



# Managing High Conflict Families

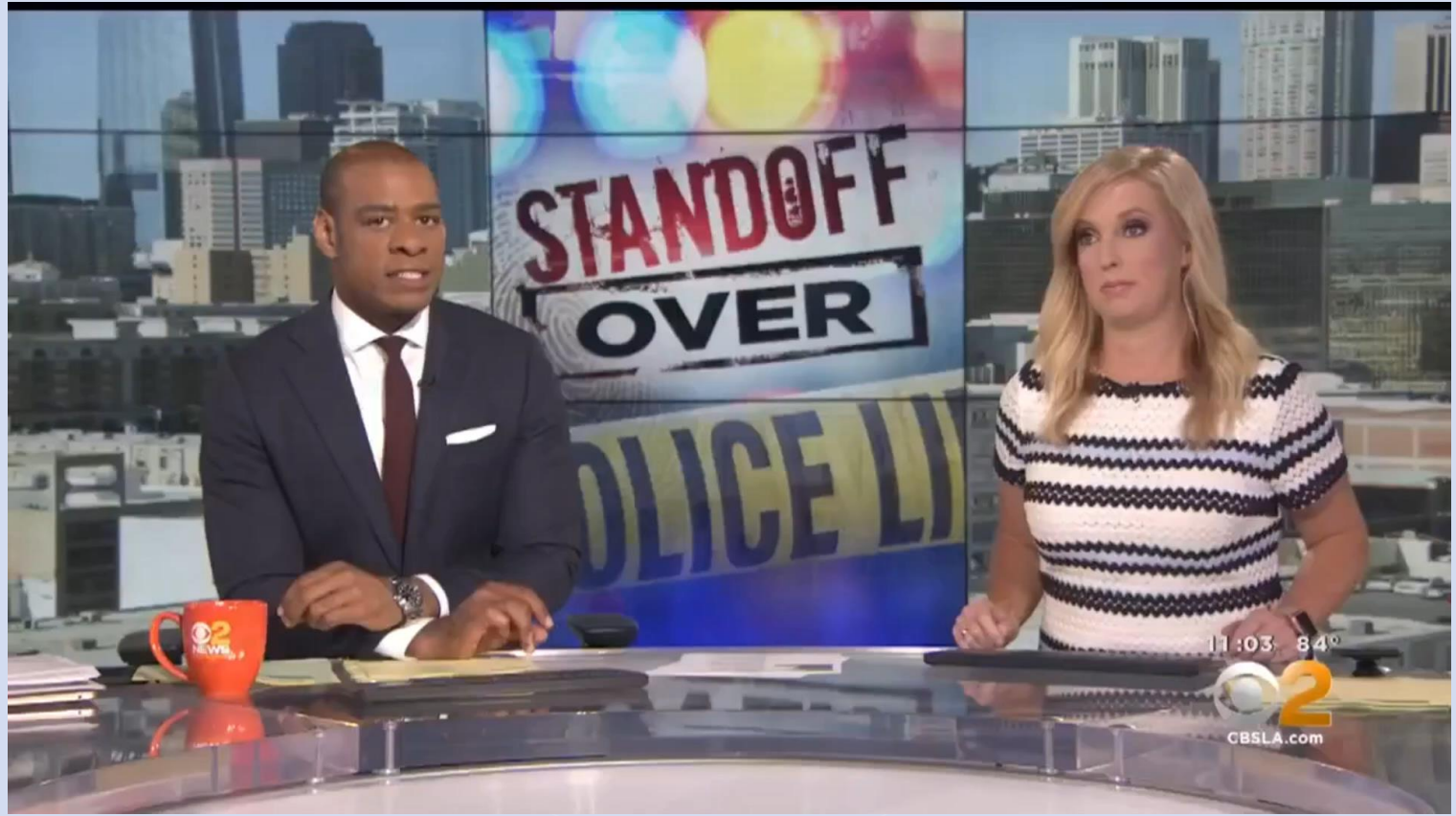


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# Objectives

- 1. Participants will be able to identify impacts of conflictual dynamics on the person under guardianship.**
- 2. Participants will understand standards of care and duties of a guardian which can guide guardian interventions.**
- 3. Participants will learn about multiple interventions which can be sought from the court, or implemented by the guardian.**





# Hillygus Case

- **Gene and Susan Hillygus, Husband and Wife**
- **Two Children Roger (Son) and Robin (Daughter)**
- **2014 Gene brings concerns of conflict between his children to the probate court and requests a different trustee, citing that his son Roger, failed to follow his directions.**
- **While the trust issue is contested, Robin files for guardianship of her both parents. Her brother opposes those petitions.**



# Hillygus Case

- **A settlement is reached in the trust issue pending the outcome of the guardianship case. (Roger remains the trustee.)**
- **The contested guardianship case is settled, confirming Roger as the guardian of his mother, whom he lived with and Robin as the guardian of her father, who was living in a facility.**
- **Financial settlements were also reached to pay Roger for care of his mother.**





