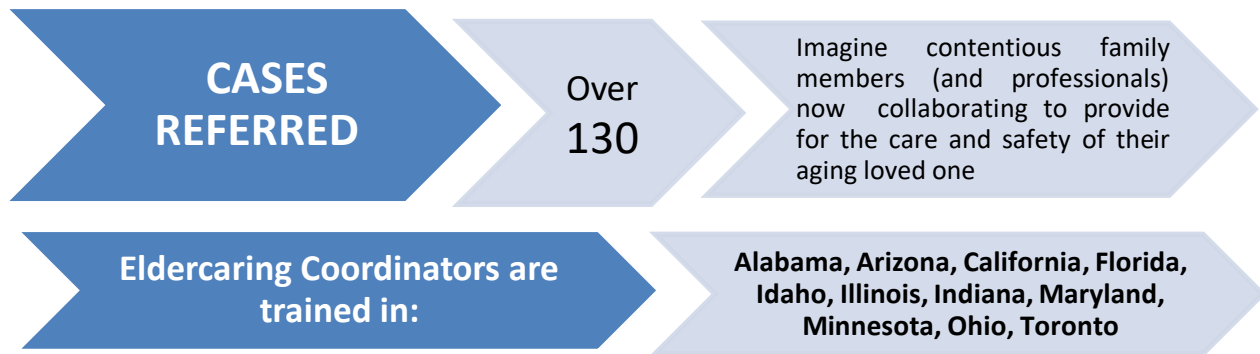


**Association for Conflict Resolution
Florida Chapter, Association of Family and Conciliation Courts**

**ELDER JUSTICE INITIATIVE ON ELDERCARE COORDINATION
2020 FIVE YEAR PROGRESS REPORT**

In just five years since its inception, eldercare coordination has emerged as an innovation in dispute resolution in the US and abroad. In honor of World Elder Abuse Awareness Day 2018, the United Nations highlighted eldercare coordination as an Awareness to Action Model for the Welfare of Aging Persons. Eldercare coordination was the focus of plenary sessions at the National College of Probate Judges, (2017), American Bar Association Dispute Resolution Section (2018), and the National Guardianship Association Conference (2019). In 2018, the American Bar Association Commission on Law and Aging included eldercare coordination on its Legislative Fact Sheet as a dispute resolution option for older adults and families in conflict. Planning discussions are taking place with stakeholders to bring eldercare coordination to Australia, New Zealand and Spain.



The driving force of the Eldercare Coordination Initiative has been the strength of conviction of the Judges, Magistrates, Program Administrators, Eldercare Coordinators and many others who are dedicated to increasing access to eldercare coordination as a viable dispute resolution process for high conflict families regarding the care and safety of aging persons.

ELDERCARE COORDINATION INITIATIVE OUTCOMES

- Significantly fewer motions to the court; and when filed, motions were more focused on legal, rather than nonlegal, issues; shorter, streamlined hearings; almost no emergency hearings
- Reduction of family conflict, minimizing risks and abuse, neglect and exploitation, to respect and preserve the dignity and quality of life for aging persons
- Incapacity determinations safely avoided
- Aging person and family can respond to issues quickly and privately through supported decision-making without having to wait for open dockets to address emotional, non-legal issues in court
- Increased awareness and use of elder mediation and the general need for conflict resolution options for elders and families
- Recognition that high conflict in families is a health issue for elders
- Continuous support of Eldercare Coordination Programs and Eldercare Coordinators provided through Eldercare Coordination Initiative
- Education and trainings provided virtually and in person, locally, nationally and abroad to increase awareness of eldercare coordination; presentations taking place during conferences of organizations with expressed missions specific to “children and families,” as well as those organizations regarding elders, and dispute resolution.



