

Arline Kardasis: Living together and living well and living safely and enjoying life and honoring each other and respecting each other and all the issues that play into any life, come crashing together in a way at this point of transition and difficulty.

Sam Fuqua: That's Arline Kardasis. And this is Well, That Went Sideways! A podcast that serves as a resource to help people have healthy, respectful communication. We present a diversity of ideas, tools, and techniques to help you transform conflict in relationships of all kinds. On this episode, we talk with Arline Kardasis and Crystal Thorpe about conflicts that arise between adult children and their elderly parents. They're both experienced mediators, trainers, and authors who work together at Elder Decisions, a Boston-based firm that specializes in elder mediation and shared family decision making around elder care issues.

I'm Sam Fuqua, cohost of the program, with Alexis Miles. Hello Alexis.

Alexis Miles: Hi Sam.

Sam Fuqua: And we're really pleased to be joined for this episode by Crystal Thorpe and Arline Kardasis. Welcome to you both.

Arline Kardasis: Thanks for having us.

Sam Fuqua: As we were thinking about, uh, the conversation, I was thinking that it, it comes down to, in some ways, to death, right? And as a culture, we are often in denial about death. I mean, is that what's really at the heart of this kind of conflict?

Crystal Thorpe: You make a really good point. I think that, that certainly often is probably that, that fear of mortality and, and not wanting to face it and therefore not having conversations about it up front. I think that's probably what gets a lot of us and our families in this boat where we haven't had those important conversations early enough. Um, that often isn't explicitly talked about, you know, that fear, um, in our conversations with people, but I, I believe you're probably right. That's probably very much at the center underneath it all.

Arline Kardasis: And if I could add, I think to play the opposite side of that coin, it's very, very much about life, uh, because the scenarios that we find ourselves in the middle of, with these, with these families are universal. And they're universal life themes, and they're about living together and living well and living safely and enjoying life and honoring each other and respecting each other and all the issues that play into any life, come crashing together in a way at this point of transition and difficulty.

Sam Fuqua: I just wanna jump in with one scenario from my own life. As my mother neared the end of her life, uh, my siblings and I were fortunate to have one of our brothers care for her and live with her, which was a, a gift to the rest of us. But we found that, uh, the day to day caring for mom had him sort of pushing off some of these other decisions. And I felt a little bit of, um, maybe denial or not wanting to deal with some of the things that had to be dealt with. Is that something you see?

Crystal Thorpe: I think both parts of what you said are really there. Uh, certainly the denial, especially when somebody is so involved and invested, it can be really hard and scary to kind of think about losing

somebody. And the other piece that I heard was being so involved in the day to day, and I think that that's predominantly what we see with caregivers, is that there's so much because they're not only having to manage their own lives, but now everything about the life of another person. And that can be tremendously overwhelming and cause them to lose sleep, not only from worry, but literally not have enough time to sleep because of all that they're doing. And so that increases their stress and their, therefore their ability to manage everything and communicate with other people. And, and it can be, um, kind of create this perfect storm where there isn't time to address some of those long term needs. And when it's that much harder to communicate, because, because the skills are, are slipping as a result, and also because other people often don't appreciate the level of care that they're giving.

Sam Fuqua: I wonder if I could have done better in communicating to my brother and my mom at that time. Um, what kind of just practical suggestions can you offer if you're one of the adult children, but you're not the one who's really taking on most of the load and yet you want to move some of the, these decisions forward?

Arline Kardasis: You know, what I would say to that is to begin by expressing your appreciation, and acknowledging the love and effort that this sibling is, is, um, demonstrating by, by being the caregiver, and also be able to just kind of ask them, what do you need and, and be there as a, to offer whatever support you can. And if you're concerned about longer term decisions that aren't being made, it could be that that's what your frame of reference is because you're not there in the day to day. You're thinking in a broader way. And that's great because that gives you the opportunity to say, look, I know this is probably a lot for you to manage right now. I have the space and the cognitive distance to be able to do some of this longer term thinking. Can I do some work in that arena, and would that be okay if I initiated some of these other kinds of decisions?