# Hillygus Case

- **6 months later the case comes back to court because of a failure to pay GAL and attorney fees. (Order of Contempt) Resulting in Roger being removed as trustee, relieved as guardian for mom, and an order to provide accounting. It is later discovered that Roger participated in massive self-dealing. The sister is appointed guardian of her mother.**
- **2 years of vexatious litigation ensues by Roger**
- **The following year Roger kidnaps his mother, takes her out of state, is involved in a standoff with a SWAT team.**



# Hillygus Case

- **While the protected person is recovered and safely placed, she dies two months later.**
- **Roger and his accomplice are pending trial on multiple felonies.**
- **This conflict predated and likely lead to guardianship and (yet once spun in the media could be used to demonize guardianship. )**



# Pre-Existing Conflict Which May Lead to Guardianship

- **Family members (parents) who don't discuss estate planning equitably with their heirs and don't take steps to document wishes (conflict within themselves about mortality and the need for long term planning)**
- **Unresolved sibling conflict: Multiple Siblings who do not get along.**
- **Decades of family dynamics distilled down to the last several months of a person's life.**
- **Concerns about how parents' money is being spent**
- **Concerns about where or how family or parents are living (Difference of Values -living with a family member vs. a facility)**
- **Transfers of property that are seen as inequitable by potential heirs**
- **Financial Difficulties with the heirs, themselves**
- **Persons who act conflictual in other areas of their life (litigious, law-breaking, or non-normative beliefs)**





# NGA Standards and Ethics

## NGA Standard 4

The guardian shall promote social interactions and meaningful relationships consistent with the person's goals, needs and preferences.

- A. The guardian shall encourage and support the person in maintaining contact with family and friends, unless such contact will substantially harm the person.
- B. The guardian may not interfere with established relationships, as defined by the person, unless necessary to protect the person from substantial harm.
- C. The guardian shall make reasonable efforts to maintain the person's established social and support networks.
- D. The guardian may take reasonable steps to restrict contact between the person and another who poses a risk of significant, financial, physical, or psychological harm to the person. If the guardian believes the restriction will exceed seven business days for family or established relationships, and 60 days for other relationships, the guardian shall bring the restriction and the reason for the restriction to the court's attention.



# NGA Standards and Ethics

## ▪ NGA Standard 4 – Property

When it becomes necessary to dispose of the person's assets, with court approval, the guardian **may** give family and friends the opportunity to obtain those assets (particularly those with sentimental value).

The guardian shall make reasonable efforts to preserve property designated in the person's will and other estate planning devices. The person's goals, needs and preferences shall have priority over all other interests which may arise in the person's property after death.



# NGA Standards and Ethics

## ■ NGA Standard 4 – Communication with Family

- The guardian **shall** maintain communication with the person's family and friends regarding significant occurrences that affect the person when the guardian *reasonably believes that the person would have maintained communication* with those individuals and that such communication by the guardian would not result in substantial harm to the person.
- The guardian shall seek the input of the person's family and friends when making major medical and placement issues for the person and when formulating or revising the guardianship plan provided the guardian reasonably believes that the person would have involved those individuals in the decision-making or planning process and that such involvement would not result in substantial harm to the person.
- The guardian shall make reasonable efforts to resolve any conflict in a manner which most efficiently meets the person's goals, needs and preferences.



# NGA Standards and Ethics

- Promptly inform the person's family, friends, and any others entitled to notice of the person's periods of rehabilitation, hospitalization, and changes in residential setting. (Standard 12)
- Coordinate and consult with the person's family and friends as the circumstances require. (Standard 18)



# Hallmarks of Conflict

- **High conflict families are families plagued by disagreements, sibling competition, and strong emotions linked to previous perceived or real threats or actions.**
- **These families often have opposing needs, wishes, demands, perspectives, and agendas.**
- **Often these have nothing to do with the best interests of the person under guardianship.**



- **Often the guardian has no knowledge of the past discord within the family which led to the high conflict family dynamics.**
- **It is also sometimes the case that a guardian may not know how or if the negative family dynamics were the result of actions of the person under guardianship in the past.**
- **We may not have an understanding of them as a parent raising their children.**



# Sometimes we don't know family history

## Marianne Theresa Johnson-Reddick

*January 4, 1935  
Sept. 30, 2013*

Marianne Theresa Johnson-Reddick born Jan 4, 1935 and died alone on Sept. 30, 2013. She is survived by her 6 of 8 children whom she spent her lifetime torturing in every way possible. While she neglected and abused her small children, she refused to allow anyone else to care or show compassion towards them. When they became adults she stalked and tortured anyone they dared to love. Everyone she met, adult or child was tortured by her cruelty and exposure to violence, criminal activity, vulgarity, and hatred of the gentle or kind human spirit.

On behalf of her children whom she so abrasively exposed to her evil and violent life; we celebrate her

passing from this earth and hope she lives in the after-life reliving each gesture of violence, cruelty, and shame that she delivered on her children. Her surviving children will now live the rest of their lives with the peace of knowing their nightmare finally has some form of closure.

