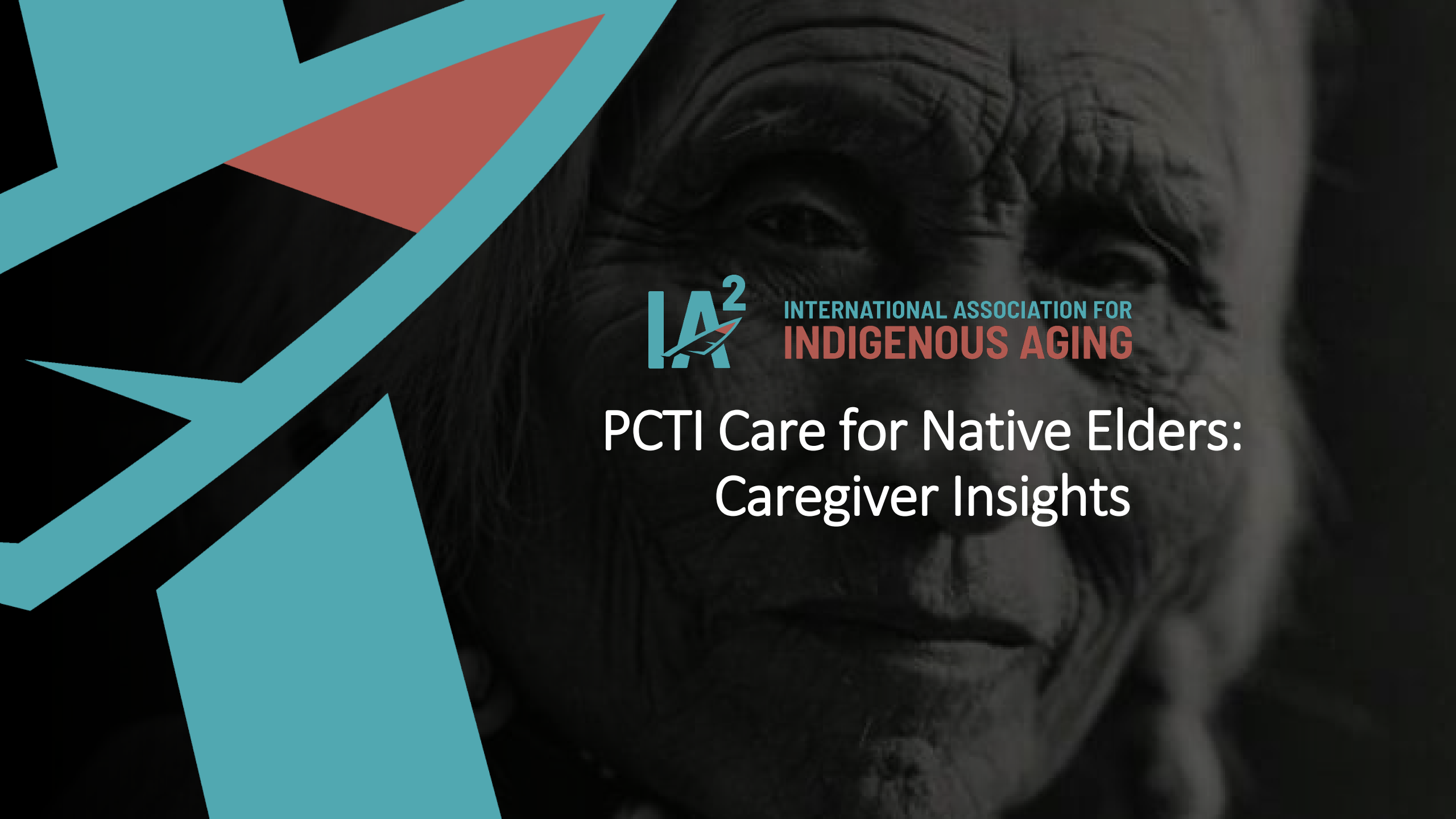


INTERNATIONAL ASSOCIATION FOR INDIGENOUS AGING

PCTI Care for Native Elders: Caregiver Insights

Sara Vogler

Program Manager, Office of American Indians, Alaska Natives and Native Hawaiian Programs

Washington D.C.



Peggy Jo

Director of Elder Justice Projects

Cultivating Equality Through Leadership, Prevention, and Advocacy

New Mexico



Introductions

- Briefly introduce yourself (name, role, and tribal affiliation).



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INTERNATIONAL ASSOCIATION FOR
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Who We Are and What Drives Us

People We Serve













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International Association for Indigenous Aging

- IA^2 was launched by Bill Benson and Dave Baldridge as a small non-profit in 2002. The organization began its 20-plus-year history by making significant policy and practical contributions to the fields of American Indian and Alaska Native elder abuse and elder well-being—topics that still command significant national attention. Under their leadership, IA^2 continues its innovative leadership role in aging advocacy today.

- The International Association for Indigenous Aging (IA2), a 501(c)3 non-profit educational association, works to:
  - Ensure the provision of appropriate and quality services and resources for indigenous elders.
  - Expand opportunities for elders' involvement in environmentalism, community participation, health maintenance, volunteerism/civic engagement, consumerism, and senior enterprise.
  - Enhance the protection of the rights of elders, including their freedom from abuse and neglect and their right to autonomy.
  - Educate the public, policymakers, and practitioners about the status of indigenous elders.
  - Improve the status of older people worldwide, especially indigenous populations

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IA² Initiatives

Brain Health
Learn about our Brain Health initiative here.

LEARN MORE



Vaccines
Learn about our Vaccine initiative here.

LEARN MORE



Wandering
Learn about our Wandering initiative here.

LEARN MORE



Elder Justice
Learn about our Elder Justice initiative here.

LEARN MORE



Caregiving
Learn about our Caregiving initiative here.

LEARN MORE



LTSS
Learn about our LTSS initiative here.

LEARN MORE



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Take Care of Yourself

- Discussing abuse, violence, elder abuse, and domestic violence can be difficult.
- This discussion can be even harder to have in Tribal communities as violence is not socially acceptable behavior.
- Please take care of yourself through any means that feel appropriate
  - Coloring
  - Scrolling through social media during tough topics
  - Drawing
  - Playing with a fidget spinner

- Resource if you need to work through some thoughts, emotions, or experiences:
  - StrongHearts Native Helpline 1-844-7NATIVE (762-8483) is a safe, anonymous, and confidential domestic and sexual violence helpline for Native Americans and Alaska Natives, offering culturally appropriate support and advocacy.

