

# “Strengthening Tribal Codes: Integrating Victim Advocacy and Elder Protections”



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# Elder Abuse in Tribal Communities

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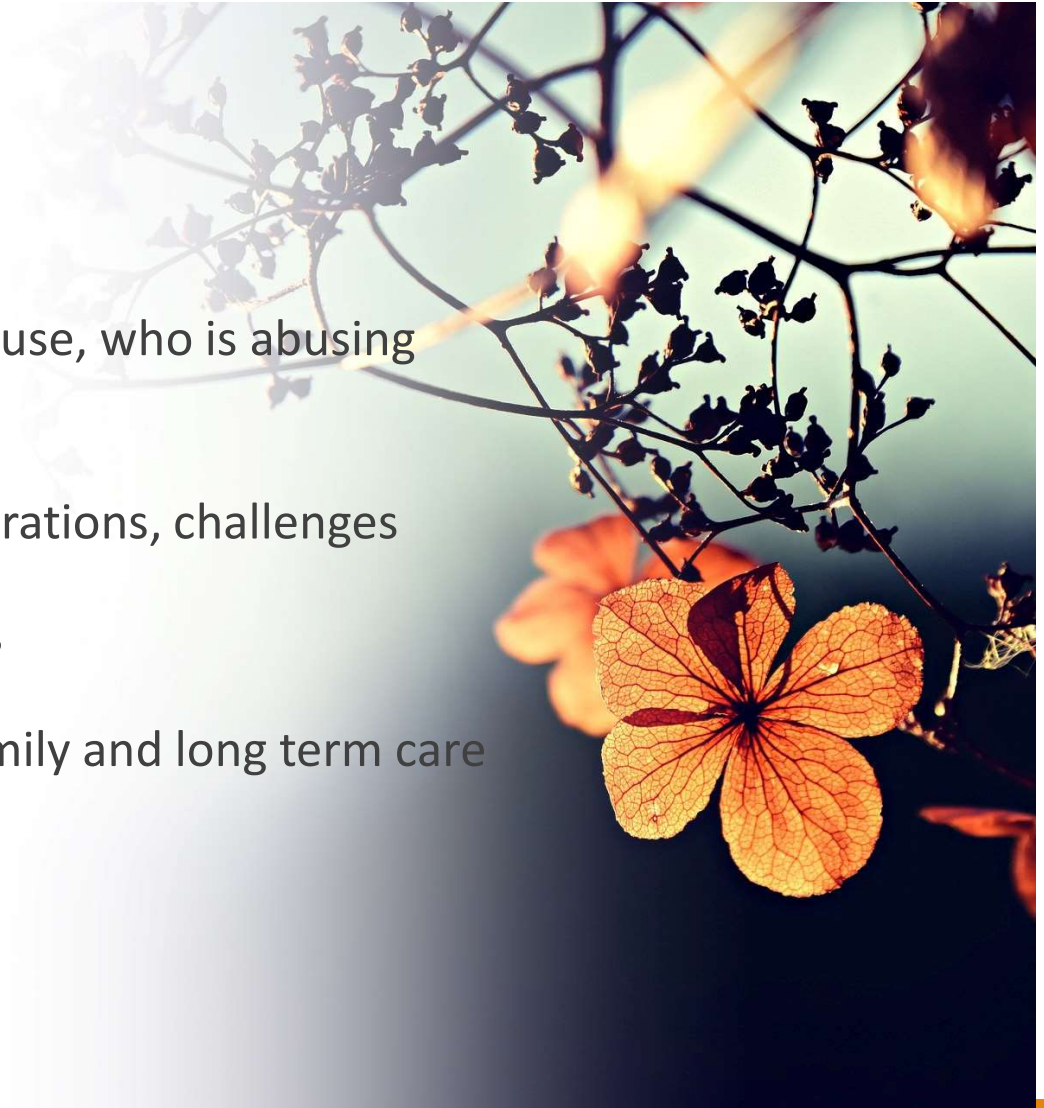
Overview of Elder Abuse: Types of elder abuse, who is abusing elders, risk factors for abuse

Reporting abuse of elders: Cultural considerations, challenges

Elder abuse services, their emergent needs

Supporting victims & the non-offending family and long term care of elder

Collaborating to protect our elders



# Content of Tribal Elder Abuse Code - Example

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1. Title – Name of tribes Elder Protection Code
2. Authority
3. Policy
4. Purpose
5. Civil Nature of Code
6. Definitions
7. Duty to Report Abuse or Neglect of an Elder
8. Elder Protective Services and Elder Protective Placement; Other Services; Evaluation Procedure; Duty to Pay
9. Emergency Protection Order
10. Rights of Elders, Their Families and Caregivers
11. Procedures for Determining Incapacity, Abuse, Neglect or Exploitation
12. Confidentiality of Reporter, Records, Hearings; Penalty for not Complying with Confidentiality
13. Elder Protection Order; Time Limits
14. Deferring Criminal Prosecution (Optional)
15. Petition; Hearing

