-confidentiality. The participants can agree to waive confidentiality of a specific communication or all communications. The waiver must be in writing, signed by the participants and their respective counsel. The waiver shall be filed with the Court and a copy served on the Eldercaresing Coordinator. Any participant may revoke his or her waiver of confidentiality by providing written notice signed by the participant. The revocation shall be filed with the Court and a copy served on the other participants and the Eldercaresing Coordinator. The Eldercaresing Coordinator may submit a written report or other written communication regarding any nonconfidential matter to the court.

11. Testimony and Discovery. An Eldercaresing Coordinator shall not be called to testify or be subject to the discovery rules of this circuit or jurisdiction unless the court makes a prior finding of good cause. A party must file a motion, alleging good cause why the court should allow the Eldercaresing Coordinator to testify or be subject to discovery. The requesting party shall serve the motion and notice of hearing on the Eldercaresing Coordinator. The requesting party shall initially be responsible for the Eldercaresing Coordinator's fees and costs incurred as a result of the motion.

12. Withdrawal Procedure. With Court approval, the Eldercaresing Coordinator may withdraw from the role of Eldercaresing Coordinator. The Eldercaresing Coordinator shall apply directly to the Court with a request to be discharged, and shall provide notice to the participants and their counsel of the request to withdrawal.

13. Complaints Procedure: A party may make a written complaint to an Eldercaresing Coordinator regarding the Coordinator's conduct. After a party reviews a written complaint with the Eldercaresing Coordinator, if the complaint has not been resolved to the party's satisfaction that party may seek to terminate the services of a court-appointed Eldercaresing Coordinator by filing a motion with the Court. The presiding judge may remove the Eldercaresing Coordinator from the case, and upon a finding of good cause, may refer the complaint to the state's, province's, or jurisdiction's regulatory body overseeing any professional license or certification held by the Eldercaresing Coordinator. The court may also appoint a substitute Eldercaresing Coordinator. The Eldercaresing Coordinator's services may not be terminated by any of the parties, or at the request

of all parties, without order of this Court.

14. **Stipulation:** any written stipulation of parties to utilize the eldercaring coordination process filed with this court is incorporated into this Order.

14. **Reservation of Jurisdiction.** This Court specifically reserves jurisdiction to enforce and/or modify the terms and conditions of this Order.

DONE AND ORDERED in _____ County, State,
on this ____ day of _____, 201__.

Circuit Judge

Copies to:

Name of Party:
Counsel for Party
Address of Counsel

Name of Party:
Counsel for Party
Address of Counsel

Other:

Exhibit: B

IN THE CIRCUIT COURT OF THE _____
JUDICIAL CIRCUIT IN AND FOR
_____ COUNTY, STATE

Petitioner,

and

DIVISION:
CASE NUMBER:
SECTION:

Respondent.
_____ /

RESPONSE BY ELDERCARING COORDINATOR

I, {name} _____, notify the Court and affirm the following:

1. Acceptance: [check **one** only]

I accept the appointment as Eldercaring Coordinator.

I decline the appointment as Eldercaring Coordinator.

2. Qualifications: [check **one** only]

I meet the qualifications as an Eldercaring Coordinator recommended by the Association for Conflict Resolution Task Force on Eldercaring Coordination.

I do not meet the qualifications recommended by the Association for Conflict Resolution. However, the parties have chosen me by mutual consent and I believe I can perform the services of an Eldercaring Coordinator because:

3. I am not aware of any conflict, circumstance, or reason that renders me unable to serve as the Eldercaring Coordinator in this matter and I will immediately inform the court and the parties if such arises.

4. I understand my role, responsibility, and authority under the Order Referring Parties to Eldercaring Coordinator dated ____/____/____.

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I hereby affirm the truth of the statements in this acceptance and understand that if I make any false representations in this acceptance, I am subject to sanctions by the Court.

Date _____

Signature of Eldercaring Coordinator

Printed Name: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

E-mail: _____

Professional License or Certification # _____

Name and location of regulatory body issuing professional license or certification

Copies to:

____ Presiding Judge _____

____ Petitioner _____

____ Attorney for Petitioner _____

____ Respondent _____

____ Attorney for Respondent _____
____ Other: _____

Exhibit: C

IN THE CIRCUIT COURT OF THE _____
JUDICIAL CIRCUIT IN AND FOR _____
COUNTY, STATE

Petitioner,

and

Respondent.

