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Siblings, Family Systems Theory, Guardianship, and Restoring the Triad

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Siblings, Family Systems Theory, Guardianship, and Restoring the Triad

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Special needs estate planning introduces additional complexity, including the need to plan for ongoing caregiving after members of the parents' generation have passed. This caregiving role is often left to siblings. (Brandy, Burke, Landon, Oertle, 2018). The sibling relationship has not been well-studied in this context, and the relationship dynamic has become more complex as families have changed in recent years (Sanner & Jensen, 2021). The overall goal of the paper is to discuss alternatives for structuring caretaking (e.g., conservatorship, guardianship, supported decision-making) that may restore the triad relationship, i.e., the strongest relationship identified in Family Systems Theory through which stress or friction may be resolved (Gale & Muruthi, 2017), and how to have these conversations with clients as they make guardianship plans.

Keywords: siblings; special needs planning; genogram; family systems theory

Estate planning includes many variables that are unique to individual families (e.g., ideas about death and dying, intergenerational wealth transfer, and finances). Special needs estate planning introduces additional complexity, including the need to plan for ongoing caregiving after members of the parents' generation have passed. This caregiving role is often left to siblings (Brandy et al., 2018). The sibling relationship has not been well-studied in this context, and the relationship dynamic has become more complex as families have changed in recent years (Sanner & Jensen, 2021).

Individuals with a sibling with special needs (e.g., emotional, physical, mental) often unquestioningly believe they will inherit the caretaker role from their parents and assume full guardianship for their special needs brother or sister (Brady et al., 2018). Moreover, while this role may be appropriate for some, bringing siblings closer (Burbige & Minnes, 2014), in other cases, it may lead to conflict and rivalry (Boer & Dunn, 2009). Relationship dynamics aside, there are also differences in the types of support that can be offered (e.g., partial versus full guardianship, supported decision-making instead of guardianship, or

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shared corporate/family guardianship), and to date, there is not sufficient research to indicate which is best (Brady et al., 2018).

This paper will examine current literature on the dynamics associated with adult special needs sibling relationships, including alternatives and perspectives on guardianship. We will then discuss sibling relationships using Bowen's Family Systems Theory, giving special attention to the "functionally first" child and triangulation. The overall goal of the paper is to discuss alternatives for structuring caretaking (e.g., conservatorship, guardianship, supported decision-making) to restore the triad relationship, i.e., the strongest relationship identified in Family Systems Theory through which stress or friction may be resolved (Gale & Muruthi, 2017), and to discuss how to have these conversations with clients in a variety of professional, financial, and mental health contexts.

LITERATURE REVIEW & THEORY

Bowen's Family Systems Theory

Family Systems Theory (FST) has several basic assumptions: (a) holism; (b) hierarchical organization; (c) living systems are open, (d) non-determined and active human systems; and (e) reality is constructed (Archuleta & Lutter, 2020; Kerr & Bowen, 1988). FST addresses individual roles and, perhaps more importantly, the relationships between individuals. Relevant to individuals with a special needs sibling is the *functionally first child* and the triad relationship.

The *functionally first child* is the child who may not be the first in birth order but who takes on the leadership role often adopted by first-born children (Kerr & Bowen, 1988; Toman, 1976). Bowen's interest in the functionally first child relates to triads and the formulation of triangles among parents and siblings (Kerr & Bowen, 1988). In this situation, the healthy sibling would be the functionally first child. The parent and the healthy sibling might work together to support the special needs sibling and one another, thereby creating a triad.

The triad relationship is the strongest relationship described in Bowen's FST (Kerr & Bowen, 1988). It exists or comes into existence when a third person (or perhaps party) is introduced into a dyad relationship to "balance either excessive intimacy, conflict, or distance and provide stability" (Evert et al., 1984, p. 32). The triad relationship is stable and can provide balance and help manage anxiety and stress (Kerr & Bowen, 1988; Regina, 2011). The notion of triads, triangulation, and triangles has also been applied to mediation; this occurs when two opposing parties come together to talk out a dispute, and the third party (i.e., the mediator), provides stability and helps to reduce anxiety and stress (Regina, 2011). When a parent passes away, individuals and their special needs siblings often form a dyadic relationship, which can result in caregiver burnout. Restoring or establishing a triad may help resolve stress and anxiety.

