



Vol. 1, No. 2  
Spring/Summer 1998



# ASPN

## *Adult Services Practice Notes*

Produced under contract with  
the Adult Services Branch,  
Division of Social Services,  
NC Department of Health and  
Human Services

by

CARES,

the Center for Aging Research  
and Educational Services,  
Jordan Institute for Families,  
School of Social Work,  
CB# 3550,

University of North Carolina  
at Chapel Hill

Telephone: (919) 962-0650

Fax: (919) 962-3653

State Courier: 17-61-04

*The aspen is perhaps the world's  
largest organism. Although some  
aspen forests cover acres and seem to  
be composed of individuals in all  
stages of life, they share a common  
root system.*

*ASPN: Adult Services  
Practice Notes* is  
dedicated to providing  
information on excellent  
family-centered social  
work practice with adults  
and their families.

## Using Conflict Resolution Strategies to Help Families Reach Agreement

Do you ever get "stuck" working with families? Each family member seems to have an agenda, and none of them are the same. Tempers are getting short, family members are taking sides, and you are very tempted just to tell everyone involved what they ought to do. Is there a way out of this situation that returns control to the family? The conflict resolution strategies used in formal mediation may be just the thing. The key is to create a safe and structured environment in which the parties to the dispute can state their positions. Participants then identify interests they hold in common and develop solutions to which they can agree.

Mediation is used in a variety of circumstance to reach a resolution to a conflict. It often serves as an alternative to formal legal proceedings. It is taught in many public schools to help students find productive, nonviolent ways to settle disputes. Divorcing couples often use it as a more amicable way of dividing property and responsibilities for children. While the mediator's role is different from the role of the social worker who uses counseling skills with clients, some of the strategies of mediation can be useful in helping families manage conflict more productively. In formal mediation, disputants must see the mediator as a neutral party, which is why social workers may not be able to take this role with clients and families they have worked with for a long time. Nevertheless, knowing about conflict resolution strategies and why they work can help you work with clients and families to make positive changes even when they disagree. This newsletter can provide only an introduction to these strategies. Dispute Settlement Centers throughout the state (see the list on p. 2) provide both mediation services and training.

## The Smith Family: A Case Example

You have been working with the Smith family for about one year. Mrs. Ethel Smith, who is 87, is an independent woman who has lived alone in a small, third-floor apartment since her husband died 20 years ago. In the last few years she has become very hard of hearing, and arthritis in her hands and legs makes it difficult for her to bathe, clean house, shop, and cook for herself. She has a lot of longtime friends in the building, and they help each other out. She receives home-delivered meals, and your agency has been providing one hour daily of personal care services.

Mrs. Smith has two children living in town, Frank, who is 67, and Martha Jones, who is 60. Both Frank and Martha have grown children, none of whom lives locally. Martha has been divorced for two years, lives alone, and is struggling to support herself at a minimum wage job. Frank retired last year and lives with his wife, Sarah, who has never gotten on well with the older Mrs. Smith.

Last week, the fire alarms went off in Mrs. Smith's apartment building. Fortunately, it was a false alarm, but her landlord noticed that she didn't leave the building, and when he asked her about it, she said she hadn't heard the alarm. Seeing the way she was walking, the landlord also began to worry that she would never get down three flights of stairs in a real emergency, so he called Frank Smith and told him they should move Mrs. Smith somewhere else by the end of next month, because he planned not to renew her lease.

You met Frank at Mrs. Smith's apartment when you did the original assessment, and you have talked to him occasionally since then. He knows that your agency provides placement referrals, so he came to you for information and assistance. He also tells you that he's worried there will be a real fight. His mother has said repeatedly that she "would rather die than go to a home." His wife has said that she will leave rather than let his mother move in with them. He says his sister doesn't have enough room at her place, and she works second shift, so she isn't around to take care of their mother. To top it all off, when Mrs. Smith heard about the landlord's call, she went to see him and they got into a heated argument. The landlord now says that there is no way

he will renew her lease. You know that Mrs. Smith doesn't have enough financial resources of her own to be able to afford a place in any of the moderate to expensive retirement communities in your area, and there is a long waiting list for publicly subsidized housing for the elderly.