DIVISION:
CASE NUMBER:
SECTION:

_____ /

ELDERCARING COORDINATOR REPORT OF AN EMERGENCY

The undersigned Eldercaring Coordinator reports an emergency to the court:

1. _____ With notice to the parties. A party has obtained a final order or injunction of protection against domestic violence or has been arrested for an act of domestic violence, elder abuse, neglect or exploitation.
2. _____ Without notice to the parties pursuant to applicable law or Family Law Rule of Procedure

a. ____ There is a reasonable cause to suspect the elder has or is being abused, neglected, or exploited, or the elder's health, safety and well-being are in immediate jeopardy.

b. ____ There is a reasonable cause to suspect that a child will suffer or is suffering abuse, neglect, or abandonment.

c. ____ A participant of the eldercaring coordination, or someone acting on the elder's behalf, is expected to wrongfully remove or is wrongfully removing the elder from the jurisdiction of the court without prior approval of the court.

d. ____ It is necessary to protect any person from future acts that would constitute domestic violence or abuse, neglect, or exploitation of an elderly or disabled adult.

e. ____ There is a pending investigation by the Adult or Child Protective Services.

3. Describe the emergency:

VERIFICATION BY ELDERCARING COORDINATOR Emergency is true and correct to the best of my knowledge and belief.

Date _____
Signature of Eldercaring Coordinator
Printed Name: _____
Address: _____
City, State, Zip: _____
Telephone Number: _____
E-mail: _____
Professional License or Certification # _____
Name and location of regulatory body issuing professional
license or certification

STATE OF STATE
COUNTY OF _____

Sworn to or affirmed and signed before me on _____ by _____.

NOTARY PUBLIC or DEPUTY CLERK

[Print, type, or stamp commissioned name of notary
or deputy clerk.]

_____ Personally known
_____ Produced identification
Type of identification produced _____

Copies to:
_____ Presiding Judge _____
_____ Petitioner _____
_____ Attorney for Petitioner _____
_____ Respondent _____
_____ Attorney for Respondent _____
_____ Other: _____

Exhibit: D

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR DADE
COUNTY, STATE

Petitioner,

and

DIVISION:
CASE NUMBER:
SECTION:

Respondent.

_____ /

ELDERCARING COORDINATOR REQUEST FOR STATUS CONFERENCE

The undersigned Eldercaring Coordinator requests a status conference in this case:
(choose all that apply)

1. _____ To request direction from the court concerning: _____

_____.

2. _____ To request resolution by the court regarding: _____

_____.

3. _____ To report adherence of _____ to the Order of Referral to Eldercaring Coordinator, orders for psychological evaluation, counseling ordered by the court or recommended by a health care provider, or for substance abuse testing or treatment.

4. _____ To report that the case is no longer appropriate for eldercaring coordination.

5. _____ To report that the undersigned Eldercaring Coordinator is not qualified to address or resolve certain issues in this case and a more qualified successor Eldercaring Coordinator should be appointed.

6. _____ The undersigned Eldercaring Coordinator is unable or unwilling to continue to serve and a successor Eldercaring Coordinator should be appointed.

WHEREFORE, the undersigned Eldercaring Coordinator requests that a Status Conference be set by the Court.

Date _____

Signature of Eldercaring Coordinator

Signature of Eldercaring Coordinator

Printed Name: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

E-mail: _____

Professional License or Certification # _____

Name and location of regulatory body issuing professional
license or certification

Copies to:

_____ Presiding Judge _____

_____ Petitioner _____

_____ Attorney for Petitioner _____

_____ Respondent _____

_____ Attorney for Respondent _____

_____ Other: _____

APPENDIX D:

Eldercaring Coordination Pilot Project Assessment Pre- and Post-Surveys for Elders, Other Participants, and Eldercaring Coordinators