The money genogram is a valuable practice tool that explores family relationships and fits with Bowen's Family Systems Theory and Attachment Theory. The money genogram

was originally introduced by Dr. Gallo (2001) as a specialized practice for looking not only at family structures (i.e., divorce, children, relationships) but also financial information (i.e., actual funds, messages, teachings, rules) in financial planning. For instance, money genograms can be used to understand how certain rules or expectations (e.g., who takes care of the special needs sibling and how) come about. This is a useful, user-friendly tool for financial practitioners, financial therapy practitioners, and mental health practitioners.

Focus on Siblings

Research in Family Systems Theory (FST), as well as Financial Therapy, has often focused on the marital relationship (e.g., the parent's feelings about how money should be spent [Archuleta & Lutter, 2020]), the overarching nature of the marital relationship governing the household (Sanner & Jensen, 2021), and financial lessons passed down through families (Nelson et al., 2015). Yet, the sibling relationship is also important in questions related to the guardianship of a special needs individual. Sibling relationships are the longest running of the family subsystems (Bel et al., 2019). They are becoming increasingly complex as family systems become more intricate (e.g., half-siblings and stepsiblings; Sanner & Jensen, 2021). Bowen's FST makes room for a discussion of siblings. Regarding special needs planning, FST highlights the role of chronological and functioning sibling positions (Brown, 1999; Kerr & Bowen, 1988). In a family with a special needs individual, the functioning sibling position may be held by an individual who is not chronologically the oldest, which affects the relationship of that functionally first sibling with other siblings and their parents.

Adult Siblings of Individuals with Special Needs

Few studies have focused on adult sibling relationships that include a non-special needs sibling and a special needs sibling (Avieli et al., 2019; Brady et al., 2018; Sturges, 2015). The underlying reason may be historical; prior to the 1980s, families had the option of institutionalizing special needs family members, removing the need to discuss ongoing caretaker roles (Sturges, 2015). Improvements in healthcare also play a role, as individuals with disabilities are living longer than ever before (Avieli et al., 2019). Finally, inadequate information regarding options and a perceived lack of alternatives may lead siblings to take on a caregiver role (Brady et al., 2018).

Further, existing studies do not provide specific advice. Instead, they discuss how outcomes vary widely across family and life situations, sometimes resulting in positive, close relationships, other times in negative relationships, and other times in more neutral relationships (Avieli et al., 2019). As a result, intervention strategies must also vary widely in response to the different family relationships and dynamics that exist (Avieli et al., 2019).

Sibling Relationship Dynamics

The sibling relationship is complex and influenced by different temperament types and childhood family dynamics (Brody, 1998). Temperament is a person's natural tendency to respond to a stimulus with a particular behavior. Elements of temperament include an

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individual's activity level, adaptability, the intensity of emotional response, sensitivity to physical stimulation, a tendency toward approach/withdrawal, distractibility, and mood (Thomas et al., 1970). When siblings have conflicting temperaments, we may see greater levels of childhood antagonism and points of frustration. Temperaments can conflict when dissimilar or similar in the wrong way (Thomas et al., 1970). For example, a study of siblings with placid temperaments and siblings high in active and emotional temperament did not show that different temperaments necessarily caused more conflict. Instead, two siblings with active and emotional temperaments were more likely to experience conflict than a sibling dyad with contrasting temperaments (Stoneman & Brody, 1993), leading to more childhood conflict.

It is also worth noting that modeling from parents, as they interact with one another and their children, can positively or negatively affect the development of sibling relationships. For instance, if the parents have an unhappy marital relationship, a sibling relationship may also be more antagonistic. Alternatively, this situation could result in more protective caregiving or prosocial behaviors toward younger/more vulnerable siblings (Cummings & Smith, 1989; Hetherington, 1989; Jenkins et al., 1989). How parents respond to their children with different temperaments can also teach coping mechanisms, cooperation, and prosocial behaviors. Further, it can generate more sibling conflict when a child feels that attention is not fairly divided (Kowal & Kramer, 1997). As described in attachment theory, the interplay within the family system informs the individual's approach to intimate relationship bonds in the future; as such, childhood experiences influence adult relationship dynamics (Brody, 1998). Even in childhood, a triad partner (i.e., a parent or sibling) can dissipate the power of conflict.

