


**ELDERCARE COORDINATION:
INNOVATION IN CONFLICT RESOLUTION
FOR ELDERS & THEIR FAMILIES**

Sue Bronson, LCSW
Linda Fieldstone, M.Ed.
Hon. Dixilene Park

Association for Conflict Resolution **18**
Dispute Resolution
CONFERENCE

BROADENING THE DEFINITION OF "FAMILY"



- Families do NOT age out of conflict!
- TIME TO EXPAND OUR PROFESSIONAL SERVICES

Association for Conflict Resolution Elder Justice Initiative on Eldercare Coordination **18**
Dispute Resolution
CONFERENCE

**ASSOCIATION FOR CONFLICT RESOLUTION INITIATIVE
ON ELDERCARE COORDINATION
US/CANADIAN ORGANIZATIONS**

Alternative Dispute Resolution Institute of Canada	National Adult Protective Services Association
American Association for Marriage and Family Therapy	National Academy of Elder Law Attorneys
American Bar Association Commission on Law & Aging	National Association of Area Agencies on Aging
American Bar Association Dispute Resolution Section	National Association Aging Life Care Professionals
American Psychological Association	National Association of Social Workers
Association of American Retired Persons	National Center for State Courts
Association of Conflict Resolution	Elder Justice Coalition
Association of Family and Conciliation Courts	College of Probate Judges
Hamlin University School of Law	National Committee on the Prevention of Elder Abuse
National Council of Juvenile and Family Court Judges	National Guardianship Association
National Guardianship Network	

•FLAFCC - Florida Statewide Organizations/Entities
•Advisory Committee offers support by recognized experts in related fields

Association for Conflict Resolution Elder Justice Initiative on Eldercare Coordination **18**
Dispute Resolution
CONFERENCE

FLAFCC TASK FORCE FLORIDA STATEWIDE ORGANIZATIONS/ENTITIES

Department of Children and Families Adult Protective Services
Elder Justice Center
Florida Association for Marriage and Family Therapy
Florida Attorney General's Office
Florida Bar Elder Section
Florida Chapter of the Association of Family and Conciliation Courts
Florida Chapter of the National Association of Social Workers
Florida Coalition Against Domestic Violence

Florida Dispute Resolution Center
Florida Legal Aid
Florida Psychological Association
Florida State Guardianship Association
Florida State Ombudsman
National Association of Professional Geriatric Care Managers
National Patient Advocate, Inc.
Mediation Training Group
Office of the Public Guardian
Stetson University College of Law Center for Excellence in Elder Law
University of South Florida Conflict Resolution Collaborative

Advisory Committees offered support by recognized experts in related fields.

Association for Conflict Resolution Elder Justice Initiative on Eldercaring Coordination



PURPOSE of PROJECT

- Address non-legal issues
- Avoid delays/make better decisions
- Free judicial time
- Foster self-determination
- Increase safety of elder and family
- Ready elder and family to work with others
- Create intergenerational support system



Association for Conflict Resolution Elder Justice Initiative on Eldercaring Coordination



DEFINITION of ELDERCARE COORDINATION

- A dispute resolution process during which an Eldercaring Coordinator (EC) assists elders, legally authorized decision-makers, and others who participate by court order or invitation to resolve disputes with high conflict levels in a manner that respects the elder's need for autonomy and safety...

Association for Conflict Resolution Elder Justice Initiative on Eldercaring Coordination



BY:

- Enabling more effective communication, negotiation and problem-solving skills;
- Offering education about elder care resources;
- Facilitating creation, modification, or implementation of elder care plan;
- Making recommendations for resolutions; and
- Making decisions within scope of court order or with parties' prior approval.

Transforming Intractable Conflict

Association for Conflict Resolution Elder Justice Initiative on Eldercaring Coordination



WHEN ELDERCARE COORDINATION?



When the conflict, rather than the issues, becomes the driving force of the family and/or litigation process.

Association for Conflict Resolution Elder Justice Initiative on Eldercaring Coordination



COURT PROCESSES EXACERBATE CONFLICT

- Promotes win-lose mentality
- Encourages manipulation and distortions
- Expectation of "punishment"
- Encourages alliances



Association for Conflict Resolution Elder Justice Initiative on Eldercaring Coordination



ELDER MEDIATION IMPASSE

- Forum for high conflict parties to vent, blame and threaten
- Looking for neutral to “side”
- Impasse heightens frustrations

Association for Conflict Resolution Elder Justice Initiative on Eldercaring Coordination



Elders are not “wrinkled children”...

