

Molly Darsow Interview

Karen Wyatt: [00:00:00] Today I'm very happy to welcome my special guest, Molly Darsow. Molly is the founder of Still Waters Mediation, and she specializes in helping families navigate conflict related to aging parents, elder care, guardianship, end of life decisions, estate dispute, and other complex family transitions.

With a background in conflict studies, human services, counseling, and group facilitation, Molly brings a compassionate and practical approach to helping people have difficult conversations and find a path forward, and this is such an important subject. I'm really excited to talk about it. You can learn more about Molly's work at her website, stillwatersmediation.com.

So Molly, welcome, and thanks for joining me.

Molly Darsow: thank you so much, Karen, for putting out this resource. it's so important, and I've benefited so much from listening to the podcast myself, so I'm excited to be a guest.

Karen Wyatt: Yes. I'm really excited to talk to you about the work you do in mediation, [00:01:00] but I thought we'd start like I do most of my interviews, by just hearing your own story and what drew you into the work that you're doing now.

Molly Darsow: so many of your previous guests, my personal experience drew me in. so I originally, as you noted, studied mediation in the early 2000s. Was trained at that time. My career took me elsewhere. I went into counseling, primarily into addiction counseling, studied human services. and then it wasn't until I went through the experience of losing my own mom to cancer, I walked alongside her throughout her cancer journey, s- acted as her caregiver, and then ultimately she passed.

And it wasn't until I went through that experience that I decided to go back to mediation and start Stillwaters Mediation. my personal journey really opened my eyes to what a need there is for better supports for families and all the gaps in the system. And so I thought, "Okay, I'm gonna package all my experience supporting people, helping families, helping [00:02:00] people navigate goals, and I'm gonna put that all together and I'm really gonna focus it on trying to help people have an easier time going through the type of transition that I went through."

I navigated my mom's estate with my siblings well. We got through it unscathed, but I just saw, okay, this is an experience that really could rip families apart, and there are so many points of contention along the way that could have ripped us apart and thankfully didn't. So I saw the need and felt passionate about it and thought, "Oh, I'm gonna, I'm gonna start my business because there's a gap here and I'd like to fill it."

Karen Wyatt: And you're so right about that. I think those of us who've worked in hospice or helping people with end of life care have seen it over and over again, have seen what you described, families torn apart by just d- the decisions that have to be made that are so very stressful and so weighty and challenging, and something that most people have never done before or even [00:03:00] considered before.

Molly Darsow: Yeah, it's absolutely one of those things where you don't know until you've been through it, and then once you've been through it, you just have a new understanding and a new way of walking through the world. It was your previous guest, Dan Stickle, I hope I'm saying his last name correctly. He, mentioned all the million choices that people have to make during this time, during the time of end of life and then in estate planning, and how all of those million choices can be so difficult for families to make together. So it's, yeah, it's really just amazing how Anyone gets through it with their relationships intact, but yeah, many people don't, and then there's just not a lot of support there for those families that don't make it through.

Karen Wyatt: Yes. talk to us about mediation and what that consists of for people who might not be familiar with it.

Molly Darsow: Most people that are familiar with mediation are familiar with mediation in a divorce setting or through a divorce [00:04:00] experience. that's most commonly where mediation is offered and utilized.

But mediation can be used in, to resolve any type of dispute. It's an opportunity for people involved in dispute to sit down with a neutral third party who can help them have a more productive conversation and hopefully come to some kind of mutually agreed upon resolution. it's really important to know that it's voluntary and it's party driven, so it's different than a judge imposing decision on people and, the neutral is really just there to facilitate a conversation and help people get underneath some of those positions and down to those interests and needs that are gonna help them move forward and be able to resolve things.

It is offered across the country, no matter what state you live in, sort of the parameters around it vary by state. But it's an important part of a- our legal system that's underutilized, and especially in these [00:05:00] spaces, underutilized.

Karen Wyatt: Yes.

Molly Darsow: So it's different than therapy. Even though my background is in counseling, it's not therapy.

the neutral is, truly there to facilitate that conversation and help people clarify their own needs, their own goals through that process of communication.

Karen Wyatt: and you mentioned, I like that you used the words getting to what's underneath, because it seems to me that with many of the conflicts that we see, the more superficial conflicts, there's oftentimes something else going on underneath it that people may not even recognize.

Molly Darsow: Always. Absolutely always. And, it's difficult to have that self-awareness even when you're not in a time of grief, to be able to ask yourself, "Hey, what's going on here with me? Why am I so stuck on this position?" Or, "Why is this so important to me?" But in a time of grief, it becomes even more difficult for people to engage in that self-reflection, [00:06:00] and to be able to do that.

And that's no fault of their own, right? That's just what grief does to us, and so it can be really hard for people to move past getting stuck in one place and be able to hear each other and move forward.

Karen Wyatt: Yeah. So very true. and I was curious to know if primarily you work with families after a loved one has died or while they're

Before death, w- when they're in hospice or nearing death, when you get involved with families.

Molly Darsow: Yeah. So most mediation that I'm doing and most mediation that's happening is happening after someone passes, and it's usually, typically siblings involved in a dispute over an inherited asset, typically a house or a condo or whatever it is.