In one of the few examples of research on special needs and siblings, Orsmond and Fulford (2018) conducted a study of families with one adult autistic sibling to investigate positive feelings regarding the sibling relationship and pessimistic feelings about the future. The researchers reviewed sibling-level characteristics (including age, gender, birth order, level of education, employment status, marital status, parental status, as well as sibling depressive symptoms, contact with their sibling, and perceived support from parents) and family-level characteristics (including family size, maternal reporting of behavioral expressions of her adult child with ASD, as well as intellectual disability comorbidities). The researchers found that adult siblings' positive feelings toward their autistic brother or sister were associated with their degree of depressive symptoms and with the autistic sibling's intellectual capacity in relation to their own.

Sibling Power Dynamics

Sibling power dynamics are also important to consider when evaluating the quality of the sibling relationship and caregiving services. There are a few common types of power dynamics among siblings. For example, older siblings typically possess greater power and dominance over their younger sibling(s) during childhood due to their greater physical strength, cognitive and social maturity, and familial responsibility, as determined by cultural norms (Lindell & Campione-Barr, 2017). According to Berger's relationship-level approach to comprehending power dynamics, an individual's ability to hold a position of power within

a relationship, such as that between siblings, requires a less powerful individual to depend on the more powerful individual for certain activities (Lindell & Campione-Barr, 2017). However, through adolescence and adulthood, sibling relationships usually transition to more egalitarian, balanced dynamics, as the younger sibling is no longer dependent on or less powerful than the older sibling (Lindell & Campione-Barr, 2017).

When dealing with a set of siblings where at least one sibling has special needs, the other sibling(s), regardless of age, commonly take on more authoritative roles when they believe they have surpassed the capability/functioning level of their sibling(s) with special needs, as supported by Orsmond and Fulford's (2018) research. This scenario aligns with Bowen's FST, in which certain siblings may assume the role of an older sibling, regardless of birth order or age difference.

In a comparative analysis of perceptions toward caregiving of adult siblings, most participating siblings described enjoyable and close relationships with their sibling(s) with special needs (Burke et al., 2015). A survey of 111 adult siblings of a family member with intellectual disability and autism spectrum disorder (ID/ASD) revealed that, while they tended to have close relationships with their sibling with special needs, many adult siblings fulfilling caregiving roles felt obligated to support their brothers and sisters (Leane, 2019). Even though many reported that they were willing to care for their siblings out of love or a sense of duty and responsibility, participants also tended to describe their disposition to caregiving primarily in terms of emotional attachments that evolved from childhood (Leane, 2019). However, it is important to note that the rewarding nature of such sibling relationships has the potential to change as they transition from anticipated to current sibling caregiver roles. It is also important to note that the sibling studies mentioned included only *traditional* siblings (i.e., siblings born to the same parents). Sibling dynamics may be very different in half-, step-, and adopted situations – even less is known about these sibling dynamics when the sibling becomes the caretaker of a special needs sibling.

Caretaker Burnout

Another component to consider is that of caregiving capacity. For individuals who are largely attentive to and invested in the well-being of their sibling(s) with special needs, caregiving responsibilities are anticipated as a natural part of their adult life and in the absence of their parents or alternate caregivers (Burke et al., 2015). Whether the individual is positively anticipating this role or feels obligated to take on this responsibility, numerous tensions arise, potentially straining a previously close and supportive relationship. For example, siblings serving as legal guardians reported concerns about the exorbitant financial costs of retaining guardianship, the time-consuming paperwork, and their difficulty navigating and maintaining benefits for their sibling with special needs (Burke et al., 2015). Given the emotional nature of caregiving among siblings, dilemmas resulting from the dissonance between autonomy and relatedness can also cause siblings to struggle with resentment and guilt (Leane, 2019).

One qualitative study evaluating the support needs of 139 adult siblings of people with developmental disabilities highlighted a need for greater education and support in

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disability education, future planning, and system navigation (Arnold et al., 2012). Engaging siblings as partners in future planning with parents, current caretakers, and professionals can alleviate some of these stressors and potentially enhance sibling relationships (Arnold et al., 2012).

Burnout is a genuine concern when education and support are unavailable. The risk of caregiver burnout is well-documented (Han et al., 2020). Caregivers can experience high-stress levels related to the financial, emotional, and time constraints associated with their caregiving role, as well as lower quality of life (Cohn et al., 2020). Of note, a qualitative dissertation focusing on individuals caring for a sibling with special needs identified the need to make legal decisions on behalf of their sibling as another significant stressor (Cordova, 2015).

