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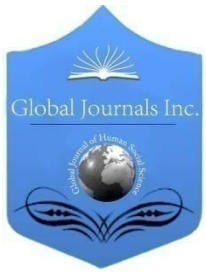

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The Power of Mediation's Dialogue: Resolution of Conflicts in the Environment of Special Needs People and/or People under Functional Dependence

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Mediation is laid out through its basic structure formed by its principles and typical characteristics which help the parties in conflict to reach a long-lasting and accepted by everybody agreement. An achievement which is accomplished through the process of mediation, which itself has got specific peculiarities that shall be considered by mediation professionals.

This way we end up with the explanation of some of the experiences which currently are being executed in a national as well as in an international level.

Keywords: mediation, special needs, dependence, resolution, conflicts.

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I. Introduction

The purpose of this article is to introduce the chances that mediation offers as an strategy for an effective inquiry when solving the conflicts that special needs people and/or people under a situation of dependence experience in their closest environment.

The socioeconomic effect of the crisis over the Spanish society is reflected on the increase of the number of people affected: the increase of the unemployment rate (it reached 24,63% of the economically active population) as well as the proliferation of homes with all their economically active members unemployed (reaching 1.737.600 homes), a truly dramatic data for a country that is a Welfare State. This kind on information becomes even worse with the data registered by Caritas, which shows the rise on the attended demands: they have increased from 400.000 people in 2007, to 950.000 in 2010, a figure where the 67% of the people had been derived from the public social services.

The aforementioned facts have had an effect on social services benefits according to the statistics given by IMSERSO (2013), which indicate that a change has been produced towards caring at the households, since 422.905 families use the economic benefit offered for caring at the familiar environment and the support to non-professional caregivers stands for the 44% of the total cases, compared with the 55,64% of the families which choose the economic benefit linked with the service. Such information shows a considerable increase on the caring performed in familiar environments, since the number of families which took care in their environment represented 22,96% of the cases in 2008 compared with the 77,04% that stood for the economic benefits. The IMSERSO's figures as of the 31st of January of 2013 state that the grouped beneficiaries has been 953.452, whereas in December of 2008 they were 422.846. The crisis has influenced on the goal of the applications sent by the families towards a certain type of benefit or service. The sudden change on the tendency of the benefits can be appreciated on the following chart, which sums up the percentage of families which choose economic benefits to take care at the familiar environments divided by autonomous communities:

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AUTONOMOUS COMMUNITY	SERVICE BENEFITS		ECONOMIC BENEFTIS TO TAKE CARE AT THE ENVIRONMENTS PRESTACIONES		TOTAL	
	No.	%	No.	%	No.	%
Andalucía	151.289	58,66	106.618	41,34	257.907	100
Aragón	7.764	37,79	12.781	62,21	20.545	100
Asturias	9.177	52,34	8.357	47,66	17.534	100
Balearic islands	3.060	31,63	6.614	68,37	9.674	100
Canary Islands	5.394	45,62	6.429	54,38	11.823	100
Cantabria	6.191	41,36	8.779	58,64	14.979	100
Castille and Leon	52.280	66,95	25.808	33,05	78.088	100
Castille La Mancha	28.382	53,44	24.728	46,58	53.110	100
Catalonia	70.019	40,75	101.820	59,25	171.839	100
Valencian Community	28.135	55,57	22.497	44,43	50.632	100
Extremadura	12.052	58,21	8.652	41,79	20.704	100
Galicia	29.461	67,93	13.907	32,07	43.368	100
Madrid (Community)	80.164	79,55	20.602	20,45	100.766	100
Murcia	11.443	35,38	20.898	64,62	32.341	100
Navarra	4.368	43,18	5.747	56,82	10.115	100
Basque Region	23.425	50.38	23.068	49,62	46.493	100
La Rioja	6.804	61,06	4.339	38,94	11.143	100
Ceuta & Melilla	1.139	47,46	1.261	52,54	2.400	100
TOTAL	530.547	55,64	422.905	44,36	953.452	100

Chart 1 : Benefits by service. Source: IMSERSO January of 2013.