Alexis Miles: So, what are some of the most common places that people get stuck when they're dealing with, um, elder-related conflict situations?

Crystal Thorpe: One thing that's very common is that when, in terms of an elder caregiving situation, is living situation. So, uh, different family members may feel like they have, they all know what's best for mom or dad, including mom or dad themselves. And some pers, some people might, um, the, the parent may wanna stay living at home, or moving to an assisted living facility they've had their eye on, or an independent living facility. Other family members may feel the need to have them move or have them move in with them or have caregivers come into the house. And so living situation is a common theme. Other things include communication. We've talked about that a little bit already, and that can underlie a lot of the topics. Um, decision making. Who's gonna make the decisions and how are they gonna make them? Finances. Um, and another huge one is roles and responsibilities of siblings. So, um, you know, who, who's gonna do what, and how are they gonna communicate, uh, around those kinds of things. So, so those are some of the themes. Arline, did you wanna add anything?

Arline Kardasis: Um, no. I think you did a good job there. There's often a tension also between, um, safety and quality of life. So people may, in the family, some people may be very concerned about safety and that could be their highest value. And for someone else, it could be happiness, freedom, independence, quality of life, all of that. And so there can be a real tension between meeting both of those sets of needs and concerns, and having it work for, for the elder. Another real, clear matter that we, that we are paying attention to is making sure that the elder's voice is heard. And, and in some ways that's kind of a, um, apex concern for us, in the sense that when oftentimes as, as someone's becoming more diminished or their cognitive abilities are failing, they start to be sort of pushed to the side in, in the decision making, talked

about in the third person, not, no, it's not really understood that they really have so much still to say, to express of what they want and how can that be heard. So that ability to bring an elder's voice into the conversation and to honor and appreciate them and, and know that they're at the center of this decision making, that it's going to mostly affect them. That becomes a really important focus for us. And even if that's something we have to introduce into the conversation because maybe the adult siblings have just dismissed that, at least at some level. So there's that.

Um, and there is one more thing actually, and that's fairness. Fairness, and acknowledgement. And, um, just that people have different definitions of fairness. What does that mean to them? What does it look like? Um, in both fairness, in terms of estate planning decisions, fairness in terms of how much responsibility people take for caregiving. Um, so that fair is a four letter word kind of a way that we can look at that and help people to break it apart and understand why they think one decision or another is more fair and, and you know, what does that mean for them? So those are all elements of where people can get stuck and, and, and need some help kind of breaking through.

Alexis Miles: And you know, this conversation reminds me of something that you wrote about in your book, and that's separating positions from interest, and then interest from options. And so can you say just a little bit about what those three words mean, and the importance of moving from positions to interest to options?

Crystal Thorpe: We find ourselves, as mediators, sometimes teaching people about this concept because it's really useful. I'm glad you brought it up. Often people come in, in, in our society, especially today, you know, people, people come in with an idea of what they think should happen and they're ready to go to solutions right away. And so, uh, the idea of a position is really what somebody thinks is, you know, their stake in the ground and what they want to have happen, so to speak. Um, the interest is what's underneath that. There's actually a great story in the book *Getting to Yes*, um, that we've adapted a little bit. Um, that's a, if you haven't read it yet, I highly recommend it. It's by Fisher and Ury, and, interest-based negotiation is based on the, the concepts in that book. To illustrate the story, let's say that it's your birthday and your birthday falls on a Saturday, so you can sleep in. And yet you're woken up by your two teenage children who are fighting in, in the downstairs kitchen. And what are they fighting about? Well, it turns out they're fighting over the last orange in the house. So what do you do?

