

The Association for Conflict Resolution

GUIDELINES FOR ELDERCARING COORDINATION



**Association for
Conflict Resolution**
VOICES, CHOICES, SOLUTIONS

OCTOBER 2014

**Association for Conflict Resolution Task Force
on Eldercaring Coordination
2014**

GUIDELINES FOR ELDERCARING COORDINATORS

Page 3	Forward
Page 7	Guidelines for Eldercaring Coordination
Page 7	Overview and Definition
Page 9	Foundational Ethical Principles of Eldercaring Coordination
Page 15	Appendix A: Recommended Complaints Procedure
Page 17	Appendix B: Eldercaring Coordination Training Guidelines and Training Protocols for Eldercaring Coordinators
Page 17	Part I: Learning Objectives
Page 25	Part 2 Training Procedures for Eldercaring Coordinators
Page 28	Appendix C: Eldercaring Coordination Pilot Project Proposal Template Court Rule, Including Recommended Forms
Page 55	Appendix D: Project Assessment Tool/Pre- and Post-Surveys for Elders, Other Participants and the Eldercaring Coordinators
Page 56	Appendix E: Representatives of Organizations Composing ACR Task Force on Eldercaring Coordination

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**Association For Conflict Resolution
Task Force On Eldercaring Coordination**

GUIDELINES FOR ELDERCARING COORDINATION

FOREWORD

The Association for Conflict Resolution Task Force (“ACR Task Force”) envisions the use of “eldercaring coordination,” as an application of the “coordination” process to guardianship/probate cases in which high conflict family dynamics interfere with the well-being and safety of the elder, limit adherence to court orders, impede court processes, and detract from the efficacy of guardianship and other appointments by the court. Since parenting coordination has been established as a viable dispute resolution option for high conflict cases, the Association for Conflict Resolution (ACR) Task Force on Eldercaring Coordination (“ACR Task Force”) used the process of “parenting coordination” as a model to develop a “coordination” process specific to the unique needs of elders. These guidelines will address the current discrepancy between dispute resolution options available for high conflict parents dealing with young children and high conflict cases regarding an elder’s needs, care and safety. Although courts recognize both children and elders as vulnerable populations, there is currently no option for dispute resolution for parties involved in high conflict cases regarding elders.

The Association of Family and Conciliation Courts (“AFCC”) was instrumental in the development of parenting coordination, a dispute resolution process to assist high conflict parents and children involved in family court actions, currently utilized throughout the United States, Canada and other countries. Learning from the processes that led to the development of parenting coordination, in 2012 Linda Fieldstone, former President of AFCC and AFCC Task Force on Parenting Coordination secretary, approached Sue Bronson, Co-Chair of the ACR Elder Section, to explore the utilization of this process in cases involving elders. ACR leadership was aware that the potential benefits for parties and the court would become even more relevant since the number of baby boomers reaching 65 years of age will double from 2008 to 2030. They believed that this project forwarded their mission to “give voice to the choices for quality conflict resolution.” Thus, the ACR Task Force on Eldercaring Coordination was created in January 2013 with the following mission:

To develop a dispute resolution option specifically for high conflict cases involving issues related to the care and safety of elders in order to complement and enhance, not replace, other services such as provision of legal information or legal representation, individual/family therapy, medical, psychological or psychiatric evaluation or mediation.

Eldercaring coordination focuses on improving relationship dynamics so that the elder, family, and others in supportive roles can better collaborate with the professionals able to help them make the onslaught tough decisions ahead and support each other during times of transition.

The Task Force was composed of representatives from the following entities:

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 of Conflict Resolution
Association of Family and Conciliation Courts
Elder Justice Coalition
Florida Chapter of the Association of Family and Conciliation Courts
National Academy of Elder Law Attorneys
National Association of Professional Geriatric Care Managers
National Adult Protective Services Association
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

The representatives composing the ACR Task Force 2013-2014 were: Co-Chairs Sue Bronson, and Linda Fieldstone, Joan Braun, Georgia Anetzberger, Annice Davis-White, Andrew Capehart, Christie Coates, Resa Eisen, Amie Gourlay, Julie Gray, Trudy Gregorie, Kim Grier, Chris Herman, Michelle Hollister, Sally Hurme, Michael, Kirkland, Sandy Markwood, Hon. Sandy Karlan, Karen Largent, Linda Oxford, Meredith Ponder, Mary Joy Quinn, Jessica Singer, Matt Sullivan, Brenda Uekert, Erica Wood, Hon. Mike Wood, Martin Zehr and Zena Zumeta.