I would love to see more mediation happening proactively. I talk to so many end of life professionals who say, "Yes, there, these disputes are happening. We see

families experiencing tensions. we're trying to help them get on the same page. [00:07:00] We hope that they can make it in the future." But those families, I think because they're in such crisis at that time, it's a difficult time to think outside of the box and to ask for resources and maybe even be willing to, spend money on mediation or whatever it is.

I think there's a lot of barriers as to why families aren't utilizing mediation earlier, but I would love to see it happening more frequently, only because I think it would save a lot of relationships.

Karen Wyatt: Yeah. It does seem like co- some conflicts could be avoided while their loved one is still alive because that person most likely does not want to see or does not want the, their, those left behind to end up in a conflict or with disruptions in their relationships.

But they might inadvertently have left messages or even information in the will that creates conflicts, and they had no idea that could happen.

Molly Darsow: Yeah. And even the best laid out estate plan can do that. [00:08:00] and we can get into why these conflicts are so difficult and all the family dynamics at play, of course.

But yeah, it's... This is why I love tools like the death deck. I know Lisa Paul, has been on talking about- these tools that help families have conversations early on, because yeah, the more conversations, the more often, the better in terms of getting some of these topics out there and some of these decisions made, getting everybody on the same page earlier.

You're right, I absolutely think a lot of conflicts could be avoided. And it is, not just about the choice itself, but the reasoning behind why am I making this choice that's so important to communicate. Because what happens is after somebody passes away, again, even if they had the best laid out estate plan, the loved ones are left asking why.

Why was this choice made? Why was this person put in this role? And any time there's a gap in that story, they're gonna fill it in themselves, right? We create our own narratives to understand, to make sense of our world, and make sense of what's [00:09:00] happening, and sometimes those narratives are, not... they're often based on old resentments or unresolved needs or deep emotions and open wounds that were never healed.

And so the stories we end up telling ourselves after someone passes are often more damaging than the s- the real story, right? If we would've heard it from the individual themselves.

Karen Wyatt: That's so true, and I've seen it also happen when each member of the family has had a separate conversation with the loved one who's at the end of life, and come away with completely different impressions of what that person wanted or what they valued just because of the, the type of conversation and the way it unfolded.

Molly Darsow: Yeah, because they're so difficult. They're such emotional conversations and, the individual who's at the end of life stage, they're, I'm sure have the best intentions in mind and can often sugarcoat things or say one thing to one person [00:10:00] and another thing to another, just trying to make everybody feel good, right?

Wanting everybody to have as easy of time as possible, wanting those relationships to be good at their end of life, and yeah, it can get really dicey in that time.

Karen Wyatt: So it sounds like you often get called in when the crisis has happened and the conflict is taking place, but there's so much you could do to even avoid that if you got called in earlier.

And I guess that's how we feel about much of end of life care, too, in hospice. We always end up feeling we get called in during the crisis, but if only we had been called sooner, we could've avoided some of the crisis that takes place.

Molly Darsow: Yeah, because by time people reach me, they've dug so deep and, they are experiencing grief and- we know that, of course, they were experiencing anticipatory grief all along the way, but that after someone passes, that grief is really affecting people's brains and bodies and affecting the way that they [00:11:00] interact with each other.

It's so interesting, I learned that grief affects our ability to empathize with one another. So it's no wonder why by the time people call me, they're just locked in and pitted against each other. because of all those fi- family dynamics and old resentments at play, but also because that grief is really affecting their ability to hear each other and to empathize with each other.

And that doesn't mean they're bad people, that's just what it does, right? It's part of the process.

Karen Wyatt: Yeah, so true, and, when we're in the midst of grief, we don't recognize what it is doing to us. What grieving itself, how it has changed us or what's really happening. Most of us are a little bit confused or everything feels slightly surreal, and, that we can't even really get a clear picture of what's going on in our dynamics.

Molly Darsow: Yeah, it's so true. I look back at my own experience now and I have a much clearer lens about some of the ways that I was behaving during that time and some of the relationships that maybe fell [00:12:00] apart during that time for me. I can see now, oh, okay, that was really the grief at play. And yeah, it's hard to see when you're in it.

Karen Wyatt: Yes, definitely. you mentioned that, disputes over an inheritance, often phys- a material inheritance like a home, is, fairly common. What other types of disputes have you taken part in and helped people with?

Molly Darsow: So disputes over roles that are, people are appointed to. when you're planning your estate, you appoint people to all different kinds of roles to, if you have a trust, you put someone in that trustee position, or if you are concerned about loss of capacity, you name somebody in a guardian position or someone is named.

And it's, not uncommon for siblings to argue about those roles and who is in them or how they're executing them or what choices are being made. it can be really difficult. It can also be really difficult when two people are appointed in, as [00:13:00] co-trustees or in co-roles and, the, the individual, maybe the mom or dad thinks that their children will do great, and that's just fair to have them in this role together.

But in reality, any sibling rival- rivalry or any resentment over the roles they've always played in their family system, all of that stuff comes up, and it's just can be really, challenging for people to navigate making those choices together.

Karen Wyatt: Oh, and again, unintended and unforeseen so often.

Molly Darsow: And yeah, and that's why it's so important for there to be an option for families to try and get through it other than going straight to the legal system, right? Straight to court.

Karen Wyatt: Yeah, and, you mentioned in the, the information that you sent me that sometimes , our legal system is actually not very conducive to, to these more, this peaceful crisis resolution.