You know, we, we ask this of people all the time and sometimes people will say, oh, I'll split it, or I'll, um, you know, go get more oranges or neither one of them can have it. But if you ask why they want the orange, and that's what the mediator does instead of making a decision for somebody, the mediator says, why do you want the orange? And it turns out that John wants to make you your favorite orange cake, and Sarah wants to make you orange juice for breakfast in bed. They're great kids. And, and when you explore further, it turns out for the cake, John only needs the rind of the orange to, for the zest. And so if you explore the why, you can find out that people can potentially get everything they want and not have, or not nothing. And while that seems like a very simplistic story, we find that that concept of getting at the why, what's underneath, what the needs, values, concerns are, and therefore what those interests are, um, that can allow people to then brainstorm options. So those three words you mentioned, the position would be, you know, I want that orange, or I need that orange. And the interest is what's underneath it, you know, I, I, I need or want the juice to make orange juice, or I need or want the zest. And the, the options then, you know, you, you then have a whole bunch more options that might not have come up otherwise.

And to, to translate that into a situation with adult families, very often, people are fighting over where mom or dad should live, as I mentioned before. And if you take that example and say, okay, why do you feel

the way you do? And so for the, for the older person, for instance, they may say, well, I wanna stay at home because I wanna be surrounded by my belongings that I'm, that are familiar to me, that I, I wanna be able to visit my friends and continue with my activities and have independence and be able to be with my pet. Those kinds of things. And if you take each of those, there may be other options that can satisfy those interests, including things like bringing in care or, uh, bringing belongings with you someplace else, or finding a place that accepts pets. So hearing the why, the interest, can really open up a whole bunch of new options.

Arline Kardasis: And one of the other things that we sometimes talk to people about is the idea of brainstorming. So once you know the interests, people will tell you their positions very easily. As Crystal said, they walk in with the positions all, all cocked and loaded, and they're, so that's easy. But then you break it down to the interests. You can start to brainstorm and actually let people be creative and let people try to address the different interests. So the kind of brainstorming that's fun for people is something called blue skying, where you say anything's possible, and there are no limitations on what you could dream up to solve your problem. And so he said, well, if that's the case, then I'd like to live at the Ritz Carlton for the rest of my life. I'd like a beautiful corner room at the Ritz. Thank you very much. Well, the, the good news about that is that you can then break that down into more interests. So you say to him, what is it about the Ritz Carlton? What would that look like to you, and what would be appealing? And he would start to say the food's delicious, the room is clean, I've got a view of the park. There's birds outside. He might just start to enumerate all these things that maybe hadn't even been, um, thought about in any detail, and get a richer perspective on what he values and what he would enjoy. And from that, you've got more interest to work with and more ideas of what would really be a good resolution to meet those interests.

Sam Fuqua: Well, I very much appreciate what you said near the start of our conversation about putting the elder at the center of the conversation. I imagine that is more challenging if there is some level of cognitive impairment. How do you deal with that?

Crystal Thorpe: Actually there's a, a case that always comes to mind when I have a question like this. To, to first answer your question, I think that we really look for ways to maximize that person's ability to participate. And that may be looking for how they might need support, um, the time of day that we hold the meeting, uh, putting things up in large print, tracking the conversation, and writing on flip charts, or virtually if need be on, on whiteboards and, and things like that. Finding out what their needs are and how we can maximize their ability to participate. At the same time, there are times when somebody may have some cognitive decline and I think too often family members and others will just assume then that they don't have any way of communicating their wants and likes. And so, we look for ways to, to bring that voice in at whatever level they can participate.

So there was a family where, uh, this, in this particular case, we did the mediation in their home. So it, and we will meet people where that, that's another way we actually help accommodate people, is finding where they're gonna be most comfortable. And there was a father and a mother. The father was, uh, had significant cognitive decline to the point that he was only communicating in something called word salad, where he would just have a string of words that didn't seem to connect. And yet he was, when you met him, he was very engaged with you in terms of making eye contact and smiling, and really a very interactive, social person. And his wife was starting to experience a little bit of cognitive decline and his family was concerned about, you know, how to best support them both. They did have some incoming caregivers in the house. So we met with the two of them and their children around the dining room table. And he was fully there and participating in the conversation. We find that people also, uh, it, it helps the

family have very respectful conversations when they're recognizing that the people that care and love about are right there as well. And we got to the point of talking about day programs as something, the family was brainstorming and had talked about a day program that was nearby that might give him some social interaction and that his wife would have a little bit of respite.