Guardianship & Alternatives

In conjunction with family relationships, there are legal relationships formed in special needs planning, including (a) guardianship of a person, (b) guardianship of an estate, or (c) guardian of both the estate and person. In this paper, we primarily address the guardianship of a person, although the guardian of a special needs sibling may also have responsibility for managing their parents' estate. Guardianship of an estate broadly entails making financial decisions related to tax or property and could include decisions regarding the allocation designated for a special needs sibling and others (Dalton & Langdon, 2020; Marsocci, 2015). The guardianship of a person involves taking responsibility for the care of that individual and can be accomplished via guardianship, conservatorship, or supported decision-making (Marsocci, 2015).

The definition of guardianship varies by state, but its overarching goal is to protect the individual and guide all their life decisions (Fearn-Zimmer, 2020). Conservatorship is narrower in scope, pertaining solely to the person's financial decision-making (Eisenberg, 2015; Fearn-Zimmer, 2020). Under a third option—supported decision-making—the special needs person makes their own decisions with the help of others (Fearn-Zimmer, 2020). Each style of legal relationship has its benefits and drawbacks. For instance, guardianship and conservatorship can result in quicker and more efficient decision-making. However, all three of these models have been associated with depression and loss of personhood for the individual with diminished capacity (Eisenberg, 2015; Fearn-Zimmer, 2020; Kohn et al., 2013). While shared decision-making can support the felicity of the sibling relationship, it is more time-consuming and complex (e.g., rules for decision-making, power of attorney and directives, et cetera; Jeste et al., 2018).

A final option, which is less frequently discussed, is to use a corporate trust company. Corporate trust companies can be beneficial for managing family situations as well as complex financial situations (Balzarini, 2022). Corporate trust companies are more common in family trust situations (e.g., where the trust company and a family member can work together to make decisions to manage a charitable trust; Ytterberg & Weller, 2010). However, these can also be wonderful alternatives for special needs situations, as trust company services can be very versatile and handle various tasks (e.g., distributions to heirs,

help with legal and financial affairs of the estate or a single trust, et cetera). Similar to its role in the charitable domain, the corporate trust can take on administrative or legal work, reducing the family's responsibility to a consultative role.

Given the complexity of these options, it is unsurprising that siblings as caretakers and guardians often need help understanding the possibilities (Brady et al., 2018). A recent qualitative investigation of adults with disabled siblings showed that they were uninformed about full guardianship alternatives and believed this was the only possible solution for their situation (Brady et al., 2018). Researchers in the qualitative investigation described this behavior as the Sibling Reciprocal Effect, which occurs when the caretaking sibling is aware of alternatives for others but believes that they would not apply to their situation (Brady et al., 2018).

A qualitative dissertation examining siblings in caretaking roles similarly indicated that families often delay discussing the transition of the caretaking role from parents to siblings. This occurs for various reasons (e.g., death and dying, reluctance to confront guilt or worry) (Cordova, 2015). However, delaying this conversation leaves the siblings under-prepared to take on responsibilities and understand their options (Cordova, 2015). Moreover, this can perpetuate trends, including a gender divide, such that caretaking responsibility overwhelmingly falls to female siblings (Gorelick, 1996; Cordova, 2015; Heller & Kramer, 2009). Caretaking is typically seen as a female role, even if the sister may not be the optimal choice, given finances, time, or other factors.

HYPOTHETICAL CASE EXAMPLE AND SUGGESTED INTERVENTION

Bob (42), a successful lawyer married to Sydney (41), has decided it is time for a financial plan. Bob sets a meeting with a financial planner, Andrew. As part of Andrew's process to learn more about all his clients, their families, and their beliefs about money, Bob and Sydney are asked to fill out a financial genogram. Reviewing the genogram with Bob and Sydney, Andrew learns that Bob has a sister, Susan (40), and a special-needs brother, Leander (44).

Bob recounts for Andrew how, at his parents' deathbed, he was asked to watch over his brother, Leander, to which he consented. Bob went to law school and has a secure job and family. Of all the siblings, he was always considered the "responsible one." Susan, a teacher, is not considered "wealthy" enough to care for Leander, though Bob says that she does try to help.

A year into assuming his brother's guardianship, Bob is exhausted. He did not realize how much time his parents spent managing healthcare decisions, benefit programs, taxes, insurance, and general life needs (e.g., bill paying, travel, emotional support). Bob cares deeply for his brother and wants to support him, but Bob also feels an immense burden and burnout. He wants to advocate for his brother but would rather not be his caretaker. Andrew asks Bob and Sydney to estimate how many hours a week Bob is devoting to his responsibilities for Leander and how much time Susan and Sydney chip in. In sum, Bob, Susan, and Sydney spend at least 25 hours a week caring for Leander's needs.