An Advisory Committee, composed of national experts in relevant fields, was created to answer targeted questions, review work product, join Task Force Committees and provide additional assistance upon request. Support was also received by *Collaborate*, joint American Bar Association and Elder Section of the ACR Listserve, and the AFCC Parenting Coordination Listserve.

Additionally, concurrent with the establishment of the ACR Task Force, the Florida Chapter of AFCC (FLAFCC) created its own Task Force on Eldercaring Coordination, composed of statewide entities, with the same mission and similar work product goals and stages. The two Task Forces worked collaboratively during Stage One of this project, with the ACR Task Force focused more generally to provide over-arching advice and an umbrella version of practice guidelines and the FLAFCC Task Force demonstrating how a state may apply those recommendations to their specific needs and characteristics. Accordingly, the work of each Task Force was elevated and educated through the efforts of the other.

The objectives of this project include:

1. developing a discussion amongst stakeholders (organizations and associations, professions, court, collaterals) regarding the application of a “coordination” process (i.e. eldercaring coordination) to high conflict family dynamics when elders are an issue;
2. using existing and facilitating new research to study the implications of eldercaring coordination as a vehicle for high conflict management and the resolution of disputes regarding eldercare issues;
3. exploring the ethical challenges and considerations in applying concepts used in the coordination of parents with minor children to the elder population and existing legal frameworks for elders;

4. creating the process of eldercaring coordination to best address high conflict family dynamics when eldercare is an issue;
5. developing guidelines, including training and qualifications, for professionals practicing this dispute resolution process for elders (i.e. eldercaring coordination);
6. creating a court pilot project proposal to refer parties for eldercaring coordination in high conflict cases, including eldercaring coordination project assessment tool;
7. encouraging interdivisional collaboration between court divisions to conserve resources by utilizing them for families of all ages and life stages;
8. enhancing the definition of “family” in the court to include the range of family dynamics and needs throughout the years;
9. expanding the use of “coordination” as a dispute resolution method to address high conflict cases involving various situations and issues.

Both the ACR Task Force and FLAFCC Task Force projects were divided into three stages:

- Stage One: to complete a work product which includes a definition for eldercaring coordination, qualifications, ethical guidelines and training protocol, grievance process, a template for Court ElderCaring Coordination Project Proposal, and project evaluation component;
- Stage Two: to disseminate the work product to the court, professionals and the public; to develop and facilitate a model training program for ElderCaring Coordinators; to develop and facilitate a train the ElderCaring Coordinator training program; to assist with the integration of the Court Pilot Project in circuits, jurisdictions, and provinces; to seek possible sources of funding, including grant opportunities; and to implement an assessment component for those cases entering into the process;
- Stage Three: to reassess the work product for improvements, revise work product and disseminate the results.

In order to develop this new coordination field responsibly and ensure the well-being and safety of the elder, the ACR Task Force developed the following, included herein:

1. Ethical Guidelines for ElderCaring Coordination
2. Recommended Complaints Procedure
3. ElderCaring Coordination Training Guidelines and Protocols
4. Court Rule Proposal Template, including standardized forms
5. ElderCaring Coordination Project Assessment Tool/Pre- and Post- Surveys for Elders, other participants and the ElderCaring Coordinator

On October 5, 2014, the Board of Directors of the Association of Conflict Resolution voted unanimously to approve the ACR Task Force work product, which can be found on the ACR website at: <http://acrelldersection.weebly.com/>. The ACR Guidelines for ElderCaring Coordinator were formally endorsed by the Association of Family and Conciliation Courts on November 6, 2014.

The ACR ElderCaring Coordination Project Assessment Team will utilize the information obtained from participating Court Pilot Project sites to continue to enhance the development of the eldercaring coordination process. Analysis conducted will be provided to the Project sites on an interim basis to inform improvements to the process throughout its implementation. The success of this project may be assessed by:

- Reduction in hearings before the court in cases referred to eldercaring coordination;

- Review of Eldercaring Coordination Survey given to the participants in eldercaring coordination;
- Instances of reports of elder abuse, neglect and exploitation;
- Increased use of community resources (e.g. physicians, attorneys, guardians, elder mediators, health care, psychosocial and financial experts, etc.) to assist the elder/incapacitated and family;
- Development of a project design that can be replicated in various circuits, jurisdictions and provinces interested in pursuing these project goals and objectives.