Most of us have found peace in helping those who have been exposed to child abuse and hope this message of her final passing can revive our message that abusing children is unforgivable, shameless, and should not be tolerated in a "humane society". Our greatest wish now, is to stimulate a national movement that mandates a purposeful and dedicated war against child abuse in the United States of America.

This is an actual obituary written by the children of a person under guardianship with Washoe County Public Guardian



# Identification:

- **High conflict families may present as argumentative, uncaring, contradictory, and controlling.**
- **Family members may be focused on what they perceive the person under guardianship (or others) “owes” them or on preservation of the estate for purposes of their own use and inheritance.**
- **Family members in high conflict families may submit numerous petty filings through the court case. These are often meant to irritate others or further the conflicts they feel are justified and further their own agenda.**





# Identification

- **They may want to control the medical and mental health treatment and interventions for the person under guardianship and argue often with the guardian about those.**
- **Family members in a high conflict family may manipulate, withhold, and falsify information and documentation.**
- **Family members may try to influence others to be on “their side.”**
- **Family members may be frustrated by the change in the power dynamics once a guardian is appointed.**



# Identification

- There are often personality traits of the family members which exacerbate the conflict and prevent resolution.
- They may show little insight into their own role in the conflict.
- They will display little empathy for how the conflict impacts the person under guardianship.
- Family members may use the guardianship against one another, fighting for guardianship as a means to gain control; a third-party non-family guardian disrupts the battle for control.
- Family members feel they are right and justified and feel their actions are the best for the person under guardianship no matter how much the helping professionals tell them otherwise.



# Impact on the Person with a Guardian

- **The person under guardianship may be very distressed at the conflict.**
- **They may not recall any previous family conflicts or the origins of the family discord, even if they had been a part of it.**
- **They may feel pressure to pick a side but not want to.**
- **They may not understand the consequences of the family conflict.**
- **They may blame themselves for the family fighting.**
- **They may be used as a “pawn” in the ongoing family feud.**
- **Anxiety, depression, worsening memory, lack of appetite, increased pain complaints.**



# Impact on the Person with a Guardian

- **High conflict families may cause the protected person things such as inappropriate placements, odd and unusual treatments, delayed necessary treatments, delayed end of life planning, under or over- medication, loss of medical providers who don't want to deal with the family, loss of funds, exploitation by a family member, and loss of property.**

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# Impact on the Person with a Guardian

- In high conflict family situations, the person under guardianship may be isolated from family other than the guardian, friends, church members, and other supports.
- If a third-party guardian exists outside of the family, high conflict family members can interfere with the guardian's ability to be effective.

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# Red Flags of Potential Conflict

- **Mention of Conflict and Disagreements in a public setting could be acknowledgment of the “tip of the iceberg.” (Be curious about what lies beneath.)**
- **High conflict families may attempt and “fail” mediation several times.**
- **Family members will exhaust everyone involved and account for most of the time attributed to the case.**
- **Limits and boundaries are broken, crossed, and ignored.**





# Interventions - Guardian

- **Structure with specific, concrete plans and terms.**
- **Be very certain of your legal, ethical and practice responsibilities**
  - **It may be very tempting to stop communicating with family or restrict visitation of family, but these actions may require court intervention and families may still be entitled to some information.**
  - **Decide what you can and will do as opposed to what you will stop doing.**



# Interventions - Guardian

- **Identify Needs of the protected person to the court and avoid distractors.**
- **You have limited time and resources with the court, so use them wisely.**
  - **What can the court do?**
  - **What does the court need to know?**
- **Consultation with others in the field**

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# Interventions - Guardian

- **Utilize specialists in the fields where the conflicts exist so you can focus on the duties of the guardian.**
- **Long Term Care Ombudsmen, Hospital Social Workers can mediate conflict with facilities.**
- **Psychologists within Regional Services may assist with mediating conflict for persons with disabilities who are involved in those services.**
- **Hospice social workers for end of life issues.**



# Interventions - Guardian

- **Communicate factually and impartially. Their drama is not your drama.**
- **Remember who your duty is to...the focus needs to be on the protected person.**



# Interventions - Attorneys

- **Attorneys advocating effectively for families who may have some of these red flags, are not truly a high conflict family.**
  - Filing a non-traditional accounting, with comingling of funds, when a family is looking up at the poverty line.
- **Being mindful of the Judge's case numbers.**
- **They don't know what they don't know.**
- **Highlighting appropriate concerns so that judges are aware that an issue may exist.**



# Final Reflection

- **Being mindful that the families' conflict is not our conflict**
- **Listening and reflecting the issues as they come up**
- **Being open to trying different ways to communicate to gain understanding**
- **Always using a calm and professional tone with information that is fact filled devoid of opinions**
- **Setting clear boundaries about what you can do and avoid using language that indicates what you cannot do**
- **Taking time to respond to insure you are communicating factually and not emotionally**
- **Self Regulation is a key to be able to be empathetic, but also to remember that your focus is on your protected person and that is who you serve.**



**Questions??**

**Thoughts??**

**Audience Reflections??**



# Thank you for the work you do!!

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