# Mille Lacs Policy on Elder Abuse

“It is the policy of the Mille Lacs Band of Ojibwe to continue the traditional respect the members of the Mille Lacs Band have had for elders. Elders are a valuable resource to the Band because they are repositories and custodians of tribal history, language, culture and tradition; and, they are the best hope of the Band to pass on the tribal history, language, culture, and tradition to its children. Thus, the interests of the Band, now and in the future, are advanced when its Elders can be confident, they are protected from abuse, neglect, and exploitation and are free to fully participate in the activities and proceedings of the Band]. Similarly, the Band recognizes the need to care for and protect the most vulnerable of its members, including those who suffer from mental or physical impairment.”

(Mille Lacs Civil Tribal Elder And  
Vulnerable Adult Protection Code 003.0)



# Need for Elder Abuse Code

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*The Quileute Tribe recognizes that the **elders and the young people are the Tribe's most important resources** and that their welfare is paramount. Quileute elders are the link of each new generation to many, many hundreds of years of wisdom, survival, and accomplishment. The wisdom of Quileute elders is both the source and the future of all culture and tradition upon which the Tribe relies for its very existence. From time immemorial, the Quileute Tribe has relied on each extended family to protect elders and children. The Tribe must continue to **strengthen families** and children's cultural and spiritual identity so that children become productive and well-adjusted community members, guided by the wisdom of the Quileute elders. The traditional, cultural, and fundamental rights of children, elders and families subject to the jurisdiction of the Quileute Tribe and/or entitled to the protection of the Quileute Tribe are as follows:*

**A. Children, elders, and families have the right to live free of physical, emotional, cultural, financial, and spiritual harm and/or neglect, and sexual abuse or exploitation**

From: Quileute Tribal Family Code; Enacted by Resolution No. 2011-A-28 (5/12/11) BIA approved 5/20/11



## Pre-Colonization Beliefs & Practices

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Utmost respect for elders – keepers of traditions, stories, customs, language

Elders needs were everyone's priority

No nursing homes

Grandparents helped raise grandchildren

Life expectancy where people lived long

Leaders, center of our Nations

Gatekeepers

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# What is Elder Abuse?





# Defining Elder Abuse

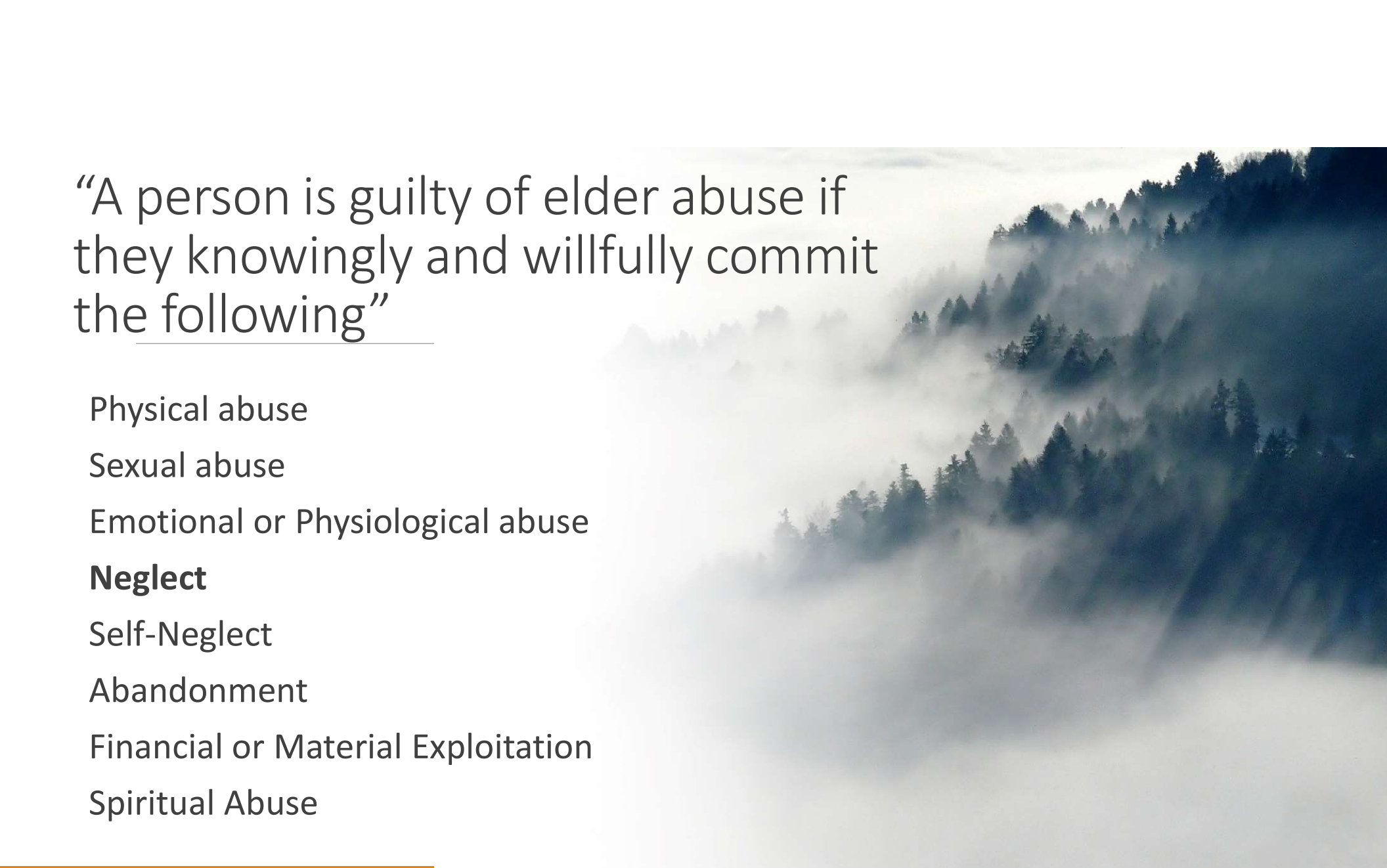
*Acts or failure to act by persons required to act resulting in harm to an elder or frail or vulnerable adult which may or may not be criminal.*