- Elders have rights
- Accommodates needs of elder
- Shift in ages of clients
- *Process requires EXPERT*



ACR Elder Justice Initiative on Eldercaring Coordination



EC QUALIFICATIONS

- Minimum of Master’s degree
- Licensure or Certification
- Extensive practical experience in profession related to high conflict families
- Required training:
Family mediation, Elder mediation, Eldercaring coordination

Association for Conflict Resolution Elder Justice Initiative on Eldercaring Coordination



COMPARING PROCESSES	
ELDER/FAMILY MEDIATION	ELDERCARING COORDINATION
Issue Driven. Focus: Care of elder	Conflict Driven.Reducing conflict over elder's care and safety
Voluntary Process	Court Ordered
Screen for abuse, neglect, and exploitation	Ripe for identifying abuse, neglect, and exploitation
Facilitate negotiation and decision making	Multiple tools and strategies, person centered/trauma informed

Association for Conflict Resolution Elder Justice Initiative on Eldercaring Coordination

COMPARING PROCESSES	
ELDER LAW	ELDERCARING COORDINATION
Primarily dyads	Multiple parties/ stakeholders
One person is the client	Elder plus multiple parties are the clients
Family dynamics are distracting	Family dynamics are central to elder's care
Use of court motions and orders to accomplish goals	Work with family outside court to establish priorities and examine consequences

Association for Conflict Resolution Elder Justice Initiative on Eldercaring Coordination

COMPARING PROCESSES	
PARENTING COORDINATION	ELDERCARING COORDINATION
Primarily dyads	Multiple parties/ stakeholders
Parents are decision-makers	Elder/Elder's rep is decision-maker
Parents with minor children	Generational power-shifting
Addresses non-legal issues re: children	Addresses non-legal issues re: elders

Association for Conflict Resolution Elder Justice Initiative on Eldercaring Coordination

Pilot Sites:
FLORIDA, IDAHO, INDIANA, MINNESOTA, OHIO
 - Toronto (Ontario Bar Association)




One judge, or a group of judges, in a specific county, circuit or Province who order eldercaring coordination Or a group of attorneys who refer at least 6 cases through agreed orders...

Association for Conflict Resolution Elder Justice Initiative on Eldercaring Coordination




RESEARCH UP FRONT TO INFORM DEVELOPMENT OF ELDERCARING COORDINATION



- Pamela Teaster, Ph.D., Director, Center of Gerontology, Virginia Tech
- Megan Dolbin MacNab, Ph.D., Director, Doctoral Program for Marriage and Family Therapy, Virginia Tech


Association for Conflict Resolution Elder Justice Initiative on Eldercaring Coordination



MODEL PILOT SITE: STARK COUNTY, OHIO

- Visionary Judge Dixilene N. Park
- Funded through Elder Justice Innovation Grant Administration for Community Living Federal Grant
- ECs integral part of court process

Association for Conflict Resolution Elder Justice Initiative on Eldercaring Coordination



ESTABLISHING THE ELDERCARE COORDINATION PROGRAM

- Training
- Adoption of local rule
- Process for selection of EC cases
- Education
- Forms



Association for Conflict Resolution Elder Justice Initiative on Eldercare Coordination

IDENTIFYING CASES

- Mediation impasse
- Multiple motions
- Imbalance of power/alliances
- Possessive or controlling behavior toward the elder
- Constant disputes about unmeasurable or unsubstantiated items
- Cases completed with Adult Protective Services where concerns continue



Association for Conflict Resolution Elder Justice Initiative on Eldercare Coordination

SCREENING: SAFETY ISSUES AND IMPLICATIONS


- Neglect
- Vulnerability
- Unsafe environment
- Coercion
- Physical challenges
- Isolation
- Caregiver capacity
- Preventing visits with elder
- Substance abuse/mis-medication



Association for Conflict Resolution Elder Justice Initiative on Eldercare Coordination

BENEFITS

- Avoid guardianship
- Focus on elder's safety and prevent elder abuse
- Cost savings
- Fewer motions, fewer delays/time sensitive
- Person-centered care planning/Trauma informed process
- Expanded elder and family options
- Developing support system for both elder and family
- Heightened awareness and use of mediation
- Requesting the intervention of ECs
- Elder's/Family cognitive shifts