So talk a little bit about why we probably need even more mediators out [00:14:00] there.

Molly Darsow: Yeah, and it does vary by state, h- as to how much mediation is available for families. But in general, and in Minnesota where I am for sure, and in general, these h- these types of disputes are handled as civil disputes, meaning they're funneled into civil court rather than family court.

and so there's very little option for mediation or any kind of alternative dispute resolution. Oftentimes these families are pushed into a system that's gonna pit them further against each other into these positions where there's gonna be a win-lose outcome, right? Either somebody's gonna get that house and the other one has to sell or not.

very little opportunity to have a conversation or come up with some kind of creative solution. So it's really interesting to me, and this is what is shocking to me that these matters are pushed into civil court because they're family matters, right? We support mediation and, emphasize mediation as a good option for people going through [00:15:00] divorce or child custody issues because those are family matters.

But for some reason, we're not treating these disputes in the same way and giving them the same opportunity for relationship building or healing as we do, with those other types of disputes.

Karen Wyatt: Yeah, it makes me wonder if it's, another product of our, death avoidant society in a way that we don't really, place enough value on the effects of a death experience on a family and, hold that separately as some- as something that shouldn't be pushed into a civil court.

Molly Darsow: Yeah, and I think it's, not only death avoidance, but it's this, assumption or like treating, death as something like people are gonna get through in this wonderful way, right? Like families are gonna be able to-- Everything's-- Everybody's gonna hug and support each other, and [00:16:00] that's just not what happens.

And for some reason, we don't talk about that enough. I go to so many groups and present to different caregiver groups or at senior homes or, different, conferences and Everyone is raising their hand saying that they either know someone or have been involved in a dispute similar to what I'm talking about today.

So those types of disputes are happening all the time. People's relationships are being damaged. people are n- never talking to each other again after their parent passes away. But we just don't acknowledge that as a problem, and so therefore there's no good solutions out there. it's swept under the rug.

Or if it does happen for a family, maybe they're so ashamed that it's happening to them that they don't wanna talk about it or acknowledge it.

Karen Wyatt: What are some of the underlying issues that you find in f- in families that come up, come to light around the end of [00:17:00] life that may not have been so apparent to them before?

Molly Darsow: the cliché of mom always loved you best. it's a cliché for a reason, right? I hear it everywhere I go. most often these dis- disputes are about the roles that we played in our family system and the resentments about those roles, and the resentments that we've held toward each other over those roles, and about any unmet need that we carried through childhood and into adulthood.

so when we're born, into a family system, and everybody in that system plays a specific role. It's sometimes assigned on birth order, and mostly, we're given that role as, as part of how we're gonna function in that family, how we communicate, how we're perceived by others in the family.

There's some familiar roles that we've all heard of, right? Like peaceke- peacekeeper, caregiver, problem child.

So we're all born into these [00:18:00] roles and assigned these roles as we grow as part of our family systems. And, that functions for the family system, but it doesn't always function for the individuals themselves.

And of course, sometimes family systems are very unhealthy and toxic, and those roles can become very toxic. But as we age into adulthood, those roles we can feel like we wanna shed them like a, like snake skin, right? And, evolve and change. But the people within our family system sometimes don't change along with us or treat us differently.

and sometimes those roles, we do keep them and we wear them through our lives, and they can become really toxic and detrimental to our identity and to our, to our own evolution and, maybe hold us back. Whatever it is, when someone passes, that there's a lot of pressure put on that family system.

It can create a power vacuum where people are just confused as to, okay, who has... who's in the position of power now? Who's in [00:19:00] the leadership role? Who's in the... And it can create a lot of fear, confusion. People tend to revert back to very unhealthy coping mechanisms, old ways of coping, old ways of relating to each other, and all the resentments over those roles and everything, all that baggage all comes up and boils over.

And so we have two siblings most often, or three siblings fighting about, "Mom always loved you best," or, "I was never given attention," or, "I never, no one ever recognized my achievements." And it sounds petty, but it's not, right? This is like what our whole identities are based on. This is our, these are our lives, and it's just, it's very common that this is what it's really about, right?

It's about I want you to see me, who I've always been. I want you to recognize me and who I am now. And I want you to hear me, and I, want to feel loved and heard and respected in my family And so in your work in mediation, is that [00:20:00] something that you end up kind of teaching people about almost or helping them recognize the roles each one has played and where the conflicts are coming from?

It's really tricky because as a mediator, you wouldn't come right out and say that, right? maybe a therapist would, identify that and help you work through that. it's a process of, reflecting back and summarizing and nudging and asking questions that helps people uncover that themselves.

I think it's more important that the mediators themselves have a fundamental understanding of family systems and h- and what's at play so that they're able to notice what's happening in the room and see that it's about much more than the house. Because if we keep talking about the house for three hours, it's never gonna get figured out, right?

But if we talk about sister's feeling of Like she never got the attention she needed. If, we identify that and name that and help her understand that, and if she feels heard in that [00:21:00] space, in that room, then she might be able to move past the house and, move forward to some kind of creative solution where she's talking to her siblings.

Karen Wyatt: So it sounds like you play a really supportive role in, in helping them come to their own realizations and maybe even find their own creative solution to the, issue that's going on.

