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FLORIDA ENACTS LANDMARK ELDERCARING COORDINATION LAW

Miami, Fla. July 9—Florida is the first state in the nation to statutorily recognize eldercaring coordination, a court-ordered dispute resolution process for aging persons and their families that promotes respect for the voices, autonomy and safety of older adults.

Sen. Dennis Baxley (R-Ocala) and Rep. Brett Hage (R-The Villages) sponsored the legislation, which won unanimous approval of all committees and subcommittees of reference and on the floors of both houses during the 2021 Legislative Session. Gov. Ron DeSantis signed [CS/CS/HB 441](#) on June 4 and Section 44.407, Florida Statutes, became law on July 1.

Eldercaring coordination can protect older adults and help families avoid the costs, time and heartache involved in court battles over the care and safety of older adults. A trained eldercaring coordinator may be appointed by the court for up to two years to assist with transitions that families experience in caring for their aging loved ones. Eldercaring coordination can help to resolve non-legal issues more quickly, with less conflict and in a private forum rather than in court.

According to Baxley, the need for eldercaring coordination is great because family conflict jeopardizes the health and well-being of elders. “I am grateful to have had the opportunity to work this issue of providing alternative methods for dispute resolution in eldercaring,” said Baxley. “This legislation will improve the safety and autonomy of this vulnerable population.”

Hage said, “The Eldercaring Coordinator bill is a beautiful piece of legislation that provides families options and allows the aging elders voice to always be heard. Dealing with aging parents is difficult enough, not to mention those who are battling illness, both mental and physical. This bill allows a third party, under the direction of a judge, to step in and moderate the process amongst siblings, so the elder’s voice is not forgotten. This is a great bill!”

Background. Florida’s new eldercaring coordination statute resulted from a groundbreaking collaboration between the Association for Conflict Resolution and the Florida Chapter of the Association of Family and Conciliation Courts. In 2014, Linda Fieldstone, M.Ed. and Fifth Circuit Judge Michelle Morley created and co-chaired the FLAFCC Task Force on Eldercaring Coordination, which included 20 statewide entities and a well-credentialed advisory committee. The task force partnered with the Association for Conflict Resolution Task Force on Eldercaring Coordination—20 U.S. and Canadian organizations—and developed guidelines for eldercaring coordination. The guidelines are based on parenting coordination, a dispute resolution process for parents in high conflict regarding child-related issues.

In 2015, the two task forces merged into the Elder Justice Initiative on Eldercaring Coordination. Eight Florida circuits are pilot sites, paving the way for easily replicable pilot sites throughout the United States, in Canada and abroad. On World Elder Abuse Awareness Day 2018, the United Nations recognized eldercaring coordination as an Awareness to Action Model for the protection of aging persons.

Morley said eldercaring coordination is a process that has been needed for a long time. “Every time I talk about it with someone, I see people nodding their heads, acknowledging that they know someone

whose family has been hurt by conflict over the care of an aging loved one,” she said. “It breaks my heart to think of the wonderful and amazing people who are at the center of that family conflict in their waning years. They know they are not the strong, independent people they used to be, and they are dependent on people who fight about them. In court, this aging person is put in the spotlight—alone afraid, confused and often unheard—as family members argue about their personal abilities and future. Eldercaring coordination is a person-focused and strength-based process totally unlike the adversarial court process. It is a more sensible way to address the emotional and private family issues surrounding the care and autonomy of elder loved ones.”

Fieldstone said, “Thanks to the FLAFCC, Florida is serving as a model for a more compassionate and more effective resolution alternative for elders and their families in conflict. Even more importantly, we are helping to redefine the operational definition of family to include multi-generations that can better support and improve the lives of even the youngest members of the family.”

Current FLAFCC President Maria C. Gonzalez said that the legislation is a great achievement for the benefit of Florida elders, their families and their generations to come. “When you consider that the bills moved so quickly through the House and Senate, it is clear that our legislators fully understood the critical need for this type of elder law,” said Gonzalez. “We salute Sen. Baxley and Rep. Hage for their hard work and leadership to make our vision a reality.”

Learn more about eldercaring coordination at www.eldercaringcoordination.com.

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