*(National Center on Elder Abuse)*

Consult tribal, state, federal codes for definition

Most codes define the types of elder abuse within mandatory reporting requirements.





“A person is guilty of elder abuse if they knowingly and willfully commit the following”

Physical abuse

Sexual abuse

Emotional or Physiological abuse

**Neglect**

Self-Neglect

Abandonment

Financial or Material Exploitation

Spiritual Abuse

# Most Common Forms of Abuse

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Neglect\*

Being denied food, medicine, companionship,  
bathroom/hygiene assistance

Exploitation

Unreasonable imposition on the elder's time

Abandonment

Breach of fiduciary duty

*\*(Based on study done by Navajo Nation cited by the [Center for Child Abuse and Neglect, Native American Elder Abuse, March 2000](#))*



## Who is an Elder?

Cited from most tribal elder abuse codes:

***Elder*** is a person subject to the jurisdiction of the Mille Lacs Band of Ojibwe who is at least 55 years of age.

*(Mille Lacs Civil Tribal Elder And Vulnerable Adult Protection Code)*



## Who is an Elder? (cont.)

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Medicare and social services define an elder at age 65.

Some tribes have younger age such as Quileute Tribe an elder is anyone over the age 50 years.

Chronological age does not define an elder in tribal communities. Elder status is defined by life experience, wisdom, and respect from the community.

# Who are the People Abusing Elders?

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Spouses

Adult children

Family

Nursing home, senior care,  
facilities personnel

**Caregivers**

Others in professional capacity

Community members

*Generally not strangers*



# Risk Factors for Elder Abuse

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Elders who suddenly became dependent