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Violence Against American Indian and Alaska Native Women and Men



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INTERNATIONAL ASSOCIATION FOR INDIGENOUS AGING

Elder Abuse in Tribal Communities

Types of Disrespect

- Physical
- Neglect
- Sexual
- Spiritual
- Emotional
- Financial
- Abandonment
- Self-Neglect



Occurrence:

Pre-Pandemic 1 in 10

Post-Pandemic: 1 in 5

Older Adults over the age of 60

National Council on Aging. July 2024. Get the Facts on Elder Abuse. Get the Facts on Elder Abuse

Definitions for This Presentation

Disrespected

- To treat someone with cruelty or violence
- To treat someone in a manner that violates the law, either intentionally or through negligence
- This is used in place of abuse, neglect, or exploitation

Wrongdoer

- An individual who has committed an act or has violated the law, either intentionally or through negligence who has been identified
- Wrongdoer will be used in place of the word abuser or perpetrator as these words are harsh and can trigger trauma

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Who Commits Elder Disrespect?

- Caregivers
- A person with a special relationship to the elder
- Family Members
- Adult Children
- Grandchildren
- Spouses/Partners

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Supportive Words



Let them know that the abuse is not their fault and that it takes strength and courage to report and receive help.



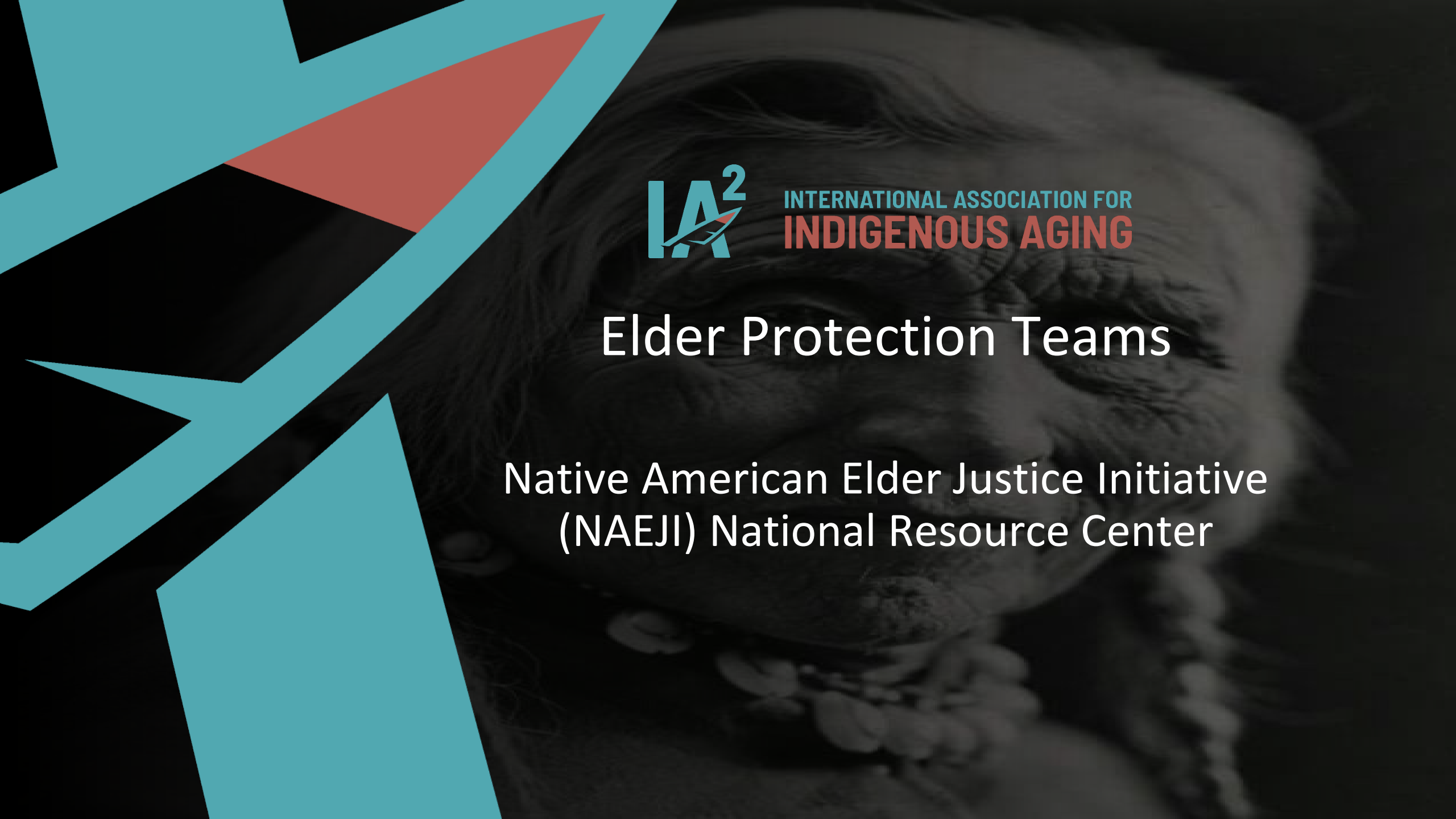
Empower words:

You are strong

You will get through this

I believe you

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Elder Protection Teams

Native American Elder Justice Initiative (NAEJI) National Resource Center

What is a Tribal Elder Protection Team?

- A Tribal Elder Protection Team is a group of professionals responsible for addressing elder abuse within their Nations and for their citizens. State organizations have similar teams, which they refer to as multidisciplinary teams (MDTs). Both types of teams consist of various professional disciplines, as well as roles for elders and cultural leaders. Tribal Elder Protection Teams aim to ensure an effective and culturally appropriate response for their Nations and the services they provide.
- The Confederated Tribes of Warm Springs (CTWS) in Oregon have been recognized as one of the longer-standing and most effective communities in addressing elder abuse since 1999, thanks to their Multidisciplinary Team (CTWS-MDT) that includes a diverse group of community representatives.
  - The Senior Wellness Center
  - Tribal Police
  - Tribal Prosecutor's Office
  - BIA/Tribal Social Services
  - Tribal Housing Authority
  - Indian Health Service (IHS)
  - Community Health Representatives (CHR)
  - Victims of Crimes Office
  - Assisted Living
  - Oregon Adult Protective Services

Reference:

National Indigenous Elder Justice Initiative (2014).Tribal Elder Protection Team: Introduction to Tribal Elder Protection Teams. Tribal Elder Protection Team: Introduction to Tribal Elder Protection Teams

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Indigenous Lifeways

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Pre-colonial Practices of Elder Care

- Elders hold a special and respected place within Native American communities because of their life experience, knowledge, wisdom, and power as dreamers, healers, harvesters, and teachers
- Elder care in Native American cultures is communal, and it includes caring for their emotional and spiritual well-being
- Native American communities teach the younger generations to honor and care for their elders to aid in preserving and staying connected to their way of life.
- Elder abuse is assumed to be a problem of Western, industrialized nations due to violence and ageism. However, elder abuse exists across the world.