- **Enhancing the image of “family” to represent multiple generations, where the youngest benefit from the modeling of collaboration, understanding, tolerance and support as aging loved ones reach their last chapters, leaving a legacy of peace to all those that follow**

RESEARCH

- Virginia Tech University: experts Pamela Teaster, Ph.D., Director of the Center for Gerontology and Megan Dolbin-MacNab, Ph.D., Director of the Marriage and Family Doctoral Program: 5-year study of eldercaring coordination to inform the development of best practices; without further funding research will be limited.
- University of Toronto: Michael Saini, Ph.D., Associate Professor, Factor-Inwentash Faculty of Social Work, is developing ElderCaring Conflict Checklist to identify typology of conflict and develop targeted interventions for older families in conflict.

GRANTS AND FUNDING

- American Arbitration Association International Center for Dispute Resolution Foundation grant for ElderCaring Coordinator Trainings and creation of several educational videos
- Federal Grant/Elder Justice Innovation Grant/Administration for Community Living Federal Grant: Innovations in Community Living awarded to Spark County Ohio Court
- FLAFCC support for Florida ElderCaring Coordinator Training and the development of the ElderCaringCoordinationFL.org website
- Maryland Judiciary’s Mediation and Conflict Resolution Office (MACRO)
- StayWell/Well Care Medicaid/Medicare Health Plan Provider ElderCaring Coordination Scholarship Program

INTERNATIONAL INTERESTS

- Relationships Australia, Adult Safeguarding Unit, Office of Public Advocate, Australian Elder Mediation Association, Australasian Mediation Network, and Elder Mediation International Network are in planning stages to bring eldercaring coordination to Australia (2019-2020).
- The Col-legi Oficial de Psicologia de Catalunya designated a commission to explore dispute resolution options including the implementation of eldercaring coordination in Spain (2020).
- Churchill Fellowship application by Dominique Horne, Family Consultant, Mediation and Counseling, Project Co-Ordinator, Victoria, Australia (2018).
- Richard Dening, Manager Adult Restorative Justice Conferencing, Dispute Resolution Branch, Department of Justice and Attorney-General, Queensland, Australia, recommended the implementation of eldercaring coordination in his report to government (2017-18).

WEBSITE

ELDERCARINGCOORDINATION.COM
ELDERCARINGCOORDINATIONFL.ORG

COLLABORATIONS

- Adult Safeguarding Unit, Australia
- American Arbitration Association Foundation
- Australian National Mediation Association
- Australasian Mediation Network
- Dispute Resolution Center, Supreme Court of Ohio
- Florida Chapter of the Association of Family and Conciliation Courts



- Florida Court Clerks and Comptrollers
- Florida Bar Association: Elder; Alternative Dispute Resolution; Family; and Real Property, Probate and Trust Law Sections
- Florida Department of Adult Protective Services
- Florida Legal Aid
- Florida Department of Elder Affairs, Office of Public and Professional Guardians
- Florida Office of the Attorney General
- Idaho Supreme Court, Dispute Resolution Center
- Institute for the Advancement of the American Legal System
- International Mediation Association Network
- Maryland Supreme Court, Dispute Resolution Center
- National Adult Protective Services Association
- National Clearinghouse for Abuse in Later Life
- Office of Public Guardian, Australia
- Ohio Supreme Court, Dispute Resolution Section
- Ontario Bar Association, Elder Section
- Relationships Australia
- Shepard Broad College of Law, Nova University
- Southeast Michigan Senior Regional Collaborative
- StayWell/Well Care Health Plan Provider
- Stetson University College of Law
- Strauss Institute for Dispute Resolution, Pepperdine School of Law
- University of Toronto, Factor-Inwentash Faculty of Social Work
- Virginia Tech University, Center for Gerontology/Doctoral Program on Marriage & Family Therapy

CONFERENCES, PRESENTATIONS AND EVENTS

International Event:

- United Nations: Presented Eldercaring Coordination at World Elder Abuse Awareness Day, U.N. Headquarters, New York, June 14, 2018

International Conferences:

