



## **COMMUNITY JUSTICE INITIATIVES**

### **ELDER MEDIATION SERVICE**

#### **COMMUNITY JUSTICE INITIATIVES: HISTORY, OBJECTIVES AND ACTIVITIES**

Community Justice Initiatives (CJI) is a non-profit organization known world-wide for starting the first modern restorative justice program. Restorative justice is a way of addressing conflict and crime that engages the person who caused the harm, people who were affected by the harm, and the community. It has been proven highly effective in complex conflict situations.

During our 40+ year history, we have continuously responded to community needs by creatively and innovatively applying restorative justice principles to new problems. Services we provide include: conflict resolution services; support for people impacted by sexual trauma; assistance for families involved with child protection; and reintegration support for women and youth returning to the community from prison or custody.

Our programs are based in the Waterloo Region of Ontario, Canada. However, our presence is global as we present our work through research, speaking opportunities, and written resources throughout the world.

#### **MISSION:**

To inspire safe, healthy, and peaceful communities.

#### **ELDER MEDIATION SERVICE PROGRAM DESCRIPTION:**

EMS offers older adults (55 and over) their families, friends, caregivers, service providers and others in their lives, a process to address conflict, elder abuse and decision making that affect vital relationships and their long term wellbeing.

#### **PROGRAM HISTORY:**

In early 2000, CJI in collaboration with community agencies initiated a pilot project named the "Elder Abuse and Mistreatment Program" designed to address elder abuse situations referred by the Elder Abuse Response Team of Waterloo Region Police Service. When the pilot program ended in 2004, CJI continued to operate this service under its Community Mediation Services (CMS). As the demand for Elder Mediation increased, CJI received funding from "New Horizons for Seniors Program" to train a specialized Elder Mediator Team. In 2011, CJI received funding from United Way and in 2012, Trillium funding was attained to round out the United Way funding and "Elder Mediation Service" emerged as a new specialized program of Community Justice Initiatives. Other funders include Sifton and Ontario Senior's Secretariat.

#### **THE MEDIATORS:**

EMS recruits and trains volunteers (majority of them are 55+ themselves) in mediation and Restorative Justice circles process. EMS volunteer mediators complete the Transformative Mediation course offered in partnership Conrad Grebel University College: University of Waterloo, as well as specialized training with topics e.g. ageism, elder abuse & neglect, power of attorney, advanced care planning, chronic diseases, financial issues, grief and loss, etc. Mediators are supervised by CJI staff and participate in peer support meetings, focus groups and committees.

## **MEDIATION STYLE:**

EMS uses a co-mediator model where two mediators meet with parties to assist them in resolving their differences and in making informed decisions in a safe, confidential and respectful environment. The mediators meet with all parties individually to prepare them for the mediation. Elder Mediation empowers parties to recognize the needs and interests of each party, to assist parties in working together to reach mutually satisfying outcomes, and to positively change their relationships and behaviours in order to move forward in a more constructive way.

Mediators may invite community resources e.g. mental health workers, social workers, Hospice, the Alzheimer's Society, doctors, translators, etc. into the process of mediation for support and education when appropriate and with the consent of parties.

Restorative Justice circles; also referred to as peacemaking circles or simply, a circle, draw on ancient Native American tradition of using a talking piece; an object passed from person to person in a group granting the holder sole permission to speak. Everyone in the circle is seated on equal footing with nothing separating them, to symbolize that they are all equal and there are no barriers between individuals. Each person is respected and gets an equal chance to hear and share their perspectives. After thoughtful listening and discussion, each person offers their ideas for mutually satisfying outcome to the issues.

Circles are used when there is a group impacted by conflict and offers a way to include those harmed by conflict and crime, those who do the harm, the community and the justice system to determine the most effective response to the harm that promote healing and safety for all.

## **REFFERALS:**

- Self
- Family
- Community – neighbour, friend, community member, etc.
- Elder Abuse Response Team – Waterloo Region Police Service and Community Care Access Centre
- Community Service Providers – Community Care Access Centre, Community Support Connections, Waterloo Region Housing, Retirement Homes, Co-op Housing, Hospitals, Private Home Care, Lawyers, Canadian Mental Health Association, Hoarding Project, Red Cross, etc.
- The Justice system

## **AREAS OF SERVICE:**

Elder Abuse, Decision making, Conflict, Education & Support

## **ELDER ABUSE:**

Elder Abuse is an action by someone in a relationship of trust with an older adult which results in harm or distress to the older person.

## **Examples of elder abuse:**

- Physical abuse – slapping, pushing, forced confinement
- Sexual abuse – unwanted form of sexual activity.
- Financial abuse – Selling personal property, stealing finances, committing fraud, misusing POA.
- Mental abuse – humiliation, insults, threats, ignoring person, treating as a child
- Neglect – abandoning person, withholding food or medications, failure to provide needs

## **DECISION MAKING:**

Decision making can cause anxiety and confusion for the older adult especially if their voice has been taken away or they are misunderstood.

### **Examples of decision making:**

- Power of attorney
- Wills
- Housing and Living arrangements
- Financial decisions
- End of life
- Retirement

## **CONFLICT:**

Conflict can have a devastating effect on an older person's health and wellbeing and may result in abuse, isolation and self-neglect.