And, uh, it was fascinating because throughout he had been very like, watching us all, and he was surprised that, people were surprised that he was staying with us for as long as he did, that he hadn't wanted to like go take a nap. And as soon as this topic of daycare pro, day programs came up, he just got very animated and was shaking his hands and said, "Social! Social!" And it was like a light bulb around the table. People realized that he could actually still communicate some of his wishes, and that of course gave them the impetus to really take those next steps and, and find ways to get him more involved. So they said at the end of the meeting, that that was the more engaged, the most, the most he had said, and the most engaged he had been in, in months and months and months for them.

Sam Fuqua: This has come up for me and many people my age. I wanna ask about a, what I think is a really common, specific about this, which is when it's time to, uh, stop driving. A key part of independence, very common conversation among my peer group with their uh, elderly parents, and it's really gone a bunch of different ways. Sometimes, uh, perhaps people wish they had professionals like yourselves there. How do you handle that one? Or, or is that too, too much of a detail for you to be called in?

Arline Kardasis: So, interesting that you ask it in that way. Thanks Sam. Because in fact, the, there are so many details, right? So generally speaking, and I think you're sort of being perceptive about this. You are being perceptive in understanding that the driving may be one piece, and there are other pieces all going on at the same time. And, and that's just very much the way these situations are, because, in fact, there is a lot that's changing. Um, with, with driving or with anything that's going to be, alter the life of an elder, it's not a decision we make. We don't give advice, but we may have suggestions for where people can get help, whether it's, you know, some kind of driving test or, um, and those exist all over the place. Now, again, assuming that an elder was willing to submit to a driving test. They may say, no, I don't wanna do that. And, and then the family needs to talk further about what are the other options. But, we wanna help them to generate options again, right? So find out the interests and if the interest is, I wanna be able to get to my bridge game, I wanna be able to go to the senior center, I wanna get to the golf course, wherever it might be.

I mean, nowadays with Uber, that has just totally changed the options because it used to be so difficult to get rides, and now that's not so difficult. And things like Uber have normalized the idea that people, you don't feel in any way that you are, um, a diminished person by being driven by an Uber driver. It just, it's so common. So the, luckily that's really changed the landscape around the driving question in many ways. Um, but again, it would just be talking about interest, talking about options, you know, and people coming up with ways to approach a problem. Is it mostly at night that, that the family's worried about? Could the driving be limited to daytime? Could the driving be limited to no highways or just the local area? I mean, it isn't, most questions don't just have binary answers. So if you can explore them and, and put things on the table that are more creative and more broad in the scope, then you can come up with some answers that might meet everybody's needs much better than the binary, yes, no, you have to stop driving or, or no, I have to keep driving.

Crystal Thorpe: It brought to mind a great resource online. This resource is through AARP and the Hartford Insurance Company, and there's a video series, a short, uh, a section of short videos, to help people think about the importance of driving in someone's life. And I think sometimes we assume that giving up driving

is just, well, it's obvious, right? Somebody can't drive anymore, they just need to give it up. But we forget how important it is, in terms of our sense of identity, our memories, our autonomy, all of that, and how much is tied up into driving. And so, to have people have a chance to sort of put themselves in the other person's shoes a little bit, and go through this course, it can help them prime people to be able to have more effective conversations about driving, um, that gets at, you know, what some of those important things are. To have a conversation that isn't just, as Arline was saying earlier, binary, like you have to stop or not, and, and helping people then think about how they can brainstorm solutions to that concern.

Alexis Miles: I'd like to ask you a process question. So, both of you have written articles where you talk about, um, process. You say that process may be as important as the outcome in, in these situations when we're dealing, dealing with elder conflict situations. And Crystal, you've talked about the importance of, um, I think you call it holistic decision making processes. Can you say more about that? Why process is particularly important in these situations?