- Australian Institute of Family Studies (*postponed in 2021 due to COVID 19*)
- Australian National Mediation Conference
- Association of Family and Conciliation Courts Conferences
- Association for Conflict Resolutions
- Avant Touts, Les Enfants/Children Now 9th International Symposium. Montreal, Canada, Montreal
- International Association of Collaborative Professionals
- International Federation on Aging Global Conference, Toronto
- 21st Annual Trusts and Estates Summit/Law Society of Ontario

US National Presentations and events:

- American Bar Association Dispute Resolution Section
- American Bar Association Elder Law and Aging Annual Conference, *plenary session*
- American Bar Association Senior Lawyers Section
- American Society on Aging Annual Conference
- Gerontological Society of America
- National Academy of Elder Law Attorneys
- National Adult Protective Services Association
- National Association for Social Workers Southern District Conference
- National Council of Juvenile and Family Court Judges
- National College of Probate Judges, *plenary session*



- National Guardianship Association, *plenary session and continuing education credit for reading article on eldercaring coordination in National Academy of Elder Law Attorneys*
- U.S. Department of Justice and Office on Violence Against Women's View from the Bench: Roundtable Discussion with Judges about Elder Abuse, Neglect and Financial Exploitation

Webinars:

- American Society on Aging
- Association of Family and Conciliation Courts
- National Council of Juvenile and Family Court Judges
- Elder Mediation Australasian Network/Resolution Institute, New Zealand
- Webinar trainings also in California, Maryland, and Michigan

Statewide/Local Programs:

Presentations have occurred for judges and court staff trainings, local Bar Associations, public and professional guardianship organizations, government committees, nursing homes and independent living facilities, faith-based institutions.

COURT INTEGRATION OF ELDERCARE COORDINATION

- OHIO: Rule 79 of the Rules of Superintendence for the Courts of Ohio provides that a court exercising probate jurisdiction is authorized to facilitate the use of alternative dispute resolution by “[i]nforming the parties about eldercaring coordination, if available, and, upon agreement of the parties, entering an appropriate order either referring the dispute to eldercaring coordination or implementing the result of the eldercaring coordination process.”
- FLORIDA: the Florida Supreme Court approved eldercaring coordination for its legislative agenda for the 2021 session; Senator Dennis Baxley is sponsoring the Bill. Additionally, the 5th and 15th Judicial Circuits have Administrative Orders mandating that professional guardians, public guardians and court appointed lawyers must complete one hour of training on eldercaring coordination within six months of being added to the court’s registry/rotation lists.

SPREADING THE WORD!



See ACResolution magazine January 2020 issue devoted to eldercaring coordination:
www.acresolution-digital.org



See **Eldercaring Coordination YouTube** video funded by the AAA International Centre for Dispute Resolution Foundation

US National Publications:

Aging Today, American Society on Aging
 BiFocal, Journal of the American Bar Association Commission on Law and Aging
 Conflict Resolution Quarterly
 Experience, American Bar Association
 Family Court Review
 Journal of the American Academy of Matrimonial Lawyers
 Living Together, Separating, Divorcing, Surviving During a Pandemic
 NASW News, National Association for Social Work
 National Association of Elder Law Attorneys
 National College of Probate Judges
 Rupert J. Smith Law Library “Friendly Passages” Newsletter



Statewide/Province News:

States with Eldercaring Coordination Programs have disseminated information through local chapters of national organizations, Supreme Court newsletters, websites and publications, and newspaper articles.