The comparative of the abovementioned figures let us see that Madrid has evolved to reach 79,55% of service benefits as of 2013 in contrast to December of 2008 when it didn't register any family case that had decided for the familiar environment. Among the service benefits there are remote care, in-home care, day/night

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care centers, care-giving service at nursing homes, personal assistance, etc. Whereas the benefit to take care at familiar environments, conceived as an exceptional benefit, includes an economic compensation for the care-giver. Such care-giver ought to have an specialized training, out to be enrolled in Social Security and have periods of vacation.

The aforementioned rise over the caring at familiar environments has to take on account the socio-demographic growth's forecast foreseen by the Spanish Statistical Office ("Instituto Nacional de Estadística", whose Spanish acronym is INE) for the year 2052: the 37% of the population will be over 64 years old, taken that the current socio-demographic values of mortality's reduction by age groups keeps the same. It's possible that around the year 2051 life expectancy will be, when born, 86,9 years old for males and 90,7 for females.

The Spanish population will increase in dependence, and the dependent people and their relatives will demand progressively more and more in respect of their caring, increasing the demand of benefits offered by public institutions. In this scenario it becomes indispensable to solve the personal, familiar, institutional, etc. conflicts which people and their relatives often face. This situation looks like an inescapable fact, as a consequence of the aforementioned diverse factors and of the existent unbalance in the needs-resources binomial in this context. Related to this, the research published by Ángeles Durán about the impact and repercussions that the caring given to the ill and people with autonomy difficulties, has over the families, indicates the non-monetary and invisible costs derived from the aforementioned caring, beyond those strictly sanitary. One of the main conclusions of her research is the need to economize and plan the time spent by families on taking care of the dependent people. This authoress remarks the need to take care of the care-giver through the focus on the family breaks in order to prevent exhaustion and subsequently the family surrender.

The existence of a special needs person or a person with functional diversity inside a family generates multiple conflicts that may derive in a family crisis. Such crisis shall be understood as an unexpected or even as a new event, that breaks the usual dynamic of the family. This crisis claims for the solution of the different transactions, conflicts and "losses" suffered, which imply the negotiation and communication between all the members for the necessary distribution of tasks or multi-responsibilities and for the family support with the new situation. They are moments in which the family finds it difficult to take decisions adequately and in which the emerged tensions can get worse, increasing consequently the frequency of the family disputes. It is at this point where a mediator's inquiry is needed, one that shall offer a space to solve the conflicts, a space where the parties can reach agreements thanks to the inquiry performed by such a specialized and neutral professional. Binding agreements, even in this current legal system, that shall help preventing future conflicts in the family's welfare. Mediation helps the family to find itself and respect themselves at these kind of occasions as well as to live this situation as a chance to grow and transform.

The family's life cycle described by Minuchin and Fisman (1997), Haley (1989) and Ríos (2005), has left little information in relation with the tasks and activities which families shall solve at these last stages, in respect of prolonging life as well as in respect of the caring of the ill, people with functional diversity, elder parents, etc. It can be said that people from the XXI century are "mentally prepared to become parents, but not to become children, and even less to take care of the family members" apart from their own offspring. To this, we have to add the improvement over life expectancy and the fragility of the family bonds, that make that family could respond from different perspectives to the caring, just like it was done in previous decades, strengthening its role as a service performer.

Mediation's applicability to this field is one of its aspects that inspires more hope, because of the situation in which "the sanitary system and the social services that offered a clearly insufficient coverage due to the number of people suffering an illness and under dependence" are immersed (Munuera, 2012, pp. 155). The approval of the Law 39/2006 as of 14th of December, of Personal Autonomy's Encouragement and Care to people under situation of dependence ("Ley 39/2006 de Promoción de la Autonomía Personal y Atención a las personas en situación de dependencia", whose Spanish acronym is LAPAD) states in its article 3, first paragraph: "The collaboration of the social and sanitary services with the provision of services to the users of the Autonomy and Care to Dependence System set up in this Law and in the corresponding Autonomous Communities' regulation and the applicable local entities' rules". In the same direction aims the dependence white paper (IMSERSO, 2004, pp. 3) when it states that: "it becomes a challenge for sanitary and social services' system, they have to face new needs and social demands in a contradictory context of political and economic pressure in favor of cutting social expenditure in general and sanitary expenditure in particular. At the same time, the new social demands claiming for an extend of the social protection over the needs of personal help that citizens and their care-givers are demanding to face the diverse situations of dependence". For the aforementioned reasons, inquiries are necessary for helping to solve the conflicts that arise to people who live immersed in this kind of situations. Likewise, the Law 5/2012, of 6th of July, of Mediation in civil and commercial affairs and the most state-of-the-art Autonomous Communities' regulation about family