Association for Conflict Resolution GUIDELINES FOR ELDERCARE COORDINATION

OVERVIEW AND DEFINITION OF ELDERCARE COORDINATION

Eldercare coordination will focus on reducing conflict and court involvement so the elder, family members and other participants are able to focus productively on the issues related to the needs and safety of the elder and to work collaboratively with others in the support network that provides legal advice, guidance and care.

The process of eldercare coordination has been developed to:

- Help manage high-conflict family dynamics so that the elder, family, and stakeholders can address their non-legal issues independently from the court;
- Ready the elder and family to work with others in their support network to address the care and needs of the elder, avoiding delays and resulting in better decisions;
- Promote the self-determination of the elder to the extent of his or her ability as fully as possible;
- 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; and
- Free precious judicial time by addressing matters for which other dispute resolution processes have been unavailable or have been ineffective.

Definition of Eldercare Coordination:

Eldercare coordination is a dispute resolution process during which an Eldercare 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.

Eldercare Coordinators have varied professional backgrounds including jurisprudence, social work, psychology, marriage and family therapy, mediation, parenting coordination, and geriatric care management, but share an expertise in helping elders and families resolve high-conflict disputes involving issues related to the care and needs of elders. Since the role of the Eldercare Coordinator may include decision-making authority for how the resolution to a conflict is addressed, it is crucial that the court appoint only those professionals who are qualified. These professionals would have training to ensure best practices are maintained, including the use of ongoing screening regarding the elder's understanding of the process, the elder's safety, and the possibility of abuse, neglect, coercion, fraud and exploitation.

Qualifications of Eldercaring Coordinators:

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.

Responsible Practice of Eldercaring Coordinator (EC)

The Eldercaring Coordinator's primary responsibility is to the elder. At the same time, the Eldercaring Coordinator must develop and maintain good working relationships with family members and other professionals involved in the elder's care. In addition, the Eldercaring Coordinator supports the well-being and safety of elders within complex systems of public and private social services, legal services, and health care providers. To perform these varied functions, the Eldercaring Coordinator must be trustworthy and accountable to everyone involved in the eldercaring coordination process, and at all times follow the legal and ethical requirements that govern his or her professional practice. The Eldercaring Coordinator should also continue to expand his or her professional knowledge and skills, cultural competence, and strive to understand how the larger societal issues affect elders and families.

The ACR Task Force recognizes that each Eldercaring Coordinator is guided by the ethical code, practice standards, and scope of practice for her or his respective profession. Therefore, the Task Force has applied the core ethical principles common to most human service professions to the eldercaring coordination role and addressed the following two broad aspects of the ethical practice of eldercaring coordination:

1. Unique considerations in working with the elder population.
2. Tasks and functions specific to the role of Eldercaring Coordinator.

These guidelines are aspirational in nature and serve as guidance to courts and programs interested in implementing eldercaring coordination as a viable dispute resolution process for high conflict cases involving elders. Ethical behavior requires more than just avoiding wrongdoing or resolving complaints. These guidelines were developed to help the Eldercaring Coordinator understand and follow relevant ethical principles. Professionals considering becoming or serving as Eldercaring Coordinators can find best practices and ensure their proper training to facilitate the process most effectively. Additionally, the guidelines and training protocols provide quality control and protection for the consumer as they include minimal expectations for conduct and best practices for the Eldercaring Coordinator.

FOUNDATIONAL ETHICAL PRINCIPLES OF ELDERCARING COORDINATION

1. Autonomy – defined as self-determination; respect for elders’ rights and dignity; the right of elders to be self-governing within their family and social system and cultural framework

Every adult has the right to make his or her own life decisions, unless adjudicated by a court to not have the ability to make certain decisions. Even after court adjudication, the adult has the right to be included in the decision-making process to the extent of his or her ability. The Eldercaring Coordinator shall promote the self-determination of the elder as fully as possible within the context of the eldercaring coordination process. The Eldercaring Coordinator has a responsibility to assist the elder in articulating his or her goals, needs, and preferences so that these can be incorporated into the plan of care to the greatest extent possible. The Eldercaring Coordinator is aware of potential conflicts that may arise when balancing the benefits and risks of interventions being considered, and shall strive to ensure that the elder’s choices are respected and accommodated as fully as possible.