NOTEWORTHY LINKS

- **U.S. Department of Justice and Office on Violence Against Women's View from the Bench: Judicial Roundtable Discussion on Elder Abuse, Neglect and Financial Exploitation**, June 11, 2019 (Judge Michelle Morley) <https://www.youtube.com/watch?v=37cJ8Xvvv0>
- **United Nations Presentation**, June 14, 2018, in commemoration of World Elder Abuse Awareness Day (Initiative Co-Chairs: Linda Fieldstone, Sue Bronson, Judge Michelle Morley) <http://webtv.un.org/meetings-events/watch/2018-world-elder-abuse-awareness-day-moving-from-awareness-to-action-through-a-human-rights-based-approach/5797702171001/?term=>
- **The American Bar Association Commission on Law and Aging legislative fact sheet**, Guardianship and the Right to Visitation, Communication, and Interaction, includes eldercaring coordination as an option for families in discord
 - <https://tcombudsman.org/uploads/files/issues/visitation-legislative-factsheet.pdf>
- **Ohio Chief Justice, 2018 Dispute Resolution Conference, included eldercaring coordination an example of innovation in Ohio**
 - <http://www.ohiochannel.org/video/chief-justice-oconnor-greeting-dispute-resolution-conference-2018>
- **Ohio judges training, 2018**
 - <http://www.ohiochannel.org/video/court-news-ohio-judges-trained-on-cutting-the-conflict-for-elderly-care>
- **Manatee Educational TV: Eldercaring Coordination with Judge Lee Haworth 2016**
 - <https://www.youtube.com/watch?v=srrDARtQFjM>
- **ACR Guidelines for Eldercaring Coordination**
 - <http://acrelsersection.weebly.com/resources.html>
 - https://www.afccnet.org/Portals/0/PublicDocuments/Guidelines/ACR_Guidelines_for_Eldercaring_Coordination_AFCC.pdf
- **FLAFCC Guidelines for Eldercaring Coordination**
 - www.flafcc.org/resources/

ELDERCARING COORDINATION INFRASTRUCTURE AND SUPPORT

- Program support including monthly meetings for discussion, consultation, and improvements to meet the challenges intrinsic to initiating change to existing systems
- Education and trainings for families, professionals and the court to increase awareness of eldercaring coordination
- Ongoing educational opportunities for Eldercaring Coordinators
- Support for research to enhance benefits of eldercaring coordination
- Enhancing the voice and increasing the safety of older adults
- Modeling positive conflict resolution for future generations

*For more information, contact the
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APPENDIX A: ACR and FLAFCC Task Forces

The Association for Conflict Resolution (ACR) Task Force on Eldercaring Coordination was initiated in 2013, comprised of twenty US and Canadian organizations. Their groundbreaking effort resulted in Guidelines for Eldercaring Coordination, unanimously approved by all twenty organizations in 2015. Working collaboratively and concurrently with the Florida Chapter of the Association of Family and Conciliation Courts (FLAFCC) Task Force on Eldercaring Coordination, including 20 statewide entities, the ACR Task Force was able to monitor how its broad framework could be applied to the needs of elders and families in a specific state. The Guidelines on Eldercaring Coordination provide Eldercaring Coordinator qualifications, ethical guidelines, grievance procedure, training protocols and Pilot Site template, with the tools essential to initiate and sustain Eldercaring Coordination Programs, including forms, protocols and procedures. In 2015, the Task Forces transitioned into the ACR/FLAFCC Elder Justice Initiative on Eldercaring Coordination (“Eldercaring Coordination Initiative”).

ACR TASK FORCE ORGANIZATIONS

- 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 for Conflict Resolution
- Association of Family and Conciliation Courts
- Elder Justice Coalition
- Hamlin University School of Law
- National Academy of Elder Law Attorneys
- National Adult Protective Services Association
- National Association of Aging Life Care Managers
- 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

FLAFCC TASK FORCE ENTITIES

- Elder Justice Center, 13th Circuit
- Florida Association for Marriage and Family Therapists
- Florida Attorney General’s Office
- Florida Bar Association Rules of Judicial Administration
- Florida Bar Elder Section
- Florida Chapter, Association of Family and Conciliation Courts



- Florida Chapter, National Association of Aging Live Care Managers
- Florida Chapter, National Association of Social Workers
- Florida Coalition Against Domestic Violence
- Florida Department of Children and Families Adult Protective Services
- Florida Health Care Association
- Florida Legal Services
- Florida Psychological Association
- Florida State Guardianship Association
- Florida State Ombudsman
- Mediation Training Group
- National Patient Advocate, Inc.
- Stetson University of Law Center for Excellence in Elder Law
- Office of Public Guardian, Office of Aging
- University of South Florida Conflict Resolution Collaborative