You have recently had formal training in the process of mediation. Rather than wait for the family dispute to become more heated, you suggest to Mr. Smith that the family meet to resolve this problem. You explain the process to Mr. Smith, and he agrees to try it. You suggest scheduling a time when he and his wife, his mother, his sister, and the landlord can meet with you for one to two hours, and he agrees. You offer the conference room in your agency and to call all the participants to arrange a meeting.

You explain the process of mediation when you call each person and tell them all that the solution will be determined by the participants, not you as mediator. This focus often intrigues participants and encourages them to come and try it. Nevertheless, this is often the hardest part of the process, but it is essential to a good resolution to get as many voices as possible. In this case, the landlord will probably be the hardest person to get involved. When you call, you might

## North Carolina's 27 Community Mediation Centers

**Mediation Network of North Carolina.** Scott Bradley, Executive Director; P.O. Box 241, Chapel Hill, NC 27514-0241, (919) 929-6333. See their web site for addresses and other valuable information (<http://www.mediate.com/mnnc/>).

Alamance County Dispute Settlement Center, Burlington, (336) 227-9808	Dispute Settlement Center of Durham, (919) 490-6777	Mediation Services of Forsyth County, Winston-Salem, (336) 724-2870
Albemarle Dispute Settlement Center, Camden, (252) 331-7950	Dispute Settlement Center of Moore County, Carthage, (910) 947-6000	Mediation Services of Guilford, Greensboro, (336) 273-5667; High Point, (336) 882-1810
Blue Ridge Dispute Settlement Center, Boone, (828) 264-3040	Duplin County Dispute Settlement Center, Wallace, (910) 285-8024	Mediation Services of Rockingham County, Reidsville, (336) 342-5238
Cabarrus County Mediation Center, Concord, (704) 786-1820	Foothills Mediation Center, Rutherfordton, (828) 286-0660; Columbus, (828) 894-7077	Mediation Services of Wake, Raleigh, (919) 508-0700
Chatham County Dispute Settlement Center, Pittsboro, (919) 542-4075	Henderson County Dispute Settlement Center, Hendersonville, (828) 697-7055	Mountain Dispute Settlement Center, Bryson City, (828) 488-8812; Waynesville, (828) 452-0240; Sylva, (828) 586-4398
Charlotte-Mecklenburg Community Relations Committee/Dispute Settlement Program, Charlotte, (704) 336-2903	The Mediation Center, Asheville, (828) 251-6089	Orange County Dispute Settlement Center, Carrboro, (919) 929-8800
Conflict Resolution Center of Catawba, Burke, and Caldwell Counties, Morganton, (828) 584-2192; Newton, (828) 465-8951	Mediation Center of Eastern Carolina, Greenville, (252) 758-0268; Rocky Mount, (252) 985-3792; New Bern, (252) 633-2538	Piedmont Mediation Center, Statesville, (704) 873-7624
Cumberland County Dispute Resolution Center, Fayetteville, (910) 486-9465	Mediation Center of the Southern Piedmont, Gastonia, (704) 868-9576; Lincolnton, (704) 736-8474; Shelby, (704) 482-1813	Robeson County Dispute Resolution Center, Lumberton, (910) 738-7349
Dispute Settlement Center of Cape Fear, Wilmington, (910) 350-2900		Sandhills Mediation Center, Laurinburg, (910) 277-2889; Raeford, (910) 904-5767
		Transylvania Dispute Settlement Center, Brevard, (828) 877-3815

point out to him that he has had a long relationship with Mrs. Smith and that there may be a more positive way resolve the issue that would make it easier for her and that would provide him with strategies to use in the future in similar situations.

### Preparing for the Meeting: Special Needs of the Participants

You know that Mrs. Smith has limitations in mobility and does not hear well. How will you help insure that she can participate fully in the process? Here are some things to consider before and during the mediation session.

- Many older adults are slower to recall information and require longer to respond. People with impaired ability to communicate also may need more time to comprehend and respond to others and perhaps even translators or other assistance.
- Some people have conditions or take medications that affect alertness or stamina at certain times of the day. Scheduling a time that has people at their best is a good idea.
- Participants should literally be able to see “eye to eye.” People in wheelchairs can feel overwhelmed or intimidated if others stand or sit above them.
- Some participants may feel powerless or without status. Mediation gives everyone’s concerns equal weight. (Mediation, however, is not an appropriate remedy for an abusive situation.)
- Gaps in age among participants can provoke miscommunication, as can cultural stereotypes and differing cultural expectations.