The Eldercaring Coordinator shall respect the rights and dignity of the elder and shall strive to balance the elder’s autonomy with the need for protection and safety. Unless an elder’s decision will cause harm to herself or himself or others, the preferences expressed by the elder should be followed even when others, including the Eldercaring Coordinator, do not agree with those decisions.

Regardless of the elder’s decisional capacity, the Eldercaring Coordinator shall involve the elder, to the greatest extent possible, in decisions that impact the elder’s life. The elder should be the primary decision-maker in all eldercaring coordination issues, unless a court has appointed a surrogate decision-maker. In situations where a surrogate decision-maker (such as a guardian or conservator) has been appointed, the Eldercaring Coordinator shall facilitate the ability of elders to make their goals, needs, and preferences known and to have them seriously considered.

If questions regarding the elder’s decisional capacity exist, she or he should be evaluated by a professional who is competent to make that determination, other than the Eldercaring Coordinator. If the elder does not comprehend the factors involved in the decision-making process and, therefore, cannot make a competent decision, the Eldercaring Coordinator shall ensure that all decisions concerning the elder are made by the person(s) with the legal authority to do so, striving to ensure that the elder’s goals, needs, and preferences are represented and that the elder is in the center of the decision-making.

The Eldercaring Coordinator shall strive to facilitate clear communication with elders and families, including the use of professional interpreters when needed, to ensure that the elder’s

goals, needs and preferences are understood and accommodated to the fullest extent possible. Family members or any individual significantly involved in an elder's living situation should not be relied upon to interpret language.

The Eldercaring Coordinator shall promote person-centered service delivery by communicating with the elder to the greatest extent possible. When such communication is limited, the Eldercaring Coordinator shall strive to keep the elder's goals, needs and preferences at the center of the process. The Eldercaring Coordinator shall maintain open, respectful communication with legally authorized decision-makers and others participating in the eldercaring coordination process. The Eldercaring Coordinator shall ensure that the specific information needed by the elder and/or designated decision-maker to make informed decisions (such as the potential risks and benefits of all options) is presented and understood, that the elder and/or designee consents to services, and that the elder's or designee's right to discontinue services at any time is respected.

2. Beneficence – defined as doing good to others; promoting the well-being of eldercaring coordination participants

The Eldercaring Coordinator has a professional obligation not only to avoid harm to any party in the course of the eldercaring coordination process, but also to conduct the process with close attention to the interests of all parties. The Eldercaring Coordinator shall promote the elder's goals, needs and preferences in such a manner as to maximize the benefit to the elder while avoiding harm to the elder or others.

In situations in which harm could come to others as a result of a contemplated action or decision by the elder, the Eldercaring Coordinator shall take reasonable steps to explain to the elder the risk of harm and shall attempt to mitigate that risk. If this effort is unsuccessful, the Eldercaring Coordinator shall not assist the elder in carrying out a decision or action that poses a threat of substantial harm to the elder or to others.

While the Eldercaring Coordinator shall maintain impartiality in the process of eldercaring coordination, the Eldercaring Coordinator is not neutral regarding the outcome of particular decisions and shall strive for outcomes that promote the well-being and safety of the elder. Impartiality means the freedom from favoritism or bias in word, action, or appearance, and includes a commitment to assist all parties.

3. Collaboration – defined as working together cooperatively in the interest of achieving shared goals

Eldercaring coordination entails collaboration on three levels: between the Eldercaring Coordinator and participants in the eldercaring coordination process, among eldercaring coordination participants, and between the Eldercaring Coordinator and other service providers. The Eldercaring Coordinator shall strive to promote such collaborations on behalf of the elder served. The Eldercaring Coordinator recognizes that misunderstandings, differences of opinion, and lack of communication often underlie conflicts regarding elders' care. Impasses may be reached when an elder's preferences conflict with those of legally authorized decision-makers and other eldercaring coordination participants, when decision-makers and other participants disagree about the best approach to eldercare, or both. The Eldercaring Coordinator endeavors to facilitate communication and, if needed, care planning among all participants (including the elder) in the eldercaring coordination process.

