

**OKLAHOMA ALLIANCE ON AGING  
EDUCATION COMMITTEE REPORT, March 18, 2005**

**ALTERNATIVE DISPUTE RESOLUTION as a STATE PROGRAM**

PRESENT: Dr. Ray Bishop, Margaret Bishop, James Crowder, Kent Kepler, June Morgan, Vivian Smith, Sue Darst Tate, John Terneus

**BACKGROUND**

The Oklahoma Office of the Supreme Court operates an Alternative Dispute Resolution (ADR) program that has won national recognition as a way of addressing situations that can often be resolved without going to court.

The program was authorized in 1983 and funded in 1985 by the state legislature through the Oklahoma Dispute Resolution Act. It is administered and supervised by the Administrative Director of the Courts through his designee, the Alternative Dispute Resolution System Director, with the ongoing guidance of the Dispute Resolution Advisory Board. Sue Darst Tate is the Director of the ADR System. The system is designed to be coordinated through the Administrative Office of the Courts. June Morgan is a member of the Alternative Dispute Advisory Board.

Each program within the system is certified by means of an initial application process and annual contracts with the local sponsor of the community-based centers and the executive officers of state agencies.

Twelve Early Settlement offices are located throughout Oklahoma so that each of the state's 77 counties has a designated program to serve its residents.

In addition to the Early Settlement Community-based programs, eleven state agencies have programs in the Alternative Dispute Resolution System. Among these programs are the Department of Human Services Employee Mediation Program, the Office of Handicap Concerns, the Department of Rehabilitative Services, the Oklahoma Corporation Commission, the Oklahoma Department of Health, and the Oklahoma Insurance Department.

**MEDIATION in FAMILY DISPUTES**

State judges are aware of **mediation** as a way of addressing disputes, often involving families. Lawsuits can make problems worse when disputes are among family members concerned about care of an aging parent. People stop "hearing" each other.

Disputes can be solved at minimal cost through the Alternative Dispute Resolution program, with the aid of trained mediators. Mediators in the Supreme Court program are trained volunteers. There are now 350 volunteers in the state program, some with over 20 years of experience. They do **not** make decisions, but enable families to make their own decisions.

Families may be spread over several states. One may get a protective order. Meaningful participation by adults is needed in a discussion. A mediator may help people "hear" each other.

In one situation a brother and sister were competing to be guardian of their mother. Five children were arguing. A limited guardianship was needed. A general

guardianship would take away all rights of the mother. After four hours of discussion with the aid of a trained mediator, family members finally agreed to support decisions of the oldest sister.

Mediators are all volunteers. They are trained to help families “hear” each other and make decisions. There are now 350 volunteer mediators, some with over 20 years of experience. An ethical code is part of their training, and they have a free annual conference. They pay their own mileage,

Cost of mediation is \$2-\$10.

A short film showing a family mediation program with three family members and a mediator was shown at this meeting. The group met over a three-day period, and was able to agree on a solution to their situation on the third day.

There are paid professional mediators who advertise their services, and have no connection with the state program.

## **EDUCATION**

Sue Tate is involved in continuing judicial education.

Information about the mediation program should be provided to new judges, and individuals training to be lawyers. Judicial conferences should include information about mediation.

There are universal needs for mediation services. The Department of Rehabilitative Services has a mediation program for children with disabilities.

When children are removed from their homes and placed in foster care, mediation can help. The average length of stay in foster care is 26 months.

Grandparents raising grandchildren may need counseling and mediation.

There are national issue forums in which Sue Tate is involved. A domestic violence position paper is being developed. A pregnant woman may be killed in her home. Alcohol abuse, substance abuse and domestic violence are dangerous situations, not appropriate for mediation.

The CAVA (Court Appointed Advocates for Vulnerable Adults program is cooperating with county judges.

The University of Michigan in Ann Arbor center for Social Gerontology has had programs and publications on guardianship in older adults. Sue Tate has attended some of their meetings and appreciates the value of their programs.

Vivian S. Smith  
Education Committee Chairman