Molly Darsow: That's like fundamental to mediation because it's all based on this idea that people know their situations and their lives and their problems best and can come up with solutions to their problems best most often, right?

Now, that's not true in every case. Sometimes it is absolutely needed for a, a judge to come in or an arbiter to come in and make a choice for these people, right? but it-- most often, people are able to figure out their problems on their own if given the opportunity and the support to do and that belief in self-determination is something that's really driven me [00:22:00] all throughout my whole career, going back to addictions counseling and disability services and everything.

But it's, so important in mediation. and you know what we know for sure, and you can-- studies have shown that if, a decision is imposed upon parties involved in a sp- dispute, they're much less likely to stick to that decision- than if they felt like they had come up with it on their own.

Karen Wyatt: That makes so much sense. And then your role is titled being a neutral, and there's so much power in that, I think in being a neutral person stepping into the center of the room and calming everything down. And when people, maybe finally get into a less anxious and upset state, they can s- maybe see more clearly.

Molly Darsow: Yeah. Yeah. And that's really the power of the mediator. sometimes I don't say much more than the parties would have said themselves, or I'm simply reflecting back what a party has just said. But coming [00:23:00] from me, the others in the room are able to hear it much more easily, and receive it much more easily.

The, neutral's ability to set, the-- to be a presence in the room is key. So that's why it's important to find a mediator that really has done a lot of that self-regulation work and that self-awareness work and is, done a lot of personal work to get to a place where they're able to step into a room and truly just be a neutral grounding presence, right?

And just create that space for parties to have a conversation. I find that just the energy that I carry into a room is, probably the most important part of my role.

Karen Wyatt: That's so interesting 'cause that's something I've witnessed in hospice as well, is that sometimes the most effective hospice staff members are the people who are just able to be purely present.

They don't need to talk about too much or say too much. They need to [00:24:00] be able to be there and, hold that space.

Molly Darsow: Absolutely, yeah. Holding that space and the way that you're there in the room is just key. So we talk a lot about neutrality and what that means. what does it mean to be a neutral person or, unbiased?

And personally, I don't know if that's even possible, right? We know that we carry bias, and no one is neutral in any way. But the key is to be self-aware enough and self-regulated enough to notice anything that's coming up for you in the room, I'm sure just like you would in that hospital room, and to be able to regulate it and to set it aside and just to be there with the parties.

So it's, I feel when I'm truly in a mediation flow, I'm not even in the room at all, right? Molly has ceased to exist, and I'm just this grounding presence that parties are, able to sense and that helps them move forward.

Karen Wyatt: And do you find that families tend to come up with really [00:25:00] creative ideas for how to resolve the conflicts they're having?

Molly Darsow: I haven't seen, to be honest, too much creativity. But what it's really more is oh, it's like a release of, "Okay, we were stuck on this. I'm never gonna sell this house. But through the process of mediation, I felt heard and recognized enough, and I'm suddenly feeling empathy for my siblings. I'm, able to release myself of that and move forward."

So it's, feels more like a process of, release and letting down of guard than creativity. That being said, you, parties can write into a mediated settlement agreement anything that they can come up with. Now, the judge might not always accept that, right? And then a good mediator will let them know, "Okay, I don't think that's gonna fly in the courtroom."

But, they can come up with whatever they want. So if they're not involved in the court, in the legal system, if it's a mediation that's happening proactively like we were talking about, parties can come up with [00:26:00] whatever works for their families, and getting something in writing proactively can really help families down the road.

we-- I've been talking with some people about this idea of caregiving contracts, which are a newer trend coming up where, the role of the caregiver i- Even if it's a family member versus an unpaid staff, is put into writing and clearly

spelled out, and if they are going to, let's say, be compensated through the estate later, that's clearly spelled out, and as to the, the parameters of that.

That idea of putting that in writing, even though it's not required, can potentially prevent a lot of conflicts down the road when siblings are then saying, I was there for Mom for 40 hours a week, and no one ever compensated me, so I deserve this over you." we can avoid all of that by having that proactive conversation, putting something in writing and [00:27:00] doing it creatively based on what the family needs.

Karen Wyatt: that makes so much sense to actually address it before it has become an emotional issue. But, to just be able to talk factually about what caregiving requires and to view it as a, a role that should be compensated in, some way or another.

Molly Darsow: Yeah. I think we'll get there because there's more and more awareness and support for caregivers now, and hopefully that continues to happen.

I think we'll get there.

Karen Wyatt: Are, you sometimes, brought in because someone has tried to go to court and the court, suggests mediation? and then do families seek you out on their own before going to a court?

Molly Darsow: Both. Yeah. Yeah. So a judge can recommend mediation or families can seek me out on their own.

typically in Minnesota, mediation is not-- they're not referring to mediation as often. Now, in some other states, and I can t- I can mediate for [00:28:00] anyone in any state, they are referring to mediation. Judges are referring to mediation more frequently. but yeah, a family could also just decide, "Hey, we're headed down this path.

Let's pause." I think the problem is a lot of people don't really know about mediation, or if they do, they think of it in terms of the divorce context. so the, there's like multiple fronts at which I'm pushing forward, right? I'm pushing forward on that let's build awareness of mediation and then also the front as you are pushing forward on of let's talk about death and dying.

Let's have these conversations. Let's talk about resources. Let's talk about the experience. Let's change our culture to better support people and families.