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mediation, published in the Autonomous Communities Basque Region, Andalucía, Catalonia and Balearic Islands, which refer to mediation in situations of dependence, aim to and justify this way the use of mediation in this context.

II. Family Mediation's Ethical Principals in Situations of Dependence

Michèle Guillaume-Hoffnung expanded the concept masterfully when it considered it as "an ethical process of communication, based on the responsibility and autonomy of the participants, over which a third party – impartial, independent, neutral, without a binding nor consultative authority, without an authority bigger than the parties' – favors the encounter through confidential interviews encouraging the social bonds, with the purpose to prevent or resolve the situation that may come" (Guillaume-Hoffnung, 2009, pp. 72). Such a view can be liked to Romero's (2002), since he conceives mediation as something more than a set of techniques and skills: "It's a management and conflict resolution method, which develops itself inside a process of human interaction, full of opposed interests and influenced by the emotions and affections of the parties involved. It is addressed to make each party empathize with the other's point of view, and, at the same time, to make both parties the main subjects of the agreement, for this purpose, the mediator shall use communication and negotiation techniques" (Romero, 2002, pp. 34). In other words "mediation shall contribute to re-establish the constructive patterns of communication and negotiation through the definition of reasonable expectations for both parties" (Folberg and Taylor 1994, pp. 157).

The essence of family mediation is made up of principles over which it has been built. The European Directive 2008/52/EC of the European Parliament and of the Council, of 21st of May of 2008, about certain aspects of mediation in civil and commercial matters, aims in this direction when in its article 4.1 sets that "Member States shall encourage, by any means which they consider appropriate, the development of, and adherence to, voluntary codes of conduct by mediators and organizations providing mediation services, as well as other effective quality control mechanisms concerning the provision of mediation services.". The importance given to the principles and the ethical code of mediation has such a significance that associates service quality to the effectiveness of the same.

For this reason, mediation "respects privacy better, the parties are in control of the subjects they decide to delve into and of the situations they deal with" (García-Longoria and Sánchez, 2004, pp. 261-264). It becomes the most effective strategy for dispute and conflict resolutions because:

- It creates adequate channels of communication, avoiding misunderstandings.
- It respects relationships instead of destroying them.
- It results in creative agreements.
- It emphasizes on future opportunities and not on the problems of the past.
- It implies the perception of the relationship as non-aggressive, leading indirectly to personal development.
- It is based on the parties' willfulness. The parties can or cannot reach an agreement, they can even withdraw in any moment without objection or opposition.
- It favors the construction of a democratic citizen who respects and dialogues with his surroundings.

The essential goal of family mediation in situations of dependence is to strengthen the ability of the parties in conflict meant to reach a long-lasting agreement, accepted by both parties, taking into consideration the needs of every member, distinguishing the positions and marking out the common interests they may share. For this it is indispensable to:

1. Resolve the existing disputes between the parties in order to reach agreements.
2. Identify common interests.
3. Help to hold a different perception of reality where everybody can win and whose relationships can coexist, overcoming the conflict, empathizing with the point of view of the other.
4. Respect the differences between the parties, culture, values, etc.
5. Favor the creation of a future relationship based on dialogue and mutual appreciation.

The aforementioned substantive characteristics of mediation define mostly the mediator's professional profile, his functions and his deontology. The mediator has to know the judicial frame existing in this context and has to develop certain skills for the management of human relationships. Consequently, the mediator acts giving back the prominence that the parties have, constantly and skillfully, returning it to latter, canalizing it towards the achievement of the agreements. He works for the dispute resolution, in order to help the participants identify their emotions, needs and requests.