Elders who are mentally confused,  
have dementia, Alzheimer diagnosis

Women

Elders living with primary caregivers

Added demands on caregivers and their  
responsibilities

High rate of violence, drug abuse in tribal  
communities



# Additional Risk Factors for Elder Abuse

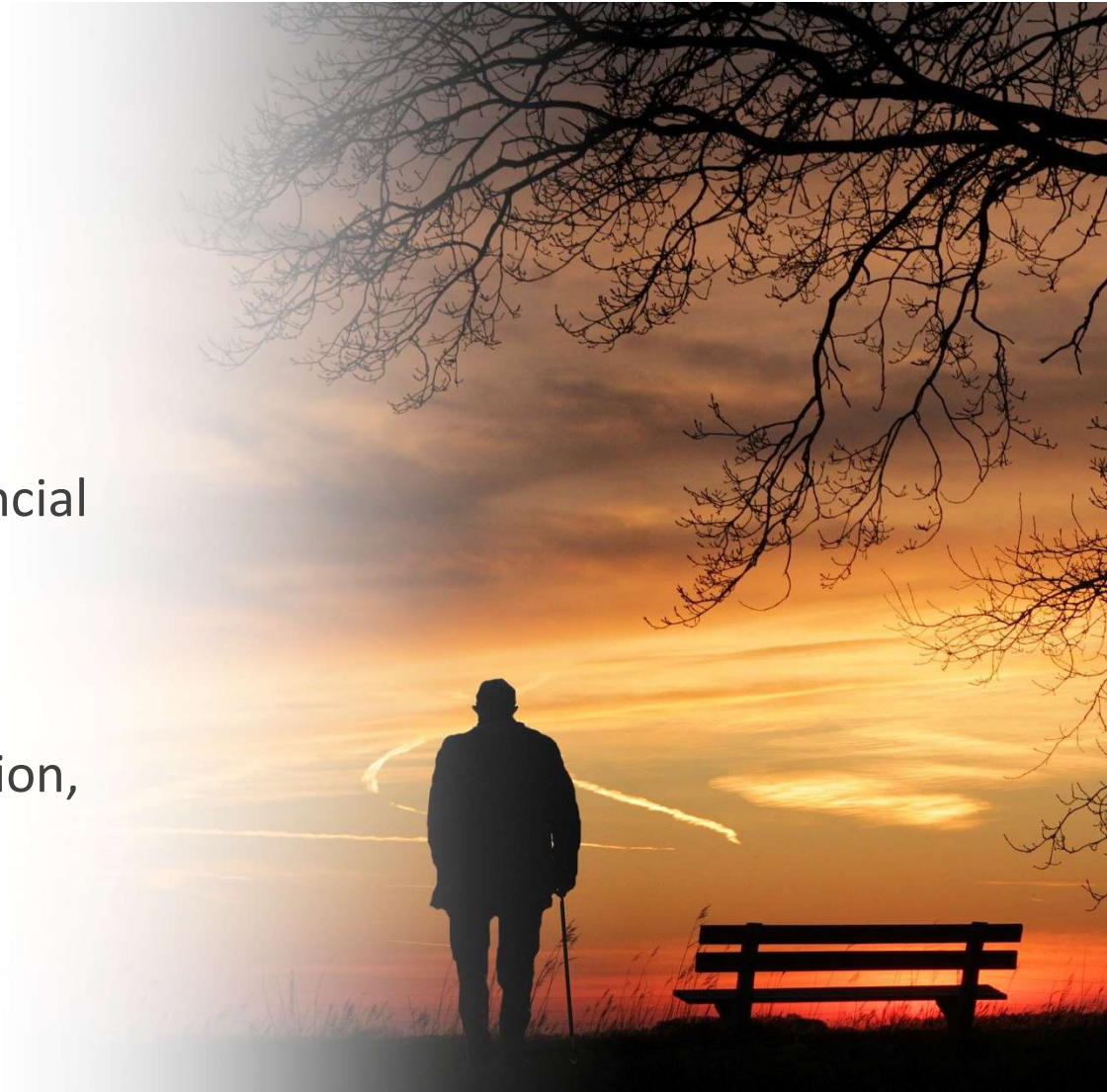
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Personal problems of caregiver

Poverty, dependence on elder's financial support

Drug problem in tribal communities

Lack of awareness of problem, isolation, secrecy





## Duty to Report Abuse or Neglect

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“Any person who has reasonable cause to suspect that an elder or vulnerable adult has been abused, neglected, self-neglected, or exploited shall immediately report the abuse, neglect, or self-neglect, or exploitation to the Mille Lacs Band Elder Abuse Department unless they have a privileged relationship as attorney-client, doctor-patient or priest-penitent.”

*(Mille Lacs Civil Tribal Elder And Vulnerable Adult Protection Code 007.0)*





## Elder Abuse in Indian Country

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800 cases of elder abuse were referred to Dineh Elder Protection Program in 2003; about half were substantiated.

*(Elder Protection Program. Nez, T. Jr. Paper presented at the meeting of the Title VI Training and Technical Assistance Conference, Phoenix AZ, February 2004)*

An estimated 551,011 elder persons experience abuse; only 115,110 were reported – nearly 75% cases are never reported.

[\*\(National Elder Abuse Incidence Study \(NEAIS\), September 1998\)\*](#)

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Do you believe all cases of  
elder abuse get reported?

Why or why not?



# Barriers to Victims Receiving Help

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Under-reporting

Elders don't recognize abuse

Elders don't want to be intrusive

Shame, embarrassment, unsure how to talk about it

Non-tribal agencies fail to address abuse

Lack of sufficient, culturally appropriate ordinances, resources, services

Jurisdictional problems, lack of formalized agreements



## Possible Screening Questions/Tools

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*Has anyone close to you disrespected you, raised their voice in an angry way recently?*

*Are you scared of anyone that's around you?*

*Are you able to use the telephone? Does anyone take your phone away?*

*Has anyone forced you to do things you did not want to do?*

*Has anyone taken things or money that belong to you without your permission?*

*Has anyone close to you tried to hurt you or harm you recently?*

*What conduct would you like to see change?*



(Adapted from: [University of Maine Center on Aging Elder Abuse Screening User Manual Version 5/2/2007](#))

# Advocating for Elders – Emergent Care

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Train your advocates on elder abuse, mandatory reporting, etc.