Karen Wyatt: It's so very true. And, even the very idea, as you were saying before, that there could be conflict after a loved one dies, w-we're so somewhat oblivious to that possibility happening, just because we, don't tell our stories to one another.

We don't talk about it. If we only knew how [00:29:00] many of our neighbors or friends had probably experienced conflict, we'd be much more aware of it and maybe more concerned about how we could prevent that in our own families.

Molly Darsow: Yeah. There's so much stigma around conflict, but it's just a part of life, right? It is part of what the human experience is, and everyone goes through these things.

But yeah, we, don't talk about it, and we just keep it to ourselves until it's, "Oh, I never talked to my, I've never talked to my aunt again since grandma passed, and we argued over that chair," kind of thing, That's happening so frequently.

Karen Wyatt: Oh, and it just feels so tragic. It does. The, things that we humans manage to argue over and to, to create these major disputes about and, somehow they matter on one level, but on the other hand, it's so sad to lose a relationship over it.[00:30:00]

Molly Darsow: Yeah. But I think back to, so that chair experience, actually, I just pulled that out of my own, memory of when my grandmother passed and there was this yellow antique chair and, my aunt and I argued over who should get it. And looking back, it was not about the chair at all, right? For some reason, I attached all my feelings- for my grandma to that chair, and it became representative of our relationship, and I felt like I needed it so badly.

Now, if I had inherited it, I can guarantee you it wouldn't be in my house right now. It wouldn't match the decor. I probably would've gotten over it. I wouldn't care about it anymore. But at the time, I was so dug in on that, that position. I wanted it so badly, and I was so angry that it did affect our relationship.

And thankfully, we do talk still, and it didn't pull us apart. But what seem like petty little issues do blow families up during this time, and again, it's because of all that grief that they're [00:31:00] experiencing. So it's people not knowing what grief will do, people not knowing how to cope with grief, people not having the supports.

All of that is at play.

Karen Wyatt: that makes so much sense that we just place some of that grief onto objects and, it gives them more importance in our minds than they may have had otherwise. But that's one of our coping strategies for the grief itself.

Molly Darsow: Yeah, and if you think about the most, the way most estate plans are done, the, estate planning attorney will do a great job of putting everything together for you, legally, and then you get to the end and it's sort of this, if you'd like to write down your personal possessions and write who should get what, you certainly can," right?

"Here's a blank page. Go ahead and write down your personal property and, write who you want it to go to and maybe write why." how frequently are people actually doing that? I know for myself, it's like I was done with the estate [00:32:00] planning part, and then I tucked the binder away, and of course, I'm young, so it wasn't high priority.

But I think for a lot of people, it just feels I did that. I don't have to do any more. Everything's set. I'm fine. I don't need to list out all my... Nobody wants my stuff. Nobody wants my, The kids won't fight. They'll just know." So oftentimes people aren't going through and writing out those detailed lists and writing out those reasons why gets the chair, and it can really help down the road, avoid conflict and avoid some of those, arguments over some of those possessions that people do attach to.

Karen Wyatt: When you work with a family in advance before the loved one has died, w- what types of situations do, do you, get involved then? It seems like there, there might be less conflict at that time, but tell me what that's like.

Molly Darsow: Yeah, so that might be more of a, okay, a [00:33:00] caregiving role or the role of somebody who's put into power of attorney or guardian and what that role is gonna look like, or two sisters who have been appointed to a role together and maybe they're not gelling, they're not able to be in that role.

One is, one got removed from the role and now she's upset. These are the types of things that are coming up. Most often it's about who's put in that decision-making, position of decision-making authority, and either how they're executing it or why they were put there, or they're cutting somebody off from making choices.

Again, it goes back to we have to make a million choices during this time. Families have to make a million choices during this time, and the idea that

families are gonna be able to make those choices easily is, just not true, right? It's so true. And so let's talk about how difficult it is.

Karen Wyatt: Yeah, that's one thing I know in talking with people about their ad- advance planning and even choosing, their power [00:34:00] of attorney, I know what I've witnessed oftentimes is that they'll choose the oldest child will be the executor of the estate without thinking that might not be the child that is the best suited for the role, but they're trying to honor the status of being the oldest in- instead of really thinking about which child fits into each role and who should have the medical power of attorney.

some people would do well with that, but many people would not. And s- and it seems like those are tough choices for the, patient at the end of life to make as well.

Molly Darsow: Yeah. So I'm, and I'm sure you've seen that so many times, and I actually have done several presentations with an estate planning attorney where we focus on just this because I...

You're right. I think that oftentimes people are appointing the eldest child or whomever to the role because they feel like that's the right thing to do without necessarily thinking about if they're the right fit. And, [00:35:00] I've heard caregivers just in stress and duress talking about how they were appointed to that role and they don't know how to call the doctor, or they're not good at accessing medical charts, or they don't feel comfortable speaking to physicians of authority, or how stressful it is to be in that role.

And so it's so important to talk about, who truly is the best fit, and for whom will this be easiest? Because if we appoint someone into a position of authority like that or decision-making position, and they're not equipped for it, it's gonna be more stressful on them and harder for them to get through that process than anything else.

so yeah, it's really about thinking about characteristics and strengths and making those matches as to who's gonna be able to do it most effectively.

