

Hi there. In this video, I'll explain how you can prepare for mediation if you are exploring alternatives to guardianship. The goal is to find the least restrictive arrangement for a person who may need assistance or who is under guardianship. Working with a trained mediator will help you explore options.

First, Let's talk about how to find a mediator.

CHAPTER HEADING: HOW TO FIND A MEDIATOR

You can start by visiting mdcourts.gov/macro where there are resources to assist you. You can also ask friends, family, lawyers, or others for referrals. Talk with potential mediators about their experience. For this type of mediation, it's helpful to work with someone who has experience with guardianship issues or a background working with people with disabilities or older adults. Ask the mediator how they work and about fees. The cost will vary by mediator but can be shared between the participants in the session. If your situation involves a legal issue that is already in court, the court may refer you to a mediator who works for them. There may be a fee for court referred mediators, but a waiver may be available based on your income.

Once you have a mediator, the next step is something called an intake.

CHAPTER HEADING: INTAKE

Every mediator has an intake process. In this first conversation, they will gain a better understanding of your situation. It will also help them identify who to invite to participate. This can include family members, friends, caregivers, and others who have information to share about your goals or needs. The mediator may try to talk with everyone as part of the intake process.

These conversations will also help determine whether mediation is safe and appropriate in your situation. For example, if there is a history of abuse or violence between any of the participants, it may not be safe or appropriate. The intake is also an opportunity for you to ask questions and to let the mediator know if you need any supports or accommodations to participate. Examples of accommodations include easy access to a restroom or a quiet space where you can take a break and gather your thoughts. Let the mediator know if you need an interpreter or help communicating, for example assistive technology or someone to help others understand your speech. Tell them if you need assistance with things like slowing down conversations or having information put in writing or translated into plain language. If you want to have a support person or a lawyer with you, let the mediator know. It's their job to make sure the session is safe and everyone is able to participate in meaningful ways.

Once your mediation is scheduled, there are a couple things you can do to prepare.

CHAPTER HEADING: THINGS YOU CAN DO TO PREPARE

The first thing is to make a list of topics you want to discuss. Examples can include living arrangements, medical and mental health care, financial matters, communication issues, transportation, or caregivers. Your list can also include social interaction, for example visits or contact with family and friends.

Alternatives to Guardianship (Part 10): Preparing for mediation

The second thing: Be prepared to keep an open mind. The mediator can help you and the other participants identify options and ideas you may not have considered.

Third: It is important to remember that the focus of this type of mediation should be on the person who is at risk of or under guardianship. Things that are discussed in mediation may affect their rights, their personal and financial independence, and their dignity. However, everyone's thoughts, feeling, and concerns will be heard. It's a space for all involved to share what's important to them and to develop a plan to move forward.

CHAPTER HEADING: A PLAN TO MOVE FOWARD

A lot of things can happen in mediation. You and the other participants may agree that you or the person you care about does not need a guardian or assistance with their personal or financial affairs. If some help is needed, maybe together you'll identify alternatives that can be put in place without needing to go to court. You might find that you agree on some issues, but not all. You may also realize that you need the court to get involved. Mediation provides an opportunity for everyone to explain what is important to them, to discuss possible options, and ultimately develop a plan that meets everyone's needs. It can also help heal relationships at what may be a difficult and emotional time.

I hope this video has been helpful. Thanks for watching and for considering mediation to explore the alternatives to guardianship.