Association for Conflict Resolution Elder Justice Initiative on Eldercaring Coordination

CONFERENCE

MORE BENEFITS

- Potential to reallocate non-financial resources
- Avoids duplication of services, developing a more efficient service delivery system for elder
- Reduce repeated court motions (Peter Salem, 2009)
- Reduces polarization reinforced by repeated failed attempts at settlement (Johnston 2000)
- Self-determination to the extent possible (Yishai Boyarin, 2012)

Association for Conflict Resolution Elder Justice Initiative on Eldercaring Coordination

CONFERENCE

QUESTIONS?

Association for Conflict Resolution Elder Justice Initiative on Eldercaring Coordination

CONFERENCE

Pilot Projects on Eldercaring Coordination

ACR Task Force Guidelines:

<http://acreldersection.weebly.com>

www.ELDERCARINGCOORDINATIONFL.ORG

Association for Conflict Resolution Elder Justice Initiative on Eldercaring Coordination



Contact Information

Sue Bronson, M.S., LCSW

Co-Chair ACR Elder Justice Initiative on Eldercaring Coordination

sbronson@wi.rr.com

Contact Information

Linda Fieldstone

Co-Chair ACR Elder Justice Initiative on Eldercaring Coordination

lindafieldstone@outlook.com

**Contact
Information**

Hon. Dixilene Park
Stark County Probate Court
110 Central Plaza South, Suite 501
Canton, Ohio 44702

330.451.7755

DNPark@starkcountyohio.gov

Association for Conflict Resolution (ACR) Task Force on Eldercaring Coordination

ACR is a professional organization enhancing the practice and public understanding of conflict resolution.

ELDERCARING JUSTICE INITIATIVE ON ELDERCARING COORDINATION

In a ground breaking effort to improve the lives of elders and families involved in high conflict litigation, the ACR Task Force, composed of twenty US/Canadian organizations, collaborated the twenty statewide organizations in the Florida Chapter of the Association of Family and Conciliation Courts to develop **ELDERCARING COORDINATION**: "...a dispute resolution option specifically for those high conflict cases involving issues related to the care and needs of elders. Eldercaring Coordination is to compliment, not replace, other services such as provision of legal information or legal representation, individual/family therapy, medical, psychological or psychiatric evaluation or mediation."

More information can be found at:

www.EldercaringCoordinationFL.org

and at: <http://acreldersection.weebly.com/resources.html>

Definition of Eldercaring Coordination: a dispute resolution process during which an Eldercaring Coordinator assists elders, legally authorized decision-makers, and others who participate by court order or invitation, to resolve disputes with high conflict levels that impact the elder's autonomy and safety by:

- Enabling more effective communication, negotiation and problem-solving skills;
- Offering education about elder care resources;
- Facilitating the creation and implementation of an elder care plan;
- Making recommendations for resolutions; and
- Making decisions within the scope of a court order or with the parties' prior approval.

Five States are participating as Pilot Projects in Eldercaring Coordination including Florida, Indiana, Idaho, Ohio and Minnesota, and are leading this effort to:

- help manage high conflict family dynamics so that the elder, family and stakeholders can address their non-legal issues independently from the court, eliminating the need for the court to micromanage their family decision-making and freeing precious judicial time;
- ready the elder and family to work with collaterals to address medical and financial issues, avoiding delays and resulting in better decisions for the elder;
- promote as fully as possible the self-determination of the elder;
- promote safety by monitoring situations at high risk for abuse or neglect;
- provide a support system for the elder and family during times of transition while encouraging positive intergenerational influences;
- addressing matters for which dispute resolution processes have been unavailable or have been ineffective;
- enhance the definition and perception of "family" within the court to include older families with aging parents;
- promote collaborations to conserve court and community resources;

An independent research team lead by Pamela Teaster, Ph.D., Director Center for Gerontology, and Megan Dolbin-MacNab, Ph.D., Director of Doctoral Program in Marriage and Family Therapy of Virginia Tech University are studying the process to enhance eldercaring coordination as it progresses.