Karen Wyatt: And it even seems like sometimes it may not be someone in the immediate family who's best suited for that role. There might be, someone in the, more in the extended family that, that could play the role better, that would actually have an [00:36:00] easier time with some of the decision-making 'cause they're not in the midst of those, those family c- roles and conflicts.

Molly Darsow: Absolutely, yeah. And there's even options for, if your family is really struggling, there are neutral third parties who you can hire into the, into those fiduciary roles, and sometimes that's the best thing. I think back to my experience being my mom's healthcare agent and navigating the healthcare system, and we, we were given 20 minutes with the, with her physician, and it was like I knew that I needed to go in there and be assertive and ask questions and get the information, right?

Because I have the ability to do that. But a person who's not comfortable being assertive or speaking to a physician, they're, they're not gonna get the information they need, and it can be really harmful to everyone involved. And it's not their fault, right? They were put into a position that doesn't match their strengths.

Maybe their [00:37:00] strengths are better suited in other areas, right? Yeah. And just finding a place for them.

Karen Wyatt: Yeah, so true. And so being assigned that role could be a real burden for some people. And then not only that, not only do they have to carry out the role, but they'll be criticized by other family members for the decisions they do make and the way they carry it out, and that, that can be very challenging.

Molly Darsow: Yeah. Another thing that happens in terms of the way that people carry out roles is, we all deal with grief differently and, have different communication styles and different personalities, obviously. And some of us deal with grief by moving forward quickly, making decisions, getting things done, staying on task, having things organized.

that's s- how some of us move through it. And then some of us move through it, and I'm sure you've seen this, by, withdrawing, procrastinating, right? Not making choices, needing time to [00:38:00] process, thinking through things. And those styles obviously do not match up. So when you have siblings, which happens a lot, with very different styles of processing grief, trying to make choices together, there can be a lot of tension.

And one person can feel bulldozed over while the other person feels like, "This is happening way too quickly. I'm not okay with this. This is, these are not the choices mom would've wanted." So it, really can create a lot of friction. And will it ultimately go to the legal system? Maybe not, but it will ultimately affect that relationship forever moving forward.

Karen Wyatt: And it can affect, the process of grieving itself and how people move forward through their grief as well if they feel s- unsettled at the very beginning with how, things were and what has unfolded here after the death.

Molly Darsow: Yeah. Yeah. And then, I know that and I, know from my personal experience, there's so much doubt and looking [00:39:00] back and wondering if you made the right choice or not.

and if you feel like someone in your family system made the wrong choice, there's a lot of blame and feelings that you can then project toward that person.

Karen Wyatt: That's something it seems like bringing in mediation earlier before the loved one has died could help avoid some of that, some of the doubt and the questions that people have to ask afterwards because they, will know they, they had the conversations, they talked it through while their loved one was still alive.

Molly Darsow: Yeah. Yeah. And so that's why I'm really trying to reach out and, work with end of life professionals and the people who are connecting with these families during that time to help them, just be a resource earlier. It's tricky because like you said, oftentimes all professionals are encountering families once they're already in crisis mode, and then it can be really hard to refer out or it's just "Let's get through today and move forward to the [00:40:00] next thing."

But absolutely, the, the conversations earlier and mediation earlier, when there's any tension between family members, you can see it because some family members will be in the hospital room and some will have to be asked to wait outside or they can't go in at the same time. All those things are happening because the tensions are already so high.

Karen Wyatt: Yeah, so very true. And when you meet with people, do you most often meet in person and gather every, all the parties together, or these days is it more likely to be over Zoom?

Molly Darsow: Yeah, it's more likely to be over Zoom. I think in part because there's often siblings who are out of state. Not everybody's in the same place, and of course, schedules are really, busy because a lot of the people that I support, a lot of these adults in disputes are in the sandwich generation, so they're navigating caregiving for their parents or their parents passing and also caring for children. I would love if more mediations were in person and, do [00:41:00] offer them in person, but, because I'm not necessarily offering

mediation always in Minnesota and because of just the nature of, yeah, the way things are now, mostly it's over Zoom.

Karen Wyatt: Yeah.

Molly Darsow: and it depends on the situation. A lot of times people are in the same Zoom room, but sometimes even siblings aren't ready to be in the same Zoom room at the same time, right? Wow. And so the mediator is going back and forth and communicating and hopefully getting them to a place where they feel like they're ready to communicate directly.

But people become so entrenched and can- Be things can be so tense going in that they can't, they're not ready for that.

Karen Wyatt: Wow, that's, just so interesting. I was thinking Zoom in some ways levels the playing field almost. we're not meeting at any one person's house or any location that someone else chose over, another person's preference.

but, [00:42:00] but I can imagine that the emotions could be so high- heightened that people have a hard time just seeing one another on the camera.

Molly Darsow: Yeah, and it's, amazing how, the setting of a mediation matters so much, and I think that's one of the powers of mediation because talking to me, with, obviously like a residential b- or office background is a lot different than being in a courtroom talking to a, a judge or a referee, which can feel so intimidating for some people.

And I think that a lot of times when people do get into those courtroom settings, they put on this formality. They think they have to act a certain way. They put on their best, face, and they aren't necessarily having the, true conversation or expressing the true needs at play. Versus mediation is just so much more informal and hopefully feels like a safe conversation where people are really able to talk about what's actually going on.