The Association for Conflict Resolution (ACR) Task Force on Eldercaring Coordination has been dedicated to the development of eldercaring coordination and provided Guidelines for Eldercaring Coordinators including training protocols and an Eldercaring Coordination Court Pilot Project Proposal to assist in its responsible implementation by court circuits, programs and providers. An Eldercaring Coordination Pilot Project Assessment Tool was developed through a collaboration of the ACR Task Force on Eldercaring Coordination and the Florida Chapter of the Association of Family and Conciliation Courts Task Force on Eldercaring Coordination as a template for circuits, providers and programs to use in order to retrieve helpful information that may guide the course of eldercaring coordination. These pre- and post- surveys for elders, other participants and the Eldercaring Coordinator encompass questions which target responses regarding areas such as:

- Demographics
- Expectations of the process
- Fees and affordability
- Initial stage of the eldercaring coordination process
- Safety concerns
- Perceptions of the eldercaring coordination experience
- The Eldercaring Coordinator
- Overview of the process
- Outcome of the eldercaring coordination process

The questions posted are for data collection purposes only and not endorsing any practices or activities that are referenced.

The ACR Task Force on Eldercaring Coordination Project Assessment Team will be utilizing the surveys to glean information from Court Pilot Project sites to further enhance the success of the eldercaring coordination process. It is expected that the analysis of the surveys by an independent research group will be utilized in ways that best meet the needs of the participants, court circuits, programs and providers.

For more information, please contact ACR Task Force on Eldercaring Coordination Co-Chairs:

Linda Fieldstone, M.Ed.
305-349-5589
Lfieldstone@jud11.flcourts.org

Sue Bronson, LCSW
414-841-6689
sbronson@wi.rr.com

APPENDIX E:

REPRESENTATIVES OF ORGANIZATIONS COMPOSING ACR TASK FORCE ON ELDERCARE COORDINATION (Position When Representative Joined ACR Task Force)

Co-Chair Sue Bronson, LCSW, Immediate Past ACR Elder Section Co-Chair
Association for Conflict Resolution

Co-Chair Linda Fieldstone, M.Ed., Past President
Association of Family and Conciliation Courts

Georgia Anetzberger, President
National Committee on the Prevention of Elder Abuse

Joan Braun, Co-Chair Elder Section
Association of Conflict Resolution

Andrew Capehart, Assistant Director
National Adult Protective Services Association

Christie Coates, Designee, Past President
Association of Family and Conciliation Courts

Annice Davis-White, Designee
National Association of Professional Geriatric Care Managers

Resa Eisen, MSW, RSW, Designee
Alternative Dispute Resolution Institute of Canada

Amie Gourlay, Director
Hamlin University School of Law

Julie Gray, President
National Association of Professional Geriatric Care Managers

Trudy Gregorie, President
National Committee on the Prevention of Elder Abuse

Kim Grier, President
National Guardianship Association

Chris Herman, MSW, LICSW, Senior Practice Associate
National Association of Social Workers

Sally Hurme, Project Advisor on Education and Outreach
Association of American Retired Persons

Hon. Sandy Karlan, President
Florida Chapter of the Association of Family and Conciliation Courts

Michael Kirtland, J.D., LL.M., CELA, Designee
National Academy of Elder Law Attorneys

Karen Largent, Elder Section
Association of Conflict Resolution

Sandy Markwood, Chief Executive Officer
National Association of Area Agencies on Aging

Linda Oxford, LCSW, LMFT, Designee
American Association for Marriage and Family Therapy

Meredith Ponder, Federal Policy and Media Coordinator
Elder Justice Coalition

Mary Joy Quinn, President
National Guardianship Network

Jessica Singer, J.D, Designee
National Council of Juvenile and Family Court Judges

Matt Sullivan, Ph.D., Designee, Board of Directors
Association of Family and Conciliation Courts

Brenda Uekert, Principle Court Research Consultant
National Center for State Courts

Erica Wood, Assistant Director,
American Bar Association Commission on Law and Aging

Hon. Mike Wood, President
National College of Probate Judges

Martin Zehr, Office on Aging
American Psychological Association

Zena Zumeta, J.D., Designee
American Bar Association Dispute Resolution Section