**The ACR Guidelines for Eldercaring Coordination can be found at
ACRnet.org and at AFCCnet.org**

Qualifications of Eldercaring Coordinators (“ECs”). The ACR and FLAFCC Task Forces on Eldercaring Coordination held the Inaugural Trainings for Eldercaring Coordinators, hosted by the Ohio Supreme Court and the Florida Chapter of AFCC, based upon the consensus that professional credentials, experience and training were paramount to the success of this project:

1. An Eldercaring Coordinator shall be licensed or certified by a regulatory body of a jurisdiction, state or province, with at least a master’s degree and all of the following:
 - a. Completion of family mediation training certified or approved by the circuit, state or province or commensurate with the objectives established by the Association for Conflict Resolution; and
 - b. Completion of elder mediation training certified or approved by the circuit, state or province or commensurate with the objectives established by the Association for Conflict Resolution; and
 - c. Completion of eldercaring coordination training certified or approved by the circuit, state or province or commensurate with the objectives established by the Association for Conflict Resolution; and
 - d. Extensive practical experience in a profession relating to high conflict within families.
2. An Eldercaring Coordinator shall be psychologically and cognitively able to perform the requirements of the Eldercaring Coordinator role; and have no situation, condition, impairment, or disorder that prevents the ethical, responsible and effective exercise of the Eldercaring Coordinator role.
3. An Eldercaring Coordinator must decline a case, discontinue service and immediately report to the court and the parties if any disqualifying circumstances as noted above occur, or if he or she no longer meets the minimum qualifications.

The following organizations/entities composed the ACR Task Force instrumental in the development of eldercaring coordination, the support for the initial Pilot Sites and the Inaugural Training for Eldercaring Coordination:

Alternative Dispute Resolution Institute of Canada	National Adult Protective Services Association
American Association for Marriage and Family Therapy	National Aging Life Care Association
American Bar Association Commission on Law and Aging	National Association of Area Agencies on Aging
American Bar Association Dispute Resolution Section	National Association of Social Workers
American Psychological Association	National Center for State Courts
Association of American Retired Persons	National Committee on the Prevention of Elder Abuse
Association of Conflict Resolution	National College of Probate Judges
Association of Family and Conciliation Courts	National Council of Juvenile and Family Court Judges
Elder Justice Coalition	National Guardianship Association
National Academy of Elder Law Attorneys	National Guardianship Network

Additional Pilot Project Sites Invited! The ACR Task Force on Eldercaring Coordination invites others who are interested in participating as a Project Site: one judge, or judges, in a specific circuit or county with the goal of referring at least 6 families who participate in eldercaring coordination OR a group of attorneys who will refer at least six cases to eldercaring coordination through agreed order. Please contact the Co-Chairs:

Linda Fieldstone, M.Ed.