Karen Wyatt: Yeah. I, was [00:43:00] curious about that. Do you, guide people through the conversation by, by asking each person one at a time to express what they feel to avoid everyone trying to talk at once or arguing when you're there?

Molly Darsow: Yeah. it's funny because even, in mediation, people tend to be on a little bit better behavior than if they were having a conversation on their own.

So I'm just thinking of back to the family that I most recently mediated for, and it was this common, they said, we haven't been able to even talk on the phone for three years," right? "We haven't even been able to have a phone conversation for this amount of time without it turning into a screaming match."

Once the mediator gets in the room, it's interesting how just that neutral third-party preference, really people do automatically start to be on better behavior and do better with each other. But it does get to the point where people are talking over each other and arguing and yelling at each other, and then it's [00:44:00] absolutely the mediator's job to try and, facilitate a more productive conversation.

but it's not a bad thing to reflect back high emotion either. I definitely don't wanna ignore that somebody's really angry, because if the really angry person-- and of course, we know anger's an iceberg, so there's probably something underneath their anger, right? So let's say if the real, if the person who feels really disrespected, if that's not acknowledged, they're never gonna de-escalate.

They're gonna stay in that heightened state until somebody recognizes that emotion that they're having.

Karen Wyatt: Yeah. That makes sense to me. And, also if there's a, a family member who always felt like, "No one ever listens to me," that person might have the hardest time speaking up and then perpetuate that feeling of not being heard or listened to, so it sounds like that's something you have to be aware of and sensitive to.

Molly Darsow: Yeah, and we build these narratives like, "No one ever listened to me," and then [00:45:00] we use all interactions and all communication as evidence to support that narrative, right? And so there's a lot of questions and shifts that can happen in mediation that help people just shift that narrative or, break open that narrative ever so slightly, where they're able to stop gathering evidence in support of the story they've always told themselves, that, "No one ever listens to me."

And maybe they say, "Okay, I, feel heard right now. All right, maybe they did hear me way back when or, maybe I am being a little bit unra- irrational or unreasonable, right? Yeah. And it just breaks open ever so slightly, 'cause we just get so fixed on the stories that we tell ourselves, and that's what humans do, right?"

That's how we make sense of our world. But those stories can become just really toxic and unhealthy, especially within those family systems.

Karen Wyatt: Yeah, so true. So do you reach a breakthrough usually in one session, or does it take multiple sessions [00:46:00] of meeting together?

Molly Darsow: The sessions are long and, and so this most recent, most recent family I'm just thinking of, I met with them three times.

Sometimes it's one. If it's court-ordered mediation, oftentimes it's gonna be one session, right? But mediation can last all day. The barrier around it is that mediation, like anything, there's a fee associated with the service, and depending on the mediator, there's gonna be a different fee, and so it can be costly.

there are community mediation programs out there, and depending on the state that you're in, there might be, more or fewer options for that, where they will offer, through volunteer mediators, low or sliding scale fee mediations. But in general, I'd say it would be great if people could schedule multiple mediations or all-day-long mediation because that's usually what people need, but the cost is sometimes a barrier to people wanting to do that.

Karen Wyatt: Yeah. I'm also... Then I'm also thinking ahead of [00:47:00] what if someone listening thinks, "That sounds like a job I could do as a mediator." What does it take to become a mediator if someone finds that idea really interesting? 'Cause it sounds like we could use a lot more people working in this area.

Molly Darsow: Yeah, there's a lot of opportunity for volunteer mediation through community mediation programs.

I know Iowa, for example, has a big program to check out. They do a lot of trainings. But that-- the answer to that question just depends on the state that you live in, so I'm hesitant to answer because I don't want to give anybody any mis- misinformation. and there can be more... Like Minnesota has, in general, more, requirements for mediators and, rules around mediation than some other states do.

So, it depends on where you live. But absolutely it's something that anyone in any profession can benefit from going through mediation training, right? you can use it in almost any line of work, anytime you're interacting with [00:48:00] people, especially if you're in a management or leadership position.

I would say if you're searching for a mediator, that's where it can be a little tricky, 'cause you do want to make sure that you're searching for someone that is on some kind of qualified roster or has gone through some training, and is not simply attaching that label, right? So it can be a little bit tricky.

We have in Minnesota a roster of qualified neutrals that I'm on, and so people can search that way just to know that they're contacting somebody who's met the requirements.

Karen Wyatt: It does sound like mediation skills or training could be helpful, to even to people who work in hospice or work in end-of-life roles because these kinds of conflicts come up so often that it could be helpful for people to have some training or develop skills

Molly Darsow: Absolutely, yeah.

and that's something that myself and other mediators will go in and offer to end of life professionals. [00:49:00] the tricky part is once you have worked with a family, so let's say you're a social worker working with a family through their process or you're, you've been a death doula with the family, you're supporting them, now you're not neutral anymore, right?

You've built that relationship, and so to be able to mediate at that point, you really can't because- you're, too entrenched in the conflict and the interactions and the dynamic yourself.

Karen Wyatt: Yeah,

Molly Darsow: that makes sense. Even if you've been doing a really good job to remain neutral, it's just inevitable that you would then need to maybe refer out.

But the de-escalation skills I think are huge. but again, when I'm training in mediation skills or talking to other mediators, I'm starting with step zero really, which is let's learn how to de-escalate and regulate yourself, right? Because if you don't have that, if you haven't done that inner work, don't even move forward with the mediation training because there are no skills that are gonna trump that.

