

FAMILY MEDIATION TRAINING

N E W S L E T T E R

WINTER ISSUE 2020

ELDER MEDIATION

Elder Mediation is not Divorce Mediation for elderly people. Elder Mediation is usually a multi party process which explores issues and options toward the goal of maintaining a healthy family relationship. Elder Mediation is a hybrid of many professions, making it a unique form of mediation. It involves utilizing the therapeutic skills of a family mediator with the abilities of a civil/circuit or county mediator knowledgeable in dealing with multi parties. The goal is not just resolution but the ability of all parties to retain relationships beyond the mediation process. Elder mediation assists both family, civil/circuit as well as county mediators build on the skills they have already acquired. The two day course has been given 18.5 CLE's for attorneys as well as 16.0 CMEs.

For more information visit eldermediationtrainingflorida.com



NEWS FLASH

ELDER MEDIATION; TRAINING IN 2020: CALL OR EMAIL FOR INFORMATION

About our one day programs:
Track I: 3.0 CME hours of Marketing/ technology; Track II: learn about dealing with pro se clients; Track III emphasizes the workplace and Track IV emphasizes LGBTQ including mediating with temporary restraining orders. Each Track has 2.0 Ethics, 2.0 Interpersonal violence and 1.0 for ALL Mediators including Appellate Mediators.

OP ED ----- WHAT AND WHO IS A GOOD MEDIATOR

A spectrum of styles defines the difference as to what makes a "good mediator". Three basic types exist: transformative, facilitative and evaluative. Briefly, transformative mediators assist in empowering the persons in dispute by assisting the parties to recognize each others' needs, interests, values and concerns while reframing their communication so they may understand each other. Facilitative mediators offer no opinions or recommendations. They assist with options, seek common interests while validating, and normalizing the parties own interests. Both transformative and facilitative mediators are closely related in their format and often merge in their core theories. On the other hand, evaluative mediators model their mediations on settlement conferences. This is done by pointing out the weakness of each parties case, predicting what a court would do, making recommendations, discussing "legal rights" versus the needs and interests of the parties, discussing cost/benefit of continuation of the dispute and, of course, shuttle diplomacy (caucus).

IF YOU HAVE AN ARTICLE OF INTEREST WE WOULD BE PLEASED TO PUBLISH IT FOR YOU

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The truth is that evaluative has no place in family mediations. How can this format ever assist the parties who must work together post dissolution, learn to communicate and to understand the concern of the other spouse/ party? It is only "result driven" whereas in transformative and facilitative mediation the mediator assists the parties to learn a method of communication that will afford them the hoped for ability of not just empowerment within the mediation but the ability to continue in post divorce for the mutual benefit of their children.

Many mediators have come to believe also that certain "types" of mediators are better suited than others for certain family matters. For example, mental health professional/mediators are best suited for parenting issues whereas attorney or financial expert mediators are best suited for financial issues. This is not the case. Aptly put, "a good mediator is a good mediator regardless of their *other* profession" and it is faulty reasoning to think that a "resume" of one's background makes the mediator better at one area or another.

THE AGING OR GREYING DIVORCE

The "aging or greying" divorce is not a myth. Mediators are increasingly beginning to see divorce between spouses who have been married 40-50 years!! While parenting plans are not in play in and of themselves, neither are the financial affidavits. More often than not, many of these 40-50 year marriages are retired couples of "middle income" backgrounds. There are issues that neither spouse had anticipated in divorce. In these instances, the Mediator is crucial in assisting the parties in exploring exactly how the divorce will impact their financial and living situations.

Example: A husband and wife own a home in an over 55 community. Their maintenance is \$300 per month and other house related costs add up to total of \$1100 per month. Each of them have approximately \$2,000 in social security (totaling about \$4,000 per month) and medicare with supplemental insurance at a minimal extra cost. Will their finances, while sufficient when living together, be the same if they divorce? Even if the home valued at \$150,000 is sold, where and how will they live? Have they thought of where they will both be able to reside as a consequence? What about the cost of living post divorce? Will a total income for each of them (\$2,000 per month) be enough if they each have a residence, each have a maintenance, etc etc as opposed to the joint \$4,000 per month with one residence? Have they even begun to think through their real life options? Can they, for instance, live together yet separately in the same home? Should they divorce at all? And, if they decide not to divorce, what are their options if they continue to reside together? Most Mediators have parenting plans and options at their "fingertips" (think the Florida Parenting Plan) but how many Mediators have begun to think of the "grey" divorce?