Tel.: 305-206-8445

LindaFieldstone@outlook.com

Sue Bronson, LCSW

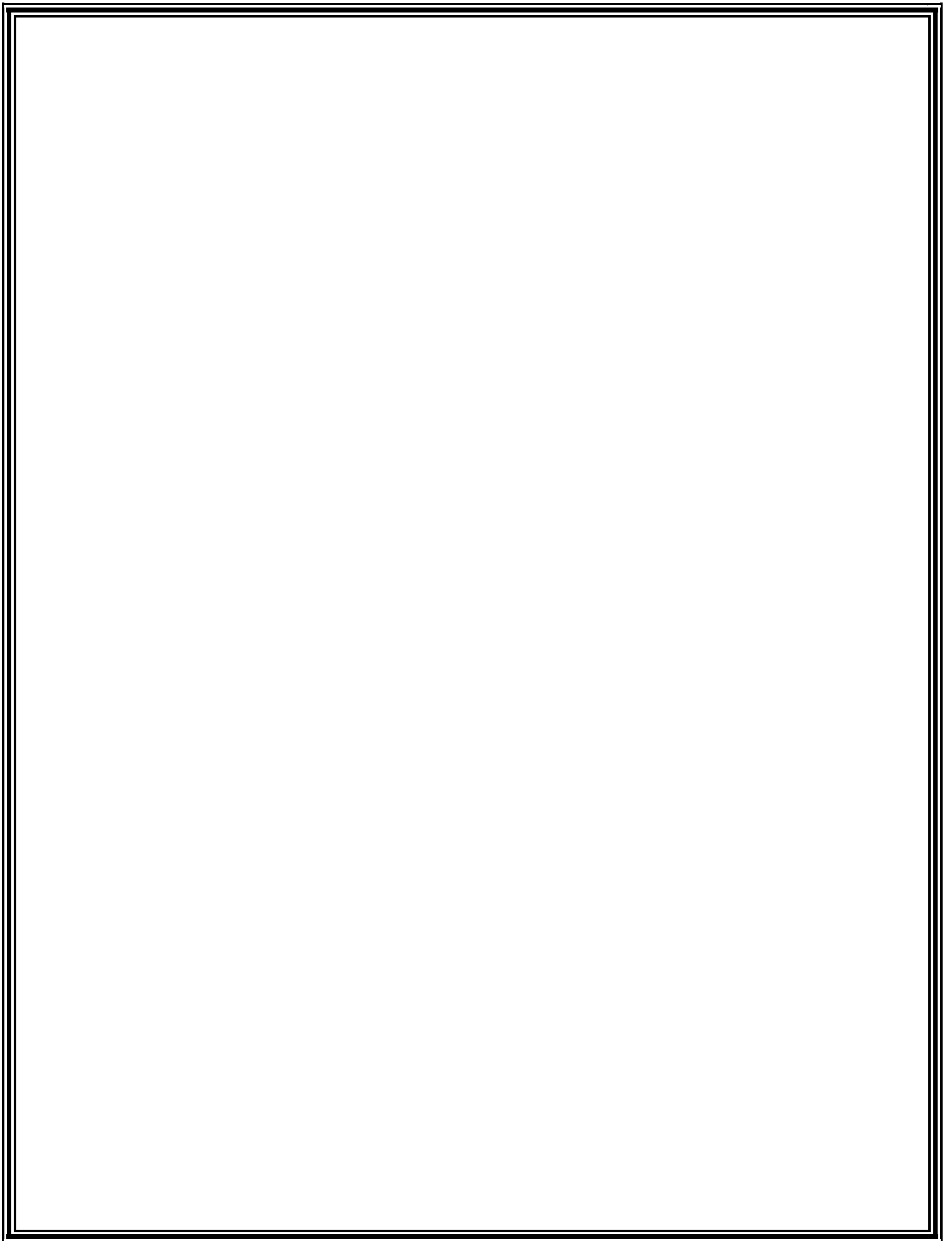
Tel.: 414-841-8889

sbronson@wi.rr.com

Judge Michelle Morley

Tel.: 352-569-6960

Mmorley@circuit5.org



**PROBATE COURT OF STARK COUNTY, OHIO
DIXIE PARK, JUDGE**

CASE NAME _____

CASE NO. _____

ELDERCARING COORDINATION REPORT

1. An Eldercaring Meeting was held on (Date): _____

Location: _____ From (Time): _____ To: _____

Present were: _____

2. The following topics were discussed:

3. The participants/parties reached the following agreement(s):

4. Total number of meetings for the reporting period: _____

5. Total number of phone calls: _____

6. Total number of Conference calls for the reporting period: _____

7. The next meeting is scheduled for: _____

Additional information can be attached to the EC Report.

Date

Signature

Eldercaring Coordinator: _____

LEGAL/COURT PROCESS FOR RESOLUTION v. RESOLUTION WITH AN ELDERCARING COORDINATOR

If a loved one takes issue with the way things are being done for the elder, how is that issue resolved?

Is it brought to the Court's attention? If so, how? **What if the case had been referred to an Eldercaring Coordinator?**

To get Order from Court for resolution	Resolution of an issue through an EC
<ol style="list-style-type: none"> 1. Client contacts attorney and discusses the problem. Attorney drafts and files a Motion. It includes sufficient information for all to prepare. 2. Speak to all parties involved and estimate time needed for all to be heard 3. Obtain potential dates from court and contact parties with those options 4. Confirm availability of all parties, their lawyers, and own witnesses 5. Draft Notice of Hearing with Court 6. Assemble witness list and any records that will be introduced at hearing 7. Draft Subpoenas for witnesses 8. Send subpoenas to process servers or Sheriff to serve on witnesses 9. Attorneys meet with and prepare witnesses to testify at the hearing 10. Travel to and attend Court hearing 11. Is another court date necessary to complete? Repeat process above. 12. Judge makes an oral ruling 13. Order drafted and circulated for approval 14. Change and revise the Order until everyone agrees that it accurately reflects the judge's ruling 15. When in final form send to judge. 16. Judge enters Order after reviewing it and approving it between other possible delays. 17. Order is issued by the Clerk and copies are sent to parties 	<ol style="list-style-type: none"> 1. EC contacted by the concerned loved one 2. The EC schedules a meeting or phone call with everyone, or sends an email "reply all". 3. The family discusses the issue; ideas and proposals are exchanged; EC facilitates what is needed for a resolution. 4. A resolution is identified. 5. The resolution is incorporated into the Eldercaring Plan.
<p>Decisions are delayed. Testimony in a contested matter is hurtful and creates bad feelings among the participants.</p>	<p>Issues are quickly resolved and emotions are addressed.</p>