Provide advocacy services to elders – prioritize safety, possible protection orders, safe housing, address physical, mental health needs, take elder to social functions, ceremony

Know, fulfill your role as a mandated reporter, make appropriate referrals

Be familiar with services, create resource list, link on your website to resources

Visit with elders, utilize elders in your organization

Create a position to address elder abuse

Ensure culturally appropriate screening tools are available

Collaborate with other tribal and non-tribal programs that serve elders

Review tribal codes, response protocols

Participate in Elder Abuse Protection Teams (EPT)/Multi-Disciplinary Teams (MDT)

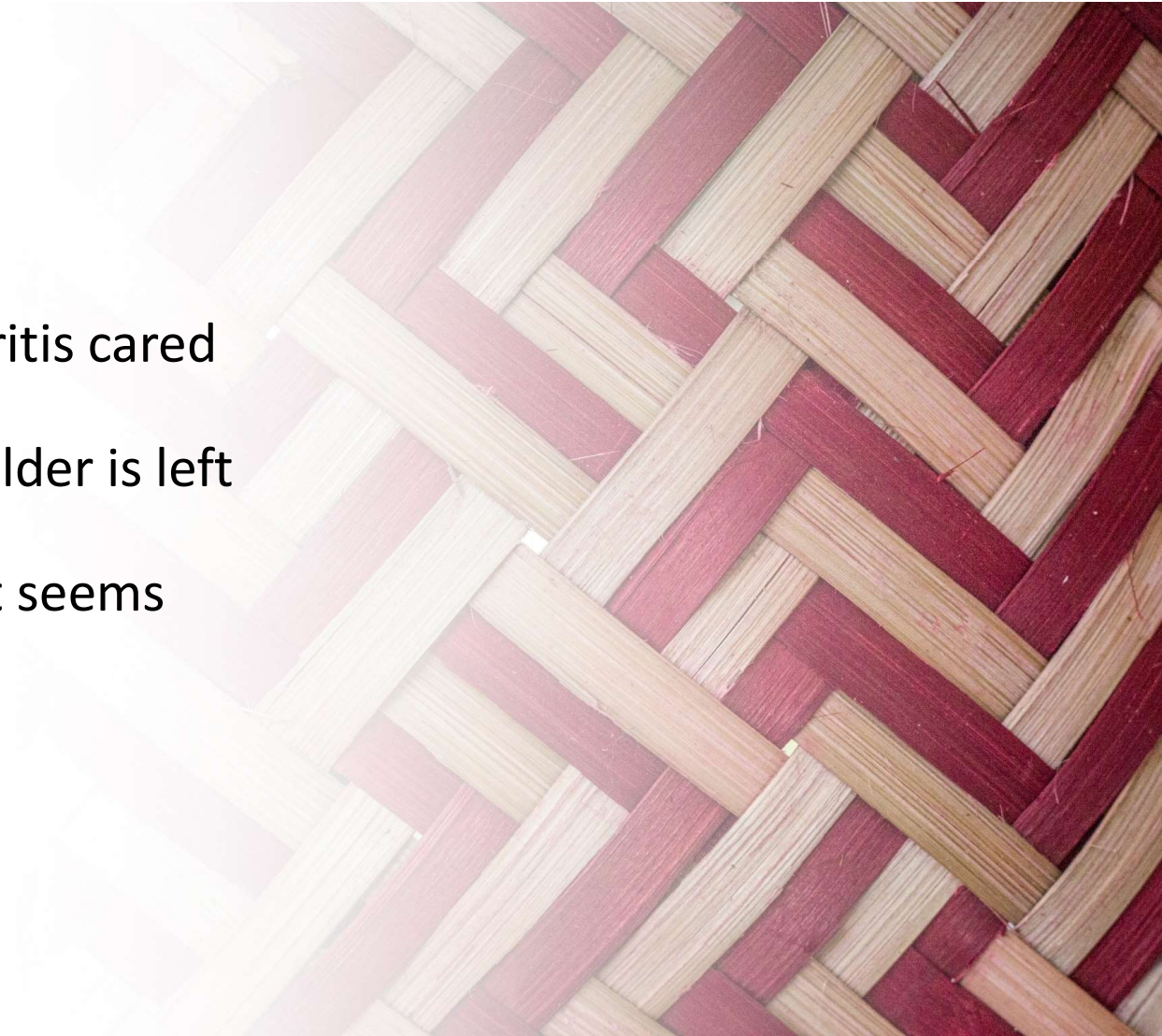


# Example 1

Female elder with severe arthritis cared for by her adult male son.