(Gibson, 2024; Gray et al., 2021; Symer, 2011)

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Colonization and Trauma

- **The outlaw of ceremonial practices, boarding school experiences, and loss of language and cultural knowledge have led to anger and grief—all factors influencing the well-being of elders and their families.**

"When Native Americans have higher rates of depression and anxiety disorders, substance abuse, and posttraumatic stress disorder, they are at risk for poor interpersonal relationships, including the critical relationships with family members providing their care" (p. 203)

(Smyer, 2011)

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Colonization and Trauma

- The abuse of Native American elders impact how their communal and cultural and spiritual knowledge are passed down to the next generation
- When the connection to spirituality, or "the sacred," in Native American communities is severed, the energy connecting them to the creator, each other, and Mother Earth is also impacted

"Spiritual trauma and wounding cuts to the core of a person's belief system, his or her internal strength accrued from faith, and his or her overall resiliency to deal with life and even survival" (p. 206)

(Gray, 2021)

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Colonization and Trauma

- Experiences of forced assimilation and the destruction of social structures are possible causative factors to high rates of violence against American Indian and Alaskan Native elders
- These lived experiences of elders today are examples of how they endured intergenerational traumas that ultimately shape the cultural, social, and economic context of addressing elder abuse in Native American and Alaskan native communities

(Crowder et al., 2022)

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Survivors have the tools within themselves and the tools of their communities. **How do we tap into its steady source?**

Resilience

- Languages, ceremonies, and cultures sustain communities
- Understand the wider range of experiences, historical context, and oppression
- Provides useful tools that are relevant to a person's challenges and strengths
- Challenges our biases and assess where we need growth

(Zahne, 2024)

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Trauma-Informed Principles

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Trauma-Informed Practice

- Reduces systemic re-traumatization
- Builds systems that support resilience and wellbeing
- Creates opportunities for reflection and growth



Trauma-informed practices avoid treating symptoms or fixing anyone, but to create the reality of support, safe space, choice, and empowerment through our services and systems

(Charleson-Touchie 2022; Zahne, 2024)

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Building Trust with Trauma-Informed Practices

1 **Consistency**

Show up and show out

2 **Respect**

Honor your relations to each other

3 **Collaboration**

Teamwork makes the dream work!

4 **Non-hierarchical**

Work with, call in

Our capacity to manage our responses in ways that aren't at the expense of other people, ourselves, or our organizations

(Zahne, 2024)

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Culturally Relevant

Being culturally relevant and trauma-informed strengthens our role as advocates and as humans

- It's empowering
- It's holistic
- It promotes healing

(Zahne, 2024)

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Benefits of Trauma-Informed Practices

- Normalizes human responses to trauma
- Informs the structures of our organization's response and care
- We want to know, how do we make sure that we address experiences of trauma so it doesn't happen again?
- We become more attuned to critically addressing and assessing the system upholding violence

(Zahne, 2024)

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Supporting Survivors

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Supporting Survivors

- Always consider cultural context
- Utilize or develop trauma-screening tools
- Integrate trauma-informed care
- Promote healing
- Develop tools with community input



As you continue ongoing reflection and self-assessment of your trauma-informed practice, consider how you might address burnout with self care within your life

(Charleson-Touchie 2022; Zahne, 2024)

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Resources on Trauma-Informed Practice



NAEJI Cultural Sensitivity Training

Provides a starting point to develop your cultural sensitivity journey by providing an overview of foundational, cultural, and practice issues



"What is Trauma Informed Work and Why Should We Care?" Webinar

Strengthens Tribal sovereignty, creating lasting change to protect Native women and their families



Cultural Humility Training and Podcast

Provides educational resources through quality programs that promote well-being with people, principles, and practice.

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TALKING WITH OLDER TRIBAL MEMBERS

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Signs of Dementia

A decline in mental ability severe enough to interfere with daily life.

Two of the following:

- Memory
- Ability to focus and pay attention
- Communication and language
- Reasoning and judgment
- Visual perception

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Trauma and Older Adults

5.1 million Americans 65 or older have dementia

Up to 90% of older adults have experienced at least one traumatic event in their lifetime.

Effects of trauma:

- Confusing what is safe and what is dangerous
- Trouble focusing or concentrating
- Difficulty imagining the future
- Difficulty trusting others

References:

Alzheimer San Deigo. (n.d.) https://www.alzsd.org/resources/facts-stats/#:~:text=Get%20the%20facts%20about%20Alzheimer's,Americans%20with%20Alzheimer's%20are%20women.

Kuwert P, Pietrzak RH, Glaesmer H. Trauma and posttraumatic stress disorder in older adults. CMAJ. 2013 May 14;185(8):685. doi: 10.1503/cmaj.120866. Epub 2013 Jan 21. PMID: 23339159; PMCID: PMC3652940.

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Steps for Effective Listening

1. Be attentive but relaxed
2. Keep an open mind
3. Face the speaker - maintain eye contact
4. Listen to the words - picture what the speaker is saying
5. Don’t interrupt or impose your “solutions”
6. Wait for the speaker to pause to ask clarifying questions
7. Ask questions to ensure understanding
8. Try to feel what the speaker is feeling
9. Give the speaker regular feedback
10. Pay attention to what *isn’t* said - to nonverbal cues

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Active Listening to Older Adults

- **Getting the story may take time**
  - Reluctance due to embarrassment, family connection
    - Loss of family treasure may set the stage, photos
  - Physical concerns
    - **Hearing** – hearing aids? Working? In the ears?
    - Look directly at the victim/witness
    - **Ambulation**
    - **Eyesight** – glasses and cataracts, floaters, macular degeneration
    - **Time of day** – morning? Afternoon – risk of sundowning?
    - **Medication** – what and when? Is the interview disrupting the cycle?
    - **Shorter attention span,** depression, and anxiety
    - **FOOD!** Water – kidney disease, food – diabetic

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What to keep in your office or car or somewhere nearby

- *ASK WHAT IS APPROPRIATE*
  - *Every community is slightly different*

- Water
- Gatorade, or similar sports drink, for electrolytes
- Ginger ale – sugar, ginger settles the stomach
- Soft cereal bar – no nuts – diabetics
- Cough drops/hard candies – older persons with esophageal irritation
- Small fruit cups or applesauce – for diabetics
- Tissues
- Some sweet treats

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NEXT STEPS

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How to evaluate what and where to charge

- Person-centered/victim-centered
- What does the victim want? Tribal norms
- What is the best possible outcome for the victim? Family?
- What is the best solution for the perpetrator?
- Role of trauma – victim, witnesses, perpetrator
- Have more than one goal/outcome
- Who is your best team to get the best outcome?