COSTS FOR DIFFERENT PROCESS FOR EACH MOTION OR ISSUE (EC AND TWO FAMILY MEMBERS):

Court Process	Fees	Time Lapsing	Eldercaring Coordination Process	Fees	Time Lapsing
Client notifies lawyer about concern (30 minutes)	\$150		Problem arises and EC is contacted—1 hour	\$75 to 200 divided among two feuding family members and elder	One day
Draft Petition or Motion (60 minutes)	\$300 to attorney	At least two days			
Attorney preparation for hearing time—6 hours for each of three attorneys	4,800 to attorney	30 days between setting the hearing and the hearing occurring	EC contacts other family members to address problem identified / schedules appointment—1 hour	75 to 200 divided among two feuding family members and elder	
Expert witness fees for court date:	1,500	45 days	EC meets with family members to address problem—in person or remotely—1 hour	75 to 200 divided among two feuding family members and elder	One week
Pro Se family member prepare own case and witnesses—2 hours		No additional time	If attorneys attend EC's meeting with family—1 hr meeting plus 1 hr travel x 3 attorneys	\$1800	
Attending Hearing: attorney time including travel	\$1800	One day	Issue resolved---added to Elder Care Plan		

Court Process	Fees	Time Lapsing	Eldercaring Coordination Process	Fees	Time Lapsing
Draft Order	\$300	Two days	Resolution implemented		
Opposing attorneys review proposed Order	\$600	One week	Follow up appointment with EC by telephone—no attorneys necessary—30 minutes	\$37.50 to \$100 divided among two feuding family members and elder	One month
Submit Order to Judge to enter		One week			
Wait for signed order to come in the mail		One week			
Follow up hearing to make sure decision was implemented—90 minutes of attorney time at \$300/hour and three attorneys	\$900	One month			
TOTAL PER PARTY	\$4,750 to initiate plus \$2,800 per family member	131 days		\$233 per party to EC; \$600 for each attorney per party	One week to problem resolution and one month to follow up appointment
TOTAL PER MOTION	10,350 total	131 days		\$700 for EC; \$1800 to each attorney participating	One week to resolution, one month follow up

STARK COUNTY ELDERCARE COORDINATION PROCEDURES

1. Order of Referral *
2. Response by Eldercare Coordinator (EC) within five (5) days
3. A meeting of all relevant parties shall be held within fourteen (14) days of the referral.
 - a. Professional Service Agreement shall be presented for execution by the parties then filed with the Court.
 - b. Surveys shall be provided to Elder, participants and EC. Completed surveys shall be filed with the Court, copies made and redacted of personal information and forwarded to Association for Conflict Resolution.
 - c. APS staff involved with the case may participate in the meetings as needed.
4. An EC report on each case shall be filed monthly.
 - a. All time expended on each case shall be tracked and reported on the monthly report.
 - b. All phone calls for each case shall be tracked (date, time and whom) and reported on the EC report.
5. Eldercare plan (EC Plan)/tentative agreement, signed by the parties and EC shall be filed within 45 days of referral.
 - a. EC shall notify parties that there will be follow up on the case for 2 years from the date of the agreement.
 - b. EC Plan shall include suggestions/provisions for follow up and a proposed status hearing date.
6. Court shall be notified by a filing with the Court when the EC process is not successful and proceedings for guardianship need to be initiated or reactivated.

*Order of Referral to participants will include a letter from the Judge explaining the Eldercare Coordination process.

LOCAL RULE 80 - ELDERCARING**Local Rule 80.1 - Eldercaring Coordination**

A. Eldercaring Coordination is a dispute resolution process during which an Eldercaring Coordinator assists elders, legally authorized decision makers and others who participate by court order or by invitation to resolve disputes with high conflict levels that impact the elder's autonomy or safety.