SPECIAL ADVISOR TO THE FLAFCC TASK FORCE

- Florida Dispute Resolution Center

APPENIDIX B: TASK FORCE GOALS

The ACR/FLAFCC Elder Justice Initiative is proud to report the completion of the Task Force goals. The Work Product Goals were created by the Task Forces in order to provide some structure to the development of eldercaring coordination and divided into three stages:

- Stage One: creation of the Guidelines for Eldercaring Coordination to provide the framework for the development of the process (completed 11/14)
- Stage Two: development of the infrastructure needed for the development of eldercaring coordination programs and opportunity for ongoing assessment of the process (completed 1/26/16)
- Stage Three: reassessment of work product for improvements and dissemination of results (completed 12/1/2020)

It was anticipated by the Task Forces that their final work product goals would be accomplished within five years from the initiation of the first Eldercaring Coordination Pilot Sites, which took place in 2015. This Eldercaring Coordination Initiative 5-Year Progress Report was generated in order to affirm the accomplishments made since that time and the conclusion of the final work product set out by the Task Forces.

The ACR/FLAFCC Elder Justice Initiative on Eldercaring Coordination remains grateful to the parent organizations, ACR and FLAFCC, and their respective Task Force organizations that developed the Guidelines for Eldercaring Coordination and the Pilot Sites that merged into Eldercaring Coordination Programs.



ACR/FLAFCC TASKFORCES ON ELDERCARING COORDINATION
FINAL WORK PRODUCT GOALS

Mission Statement: To develop Eldercaring Coordination as a dispute resolution option specifically for those high conflict cases involving issues related to the care and needs of elders and vulnerable adults. Eldercaring Coordination is to compliment, not replace, other services such as provision of legal information or legal representation, financial advisement, individual/family therapy, medical, psychological or psychiatric evaluation or mediation.

STAGE ONE/Completed November 2014

In order to develop Eldercaring Coordination to the extent that a qualified professional can facilitate this dispute resolution alternative for high conflict cases as described above, the following initial tasks were accomplished:

1. Name that is easily identifiable, compelling and adequately describes process
2. Definition of the process
3. Qualifications for those facilitating process
4. Initial Guidelines for Eldercaring Coordination
5. Initial Training Protocols for Eldercaring Coordinators
6. Implications for reduction in elder abuse/neglect/family violence
7. Integration with the Court Plan/Court Eldercaring Coordination Project Proposal including templates of forms
8. Grievance process
9. Project Assessment Surveys

STAGE TWO/Completed January 2016

Stage Two provided for dissemination of Work Product and initial facilitation training for Eldercaring Coordinators, including:

1. Dissemination of work product to the courts, relevant professionals, and the public; increase library archive
2. Development of curriculum for and facilitation of initial training for Eldercaring Coordinators, with evaluation component to revise training as necessary and use as model and for consultation with programs to implement training
3. Assist with the integration of eldercaring coordination in court or court connected programs in circuits, jurisdictions, and provinces, and support the use of potential sources for funding
4. Implementation of an assessment component for those cases entering into the process

STAGE THREE/Completed November 2020

Stage Three involved the assessment phase and supports for existing and future development of eldercaring coordination:

1. Review of work product for improvements
2. Develop "Frequently Asked Questions"
3. Revise Eldercaring Coordinator Training Curriculum and Protocols to serve as ongoing model for future trainings
4. Eldercaring Coordination Speakers Bureau
5. Dissemination of outcomes

CONTINUED MISSION: The ACR/FLAFCC Elder Justice Initiative has met monthly with Pilot Sites and with ECs since the initiation of programs in 2015 and will continue to provide support for the development of eldercaring coordination and eldercaring coordination programs to enhance the quality of lives for elders while benefiting the generations that follow them.