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Working with Tribal Elders

- If you are assisting someone who is a tribal member, ask them which tribe they are enrolled in or connected to.
- Obtain their permission before contacting the tribe or a tribal representative.
- Review any existing Memorandums of Understanding (MOUs), Memorandums of Agreement (MOAs), or cooperative agreements, as there may already be procedures in place.

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Who is considered an Elder?

Although age 65 has become the standard age at which individuals are considered elderly in American society, there is no such consensus among Indians

(Cohen & Rindfuss, 1996).

Medicare and Social Security consider 65 years to the age of eligibility for benefits.

In Native American culture, an elder is a revered individual who is a source of wisdom and leadership for their tribe.

Indian Health Services (IHS) agencies considers elders to be 55 years of age and older.

Elders are not defined by age, but rather the respect they have earned through their teachings and actions.

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ACTIVITY

Strengths Sharing

- Each table is to write or draw one strength they have gained from life experiences.
- Discuss ways their community has supported healing.

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Sharing Sharing

Share strengths with the group, emphasizing the community support.

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Native American Elder Justice Initiative (NAEJI) National Resource Center

Native American Elder Justice Resource Center

- Technical assistance, education and training for Tribal APS workers
- State and Tribal Hotlines to access elder abuse resources
- Cultural sensitivity training modules are recommended for all professionals and individuals working with Native Americans
- Elder Abuse Codes Toolkit
- Elder Protection Team Toolkit



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NAEJI Elder Justice Resources

- Tribal APS Working Group is a monthly meeting of tribal APS professionals who share ideas, best practices and resources
- Elder Abuse Code Summit coming in 2025
- Providing technical assistance and training to tribes establishing elder abuse codes and elder protection teams
- Presenting on elder abuse at various elder protection conferences for tribal, state, and federal agencies
- Publications and resources

NAEJI

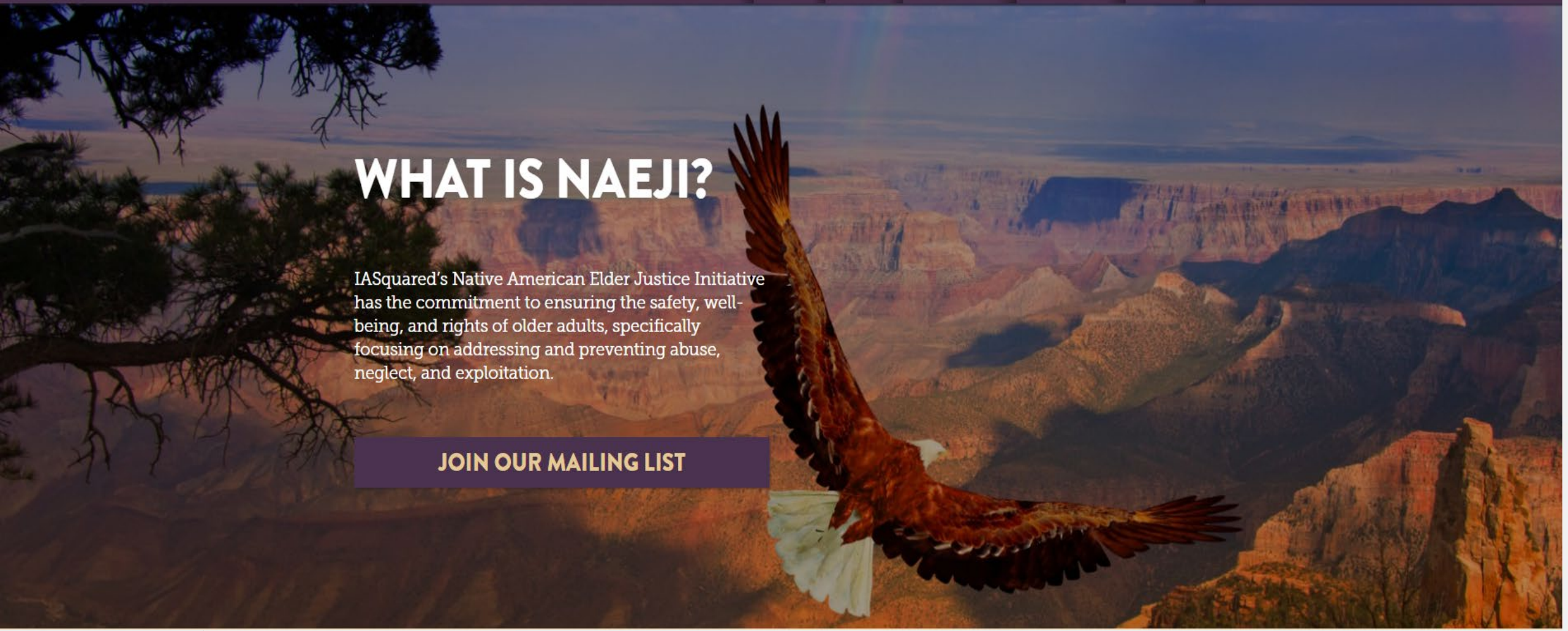
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As a tribal program, IA2 does not provide emergency or direct services. If you are in an unsafe situation or need immediate assistance please dial 911.

← RETURN TO ALL INITIATIVES

NATIVE AMERICAN ELDER JUSTICE INITIATIVE

ABOUT NAEJI | TRAININGS | RESOURCES | HOTLINES & CODES | SCAM AWARENESS | CONTACT US



WHAT IS NAEJI?

IASquared's Native American Elder Justice Initiative has the commitment to ensuring the safety, well-being, and rights of older adults, specifically focusing on addressing and preventing abuse, neglect, and exploitation.