B. The Stark County Eldercaring Coordination Program has been developed through the Elder Justice Innovation Grant and is guided by the Association for Conflict Resolution Elder Justice Initiative on Eldercaring Coordination through the Association for Conflict Resolution Guidelines for Eldercaring Coordination.

C. The Probate Judge of Stark County Ohio will appoint a Pilot Site Administrator who will supervise the Eldercaring Coordination and collaborate with the Association for Conflict Resolution and others in connection with authorized research projects.

80.2. Eldercaring Coordinator Qualifications

A. The Eldercaring Coordinator shall be a licensed or certified professional with qualifications as set forth in the Association for Conflict Resolution Guidelines for Eldercaring Coordination.

B. The Court, with the approval of the elder/family, may appoint an Eldercaring Coordinator to serve who does not meet the minimum standards set forth above.

80.3 Order of Referral

A. The Court upon referral to it of an elder whose needs are appropriate for the Eldercaring Coordination Program, shall issue an Order of Referral specifying the role, responsibility and authority of the Eldering Coordinator.

B. The Eldering Coordinator shall file a response within 30 days of the Order of Referral either accepting or rejecting the appointment. The response will be served upon the Pilot Site Administrator as well as the Court.

80.4 Removal of the Eldering Coordinator

The Court shall remove the Eldering Coordinator upon the Eldering Coordinator's resignation or upon a finding of good cause shown.

80.5 Limitation of Authority of Eldercaring Coordinator

A. The Eldering Coordinator may have authority to assist the parties upon their written consent. If there is a history of elder abuse or domestic violence, the Court must find that consent was freely and voluntarily given.

B. An Eldering Coordinator shall not have authority to resolve substantive disputes.

C. With the written consent of the parties, an Eldering Coordinator may exercise temporary authority to resolve non-substantive disputes until such time as such matters are brought to the attention of the Court.

80.6 Eldercare Plan

The parties are encouraged to enter into a mutual agreed eldercare plan, either on their own or with the assistance of the Eldering Coordinator. The Court may consider whether or not the parties would be assisted by creating an eldercare plan prior to referral to an Eldering Coordinator.

80.7 Records Release

Subject to Ohio law, with the written consent of the elder or a party who has decision making power, the Eldering Coordinator may have access to confidential and privileged records.

80.8 Emergency Order

Upon the filing of an affidavit of the Eldering Coordinator, an emergency order may be entered ex parte and without notice if the Court finds that there is an immediate danger to the safety of the elder. A hearing on the emergency order shall be scheduled as soon as practicable following the entry of the order.

80.9 Testimony of the EC

The Eldering Coordinator shall not be compelled to testify on any matter regarding the Eldercaring

Coordination Program.

LOC.R. 16.2 ELDERCARE COORDINATION

Eldercaring Coordination is an elder-focused alternative dispute resolution process, administered in the Probate Court of Delaware County (the Court) that is intended to aid high conflict families to resolve disputes that impact the elder's autonomy and safety. It is intended to enable more effective communication, offer education about eldercare resources, facilitate the creation and implementation of an eldercare plan, make recommendations for resolutions and decision making within the scope of a Court order or with the prior approval of the parties. Eldercaring coordination is offered only through an open Court case. The overall objective is to help high-conflict families address the care needs of the elder.

- (A) Eldercaring Coordinator's Role- An Eldercaring Coordinator (EC) shall fulfill the role of coordination, exercising authority and fulfilling the responsibility by:

1. Facilitating the ability of the elder and other participants in eldercare coordination to work collaboratively in a way that respects the safety and autonomy of the elder by initiating referrals for services and investigations and make recommendations.
2. Assisting the parties in creating, modifying and implementing an elder care plan, if necessary to reach a resolution.
3. Educating the parties and developing strategies to more effectively:
 - a. Focus on the needs and care of the elder;
 - b. Minimize conflicts;
 - c. Communicate and negotiate with each other;
 - d. Understand the effects of conflict on the elder and each other;
 - e. Disengage from another party when engagement leads to conflicts and non-cooperation;
 - f. Identify the sources of their conflict with each other and work individually and/or jointly to minimize conflict and lessen its deleterious effects on the elder; and
 - g. Allow the elder to live free from the threat of being caught in the middle of disputes regarding his or her care, needs and safety.
4. Assisting the elder and parties in identifying and utilizing resources that may assist them in resolving issues regarding the care, safety, and well-being of the elder.
5. Teaching eldercare coordination participants communication skills, principles of adult development, and issues facing elders as they age.