Once the mediation's disciplinary frame is defined, we shall specifically focus on the process of mediation in situations of dependence, which forms part of the mediation's basic structure.

III. The Process of Mediation in Situations of Dependence

The success of the mediation's inquiry is guaranteed through the respect shown by the mediator towards the different steps of the inquiry set by its

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model. Following Lisa Parkinson's proposal (2005, pp. 147), in the sphere of dependence the steps of the methodological process are the following:

1. In first place, the need to commit with both parties and explain to them the principles and terms of mediation, becoming relevant to verify that the parties have understood them in order to fill in the starting mediation's minutes.
2. Help them explain and prioritize the matters they need to resolve.
3. Identify the needs of all those involved, specially of the people under situations of dependence, looking for the interests shared by all the concerned parties.
4. Collect and shared the necessary information, usually economic, relational and work-related information.
5. Explore the available options, examine reality and focus on the points they have in common inside the agreement, avoiding disagreements.
6. Stimulate the parties to work out the agreements they may accept.
7. Write down the agreement settlement complying with the legal dispositions, according to which, they may need a legal independent counseling.
8. Offer enough legal counseling, if needed in any of the steps due to the disputes that may arise or any change over the circumstances.

The process of mediation in situations of dependence helps to adjust the needs between individuals and/or the care-givers (relatives, professionals, etc.), avoiding confrontation and making communication much easier. In mediation, when dealing with people under a situation of dependence, those immersed in a conflict are the ones who decide voluntarily to sit and cooperate, and from that point on, weave the path that leads to an agreement. It is not in the agreement reached, but in the path walked until it is reached, where the greatness of mediation lies. The comprehension of the information ought to be guaranteed and the adequate means that shall make such a process much easier ought to be provided (translation through sign language, text adapted to people enduring a vision impairment – braille, etc.-), this way the parties can be placed on the same level of comprehension.

It is advisable to use a family genogram to get to know and not become lost in the evaluation of those relationships. Also, the contribution of John Bertschler and Patricia Bertschler becomes clarifying (2009, pp. 46), when they state the need to collect data from the casework following an order through questionnaires handed in relation with their previous evaluation, analyzing the following components:

1. The characteristics of the person under a situation of dependence have great relevance inside the personal and familiar conflict:

- The position occupied by the person under a situation of dependence inside the family structure must be studied, becoming convenient the use of a genogram. Family implications are different depending on the economic, affective or social order, in other words, depending on how the father, mother or child are, as well as depending on their caring culture and their values.
- Right after that, the job situation should be analyzed. Not only because of its economic transcendence, but also because of the troubles that may be faced to adapt to disabilities or rehabilitation.
- At last, the attitude of the person under a situation of dependence should be assessed. The psychological atmosphere created by the person under a situation of dependence or, on the contrary, spontaneously formed, shall influence on the family coexistence depending on the seriousness, despair and desperation. In other words, the psychological aspects that come up with the illness, as well as the various options of family coexistence, the difficulty to adapt to the illness or to the disability experienced by the person under a situation of dependence and by his relatives, the family trauma (despair, anxiety, fear, distress, etc.), the seriousness of the disability entailed by functional disability and the type of caring that the person under a situation of dependence may need. Such indicators decide the welfare and the scale of stress endured by the person dependent and his family.
- The scale of family welfare shall depend on the ability to give response to the different conflictive situations that they may face. We have to consider that the needs of a person are far beyond his dependence, since he is a social being with diverse facets and needs (cultural, educative, etc.).

2. The characteristics of the family, the following factors must be studied:

- The economic situation. A weak economy can become aggravated by the attention given to the arisen needs, even though it may not be the determining factor, since other more decisive factors may exist, like, for example, the admission to a center.
- The job done by the members of the family. The care given becomes a serious conflict when every member of the family completely focuses on their jobs, no matter the economic situation of the same, due to the high number of hours that must be spent on a person under a situation of dependence, especially in serious or severe cases.
- The type of family rest, in other words, the chances of taking "a family break", in order to take care of

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the affective relationships between them and to be able to keep on with the obligations undertaken. Such break can consist of a trip to do some shopping, a month-stay in a residence center, etc. The relationships born during the break, help to strengthen the family coexistence through the development of positive affective bonds and of a social network.