JOIN OUR MAILING LIST

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Native American Elder Justice Initiative's (NAEJI) Approach to the Jurisdictional Challenges

Tribal recognition of elder abuse as complex	Respecting Tribal sovereignty of each Tribe	Respecting Tribal data sovereignty of each Tribal member	Respecting Tribal history and culture
Understanding the historical and cultural role of restorative justice	Understanding Tribes at different stages in recognizing elder abuse	Providing support to Tribes in creating or supporting responses to elder abuse	Creating a resource for Tribes to use in supporting responses to elder abuse

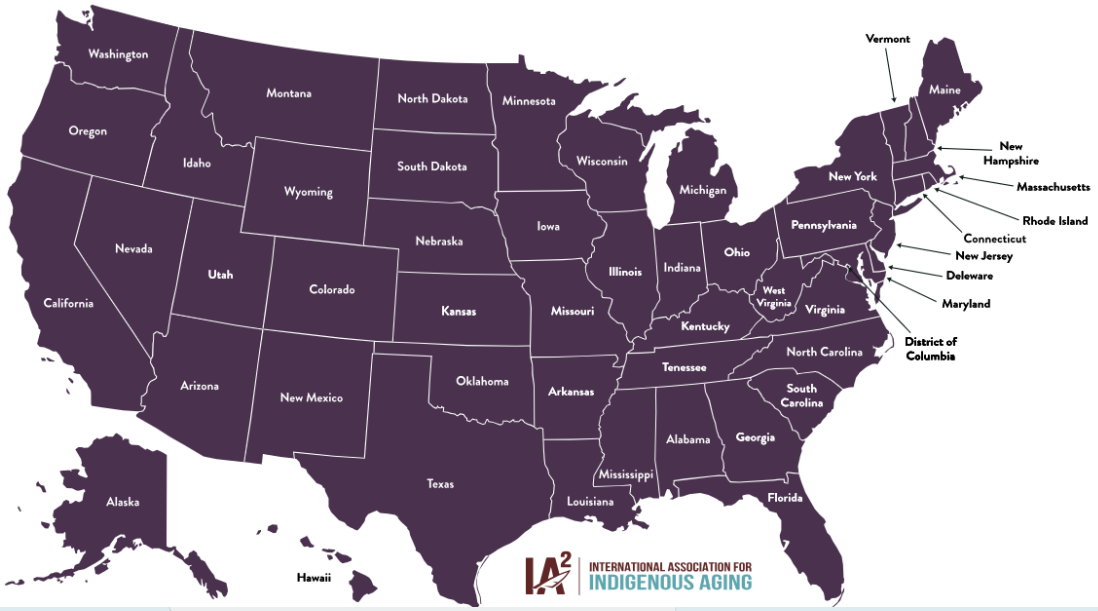
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State and Tribal Hotlines

Welcome to the Native American Elder Justice Initiative's Hotline Resource Center. This platform is dedicated to providing you with crucial information on state and tribal hotlines that specialize in elder abuse, neglect, and exploitation within Native communities. Whether you're an elder, a caregiver, a family member, or an advocate, these hotlines are here to offer immediate support, guidance, and resources tailored to your needs.

If this is an emergency, please dial 911 immediately.

Navigating our resource center is simple. Below this text, you'll find an interactive map of the United States. To find the hotline resources specific to your state, simply click on your state on the map and popup will appear featuring a concise list of both state and tribal hotlines available in your area.



View State-Specific Elder Abuse Codes: Expand for Detailed List

Alabama	Alaska
Arizona	California
Colorado	Connecticut
Iowa	Idaho
Indiana	Louisiana
Maine	Michigan
Minnesota	Mississippi
Montana	Nebraska
Nevada	New Mexico
North Carolina	North Dakota
Oklahoma	Oregon
South Dakota	Texas
Washington	Wisconsin
Wyoming	

Alabama

Welcome to the Native American Elder Justice Initiative's Hotline Resource Page for your state. Here, you'll find a comprehensive list of both tribal and state hotlines dedicated to addressing elder abuse, neglect, and exploitation within Native communities. These resources are available to offer immediate assistance, guidance, and support.

If you are in an emergency situation, please call 911 immediately.

Tribal Hotlines

Alabama Indian Affairs Commission	1-334-242-2831
Cher-O-Creek Intra Tribal Indians	1-334-756-2889
Echota Cherokee Tribe of Alabama	1-256-734-7337
Ma-Chis Lower Creek Indian Tribe	1-334-449-0607
Mowa Band of Choctaw Indians	1-251-829-5500
Poarch Band of Creek Indians	1-251-368-9136
Star Clan of Muscogee Creeks	1-334-285-2491
United Cherokee Ani-Yun-Wiya Nation	1-256-582-2333

Delaware

Welcome to the Native American Elder Justice Initiative's Hotline Resource Page for your state. Here, you'll find a comprehensive list state hotlines dedicated to addressing elder abuse, neglect, and exploitation within Native communities. These resources are available to offer immediate assistance, guidance, and support.

If you are in an emergency situation, please call 911 immediately.

State Hotlines

Delaware Elderly Abuse and Exploitation Project	1-302-577-8508 or 1-302-739-4211
Delaware Long Term Care Ombudsman	1-800-223-9074 or 1-302-255-9390
Division of Family Services	1-302-663-2650
Division of Long Term Care	1-877-453-0012
Division of Services for Aging and Adults with Physical Disabilities	1-800-223-9074

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Factsheets: Elder Justice in Tribal Communities



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ELDER JUSTICE IN TRIBAL COMMUNITIES

Elder Justice in tribal communities refers to the protection and advocacy of the rights, dignity, and well-being of older adults within Native American, Alaska Native, Native Hawaiian and unrecognized tribal communities. According to the National Center for State and Tribal Elder Justice Coalitions, "This encompasses efforts to address abuse, neglect, and exploitation of older adults in tribal communities, ensuring they have access to essential resources, healthcare, and support services. Native American Elder Justice integrates traditional practices and values with Western legal and social frameworks to create a holistic approach to elder abuse and protection." (National Center for State and Tribal Elder Justice Coalitions, n.d.).

Types of Abuse

Physical	Sexual	Financial	Emotional or Psychological
Self-neglect	Abandonment	Neglect	Spiritual

VISIT

https://iasquared.org/wp-content/uploads/2023/11/elder-abuse-in-indian-country.pdf

Rates of elder abuse have been found to be higher among older Indians both on and off tribal land.