### **Examples of conflict:**

- Neighbour
- Family dynamics
- Caregiver burden
- Relationships
- Intergenerational
- Workplace

## **EDUCATION & SUPPORT:**

### **Examples of education & support:**

- Presentations to raise awareness of elder issues of conflict within the community.
- Networking to encourage collaboration between community service providers.
- Education groups, support groups, conflict coaching, social groups to equip older adults in how to manage their conflict in the long term.
- Workshops, trainings for service providers, community members, etc.
- Resources available in the community and how to connect with them.

## **OUR GOAL:**

To create safer, healthier and more connected communities through our service. We attain this goal by seeking to accomplish the following outcomes:

- Empowering older adults to address conflict within families, neighbourhoods, and also to address abuse situations which has fractured relationships and caused harm.
- Equipping older adults in the community with skills to problem solve and effectively resolve conflict;
- Assisting with the creation of engaged communities who are equipped and empowered to prevent conflict, abuse and bullying within the older adult communities.
- Preventing violence by de-escalating conflict, allowing older adults their voice to talk openly about what has happened and what needs to be put in place to resolve conflict and prevent further harm.
- Involving the community, through volunteer mediators/facilitators, in the creation of safer, healthier and connected communities.

## **PROJECT EVALUATION:**

We evaluate our service on a regular basis through surveys of participants and community partners. The surveys measure the impact of our program (i.e. conflict skills gained, sense of belonging, feelings of safety, reduction of stress) and client satisfaction. Results are compiled and analyzed to deliver a more effective program.

## **EXAMPLES OF MEDIATIONS:**

### **1. FAMILY –**

**Situation:** Mom was removed from son's care by her family due to her deteriorating health and placed in retirement home. The son, who had significant mental health issues, was devastated and angry. His grief and anger manifested themselves into grossly inappropriate behaviour and resulted in him being banned from retirement home and unable to see his mother. His two sisters who shared Power of Attorney also felt the wrath of his behaviours and empathised with the home's concerns, yet wanted to help their mother see her beloved son. There was a stalemate between the home, the daughters and the mother from seeing her son in her final days.

**Intervention:** CJI facilitated a mediation between the son and the daughters who in turn negotiated and reassured the home. A plan for the son to visit his mother was devised. The participants discussed how to make that visit safe for the retirement home staff, the mother and the son. Permission was received from the retirement home for the son to visit his mother.

**Outcome:** The son visited his mother and it was both emotional and reconciliatory. That very afternoon, his mother passed away. The son expressed how important it was to have visited his mother before her death and how grateful he was that it was such a positive last visit. The daughters were thrilled that they were able to make this visit happen for their mother.

### **2. RETIREMENT HOME –**

**Situation:** Allegations of physical abuse of a retirement home resident by a staff member.

**Interventions:** CJI interviewed relevant staff, residents and as well as the owners of the retirement home. In addition to informing the circumstances of the abuse allegations, the interviews unearthed many root issues that contributed to this incident including workplace discord and significant deficiencies in the retirement home's policies and procedures.

Mediations were facilitated between the staff member, the resident and the family. Additional mediations were facilitated between the staff and owners, and between the 2 owners themselves.

#### **Outcome:**

Regarding the initial allegations, the staff person met face to face with the resident she hurt and his family. She accepted responsibility for her actions and apologized.

Remaining home staff and residents were trained in conflict resolution and communication skills. The homes owners were referred to the Retirement Homes Regulatory Authority and Ontario Retirement Community Associations for assistance in developing proper policies and procedures. Improved policies and procedures were developed and implemented.

When followed up with, staff and residents reported that their relationships had greatly improved and that they felt more secure as they were better able to communicate with each other. CJI has continued to follow up periodically to offer support and assistance as required.

### 3. CARE PLAN –

**Situation:** The father's health was declining rapidly resulting in intensified conflict between the adult children; three brothers and two sisters. The conflict involved a variety of family concerns including: agreement to the seriousness of father's condition, where the father should reside, and finances. The family had experienced long-term conflict and had not successfully resolved many issues in the past. The resulting conflict affected the father's long-term care and living situation keeping him in a state of limbo. The siblings were so entrenched in their conflict that they were unable to work together to look after their father and his needs were becoming increasingly neglected.

**Intervention:** CJI facilitated a mediation between the siblings to find common ground between them regarding their fathers' health concerns. The positive momentum of that mediation led to a circle with the entire family including their father to collectively plan for his continued health care and other issues.

**Outcome:** The family developed a plan with clearly laid out tasks and steps forward. CJI offered ongoing assistance to address any further challenges that the family felt unable to resolve. The family was finally able to work together and care for their father in a loving and cooperative way through his final days.

### 4. FINANCIAL ABUSE –

**Situation:** The daughter misused her mother's money and her mother's finances were significantly depleted.

**Intervention:** A circle was facilitated with the mother, daughter, personal support persons, family friend, extended family, and community agency supports.

**Outcome:** The daughter took responsibility for her actions and was able to apologize. She agreed to repay the money and a concrete plan to do so was developed. An extended family member agreed to monitor and support the relationship between the mother and daughter to ensure there was no further abuse. The agreement included assigning a new power of attorney within the family. The mother's finances were restored and she did not lose her relationship with her daughter.