3. External considerations in relation with the dependent and his family:

- The context where the family is placed. There are differences in respect of the care resources and the family support between the rural and the urban areas. In the rural area, sometimes, the person under a situation of dependence has less technical means and a lower range of resources being provided, but he can rely on a higher provision of human care by his relatives. The chances of communication and the solidarity networks are wider, improving his quality of life and his perception of welfare. To this we have to add that they often can count on a higher family and informal support, prevailing the nuclear family and the big one as well, this way they can rely on higher resources to attend the people under situations of dependence. On the other hand, in the cities problems become bigger in proportion with the increase of the population living in them. Inside big metropolis, the difficulties of psychic and physical communication (means of transport, wide distances, etc.) and the increase of the economically active population create a serious familiar conflict when facing the illness-dependence of some of their family members.

Although the rural-urban dichotomy is disappearing little by little and, consequently, the family models and social relationships are assimilating the urban patterns of functioning, we can conclude that the standards of family response may vary according to multiple factors, for this reason a quick evaluation of the person under a situation of dependence and of his family as well as of the rural or urban context where he lives is important.

After the assessment of the aforementioned aspects, the problems or conflicts that made the parties go voluntarily to mediation are addressed to reach agreements.

IV. Conflicts and Issues Addressed

Nowadays our population has witnessed a qualitative as well as a quantitative increase in situations of dependence. These social transformations are producing a diversity of conflicts inside family structures, due to the fact that daily care provided by care-givers to people under a situation of dependence implies a big effort and an almost exclusive dedication to this task, having indeed a negative effect over the care-giver and over the family core itself.

It is necessary to take care of these families in a special manner, they require an effective, satisfactory and quick response to their problems. This new issue needs new responses: mediation, since "it is introduced as the alternative for the resolution of the conflicts that arise in the area of dependence" (Munuera, 2014, pp. 105). This happens because mediation helps to reach steady and long-lasting agreements, improving the welfare and the satisfaction of the parties involved, since those affected are the ones who write down their own agreements.

The care given to people under a situation of dependence can produce conflicts between the members of the family, as well as between the care-giver and the person in a situation of dependence. Such conflicts can be the result of multiple factors that converge and interact independently, influencing directly and indirectly on the daily life of the caregivers and the people under a situation of dependence.

When the dependent person turns to be the father/mother, son/daughter, etc. generally someone inside the family becomes the main care-giver and implicit conflicts could arise affecting the couple relationship, as well as the relationship between the children, siblings, relatives, even the relationship with the public institutions. Exhaustion, stress and emotional fatigue that both the aforementioned cares as well as the need to negotiate the distribution of the tasks derived from such cares imply, require actions to help save the relationships between the members of a family. In general, these conflictive situations arise because of different reasons and may result into the following issues subject to mediation:

- Separation or divorce through mediation for those cases where one of the spouses is a person under a situation of dependence.
- Inter-generation conflicts inside those families where there is a person under a situation of dependence.
- Decision taking about where and how to live (decisions about their style or way of life: life share with a couple, schedules, holiday's duration, measures of control, etc.). Some people with functional disability rely on the support provided to their autonomy by social resources, others on a familiar and social relationship that boosts their autonomy without interfering with their ability to decide about every issue related to their lives nor with their option to be able to plan each of the phases of their lives until their deaths.
- Treatment to follow (type of rehabilitation, etc.), choice of the care benefit, choice of the center (residence center, day care center, shelter flats, etc.).
- Draft and register of the living will, last will and future organ donation.