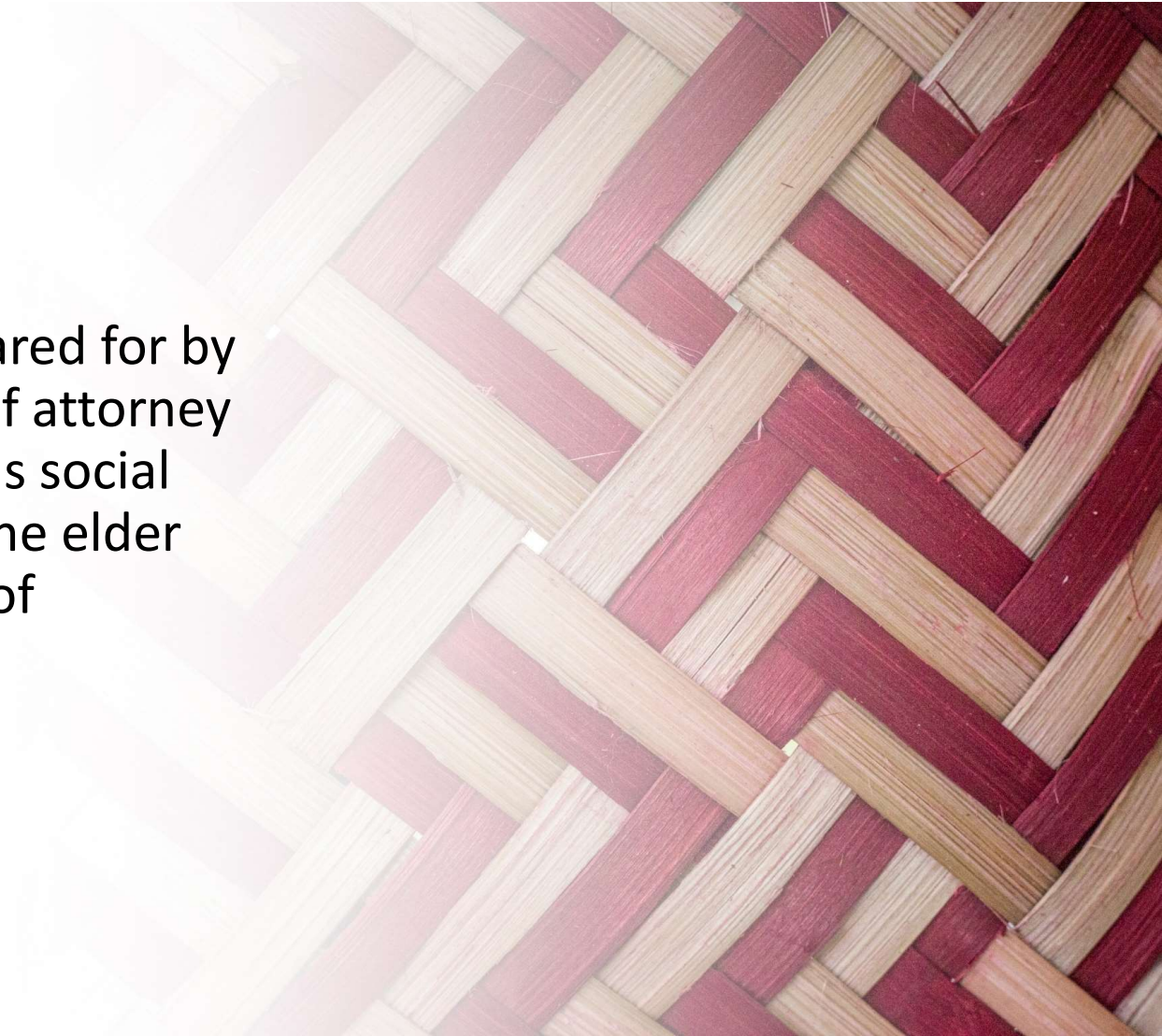
He works during the day and elder is left alone during the day.

She appears malnourished but seems happy living at home.



## Example 2

Male elder with dementia is cared for by his adult son who has power of attorney and spends all his elder father's social security check at the casino. The elder appears to be well taken care of physically.