Crystal Thorpe: Thanks so much. Um, there are a number of reasons. One is that issue of fairness that Arline talked about earlier in terms of having people feel like there's a fair process as well as fair outcomes. So some of, some of it is that people really need to feel heard and feel like they've had the chance to express what's important to them and come up with a decision that sort of everyone can live with. So that's a piece of it. And the other, in terms of process for us in this field is that no one case is like another in this, um, even in terms of the topics that we talk about. So if you're doing other kinds of mediation, like divorce mediation, for instance, there may be a list of all the things that you have to make sure to check off in terms of what you've covered. And with elder and adult family mediation, one family may be coming in about living situation, another about, um, a whole host of things, including contributions to college for grandchildren and things that are stored, you know, personal property items, and, as well as caregiving. So there could be a list of big, ten big different topics that one family is addressing and they're all interlinked and interwoven.

And so in terms of process to get back to your question, we find that it's really helpful to do individual private conversations with each family member first, to hear what topics they wanna talk about, what's important to them about those topics, you know, getting at those interests that we talked about earlier. Also any hot button issues that we should be aware of in terms of the family and how they communicate so that we can be best able to notice flags in the conversation and, and help people have those difficult conversations. Um, as well as who needs to be at the table, and time of day and where to have things, location, um, what outside advisors might be helpful to participate, what kind of information people might need ahead of time. And so, all of these feed into the process in terms of, uh, both how we structure things, going into it, and also how we're gonna carry on and have additional meetings with folks. When we do bring people all together, we make a point of giving everyone a chance to speak uninterrupted for a few minutes at the beginning of the meeting, to speak, um, about their goals for the meeting, what they, what their hopes and concerns are, and also anything that they wanna make sure that their family members hear and understand.

And we also spend some time up front talking with people about how to have the conversation, whether there are any guidelines that might be helpful for them. And one that we talk about with people is, is to really try to listen with genuine curiosity. It's so hard when people have lived with each other all their lives and they feel like they know what's gonna come out of their, other person's mouth to, to try to put on a new set of ears, in a sense, and listen with the idea that what somebody's speaking is actually their truth, and, and to try to hear it in a different way. Um, we also give them tools. So saying like ouch, and I think that that's something we learned from essential partners. The idea that if somebody says something that's

hurtful here, we're saying don't interrupt. You know, not do not interrupt, but let people speak one at a time. Um, if, if someone says something hurtful, it's okay to say ouch and let the person then continue on. But it's a signal that gee, it might be helpful to loop back because the person might not have any idea that they've just hurt you. Uh, so those are a few of the things that we do that impact the process.

Alexis Miles: So that reminds me of something you both talked about, that what you do is not therapy, but is therapeutic.

Crystal Thorpe: I think that often, this is the first time that people have really sit down together to really listen to each other. And so there could be assumptions that people have made, misunderstandings in the past that are blocking people from moving forward. And so while we mostly focus on the present and the future, we, we do recognize that sometimes the past can be a block and that there might be an event that happened that was interpreted differently by different people or that had a profound impact on a family member that the other people aren't even aware of. That if we hear about that and know that, and people want to go there, then sometimes just having somebody help facilitate that conversation can be really helpful. So again, we're not trying to be therapists, we're not trying to, um, dig too deep. And at the same time, if people are ready and want to go to that level, to hear each other, and then, and then be able to clear up misunderstandings and be able to move forward, that can be tremendously powerful.