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Andrew continues to meet with Bob but soon meets with Susan and eventually Leander. Having now met the whole family and having learned more about their individual needs, Andrew suggests meeting with a corporate trust company and considering using a corporate trustee. Andrew points out that a corporate trust company, while more expensive, can serve as a mediator for Leander's needs – thereby taking on much of the stress associated with managing time demands, legal questions, and restoring balance to the sibling relationship.

Best Practices based on Systems Theory

In the above scenario, the financial planner (of note, this could also have been a financial therapist or mental health practitioner) did three important things. First, he used the money genogram, a great tool for professionals to gather data about special needs situations. As previously noted, many families do not think through sibling-guardianship responsibilities (Cordova, 2015), and the use of the money genogram can help with post-parent-passing planning (or, preferably, pre-parent-passing planning, had Bob's parents met with a financial planner and arranged for Leander's care before they passed on).

Second, Andrew asked about time. As discussed, many siblings unquestioningly take responsibility for caring for a special needs sibling without considering whether this is the best option for all concerned. Questions about time (e.g., how much time do you spend per week caring for your sibling?) are a non-judgmental way of opening the door to other forms of care. For instance, a caretaking sibling, like Bob, may decline if asked outright whether they need help or are interested in looking into other forms of care (Brady et al., 2018). However, they may be open to considering other options when they realize how much time they are putting into this responsibility.

Finally, Andrew raised the possibility of involving a third party (i.e., a corporate trust company) to restore a healthy triad relationship. Triad relationships can help dyads manage negative emotions, and in the case of Leander, Bob, and Susan, the third-party trust company can also take over legal obligations.

This illustrates how a family can benefit from access to experienced decision-makers with a background in special needs planning. They can learn about alternatives to full guardianship and determine how to make some options possible. As noted in the literature, caretaker siblings may be aware of supportive decision-making but may not believe that it would work in their situation. However, with the assistance of the corporate trust company, this may be a more viable option. In one possible scenario, Bob and Susan could work with Leander, leaning on their long-established sibling relationships, to learn what he really wants and needs, and then the trust company could help implement those decisions. The caretaker siblings may not have had the time or patience to fulfill that role in the past, but they can now, with the help of the trust company and its employees.

The trustee relationship via the trust company opens doors for other types of relationships, as well, by restoring the triad's mediating power to handle emotion and function (e.g., paying bills). Families are introduced to a wider array of options and given the

tools to help implement the best plan for them and the special needs individual. While these relationships may be more expensive, they can help support caregivers and sibling relationships and, thereby, the well-being of all concerned.

DISCUSSION AND BEST PRACTICES

Financial planners, financial therapists and coaches, as well as mental health professionals interested in working with special needs families, and these professionals who find themselves in a special needs situation, can benefit greatly from understanding the role of a trust company and its utility related to FST, as well as the mediating role of triangulation. A trust protector may be exactly what the family needs. For example, it can act as a subject matter expert (e.g., helping family guardians or caretakers become more informed) and help carry out caregiving tasks (e.g., finding housing and living support) so that guardians or caretakers can have a break. At the same time, the special needs individual continues to receive timely support. As such, the trust protector can do much of the heavy lifting from both a legal and a time perspective, which can help restore the relationship balance between the siblings, thereby avoiding burnout in the caregiver and resentment among the siblings. To start this conversation, advisors can ask clients how much time they spend working with their special needs family member.

It is important to be aware that not all trust companies are the same and that not all trust companies operate in all states. For instance, some trust companies hire social workers in addition to their legal trustees. These companies are generally better able to provide a mix of legal, emotional, and physical support. Financial planners who want to work in this area must provide informed referrals by getting to know the trust companies in their area and building relationships with them, as they already do with CPAs and estate attorneys.

The financial planner, therapist, coach, and mental health professional can also help the trust company familiarize itself with the family's unique situation. For instance, they can get to know the individual with special needs and their living situation. They can introduce the trust company employees to other professionals involved in special needs networks (e.g., social workers, CPAs, and other medical or financial professionals). The financial planner, therapist, coach, or mental health clinician provides a vital service as an educator and a relationship facilitator to trust companies and families.

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