

Alternatives to Guardianship (Part 9): Exploring the options with a mediator

Hello, I am here to talk about mediation. This is a valuable tool when considering alternatives to guardianship. The term, Alternatives to guardianship, refers to options for managing medical, financial, or other personal needs without a guardian. Considering these options is important because guardianship significantly interferes with a person's independence and rights. If you want to learn more about this, watch the rest of the series.

In a nutshell, Mediation can bring people together to explore the alternatives. It's a great way to identify services and supports that might avoid, limit, or end guardianship. How does it work?

CHAPTER HEADING: HOW DOES IT WORK?

Let's take a look. Simply put, mediation is a way to resolve disagreements or have difficult conversations with the assistance of a trained, neutral professional, called a mediator. Mediators help people have conversations about what is important to each person. It's not their job to give advice or make decisions; their job is to guide the discussion and to help you explore options and find solutions everyone supports. It can be useful for both legal and non-legal issues.

For example, a mediator can help resolve legal issues such as disagreements over who has authority to make medical decisions for a loved one or the need for a guardian. An example of a nonlegal issue might be disagreements about where a sick family member lives. Mediation can help the family talk through all sorts of issues, including the need for a guardian, who makes medical decisions, housing options, and even a schedule for visiting a parent.

For legal issues, mediation can be faster and less expensive than going to court. If you are not able to resolve all or some of your disagreements, court is still an option. Mediation provides an opportunity for people with opposing views or ideas to work together, to discover common ground and to unite around the person who may need assistance. Everyone has a chance to communicate what is important to them.

Another thing to know about mediation - it's a voluntary process. This means you cannot be forced into an agreement you don't want. It's also confidential. Nothing said in mediation can be used in court. Your mediator is not allowed to testify or discuss what is said in mediation except in rare situations. Visit mdcourts.gov/macro to learn more.

So, you might be asking yourself –How is mediation used to explore alternatives to guardianship?

CHAPTER HEADING: HOW IS MEDIATION USED TO EXPLORE ALTERNATIVES TO GUARDIANSHIP?

The goal of this type of mediation is to find the least restrictive option for the person who may need assistance or who is under guardianship. This means finding a solution that allows you or someone you care about to maintain the most independence. Keep in mind, the most restrictive option is guardianship. The least restrictive is no guardianship. There are, however, many possibilities in between.

Let's say you live alone in a neighborhood that's close to your job, friends, and activities you enjoy. You were recently in an accident and, while you're not as active as you used to be, you're able to get around

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and take care of yourself. You also have a network of friends and neighbors who are there to help you. However, your brother and sister are worried about you living alone. They want you to either go to an assisted living facility or move in with one of them. You don't like either of these options, but they both keep pressuring you. Your brother recently said he wants to talk to a lawyer about getting guardianship over you. You think, "Whoa!" Maybe a mediator can help.

CHAPTER HEADING: MAYBE A MEDIATOR CAN HELP

How? A mediator will bring the three of you together to share your concerns and to talk about what is important to each of you. They will guide the conversation, helping you find solutions that work for everybody. Be creative. For example, if your family is still concerned about you living alone, you might arrange a time for them to meet your friends and neighbors to see how well you are supported. Maybe you can schedule weekly family video chats so you all feel more connected. These types of solutions might make everyone more comfortable and allow you to keep your independence. The mediator will help you talk to each other, but they will not make decisions for you. The court, however, will.

If your brother had taken the case to court to get guardianship, the court would decide: "guardianship" or "no guardianship." With a mediator, you get to decide and come up with your own solutions.

Think about mediation if you or someone you care about wants to avoid, limit, or end a guardianship. It can help you save time and money and improve your relationships. If you think mediation is right for you, watch part 10 of this series to learn more. I hope this video has been helpful. Thanks for watching.