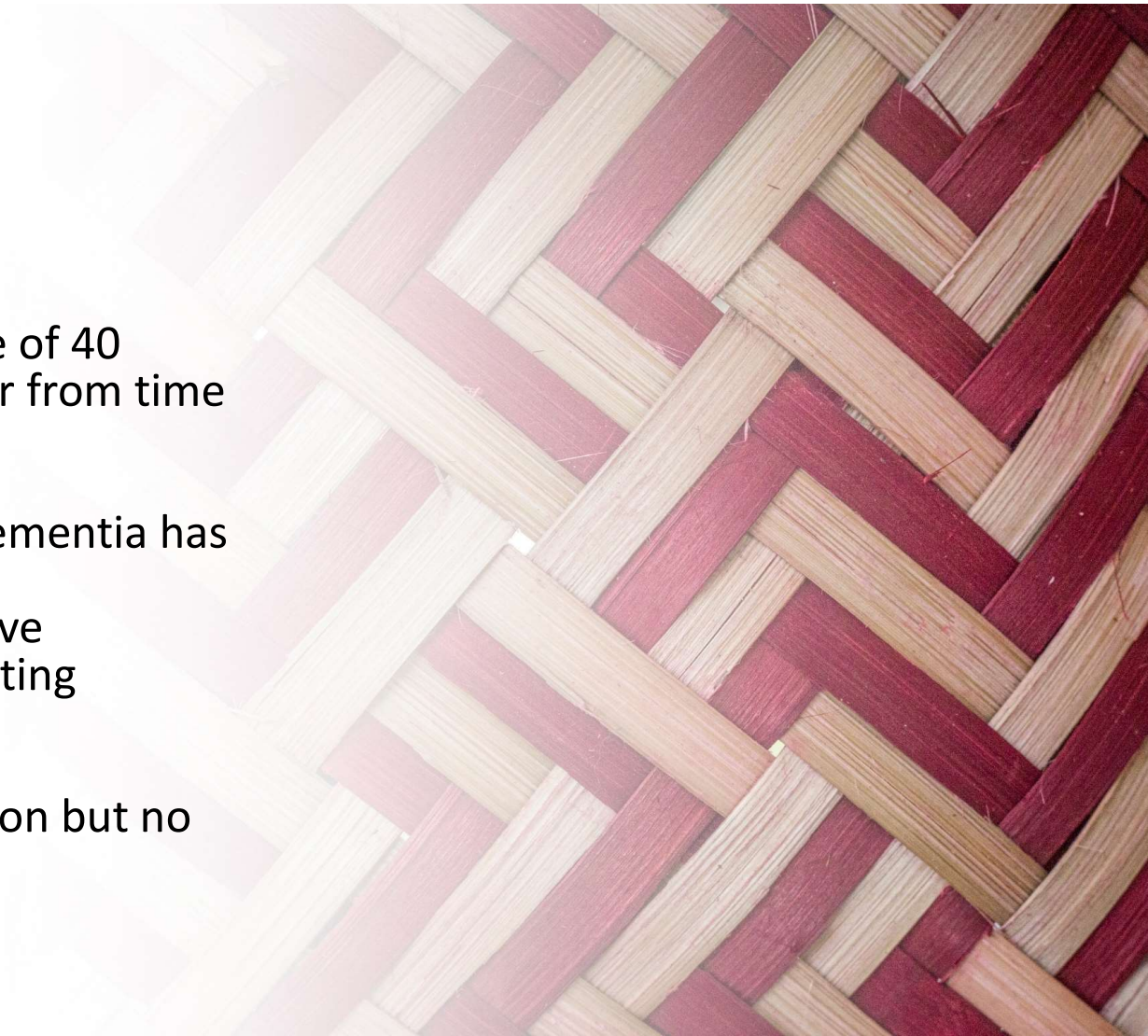


## Example 3

Elder female lives alone in her home of 40 years. Adult daughter looks in on her from time to time.

Elder has fallen several times and dementia has begun resulting in elder forgetting she's turned the stove on and burning food. She is not wanting to leave her home.

Relatives have been aware of situation but no one has said anything.





## Example 4

Elder woman confides in elder feeding staff person that she's afraid of her grandson who resides in the home. She says he drinks and gets mean.



# Addressing the Needs of Elders – Code Example

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*The Tribe shall access federal, state, and private programs, as appropriate, to provide necessary services and resources to strengthen the ability of families to meet the needs of their children, vulnerable adults, and elders and ensure safe and stable home environments for children, vulnerable adults and elders;*

From: Quileute Family Tribal Code



# Civil & Criminal

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Safety Assessment Made

Suspected Abuse Reported

Person taking report shall immediately complete a written incident report

Determine need for need for emergency services and out of home placement

Make referral to law enforcement, Department and law enforcement coordinate services

Provide services as needed including Protective Services, Placement & Guardianship





# What Information will be Needed?

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Names

Addresses

Telephone numbers

Person suspected of abuse

Witnesses

Family of elder

Current condition of abused elder

Nature of suspected abuse

Any other pertinent information



## Civil Violation and Penalty for Failing to Report (Page 4-5)

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*Any person with a special duty as a Mandated Reporter under this code to report suspected elder or vulnerable adult abuse and fails to do so is subject to a civil penalty of up to [\$5,000]. The Court of Central Jurisdiction shall assess the penalty only after petition, notice, an opportunity for a hearing, and a determination that the person had a special duty to report, had good reason to suspect elder or vulnerable adult abuse or neglect, and failed to report it as required by this code. Further, the person failing to report is subject to any civil suit brought by or on behalf of the elder or vulnerable adult for damages suffered as a result of the failure to report and to any penalties set out in the Mille Lacs Band Criminal Code or as allowed by this code.*

From: Mille Lacs Band Criminal Code

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What are the barriers in your community?