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- Considerations about the disability of the person under a situation of dependence when there is no family agreement.
- Communication and relationship between the person under a situation of dependence and his relatives in respect of the several disagreements produced by the care and the implication of them with their care, inside the familiar context as well as inside the residential. The resolution of the communication conflicts, avoiding misunderstandings and creating an effective communication.
- In respect of the main care-giver, his breaks and the balance between the care-giving and the rest of his obligations (the work ones as well as the family ones). Because many times it is difficult to comply with the care-giving tasks and the work obligations, taking place absenteeism and unpunctuality. It is advisable to plan adequately with the family the care given to the person under a situation of dependence taking into account the corresponding holidays or the "care-giver's break" in order to prevent his "burn-out" and the surge of a likely conflict.
- Economic issues, in respect of an inheritance, pensions, a decrease in the income derived from the lack of work dedication and the increase of the expenditures generated by the care-giving of a relative (expenditures derived from the care given to a person, such as special meals, medicines, technical help, refurbishment of the house, etc.) as well as the likely frauds that could take place around the management of the belongings of special needs people (wrongful appropriation of the economical or real-state possessions, winding-up of the belongings the person under a situation of dependence might own, family enterprises, etc.).
- Lack of institutional support to completely satisfy their needs due to insufficient instrumental and emotional help that could be provided to the relatives and people under a situation of dependence.
- Disagreement over the social benefit assigned under the implementation of the LAPAD.
- Resolution of the discrimination in the workplace endured by people with functional diversity as well as the likely social discrimination they might suffer in educative, occupational or residential centers (difficulty to access in centers and cities, etc.).
- Conflicts of the neighborhood association in respect of the implementation of the Law 49/1960, of 21st of July, of Horizontal Property (whose Spanish acronym is LPH). Such dispositions have the purpose to make communication with others easier for disable people.
- Mistakes or negligence made by the professionals who are taking care of the person under a situation of dependence (non-adequate casework done by the care-givers working at residence centers or at other type of centers).
- Conflicts arisen inside the institutions which take care of people under a situation of dependence: day care centers, residence centers, etc.

The relation conflicts are listed in the chart attached below in conformance with the moment in which they come out, the parties involved, the characteristics of the family structure, the way of taking decisions, the type of information and the likely consequences. These elements have an specific way of being visualized, responding to several processes of fighting in line with the cycle of the conflict and the intensity of the latter.

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Relation conflicts	Characteristics	Process	Visualization of the conflict	Cycle of the conflict and intensity
Time	Past Present	Fight to be	Conflicts between: - Parents-children - Eldest sibling-youngest sibling	. Escalation / low intensity - Standstill / High intensity . De-escalation
Parties: Family Institutional	Family origin (level 1 of consanguinit) - Big family (other levels of consanguinit)	Fight for the duty Fight to possess	. Adequate or inadequate care of the dependent . Respect to family customs . Conflict around inheritances or mismanagement of family properties. . Inclusion of social protection institutions	. Escalation / Low intensity Standstill / High intensity . De-escalation
Structural	Family role performance Out of place: - Absence of a parent. - Perception, emotions and meanings. - Strategies and tactics that the parties use.	Fight for power. Fight for equality. Fight for distinction	- Who takes the decisions? Everybody or just one person. - Lack of legitimation by the parties involved. - No consideration of the dependent's will. - Lack of assertiveness in the messages. - Presence of verbal abuse in the messages. - The treatment of the concessions. - Ways of persuading the parties. - Strategies of problem resolution.	Escalation / Low intensity - Standstill / High intensity . De-escalation
Taking decisions	- Hierarchical - Democratic	Fight for survival Fight for power	a) Decisions are taken in a descending scale, one person decides what it's adequate for the dependent and the rest of the parties obey or not. b) Decisions are taken in an ascending scale, all the parties are listened to and a negotiated agreement is reached, considering the decision made by the dependent. c) Decisions are taken in a horizontal scale.	- Escalation / Low intensity - Standstill / High intensity - De-escalation
Nature of the information	Economic Emotional Values/Principles	Fight for distinction Fight for the being	- Economic problems are laid out as an externalization of the non-resolved emotional needs and vice versa. - Lack of principles and values	- Escalation / Low intensity - Standstill / Medium-high intensity - De-escalation
Consequences	Profits Losses	Empowerment Frustration (personal deviation)	- Nourishing families: adequate communication and transition through the different stages -Troublesome families	- Escalation - Standstill / High - De-escalation

Chart 2 : Source: personal compilation.

