

Considering  
Guardianship  
or  
Conservatorship?

Consider  
**MEDIATION**

A private, confidential alternative  
to court proceedings

## **How can MEDIATION help when guardianship or conservatorship is being considered?**

Dealing with decisions about personal and financial needs can be complicated and stressful.

Family members and others close to the person for whom there are concerns, may feel overwhelmed, and may think they have no other options but guardianship or conservatorship.

At the same time, that may cause the person to feel threatened or betrayed because he or she stands to lose the right to make basic adult life decisions – to lose independence.

Mediation offers everyone, the person at the center of the concerns, his or her family, and those closely involved, an opportunity to discuss their concerns and needs, explore various options, and find solutions acceptable to everyone.

## **What is MEDIATION?**

Mediation is a private, confidential meeting in which people work together with the help of a neutral person (the mediator) to come up with a solution to a problem or concern.

The mediator does not make any decisions, or decide who's right or wrong. The mediator listens as people explain their concerns and helps them come up with and agree on a workable, mutually acceptable solution.

## **What does MEDIATION cost?**

A state grant covers the cost of the mediator through this program, so there is **no cost** to those who participate in mediation.

## What can be mediated?

Some example

- **Health, medical, and care decisions.**

*What is needed? Who should provide it?  
Who should make the decisions and how?*

- **Financial decisions**

*How should money be spent? How should  
investments be handled? What about  
“Unwise” spending?*

- **Independence**

*How to maintain maximum independence?  
How to balance self-determination and safety?*

- **Family and Relationship issues**

*How do we deal with conflicts – new and old?  
Death of a spouse - or new spouse?*

- **Living arrangements**

*Where? With whom? Who decides – and how? How much supervision is needed?*

- **Decision-making**

*How is information shared or understood? Who should be involved? Who has authority? How do we want to make decisions?*

- **Respite and support for caregivers**

*How to meet needs of caregivers? What are options for respite and support?*

- **Safety concerns**

*What are the safety concerns? Is the level of risk understood? Is it acceptable? What are the least restrictive alternatives? Who should be guardian if one is needed?*

## **Why try MEDIATION in Guardianship or Conservatorship cases?**

MEDIATION helps families and others have difficult conversations.

MEDIATION gives participants responsibility and control over the issues and outcomes.

MEDIATION offers everyone a chance to be heard – and to better understand others' views.

MEDIATION allows people to move beyond surface issues in disputes and address underlying needs and concerns.

MEDIATION is private and confidential.

MEDIATION helps people come up with plans and decisions that truly meet their needs.

MEDIATION can help balance independence and safety in decision-making.

## **What happens in MEDIATION?**

- The mediator makes sure everyone understands the process, and sets the ground rules.
- After everyone signs the confidentiality agreement, each person, one at a time, explains his or her point of view.
- The mediator helps everyone decide on the topics they want to discuss – the agenda.
- The mediator encourages participants to brainstorm options for solution and then to find the solutions that work best for them.
- The mediator helps people put their agreements – or plan - into writing.
- Everyone gets a copy of the agreement, which they may also give to the court to be incorporated into the court order.

## **How can I get MEDIATION services?**

These services are offered through the Alaska Court System\* in Anchorage, Kenai, Homer and Palmer courts. Beginning July 2007, services will be available through other courts.

A petition for guardianship or conservatorship must be filed - or a guardian or conservator already appointed.

Request mediation through the court that has the case. If you have an attorney, your attorney may request it for you.

A Request for Court Sponsored Guardianship Mediation form is available at the courts, or from the court website:

**<http://www.state.ak.us/courts/mediation.htm#b>**

\* This is a project of the Alaska Court System funded by a grant from the Alaska Mental Health Trust Authority, developed with community input, and provided technical assistance (including a model for this brochure) by The Center for Social Gerontology, Ann Arbor, MI.