### Positions vs. Interests

Participants in mediation start out with *positions* that often seem irreconcilable. You’ve heard some of the Smith family’s positions—at least from Mr. Smith’s point of view. His wife won’t let his mother move in with them. His mother doesn’t want to leave her home. The landlord doesn’t want the risk of having Mrs. Smith in the building. Generally speaking, people can’t be argued out of their positions, and conflict arises when others try to do so.

Participants also have *interests*, which are the reasons they hold their positions. From what you know already, you can speculate on what some of the Smith family’s interests may be. Mrs. Smith, for example, most likely wants to stay in her home. She may also be angry and afraid of losing her independence. It will be your job as mediator to get her to talk about all the aspects of the situation as she sees it and what

her feelings are. As the meeting progresses, you demonstrate empathic listening skills for the participants, that is, hearing the circumstances and acknowledging the feelings that go with them. When the parties to mediation *really listen* to one another—and this is what you are teaching them to do—they often discover interests in common for which they can identify common solutions. (If participants can’t identify common interests, mediation won’t work as an intervention. You can point this out and end the session, if necessary.)

### What Is the Process?

The time arrives and the participants are all present. Mrs. Smith is seated in a comfortable chair an hour after she has taken her pain medication. She is positioned so she can see the lips of all the others. The room is in a quiet part of the building. The rest of her family and the landlord are also seated around her. Here are the 14 traditional steps in the process.

1. State the purpose of mediation.
2. Confirm your neutrality.
3. Introduce the participants to one another, if necessary. Get a commitment from all of them to proceed.
4. Help establish some ground rules, and get participants to agree to them. Though you may have others, here are four that are commonly used:
  - a. only one party speaks at a time
  - b. each party speaks directly to the mediator, not to one another
  - c. each party will refrain from insults or other verbal (or physical) attacks
  - d. everything said within the room is confidential, unless otherwise agreed.
5. Request the first participant to describe the situation while the others listen without commenting. In this case, you might start with Mr. Smith, because he was the one who came to your agency, or with the older Mrs. Smith, because she will probably be the person most affected by the resolution. In other cases, you might start with the person bringing the complaint or with the most neutral of the participants.
6. Respond actively to the first participant’s description, restating and questioning to clarify.
7. Summarize what the first speaker has said, eliminating any disparaging references, and check that your

summary is accurate. Restate until the first speaker agrees that your summary has covered the points.

8. Thank the first participant for speaking and all others for listening.
9. Repeat steps 5 to 8 for each participant.
10. Ask each participant to clarify the major issue(s) to be resolved.
11. Define the problem by restating and summarizing the interests of each party, highlighting, whenever possible, those they have in common.
12. Help participants set priorities when there are several issues to resolve.
13. Help participants identify options that satisfy their interests.
- (14. In formal dispute settlement, participants often sign a written agreement summarizing their resolutions.)

### When Is Mediation a Useful Approach?

In this case, you decided to propose mediation because it supports the family's control over their situation. In this case,

because the family doesn't see you as a partisan, you can act as a neutral party. You have helped the family avoid a major conflict and taught them more about how to discuss difficult issues. By including the landlord in the discussion, you have let him clarify his position. He may be willing to let Mrs. Smith move to a ground floor apartment and arrange an alarm that is a flashing light. If Mrs. Smith does need to move elsewhere, now or in the future, the family has begun discussing what would be acceptable to everyone involved.

In working with families you have known for awhile, some members may question your neutrality because you may have taken an active part in their problem solving. Nevertheless, when there is conflict, calling a family conference and modeling active listening skills may help get positions and interests into the open and enable families to identify new and creative solutions to the issues they face.

—Prepared by Linda Rahija, MSW, and Margaret Morse, PhD

### ASPN: Adult Services Practice Notes

is sponsored by the Adult Services Branch of the North Carolina Division Social Services and published by CARES, Jordan Institute for Families, CB# 3550, School of Social Work, The University of North Carolina, Chapel Hill, NC 27599-3550, State Courier #17-61-04.

Phone: (919) 962-0650. Fax: (919) 962-3653.

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Jordan Institute for Families  
 School of Social Work, CB# 3550  
 The University of North Carolina  
 Chapel Hill, NC 27599-3550  
 State Courier: 17-61-04

Nonprofit Organization  
 U.S. Postage  
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 Permit No. 177  
 Chapel Hill, N.C. 27599-1110