Karen Wyatt: That, that [00:50:00] sounds, that is so very wise advice, that is where we have to begin. And if it sounds appealing to be a mediator, that is the,

the, as you said, the best place to start, making sure that you've done your own inner work to be able to, stay in a calm and neutral state.

Molly Darsow: Yeah, and that you have, maybe the coping skills that will help you process the inevitable trauma that you'll encounter and all of that negative energy that comes with conflict and dispute.

because, just like when I was doing addictions counseling or doing group, facilitating group therapy, I will walk out of a mediation session and feel like I weigh 1,000 pounds. And so having a way to shed that and process that, and then also having the stability in my own life to be able to continue to do it, is key.

because just like any profession, people get [00:51:00] in and they're, and maybe they're exposed to secondhand trauma or whatever it is and then it becomes detrimental. I think that's probably really true of family mediators who are focusing on divorce and child custody issues and are really seeing families get ripped apart and children involved.

That- that to me would be very difficult work.

Karen Wyatt: Yes. Yes, definitely. Definitely. this is so fascinating, Molly. I'm so glad that you're sharing this information, 'cause again, it's something I didn't know very much about. I hadn't encountered anyone who did mediation around end of life issues, but I see the value of it and how very important it is.

Molly Darsow: Yeah. So I would, I was curious actually, in your experiences when you've witnessed families in those dispute situations or experiencing, those tensions, what options have been out there for families?

Karen Wyatt: as I think back to it, it seems like we've involved our social worker [00:52:00] or chaplain, or sometimes these issues have come up in during the bereavement services that are being offered afterwards when people come for a bereavement, appointment, and it turns out that, they're focusing on, a family conflict at that time.

But I really think probably therapy has been the only thing that, that we knew about to offer to people at that time. Yeah ... but mediation sounds like it's the perfect solution for many families.

Molly Darsow: Yeah. I think, and those bereavement counselors might be the right people to get trained in mediation because they are usually coming in unknow- then they don't know much about the family, right?

They're making those calls and doing that follow-up without knowing the whole story. Is that kind of, is that

Karen Wyatt: correct? Yeah, that's often true. So that's a- Yeah ... that's a really good point.

Yeah. That-

Molly Darsow: Yeah, and then they're hearing families in dispute and the aftermath, the [00:53:00] wreckage.

Karen Wyatt: Yes, and how it's interfering with, healthy grieving in a way because of the, the disputes and the conflict that's taking place.

Molly Darsow: It really does. What I witness is people are stuck focusing on the dispute with their family And it's almost like a way to avoid or pause or put off processing their grief. It's like displacement. I, that's how I view it.

Karen Wyatt: That's so true. So very true. And I think many of us are not, once you become an adult and leave your family of origin, you forget about old resentments and old issues that you carried along, and they can really blindside you suddenly when you're back in this family situation, a tense, painful, disruptive family situation.

And so people are just not prepared for it and, maybe can't even [00:54:00] recognize it within themselves.

Molly Darsow: Yeah. Yeah. It's like all of a sudden you're being forced to make choices with these people, in this really stressful situation, and you haven't fully processed or moved past all the resentment that you had toward them, and all of a sudden it's like, Sister Nancy has always treated me horribly.

She's always been the favorite. All that stuff comes right back. So it makes it really hard for people to make choices together because they are, they're just already in positions of not wanting to work together.

Karen Wyatt: Yes. Yes, definitely. this is, this has really been fascinating. I'm interested to learn more about, what you do, Molly.

And I'll remind people your website is stillwatersmeditation.com. I love the name Stillwaters. Or not meditation, mediation .com. That always happens.

Molly Darsow: That always happens. It's my fault for calling it Stillwaters. That really [00:55:00] is, it evokes meditation, and the words are so similar. I think it actually helps because when people come to my table at conferences, sometimes they think I'm offering meditation and they're more interested in that than mediation.

Karen Wyatt: Is it ... That's really interesting. Yeah, your, eye glances at the word and inserts that T in there.

Molly Darsow: Yeah.

Karen Wyatt: That's it, so that's, so stillwatersmediation.com and, and can people just find out more and connect with you through the website if they're interested in, your services?

Molly Darsow: Yep, there's a contact form on there and, I would encourage anyone who has any feedback or any questions or is curious about something, I'm helpful to be a resource and refer out and always if I'm not the right mediator I'll connect you with someone who is and really anything that comes up for people.

It's all about promoting again that awareness of this as an option and so I love to be a resource for people.

Karen Wyatt: Oh, that's really wonderful. [00:56:00] I just, I want to thank you Molly for taking the time to share with me today but, and just for the work you're doing in general. It, feels very important and like something we need much more of.

Molly Darsow: thank you, and thank you for offering this podcast. if I could've benefited so much from this podcast as a resource when I was navigating my mom's end of life and after she passed. there was just so much good information on all kinds of topics that would've felt so relevant to me then, and that I-- that still feel so relevant and relatable to me now, and it's so important when you're going through that to have something that you can relate to.

So thank you for putting this out in the world.

Karen Wyatt: Oh, thank you. it's, been a real pleasure to talk to you today.

Molly Darsow: You too. Thank you so much.

Karen Wyatt: You're welcome.