(B) Selection – An EC may be appointed when the Court finds evidence of neglect, abuse or exploitation; or when the elder’s health, safety and well-being are in immediate jeopardy (and the parties have the financial ability to mitigate the situation) and/or services are otherwise available for an indigent party, or when otherwise determined by the Court.

(C) Domestic Violence- All parties, and their counsel, shall advise the Court and the EC of any domestic violence allegations known to exist between the participants in the coordination process whether past or current, or that develop during the eldercare process.

1. If domestic violence exists, the eldercare participants shall adhere to all provisions of any protective order, and every instance shall obey any injunction for protection, conditions of bail, probation, or a sentence arising from criminal proceedings. In addition, while participating the in the eldercare process, the parties shall abide any reasonable safety measures the EC deems appropriate.

2. When necessary, these safeguards to protect the parties during the process of eldercaring coordination may include, but are not limited to:

- a. No joint meetings.
- b. No direct negotiations.
- c. No direct communications

(D) Eldercaring Coordinator- An EC is an individual appointed by the Court to conduct eldercaring coordination and who meets all of the following qualifications:

1. An eldercare coordinator shall be licensed or certified by the Supreme Court of Ohio, hold at least a master’s degree and meet all of the following:

- a. Completion of family mediation training certified by the Supreme Court of Ohio or commensurate with the objectives established by the Association for Conflict Resolution; and
- b. Completion of elder mediation training certified by the Supreme Court of Ohio or commensurate with the objectives established by the Association for Conflict Resolution; and
- c. Completion of eldercaring coordination training certified by the Supreme Court of Ohio or commensurate with the objectives established by the Association for Conflict Resolution; and
- d. Extensive practical experience in a profession relating to high conflict within families.

2. An EC shall be psychologically and cognitively able to perform the requirements of the position; and have no situation, condition, impairment, or disorder that prevents the ethical, responsible and effective exercise of the duties of the position.

3. An EC must decline a case, discontinue service and immediately report to the Court and the participants if any disqualifying circumstances as noted above exist or arises, or if the EC no longer meets the minimum qualifications.

(E) Confidentiality- The confidentiality or admissibility of all mediation communications, discussions and statements are governed by the applicable law and the Rules of Evidence. All communications are confidential to parties outside the eldercaring coordination process.

(F) Appointment Order- The Court shall not appoint an EC unless the Court has delineated the powers and duties of the EC and the terms of said appointment in a written order which expressly defines the scope of the coordinator's duties.

- (G) Public Access- Those files maintained by an EC, but not filed with a clerk or submitted to the Court shall not be available for public access pursuant to Rule 44 through 47 of the Rules of Superintendence for the Courts of Ohio.
- (H) Terms- It is anticipated that eldercare coordination process will not exceed beyond six months, unless extended for good cause by the Court, not to exceed an additional eighteen months.
- (I) Fees- The Court may impose reasonable fees for use of the eldercare coordination services and allocation of the fees will be as designated by Court Order.

SUP.R. 26 COURT RECORDS MANAGEMENT AND RETENTION

LOC.R. 26.1 COURT RECORDS MANAGEMENT AND RETENTION

The Court has a Schedule of Records Retention and Disposition, which will be followed in conjunction with the Rules of Superintendence for the Courts of Ohio.

LOC.R. 26.2 DISPOSITION OF EXHIBITS

Disposal of exhibits shall be in accordance with Sup.R. 26.

SUP.R. 45. COURT RECORDS – PUBLIC ACCESS

LOC.R. 45.1 PERSONAL IDENTIFIERS

“Personal Identifiers,” as defined by Sup.R 44(H), Court Records - Definitions, must be omitted from all case documents that are filed with this Court. Pursuant to Sup.R. 45(D)(1) and (3), the filing party is solely responsible for assuring that the personal identifiers are omitted. When first omitted from a filing, the omitted personal identifiers must be filed on Standard Probate Form (SPF) 45(D), which shall not be a public record. Thereafter, subsequent reference to a particular identifier may be made by reciting the last four digits/letters of the identifier unless there