- Higher prevalence of neglect by a caregiver
- Higher prevalence of financial exploitation by a stranger
- Higher prevalence of emotional abuse
- Higher prevalence of abuse over lifetime
- Almost one-quarter of older AIAN reported emotional abuse (Crowder et al., 2022)

Rates of Abuse

Prevalence of elder abuse in American Indian and Alaska Native (AIAN) populations is under researched, therefore there is limited data to understand the exact rates of elder abuse within these populations (Forum on Global Violence Prevention, Board on Global Health, Institute of Medicine, & National Research Council, 2014).

33% A recent study found that the total prevalence of emotional, physical, and sexual mistreatment in the past year, neglect, and financial abuse by a family member for the AIAN group was 33% (Crowder et al., 2022).

29.7% 29.7% of AIAN respondents reported experiencing two or more types of neglect, exploitation, or mistreatment over their lifetime (Crowder et al., 2022).

25% Almost 25% of AIAN respondents reported experiencing emotional abuse since 60 years of age, which is nearly double the rate of White respondents (Crowder et al., 2022).

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Risk and Protective Factors in Native Communities

GENERAL RISK FACTORS FOR ABUSE IN NATIVE COMMUNITIES INCLUDE:

- Substance abuse within the family and community
- Elder mental health concerns
- Caregiving demands
- Dependency
- Loss of culture
- Lack of social support
- Unemployment
- Living in poverty
- Limited accessibility to services (Crowder et al., 2019; Wei & Balser, 2024; NIEJI, 2020c)

RISK FACTORS FOR SPECIFIC TYPES OF ABUSE

- Specifically, risk factors for **physical abuse** and **neglect** include unemployment and substance use. Additional risk factors for **neglect** include caregiving demands and limited accessibility to services due to geographic and environmental challenges (Wei & Balser, 2024).
- Risk factors for elder **financial abuse** include: poor health, mental decline, or physical disability; needing help with activities of daily living such as shopping, preparing meals, and managing money; and feeling obligated to share their resources with their family (NIEJI, 2020b).

PROTECTIVE FACTORS AGAINST ABUSE

- Although there is limited published research on protective factors against elder abuse in Native communities, some research has shown that support, family ties, and a culture of respecting elders may be protective against elder abuse. One specific protective factor against physical abuse is financial independence (Wei & Balser, 2024).
- Culture can be both a risk and protective factor.

Adult Protective Services in Tribal Communities

Adult Protective Services (APS) is the only system of statutorily authorized civil programs to investigate and respond to abuse, neglect, self-neglect, and exploitation of older adults and people with disabilities. Every state, DC, and several territories have an APS program. (National Adult Protective Service Association, 2024).

While every state has an APS program, many tribal communities do not have a tribal APS program. As a result, some tribes may rely on a tribal Elder Protection Program/Team to respond to allegations of elder abuse. When tribal communities do not have their own APS or Elder Protection staff, reports and investigations of abuse may be handled by state or county APS or a tribal law enforcement department (NIEJI, n.d.).

If there are no formal working agreements between state or county APS and tribal government, the next best practice is to develop working relationships such as being a part of tribal Elder Protection Teams and having tribal representation on their Multi-Disciplinary Team (MDTs). To support culturally informed practices, it is important to know if a tribe has their own APS program, if they have a code that addresses elder abuse or elder justice, and if so, to become familiar with the code to know how to address abuse collaboratively.

References

Crowder, J., Burnett, C., Byon, H. D., Laughon, K., Acierno, R., Yan, G., Hinton, I., & Teaster, P. B. (2022). Exploration and Comparison of Contextual Characteristics and Mistreatment Prevalence Among Older American Indian and Alaska Native Respondents: Secondary Analysis of the National Elder Mistreatment Study. Journal of Interpersonal Violence, 37(3-4), 1456–1483. https://doi.org/10.1177/0886260520922356

Crowder, J., Burnett, C., Laughon, K., & Dreisbach, C. (2019). Elder abuse in American Indian communities: An integrative review. Journal of Forensic Nursing, 15(4), 250–258. https://doi.org/10.1097/JFN.0000000000000259

Forum on Global Violence Prevention, Board on Global Health, Institute of Medicine, & National Research Council. (2014). II.4 Native Elder Mistreatment. Elder abuse and its prevention: Workshop summary. https://www.ncbi.nlm.nih.gov/books/NBK208560/

National Adult Protective Service Association. (2013). Adult protective services: recommended minimum program standards. http://www.napsa-now.org/wp-content/uploads/2014/04/Recommended-Program-Standards.pdf

National Indigenous Elder Justice Initiative (NEJI). (2020a). Elder Abuse in Indian Country [Fact sheet]. Center for Rural Health, University of North Dakota. https://iasquared.org/wp-content/uploads/2023/11/elder-abuse-in-indian-country.pdf

National Indigenous Elder Justice Initiative (NEJI). (2020b). Financial Abuse & Exploitation of Elders in Indian Country [Fact sheet]. Center for Rural Health, University of North Dakota. https://iasquared.org/wp-content/uploads/2023/11/financial-abuse.pdf

National Indigenous Elder Justice Initiative (NEJI). (2020c). Legal Issues in Indian Country [Fact sheet]. Center for Rural Health, University of North Dakota. https://iasquared.org/wp-content/uploads/2023/11/legal-issues.pdf

National Indigenous Elder Justice Initiative (NEJI). (n.d.). Tribal Elder Protection Team Adult Protective Services [Fact sheet]. Center for Rural Health, University of North Dakota. https://iasquared.org/wp-content/uploads/2023/09/tribal-ept-adult-protective-services.pdf

National Center for State and Tribal Elder Justice Coalitions. (n.d.). Native American elder justice. https://www.elderjusticecenter.org/nativeamerican-elder-justice-1

Wei, W., & Balser, S. (2024). A systematic review: Risk and protective factors of elder abuse for community-dwelling racial minorities. Trauma, Violence & Abuse, 25(1), 73–86. https://doi.org/10.1177/15248380221140123

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Factsheets:
Tribal Nations and Collaborative Partners



INTERNATIONAL ASSOCIATION FOR INDIGENOUS AGING

A Fact Sheet and Resource Guide for

Tribal Nations and Collaborative Partners

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Elder abuse is a complex topic. It can be especially sensitive for tribes because it impacts deeply on tribal history and culture. Often, there is a jurisdiction decision to be made about which court is best for an elder abuse matter. Jurisdictional challenges are some of the most complex and challenging problems facing those who want to find solutions for the problem of abuse of tribal elders. There are six types of elder abuse: physical, sexual, psychological, spiritual, financial, neglect and self-neglect. How to investigate these matters and how to find a resolution of them includes several different choices.