The process of eldercaring coordination often involves interdisciplinary and inter-organizational collaboration on behalf of the elder. Thus, the Eldercaring Coordinator may facilitate communication among existing service providers or help participants in the eldercaring coordination process develop relationships with new service providers. In such instances, the Eldercaring Coordinator shares information judiciously and only as authorized, safeguarding confidentiality, privacy, and privileged communications as appropriate.

The Eldercaring Coordinator shall strive to develop and maintain professional and cooperative relationships with all other professionals involved in the eldercaring coordination process. Eldercaring coordination is interdisciplinary in nature and typically involves collateral contacts with other professionals who have knowledge of, or provide services to, the elder or family members. The Eldercaring Coordinator shall strive to develop and maintain collaborative relationships with other professionals who provide services to the elder, including those in the legal, medical, mental health, and social service communities, in the interest of promoting the continuity and effectiveness of the eldercaring coordination process.

4. Professional Competence – defined as possessing the requisite skills, knowledge and ability to provide efficacious services

The practice of eldercaring coordination requires the acquisition and application of specialized knowledge, skill and expertise in dispute resolution/ conflict resolution, dynamics of family systems, aging, and familiarity with legal requirements relevant to eldercaring coordination. The Eldercaring Coordinator also needs to recognize the presence of mental health, cognitive, or other issues affecting the elder's capacity to provide informed consent to participation in the eldercaring coordination process and ability to represent his or her own goals, needs and preferences in that process to ensure his or her care and safety. The Eldercaring Coordinator shall strive to continue to acquire additional specialized knowledge through activities, such as continuing education and case-specific consultation. The Eldercaring Coordinator shall also strive to understand legal authorities, terminology, and procedures that affect eldercaring coordination practice.

The Eldercaring Coordinator shall be qualified by education, training, and skills to undertake the eldercaring coordination role and shall continue to develop professionally in the role. Because eldercaring coordination is a complex process involving multidisciplinary areas, the Eldercaring Coordinator must stay abreast not only of developments within her or his profession, but also of a wide range of knowledge relevant to the execution of the Eldercaring Coordinator's role.

If the Eldercaring Coordinator has limited experience or knowledge in the matters which impact a specific case, the Eldercaring Coordinator must be prepared to develop further expertise in order to effectively handle the specific case. Such enhanced expertise may result from consulting other professionals, continuing education, and reviewing treatises and other reference materials. The Eldercaring Coordinator shall request appropriate assistance in the case, decline an appointment, or withdraw from a case, when the facts and circumstances of the case are beyond the Eldercaring Coordinator's skills or expertise and the Eldercaring Coordinator cannot, in a timely manner, develop the specific competency and expertise that is required.

The Eldercaring Coordinator shall be psychologically and cognitively able to perform the requirements of the Eldercaring Coordinator role as noted in minimum requirements above.

5. Fidelity – defined as honoring commitments, keeping promises and respecting the trust placed by eldercaring coordination participants in the service provider

Meeting the duty of fidelity requires far more than simply performing the professional services to which the Eldercaring Coordinator is contractually obligated or for which the Eldercaring Coordinator makes verbal promises. It means recognizing and meeting the responsibilities of the primary profession of the Eldercaring Coordinator, and demonstrating loyalty to the elder involved in the eldercaring coordination process.

The Eldercaring Coordinator shall be trustworthy and dependable in all aspects of both professional and business relationships. The Eldercaring Coordinator shall maintain confidentiality, avoid conflicts of interest, and always pursue the best interests of elders.

The Eldercaring Coordinator shall facilitate the participants' understanding of the eldercaring coordination process so that they can give informed consent to the process.

The Eldercaring Coordinator shall avoid conflicts of interest that interfere with the ability to promote participants' interests and which may result in an actual, apparent, or potential benefit to the Eldercaring Coordinator. Moreover, the Eldercaring Coordinator shall not engage in dual or multiple roles with any eldercaring coordination participant.

6. Integrity – defined as providing services with trustworthiness, veracity, and adherence to professional, ethical, and legal requirements

Integrity means that the Eldercaring Coordinator shall be honest, diligent, and accountable in the provision of service and shall act in a manner consistent with the values reflected in his or her professional ethical code(s). The Eldercaring Coordinator shall be familiar with sources of ethical and professional guidance that may be relevant to the provision of eldercaring coordination services, including, professional practice standards and laws relevant to eldercaring coordination.