What can advocates do to address/remove the barriers?



A photograph of several green, pointed aloe vera leaves with serrated edges, arranged in a fan-like pattern on the left side of the slide.

## Advocating for Elders Beyond Immediate Response

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Community education on identifying elder abuse, promote community vigilance


Outreach to elders, visiting elders, asking what they need, gain their trust

Advocating for greater accessibility

Culturally appropriate resources – tribally owned and operated assisted living facilities, elder foster care, emergency care services

Development of Strong Tribal codes, MDTs

Give elders a voice - utilizing elders in your programs, elders on elder protection teams, bringing in elders as consultants to assist with code development

A photograph of several green, pointed aloe vera leaves with serrated edges, arranged in a cluster. The leaves are set against a light, neutral background.

## Advocating for Elders Beyond Immediate Response (cont.)

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Elevate funding – encourage tribal leaders to increase availability of resources for elders, top priority

Develop MOU's with state, federal partners to protect elders

Training and networking with care facilities to have a presence there to monitor quality of care

Educate tribal programs that have contact with elders and families on recognizing elder abuse and importance of early intervention

Understand challenges /eliminate barriers to reporting, elders being kept safe

Elders on board, advisory council – utilize elders, create positions

Community forums /Public awareness materials



# Elder Abuse Protection Teams in Tribal Communities

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Defining the Responsibilities and Functions of the team

Defining Criteria of Membership and Affiliation

Defining Purpose of the EPT and Meetings

Defining Roles and Responsibilities and Members

Defining Community Awareness and Prevention Procedures

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*Whose responsibility is it to protect elderly, inform the community about importance of protecting elders, providing needed resources for elderly, and educating the community about this egregious problem?*

**It takes a community.**



# Development of Tribal Elder Abuse Codes

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Convene a tribal code development committee, a working group – law enforcement, advocate, elder services worker, tribal elder/traditional healer, social services, medical services (nurse, PA)

Created by each individual tribe rather than adopting a foreign code.

Research other tribal codes. Model codes helpful but tribes should embrace their sovereignty when creating codes

Incorporate tribal beliefs and values into the elder abuse code(s).

Utilize elders to provide some traditional language to use in the code, to provide input tribal custom and tradition that should guide the code. Elder might also be the representative of the code development committee to the tribal governing body to introduce the code and seek passage

Research data

Write code – may consult with tribal attorney

Present code to tribal government

Implement code – educate community on the code

## Tribes that Initiate Elders Panel to Participate in Tribal Code Development and Making Sentencing Recommendations in Accordance with Traditional Customs

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*To support Quileute children and youth who have come into contact with the Quileute justice system, the Quileute Tribe finds it in the Tribe's best interest to establish the Quileute Elders Panel as an adjunct body to the Quileute Tribal Court pursuant to the inherent sovereign authority reserved under the Quileute Tribal Constitution and Quileute traditional law and custom.*

*The Elders Panel is encouraged and expected to use traditional knowledge and experience to determine the best corrective action for each participant before the Elders Panel.*

# Essential Services for Elders

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“Essential Services” are the things necessary to sustain a person's life physical and mental health, and general well-being, like food, clothing, shelter, and health care. It may include service or items considered essential under the person's customs, tradition or religion, including but not limited to, access to traditional foods and access to religious ceremonies or services.

*“Failure to provide services or resources essential to the elder's or vulnerable adult's practice of his customs, traditions or religion”*





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“Our elders, preserving our past in their memories, influencing our present when we dare to listen, aiming us toward our future, rooted in their wisdom, they deserve our respect not our abuse.”

- *Pueblo of Laguna Elderly Code*

# Resources

- [TLPI Tribal Legal Code Resource: Victim's Rights, Condensed Guide for Drafting Tribal Victim's Rights Codes \(2022\)](#)
- [National Indian Council on Aging, Inc.](#)
- [National Center on Elder Abuse](#)
- [Department of Justice Elder Justice Initiative](#)
- [Office on Violence Against Women \(OVW\) FY 2025 Training and Services to End Abuse in Later Life Program Notice of Funding Opportunity \(NOFO\)](#)
- [OVW Abuse in Later Life Program Overview](#)
- [Native American Elder Justice Initiative \(NAEJI\) Interactive Map of Elder Abuse Codes by State](#)
- [NAEJI Civil Tribal Elder Protection Code Example](#)
- [NAEJI Criminal Tribal Elder Protection Code Example](#)
- [Sample Resolution for Adopting Elder Abuse Code](#)
- [NAEJI Tribal Elder Protection Team Toolkit](#)
- [NAEJI Elder Justice Initiative's Hotline Resource Center](#)

Questions?







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Thank You!