The response can be tribal, based on tribal codes, resolutions or traditions; state based applying state laws; or federally based using federal laws. There can also be a multi-jurisdictional response based on MOUs or other cooperative agreements between tribes, counties and states.

Jurisdictional Issues Concerning Elder Abuse in Tribes

Tribal Response

The Tribal Code is the law of the tribe and gives cultural and legal guidance about how to form the response to an elder abuse matter.

Tribal Codes usually include a definition of an elder, which varies among tribes. Each tribal code is specific to the history and cultural norms of that tribe and codes often differ from tribe to tribe. The definition of a vulnerable person, may also come under the protection of the tribal code. Those definitions also differ among tribes. In some cases, tribes that may not have an elder code, will have a tribal resolution that covers some of the same topics.

Tribes may seek to protect information about elders through tribal sovereignty and data privacy concerns. Often, there is confidentiality between tribes on issues of elder abuse.

CITATIONS:

NICOA, Elder Abuse (Nov. 24, 2023).

For a state-by-state breakdown of Elder Protection Codes, see International Associationof Indigenous Aging, Elder Abuse Codes (2024)

Non-Contiguous Tribes

For some tribes, like those in Alaska, the challenges can be daunting. Alaska has 231 Native Alaska tribal entities, the largest number of any state. Alaska Natives also comprise nearly 20% of the state's population.

Because of extraordinary geographic, terrain and seasonal challenges, as well as land ownership questions, there are unique and complex jurisdictional challenges in addressing elder abuse among Alaska native elders.

Although Hawaii has a large population of native Hawaiians, nearly, 680,000 there are no federally recognized tribes there.

CITATION

U.S. Census Bureau, Ana I. Sánchez-Rivera et al., Detailed Data for Hundreds of American Indian and Alaska Native Tribes (Oct. 3, 2023); U.S. Dep't of Health and Human Servs., Office of Minority Health, American Indian/Alaska Native Health (Sept. 20, 2024). 6 45 C.F.R

Tribal Response to Elder Abuse Can Take Several Forms

The decisional process includes considering what is the best result for the person harmed, the person doing the harm and the best result to keep the tribal family and community intact and preserve the culture and integrity of the tribe. Often, the tribal response is one of restorative justice and keeps the matter within the tribe.

Restorative justice approaches seek to restore both the person harmed, the person causing the harm and the family units and the tribal community.

Each tribe determines how to address these issues in some of these ways:

- Tribal Leadership Response
- Tribal Community Response
- Tribal Legal Response and/or a Restorative Justice response

What response works best for the tribe under the circumstances presented?

Some tribes under PL280 use cross-jurisdictional collaborations to address justice system needs and in some cases this may apply to matters of elder abuse. This would include MOUs or collaborative arrangements with county or state agencies and officials.

CITATION:

Tribal Law and Policy Institute, Publications on Public Law 280 and collaborative agreements; Walking on Common Ground

State and Local Legal Response

States and counties often work with tribal courts and social and law enforcement systems to help resolve elder abuse matters. In matters of elder abuse it is important to know the tribal code and the state statute or statutes.

Find out if MOUs or collaborative court agreements exist. If this a PL 280 tribe what current collaborations with the state exist in matters of law enforcement, including elder abuse? Are there cooperative agreements for substance abuse and mental health solutions flexible enough to be used with restorative justice approaches for the tribe and the state?

The state response can be a civil response to the person causing harm. A stay away order, a freeze of assets, with access to assets by court order. It can include substance addiction rehabilitation, mental health treatment or medical attention

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Federal Legal Response

There is no specific federal statute to address elder abuse. Instead, federal agents and prosecutors will look to use other statutes to address those issues. Federal jurisdiction and Tribal jurisdiction can exist with the same weight in some circumstances regarding some aspects of elder abuse cases and deference may be appropriate in either forum.

In drafting tribal elder codes, it is important to incorporate language that describes tribal history and cultural norms that honor elders. This language can help build a bridge between those causing the harm and those harmed and responding to the abuse. By building the cultural norms into the response and into the resolution, it helps to bind the tribal community together and move forward.

Recent U S Supreme Court cases have found that Tribal Courts and U.S. Courts can be considered co-equal in some circumstances.

Approaches to Addressing Jurisdiction in Elder Abuse Cases Within Tribal Nations

First Steps: Creating a Tribal response

Recognize that harming an elder represents a breakdown of cultural norms.

What are the cultural norms in the Tribe? Is the elder or the person causing harm a tribal member? What tribe are they members of?

Know your Tribal Code, Is there a Tribal Elder (Protection) Code or Resolution? Tribal Codes may or may not include elder abuse specifically, but may discuss causing harm to an elder or disrespecting an elder.

Restorative justice resolutions within the Tribe can offer intergenerational solutions for the person harmed, the person causing the harm, and their families.

Know your state statutes on Elder Abuse and reporting requirements, if any

There is no specific federal law concerning elder abuse.

Federal Jurisdiction

Supersedes other laws but is equal to Tribal Law in some circumstances.

Applies to actions involving multiple states and the crossing of state lines

Has multiple investigative resources available

Can work parallel criminal and civil cases, especially involving multiple actors. These can be worked simultaneously with states and tribes

There are restitution and asset forfeiture laws and procedures

Each federal judicial district has an Elder Justice Coordinator in its US Attorney's Office; some districts have special tribal responses

Jurisdiction outside of the Tribe: Local and State Jurisdiction

Local and County Jurisdiction

Local jurisdictions follow state law but often have specific local or county laws which are followed. They have limited geographic reach.

Local jurisdictions may have local ordinances or licensing procedures reflecting a specific community and are specific to that particular geographic location; these may also come under state statutes.

State Jurisdiction

State jurisdiction is statewide, but that may not apply to some circumstances related to matters occurring on tribal lands. Tribal laws or federal laws may apply in that matter depending on the circumstances.

Most states have restitution agreements but only a few states have forfeiture powers. States may have cooperative agreements with other states for certain matters

States may participate in multistate task forces and have cooperative charging agreements

Local and state resources and cooperation

Local and state law enforcement may have access to social or mental health supports for tribal assistance or to strengthen tribal programs. Local and state governments often have restitution provisions for certain violations of law. Tribes subject to PL280 and must navigate jurisdictional collaborations with local counties and states in the administration of criminal justice

Additional Resources

Civil Jurisdiction

- The burden of proof is preponderance of the evidence.
- There is no incarceration. Court supervised rehabilitations can be ordered.
- Fines and restitution can be ordered.
- There are social and/or mental health supports available.
- Victim services supports are available.