Arline Kardasis: If I could just add to that as well. When we say it can be therapeutic, part of what we are doing is kind of teaching them to fish. In the sense that, you know, they, they may be, they may come into the meeting pretty low in terms of their expectations of what they can accomplish together. Maybe they've tried to have family meetings in the past, or they've had poor communication, and everybody's feeling frustrated and, and, and sort of pessimistic. So, to create a supported process where we help them to think about how to have better conversations, and we actually provide, when we do meet with them privately before the family meeting, it's a coaching session as well as an opportunity for them to tell us their story. It's an opportunity for us to sort of give them some skills to, to be their best self when they are in the meeting. And for us, then when we get everyone together, our role is very much to support their ability to have a better conversation and to, and to model that for them, so that even if they don't get through all the items that they wanna talk about, as Crystal said, there could just be numerous things that people kind of bring into this part of unfinished business or decisions that need to be made, and follow on decisions. Like if you make a decision your father needs additional help, then all the follow on decisions, where do you find it, what will it cost, who's gonna be the intermediary, just all of that. So helping them to feel like they can work together, um, and giving them those tools to do it. That's where it's, uh, the word therapeutic might not even be the right word, but where they've had some healing and some renewed optimism to move forward.

Crystal Thorpe: The other thing I wanted to just touch base about briefly. We talked earlier about capacity, and I talked about the situation with the person who wasn't able to express himself very much verbally anymore. And of course, capacity there's a whole, um, continuum of how people show up. It's also not something where people are always at one point on that continuum. You know, people's ability to communicate and make decisions, and all of that can vary by time of day, by a lot of different things, um, how much sleep they've had, all of those things. And, then there's also the question of capacity to do what. So, uh, you know, there's, you need a different level of capacity to just have a conversation or express your wishes than you do to make a legal decision. And so, as mediators, we aren't, we aren't assessing competency and capacity in a legal sense. What we do need to help people figure out and figure out for ourselves is, um, is there a capacity to participate in mediation? And as I said earlier, we really try to maximize people's ability to participate and look for ways that, that we can help support, um, people's

ability to be active participants. There isn't an easy answer in any of those situations, but that's something that we're on the lookout and how to, how to make sure to bring people's voice into the room as much as possible. And if people aren't able to express themselves anymore in their likes and, and wishes, then they may have surrogates, um, they may also have, um, a history of how they've expressed their wishes in the past. And that's something that the family can look at, and, so that, as they are making decisions together, they can think about what past wishes have been expressed and how to be consistent with that.

Sam Fuqua: You've touched on a lot of different things that I, I think are very helpful. Can you kind of sum up what folks should keep top of mind, whether they're the elder or the adult child going into these conversations, uh, before they have to seek professional help from, from folks like yourselves? It's great that we have this area of mediation now, but what do we need to keep top of mind so we don't necessarily have to go there?

Arline Kardasis: Oh, absolutely. Um, you know, the vast, vast majority of families will make their way through difficult conversations either successfully or unsuccessfully, but without the help of a mediator, right? So it's nice if people can have some skills and share them with their family members. So, I mean, the one thing that I tell to people, I tell people in our trainings and all is be curious that, that's the, the biggest key that you can carry to the toolbox is to be curious and to, um, speak with people, again, looking for their interests, but really, um, doing it in a way that encourages them to think about it themselves 'cause sometimes we don't even have it fully formed in our own mind, what we care about. So if, if someone is asking us curious questions, open-ended questions, not yes or no questions, but questions that, that just exports, can you think about why that's important to you? Or just say, tell me more. If we can encourage people in their own families to do that for each other, and to model that with their family members, that can open things up enormously because it's a way of saying, I really want to understand, so please help me understand. And then be able to say to them, okay, so here's what I think I heard. Tell me if I got it right. If we can do a little of that in our own conversations with family members, the ripple effect is so positive, and it comes back tenfold to us in, in our communications and in the healing of relationships.

Sam Fuqua: Arline Kardasis and Crystal Thorpe from Elder Decisions. Thank you so much for joining us.

Arline Kardasis: Thank you again.

Crystal Thorpe: Thank you so much, both of you.

Sam Fuqua: Crystal Thorpe and Arline Kardasis are experienced mediators, trainers, and authors who work together at Elder Decisions, a Boston-based firm that specializes in elder mediation and shared family decision making around elder care issues. You can find out more at their website, elderdecisions.com.

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