



## *Protecting Our Wisdom Keepers – Elder Abuse in Tribal Communities*

BONNIE CLAIRMONT

VICTIM ADVOCACY PROGRAM SPECIALIST

TRIBAL LAW & POLICY INSTITUTE

## Overview of Elder Abuse in Tribal Communities



- What is Elder Abuse?
- Types of Elder Abuse in tribal communities – financial exploitation/identity theft
- Causes of Elder Abuse
- Who is Abusing Elders?
- Signs and symptoms of elder abuse that are not immediately seen by provider's non-offending caregivers.
- Risk Factors for Abuse & Why Elders Don't Disclose
- Appropriate Response to Elder Abuse in Tribal Communities

## Pre-colonization Beliefs & Practices



- Utmost respect for elders – keepers of traditions, stories, customs, language
- No nursing homes
- Grandparents helped raise grandchildren
- Life expectancy where people lived long
- Leaders, center of our Nations
- Gatekeepers



What is Elder Abuse & Types of Elder Abuse?



What are some of the types and examples of elder abuse & exploitation that you are seeing in your community?



## Definition: 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



## Abuse:

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- **PHYSICAL ABUSE** is any intentional or negligent infliction of bodily injury, unreasonable confinement, intimidation, or cruel punishment of an elder or vulnerable adult with resulting physical harm or pain or mental anguish by any person;
- **SEXUAL ABUSE** is any physical contact of a sexual nature, or attempted physical contact of a sexual nature, with an Elder or Vulnerable Adult, made without the Elder or Vulnerable Adult's consent. Consent cannot be obtained through means such as force, intimidation, duress, fraud.
- **EMOTIONAL ABUSE** is the intentional infliction of threats, humiliation, intimidation or any other demeaning behavior towards an elder or vulnerable adult;
- **EXPLOITATION** is the unauthorized or improper use of funds, property, or other resources of an elder or vulnerable adult; or the unauthorized or improper use of an elder or vulnerable adult by a caregiver or by any other person for personal gain or profit; or the failure to use the funds, property, or other resources of an elder or vulnerable adult to the elder's or vulnerable adult's benefit or according to the elder's or vulnerable adult's desires.
- **NEGLECT** is the failure to fulfill caretaking obligations, whether intentional or unintentional



## Most Common Form of Abuse

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- **Neglect \***
- **Being denied food, medicine, companionship, bathroom assistance**
- **Exploitation Including Financial Exploitation/Identity Theft**
- **Unreasonable imposition on the elder's time such as leaving the children in the care of the elder for extended periods**
- **Abandonment**
- **Breach of Fiduciary Duty**

\*Based on study done by Navajo Nation



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## *Who is an elder?*



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## Cited from most tribal elder abuse codes

- *Elder for the purpose of this act means a person subject to the jurisdiction of the "name of tribe" and who is at least 55 years of age or older.*
- ***ELDER is a person subject to the jurisdiction of the Mille Lacs Band of Ojibwe who is at least 55 years of age. – From Mille Lacs Civil Tribal Elder And Vulnerable Adult Protection Code***



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- Medicare & social services maintain that the age requirement to define an elder is set at age 65.
  - Chronological age does not define an elder in tribal communities. Elder status is defined by life experience, wisdom, and respect from the community.



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*“Tribal nations are of a culture that reveres the elder in their communities. Elders are the carriers of the culture/history; they are the storytellers, holders of wisdom, and strength of the community. They assist in raising children; teach languages, customs, and ceremonies; and often comprise leadership groups of spiritual leaders, healers, and council chairs.”*

(From: Elder Abuse in American Indian Communities: Briana Anisko)



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*Who Are the People Abusing Our Elders?*



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- Spouses
  - Adult children
  - Other family
  - Nursing home and other facilities personnel
  - Others in senior care facilities
  - Caregivers
  - Not strangers



## Risk Factors for Elder Abuse

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- Elders who suddenly became dependent
- Elders who have become mentally confused
- Women
- Those living with primary caregivers
- Overburdened caregiver/s, added responsibilities due to health conditions of elder such as amputees, elders dependent on high tech medical equipment or elders with special medical needs.
- High rate of violence in tribal communities



## Additional Risk Factors

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- Psychologically disturbed caregiver
- Alcohol or chemically dependent caregiver/s
- Poverty and dependence on elder's financial support; unable to pay for modern convenience
- Stress often due to isolation, lack of support, frustration from being responsible for providing emotional support to a non-compliant or depressed elder or elder that is also stressed.