Criminal Jurisdiction

- Burden of proof is proof beyond a reasonable doubt.
- Sentences can include incarceration, alternative programs, probation or court ordered rehabilitation.
- Sentences can include community service, fines, restitution and possible asset forfeiture.
- Social and mental health supports are available.
- Victim services supports are available.

There may be jurisdictional challenges to bringing tribal elder abuse matters to resolution. Many of these matters remain within the tribe where a restorative justice solution can be discussed and implemented for the benefit of the elder and the tribe.

Resource Guide for Jurisdictional Challenges for Tribes in Caring for Elders

American Indian Law Center – https://www.ailc-inc.org/
Includes a list of law schools by state with classes, programs or clinics in Indian law Alaska
Legal Services Corporation – www.olsc.org
Alaska Native Justice Center – https://anjc.org/
HHS/ACL – Title VI Weekly Call with Tribes –includes topics of elder abuse www.hhs.acl.gov
Legal Services Corporation – www.lsc.org
Legal services available in every state; Some offices have an expertise in Indian Law.
National Center for Law and Elder Rights (NCLER) – Justice in Aging www.justiceinaging.org
Policy statements on legal issues for older adults; referrals to experts in tribal law.
National Center for State Courts – www.ncsc.org
Native American Elder Justice Initiative – http://www.naeji.org
Technical assistance is drafting Tribal elder codes; tribal elder abuse issues; working with Adult Protective Services; building toolkits and resources

International Association for Indigenous Aging – http://www.IASquared.org
NICOA – National Indian Council on Aging – http://www.nicoa.org
Native American Rights Fund- www.narf.org Boulder, CO, Washington, DC and Anchorage
NCALL – National Clearing House for Abuse in Later Life – http://www.ncall.us
Resource guides, videos; webinars; toolkits on elder abuse.
Tribal Access to Justice Innovation – https://tribaljustice.org/resources/
Resource guides to tribal justice organizations; publications, toolkits and training
Tribal Law and Policy Institute – https://www.home.tlpi.org/
Policy and legal reports; samples of tribal codes, toolkits and webinar
National Tribal Justice Resource Center (part of the National American Indian Court Judges Association) – USDOJ Office of Tribal Justice – www.justice.gov/otj
Publications, webinars, resource guides and toolkits

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Training Modules

- Elder Abuse Training
- Policy Training
- Legal Training
- Healthcare Training
- Financial Abuse Training
- Medication Issues Training
- Caregiving Training
- Behavioral Health Training
- Social Services Training

Cultural Sensitivity Training

All professionals and individuals working with Native Americans may find this information useful and informative. **This training** will provide a starting point to develop your cultural sensitivity journey by providing an overview of foundational, cultural, and practice issues.



Training Modules

When conducting trainings, always begin the training with the **Elder Abuse module**. It provides foundational information that is relevant to all other sections.

Elder Abuse Training



Training Duration: Approximately 40 Minutes
Date Published: June 2016, updated June 2020

Elder abuse generally refers to many types of mistreatment by someone whom the elder has a special relationship with. Information about the types of abuse, elder protection teams, elder vulnerability, and prevention is provided.

Key Information: **Elder Abuse in Indian Country**

Policy Training



Training Duration: Approximately 1 hour 30 minutes
Date Published: January 2018

Provides an introduction to policies and legislation impacting elder programs in Indian Country. Professionals who may find this module informative may include: tribal leaders, tribal attorneys, personnel, and tribal program officers.

Key Information: **Policies & Legislation Impacting Elder Programs in Indian Country**

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Questions?

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Thank you for learning with us!

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Pember, M. A. (2016). Intergenerational trauma: Understanding natives' inherited pain. .Indian Country Today Media Network, LLC. https://courts.ca.gov/sites/default/files/courts/default/2024-12/btb25-precontrauma-01.pdf

Ramsey-Klawsnik, H., & Miller, E. (2017). Polyvictimization in later life: Trauma-informed best practices. Informa UK Limited. https://10.1080/08946566.2017.1388017

Rollman, J. E., Thomas, M., Mercer Kollar, L. M., Ports, K. A., Clelland, C., Satter, D. E., & David-Ferdon, C. (2024). American Indian and Alaska native violence prevention efforts: A systematic review, 1980 to 2018. Springer Science and Business Media LLC. https://10.1186/s40621-024-00488-3

Smyer, T., & Clark, M. C. (2011). A cultural paradox: Elder abuse in the native American community. Home Health Care Management &Amp; Practice, 23(3), 201. https://10.1177/1084822310396971

Whitbeck, L. B., Adams, G. W., Hoyt, D. R., & Chen, X. (2004). Conceptualizing and measuring historical trauma among American Indian people. American Journal of Community Psychology, 33(3-4), 119. https://10.1023/b:ajcp.0000027000.77357.31

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References

Barudin, J. (2020, October 4). Unpacking trauma and trauma-theory through an indigenous lens. https://www.jessicabarudin.com/blog/trauma-indigenous-lens

Factor-Inwentash Faculty of Social Work (Producer), & Charleson-Touchie, A. (Director). (2022, Oct 14). Somatic experiencing & indigenous ways: Strengthening trauma-informed care & practice. [Video/DVD] https://https://www.youtube.com/watch?v=DmK_FwI95jM&ab_channel=Factor-InwentashFacultyofSocialWork

Crowder, J., Burnett, C., Byon, H. D., Laughon, K., Acierno, R., Yan, G., Hinton, I., & Teaster, P. B. (2020). Exploration and comparison of contextual characteristics and mistreatment prevalence among older American Indian and Alaska native respondents: Secondary analysis of the national elder mistreatment study. Journal of Interpersonal Violence, 37(3-4), 1456. https://10.1177/0886260520922356

Gray, J. S., Labore, K. B., & Carter, P. (2018). Protecting the sacred tree: Conceptualizing spiritual abuse against native American elders. Psychology of Religion and Spirituality, 13(2)https://10.1037/rel0000195

Milligan, K., Kelley, A., Ogleton, M., & Nwobilor, N. (2022). Incorporating indigenous perspectives trauma and resilience in native communities California: Tribal health professionals reflections on trauma, resilience, screening, and trauma-informed care. .ACEs Aware Initiative. https://www.acesaware.org/wp-content/uploads/2022/01/Trauma-resillience-practice-paper.pdf