

Elder and Child Care Conflict Resolution

by Sophia Tutorial



WHAT'S COVERED

In this lesson, we'll discuss two specific forms of conflict resolution that are used when one of the parties involved is not able to share his or her interests equally. The specific areas of focus include:

1. Elder Care Conflict Resolution
2. Child Care Conflict Resolution

1. Elder Care Conflict Resolution

The conflict resolution process is based on the principle of equalized power. When parties are in conflict, they have the opportunity to come together so that both parties can share their interests equally. However, there are certain circumstances under which this is a challenge because one of the parties is unable to equally share their interests.

One instance of this is when the conflict relates to elder care, and there is a specialized process called **elder care conflict resolution** that can be used in this circumstance.

Elder care conflict resolution is a form of conflict resolution designed to help deal with situations in which an elder has lost the mental capacity to make their own decisions.

This process is most often used when families are making care decisions about an elderly parent; however, it's important to note that the elderly parent should be brought into the conflict resolution process whenever possible.

➔ **EXAMPLE** Perhaps a family's elderly parents cannot stay home anymore because they are unable to walk without falling. They have physical ailments that are preventing them from being safe, but they are still very sharp mentally. In this case, the elders should be fully participating members of the conflict resolution process.

Families have a tendency to assume that because a certain family member is older and perhaps more physically weak, the family will need to make decisions for that person without that person present.

But if the elderly family member is mentally able to participate in the conversation, then they should be included; elder care conflict resolution always seeks to include the elder when that person is capable of being at the table.

Still, there are times when a family member is unable to participate in the discussion because of mental

incapacity. This could be due to an illness such as dementia, Alzheimer's, or some other form of mental incapacity that prevents this person from expressing their own interests.

In that case, you, as the intervener, would work with the other family members to find a way to represent the interests of this person as best you can when the person is not able to express those interests directly.



TERM TO KNOW

Elder Care Conflict Resolution

Conflict resolution as applied to issues of care for older people who have lost the capacity to represent their own interests effectively.

2. Child Care Conflict Resolution

The second situation in which there is a party who may not be able express their interests equally is a conflict over child care.

For this type of conflict, there is a process called **child care conflict resolution**, and it is often used to make parenting decisions or plans, particularly in the cases of divorced or separated parents.

If parents are divorced, they may need to come together and work out some sort of parenting plan involving where the child is going to live, visiting rights, or any number of other issues that need to be considered.

If the child is still a baby or a toddler who can't express their own needs, this child will, of course, not be part of the resolution process. Decisions will have to be made for this child.

A child who is a little older (e.g., seven or eight) will still not be part of the process, but should be included in ways that are appropriate. This can involve talking to the child about their needs and wants.

 **EXAMPLE** Maybe this child has been spending a lot of time with their father; at this point, they are more comfortable living with that particular parent.

Taking the child's wishes into consideration is a key part of child care conflict resolution. The process is not used because the child's wishes are unimportant, but rather because the child is simply too young to be part of the discussion between the intervener and the parents.

This is true for older teenagers as well. A person must be 18 years old in order to make their own decisions; anyone under 18 does not have that legal right.

But if you have an older child (e.g., a child of 16 or 17) who is mature enough to share their views during the process, that child should be brought into the discussion.

The understanding is still that the child does not have the legal standing to speak for themselves; however, if there is an appropriate way to bring this child into the process, you, as the intervener, can do that.



TERM TO KNOW

Child Care Conflict Resolution

Conflict resolution as applied to issues of care for minor children who have not yet developed the capacity to represent their own interests effectively or who lack legal standing (by virtue of age) to do so.



BIG IDEA

In all cases of elder care and child care conflict, the intervener and the family should take the wants, needs, and best interests of the family member in question into consideration. In times when the party themselves cannot be part of the process because age or mental capacity prevents the party from equally sharing their interests, either elder care or child care conflict resolution can be an effective method.



SUMMARY

In this lesson, you learned that there are two specific kinds of conflict resolution processes that can be used when a party is unable to express their interests equally: **elder care conflict resolution** and **child care conflict resolution**.

You now understand that elder care conflict resolution is most often used in situations where families need to make decisions about the care of an elderly relative, while child care conflict resolution is most often used with divorced or separated parents who need to create parenting plans regarding their child or children. While there are times when the family member in question may be unable to participate in a discussion because of age or mental capacity, the family member should be included in the process whenever possible, and their needs and wants should be taken into account. Good luck!

Source: Adapted from Sophia tutorial by Marlene Johnson.



TERMS TO KNOW

Child Care Conflict Resolution

Conflict resolution as applied to issues of care for minor children who have not yet developed the capacity to represent their own interests effectively or who lack legal standing (by virtue of age) to do so.

Elder Care Conflict Resolution

Conflict resolution as applied to issues of care for older people who have lost the capacity to represent their own interests effectively.