The use of mediation in this sort of conflicts represents an effective response in order to resolve the conflicts within the family and institutional relationships. Simultaneously it favors the adaptation to the last stage of the family and personal cycle, the phase where the illness and/or death of the forefathers comes up. The

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final objective is to foster the common interest and the maximum social welfare and quality of life for the person under a situation of dependence and for their families.

Due to the novelty of the legislation in matters of dependence and due to the recent incorporation of mediation in this field, "we ought to specify properly mediation's field of performance in order to not mix it up with legal advice nor with psychological therapy" (Ripoll-Millet, A. 2001, pp. 80-85). For this reason we must come to a stop in the following section, where the description of those legislative regulations which have consolidated mediation in a situation of dependence, is stated.

V. Existing Experiences in the Area of People in Situation of Dependence

To end this article, we want to point out some pioneer experiences that are being developed in this area day by day in Spain and in the international context that may become clarifying about the chances that mediation shall offer as an effective tool to solve the conflicts that may take place between people under a situation of dependence and their families.

To begin with, the "Asociación Nacional de Alzheimer" (whose Spanish acronym is AFAL, that may be translated into "National Association of Alzheimer"), founded in 1989 in Madrid, offers family mediation to avoid family de-structuring when facing the Alzheimer disease, with the goal to achieve an adequate planning of the family life based on the evolution of the dementia of the sick person, and on the proportion of knowledge necessary to learn how to handle the different alternations on the behavior of the sick person (Munuera y Munuera, 2007, pp.129). This way, the conflicts of relationship that may arise are solved and they may even be prevented.

In the year 2000 the Social Services Delegation from Getafe's Town Hall (Madrid) launched the project "Family mediation to deal with situations of family conflicts related to the provision of care and/or cohabitation with elders" (Munuera, 2006, pp. 262), where diverse conflicts of relationship and of resolution on the matter of the provision of care that had arisen inside families that were taking care of elders, were resolved.

The figure of the Advocate of the Persons with disabilities exists in autonomous communities like Valencia and Extremadura, as well as in the city of Alcorcón (in Madrid). Based on this same goal, "the mediator of people with functional diversity" was appointed in the autonomous community of Galicia, whose main task was to look out for the rights and interests of this group during his 2009-2012 term of office via the use of mediation and its diffusion as a means of resolution of conflicts. On the other hand, the figure of the Patient's Advocate has been created in several "autonomous communities, however the consolidation reached in other countries has not been achieved in here" (Munuera y Munuera, 2007, pp. 131), even if the aforementioned figure promotes mediation in the health sphere.

There are some associations like "EQUA association for social mediation" in Cádiz (Spain), "FESORD CV, Federation of Deaf People in the Valencian Community" (Spain) and "Down España" (Spain, in relation with Down's Syndrome) that use mediation for the resolution of conflicts with social and labor integration faced by their affiliates.

Recently different associations and companies focused on the resolution of conflicts in matters of dependence, have been created based on the purpose of using mediation in private centers as well as in health care centers of elder in order to improve cohabitation (Armadans, 2009).

In an international level, we should remark that "mediation with elders" is a field quite developed in several States of the USA (Bertschler, J. & P., 2009, pp. 7) where the conflicts arise from the provision of care and from the relationship kept with the elders, are attended.

We shall highlight the existence of two innovative laws that consider and promote mediation when dealing with persons with disabilities:

1. The "Americans with Disabilities Act" (ADA), "a federal law that looks out for the employment discrimination against people with disabilities. This law from 1990 was updated by the "Americans with Disabilities Act Amendments Act" (ADAAA) passed at the end of year 2008, that went into force as of January of 2009". Since 1994 a mediation program was started for the resolution of the conflicts that may arise in relation with the implementation of this law.
2. The Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004), in which the Congress of the USA recognized the need to provide additional opportunities for the resolution of disputes at an early stage. Herein a period of 30 days was established, allowing parents and schools to work with the differences, provided that the parents filed a complaint according to the procedure of mediation laid down by the Local Education Agency (LEA).

These two laws could become the path to follow by other countries in order to achieve the consolidation of mediation in matters of dependence or/under a situation of dependence.

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