Integrity involves both understanding and fulfilling the duties associated with the Eldercaring Coordinator role and abiding by the limitations and scope of the role. The Eldercaring Coordinator shall endeavor to understand the Eldercaring Coordinator role, including sources of authority and appropriate activities, in order to maintain professional boundaries and to avoid incorporating clinical, forensic, or legal practices that are beyond the scope of the Eldercaring Coordinator's role.

7. Justice – defined as non-discrimination; being fair in the treatment of all eldercaring coordination participants; providing appropriate services to all

The Eldercaring Coordinator shall act in a just and fair way in all professional relationships. The Eldercaring Coordinator shall not promote or sanction any form of discrimination based on age, race, ethnicity, family status, gender, gender expression, gender identity, spirituality or religion, sexual orientation, national origin, disability, socioeconomic status or other factors.

The Eldercaring Coordinator shall provide equitable service to all participants in the eldercaring coordination process, without regard either to cultural and linguistic factors or to each participant's financial contribution to the eldercaring coordination process. The Eldercaring Coordinator shall provide a forum for each participant's views while upholding the goals, needs and preferences of the elder.

Throughout the eldercaring coordination process, the Eldercaring Coordinator shall consider how ageism and other forms of social injustice affect elders and eldercare. Such injustice may be manifested in multiple ways, including disregard of elder's goals needs and preferences; economic and health disparities; decreased access to information, resources, and services; and elder abuse or neglect. The Eldercaring Coordinator shall endeavor, within the limits of both the Eldercaring Coordinator's role and her or his professional discipline, to mitigate such injustice. The Eldercaring Coordinator shall promote access to information, resources, and services that may enhance the well-being of the elder and support other eldercaring coordination participants in their caregiving roles.

When disputes pertaining to eldercare arise during the eldercaring coordination process, the Eldercaring Coordinator shall attempt to resolve issues and reduce conflict among all participants—ideally, by reaching agreement—in a timely manner. When participants are unable to reach agreement, and if it has been ordered by the court or authorized by consent, the Eldercaring Coordinator shall decide the disputed issues.

8. Nonmaleficence – defined as avoiding harm to others

The principle of nonmaleficence directs the Eldercaring Coordinator to act in such a way that causes no harm to others. In particular, the Eldercaring Coordinator shall not cause avoidable or intentional harm, and shall avoid subjecting any party in the eldercaring coordination process to unnecessary risk of harm.

Types of harm range from physical and emotional injury to deprivation of property or violations of rights. The experience of harm can be subjective, and situations may arise in which some type of harm seems inevitable. For example, an older person may find it necessary to give up some measure of independence in the interest of maintaining her or his personal safety and security. In such cases, when one harm may be imposed in order to avoid a greater harm, the Eldercaring Coordinator shall strive to choose the lesser of the possible harms. To the extent possible, the Eldercaring Coordinator shall facilitate the elder's choice in such matters, for each elder can best determine which harm seems the "greater" or "lesser" harm for himself or herself.

The Eldercaring Coordinator shall aspire to facilitate healthy environments for elders and constructive relationships between elders, their families, and care providers, while ensuring the safety of all participants in the eldercaring coordination process. If the elder has been abused, the case may present substantial safety risks or power imbalances, and may not be appropriate for eldercaring coordination. The Eldercaring Coordinator shall report all matters of actual, suspected or potential harm to the proper authorities (law enforcement, protective services, etc.) as directed in his or her profession's code of ethics and/or the law of her or his state, province, or jurisdiction.

9. Cultural competence – defined as providing culturally informed and responsive services that accommodate the elder's communication requirements, not simply as cultural awareness and respect

Culture is an “integrated pattern of human behavior that includes thoughts, communications, languages, practices, beliefs, values, customs, courtesies, rituals, manners of interacting and roles, relationships and expected behaviors of a racial, ethnic, religious or social group; and the ability to transmit the above to succeeding generations” (National Center for Cultural Competence, 2006, nccc.georgetown.edu/documents/pptculture.pdf).

The Eldercaring Coordinator recognizes that every interaction with elders, other eldercaring coordination participants, and other service providers constitutes a cross-cultural interaction. Therefore, the Eldercaring Coordinator shall exercise cultural and linguistic competence throughout the eldercaring coordination process, including communicating in a manner that is easily understood by participants in the eldercaring coordination process, using plain language and incorporating professional interpreters, professionally translated materials, and assistive devices as needed. The Eldercaring Coordinator regularly evaluates and, as needed, modifies eldercaring coordination services to enhance cultural and linguistic accessibility and responsiveness to clients.

The Eldercaring Coordinator strives to recognize and respond to relevant sources of professional guidance in regard to multicultural and diversity issues in the provision of eldercaring coordination services. Lack of awareness of these issues may influence the Eldercaring Coordinator's professional judgment and decision-making. The Eldercaring Coordinator shall develop and maintain awareness of, respect for, and responsiveness to the diversity of families' cultural contexts. Specifically, the Eldercaring Coordinator shall consider how factors and personal biases pertaining to age, gender, gender identity, sexual orientation, family status, race, ethnicity, culture, spirituality or religion, disability, language, and socio-economic status influence both the parties' and the Eldercaring Coordinator's values and expectations regarding family dynamics and eldercaring coordination. The Eldercaring Coordinator shall endeavor to understand expectations and behaviors regarding eldercaring practices that are based in frameworks different from their own and to integrate this knowledge into their interventions.

APPENDIX A:

COMPLAINTS PROCEDURE REGARDING THE ELDERCARING COORDINATOR'S PROFESSIONAL CONDUCT AND OBJECTIONS TO RECOMMENDATIONS AND DECISION-MAKING

Participants, the Eldercaring Coordinator and the court all benefit from an established complaints procedure when an Eldercaring Coordinator's conduct, recommendations or decisions are in question. It is crucial that the Eldercaring Coordinator explains the complaints procedure during the intake process of every participant, and that all participants understand the procedures for redress should there be complaints regarding their Eldercaring Coordinator. A well-defined complaints procedure can protect the participants as consumers of the service by providing them with an opportunity for reparation and can protect the Eldercaring Coordinator from unfounded complaints to licensing and regulatory boards. A structured complaints procedure can also provide a model for the participants to work out their differences less adversarially by encouraging open and appropriate communication with their Eldercaring Coordinator when possible. Additionally, if the issue is brought to court, at least the parties and the Eldercaring Coordinator will have realistic expectations of the possible outcomes.

Complaints Procedure – defined as protocols to follow when a party or parties have a complaint regarding the Eldercaring Coordinator or the eldercaring coordination process.

An Eldercaring Coordinator shall inform the parties about the complaint procedure before they enter into the eldercaring coordination process.

A party may make a written complaint to an Eldercaring Coordinator regarding the Eldercaring Coordinator's conduct. After a party reviews a written complaint with the Eldercare Coordinator, if the complaint has not been resolved to the party's satisfaction, that party may file a complaint against a court-appointed Eldercaring Coordinator with the court. The complaint must show good cause as to why a hearing regarding the Eldercaring Coordinator's conduct should be scheduled. Following written notice to the Eldercaring Coordinator of the complaint and a hearing at which the Eldercaring Coordinator shall be given the opportunity to respond to the complaint, the court may remove the Eldercaring Coordinator from the case upon a finding of good cause for removal. The court may also appoint a substitute Eldercaring Coordinator. If appropriate after the hearing, the court or party may forward the complaint to any regulatory body that licenses or certifies the Eldercaring Coordinator for further investigation of the allegations in the complaint.

A Step-by-step guide can be provided to the parties as follows:

Any party (or parties) in an eldercaring coordination process with a complaint about the conduct of an Eldercaring Coordinator shall provide a written complaint to the Coordinator. A party who wishes to include an advocate or neutral facilitator in the discussion shall first provide the Eldercaring Coordinator with a written complaint.

- a. If the party or parties are not satisfied with the resolution, they may submit to the presiding judge a written complaint showing good cause, with specific objection to the Eldercaring Coordinator's conduct.

- b. Following notice and a finding of good cause, the judge shall hold a hearing at which the Eldercaring Coordinator will have the opportunity to respond to the complaint. The Eldercaring Coordinator may suspend services temporarily while the complaint is pending.
- c. The judge may remove the Eldercaring Coordinator, based upon the merit of the complaint and other related issues deemed necessary, and may replace the Eldercaring Coordinator.
- d. If the judge finds the complaint without merit, the court may assess costs and attorney's fees against the party or parties submitting the complaint.
- e. The judge may forward the complaint to the regulatory body overseeing the Eldercaring Coordinator's qualifying licensure.