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- **How significant is the problem of elder abuse/neglect in your community?**

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## Limited data on elder abuse in Indian Country



- **Dineh Elder Protection Program reported that about 800 cases of elder abuse were referred to their agency in 2003 and about half of the cases were substantiated.**

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



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- The National Elder Abuse Incidence Study (NEAIS) estimated a total of 551,011 elder persons experiencing abuse, but according to adult protective service agencies only 115,110 were reported. This data suggests that nearly three-quarters of cases are never reported.



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- *Do all cases of elder abuse get reported?*
  - *Why or why not?*



## Barriers to Elders Receiving Help

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- Reluctance to report
- Victims desire to protect family
- Elder may feel responsible for abuse
- Elders don't recognize what is occurring as elder abuse
- Shame & embarrassment
- Sexual matters weren't discussed openly
- Elders don't believe that what is happening can be remedied by social services, see it as "bad medicine"
- Elders tend to be non-confrontive, non-invasive
- Reluctance to involve federal authorities



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Should this be reported as elder abuse?



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- **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.**



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



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- 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.



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- 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.



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- **Female elder in her 80's is left for extended periods of time to care for 3 small great-grandchildren. Neighbors concern about her ability to provide physical care as the elder has numerous health problems.**



## Reporting Elder Abuse & Appropriate Responses

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- **Mandatory reporting requirements**
- **Designated tribal program to investigate reports of elder abuse and offer guidance in meeting the health care needs.**
- **Essential services provided to elder and caregiver**
- **Safety and well-being for elders should be a top priority**



## Duty to report abuse or neglect of an elder or vulnerable adult

***“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



## What information will be needed? - Page 6

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- Names, addresses, telephone numbers of elder, person suspected of abusing the elder, witnesses, family of elder suspected of being abused
- 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.*

## Some Systemic Barriers for Victims Receiving Help

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- Failure of mainstream agencies to adequately address elder abuse in tribal communities
- Cultural differences
- Inadequate resources for intervention & prevention
- Lack of good tribal ordinances
- Jurisdictional problems

## Tribal Nations Regenerating Sovereign Status & Reclaiming Traditions

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- Taking care of elders
- Prioritizing and allocating resources needed to provide culturally appropriate care for elders
- Utilizing elders in programs, education programs for language preservation
- Tribal elder abuse codes
- Tribal elder protection programs with elder foster care programs
- Exercise sovereignty, holding offenders accountable, protecting vulnerable



## 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 it’s members, including those who suffer from mental or physical impairment.”*

From: Mille Lacs Civil Tribal Elder And Vulnerable Adult Protection Code 003.0



*“Tribal governments should not assume that by enacting an elder protection code the problems of abuse and neglect will be solved, first and obviously, because law cannot take care of every problem. People acting in the heat of great emotion whether it be love, anger, or despair, rarely think of consequences. Secondly human relationships are too complex to be governed completely by law. The challenge to tribal governments is to continue working on solutions to the problems once laws are in place.”*

From the American Indian Law Center  
1989



## What You Can Do

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- Educate yourself on elder abuse
- Advocate for increased culturally appropriate services for elders
- Training and networking with individuals employed in long-term care, assisted living facilities, and elder housing can help to make living environments safer for elders
- Provide education to Tribal program personnel on recognizing elder abuse.



## 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”*



- Be more accessible to elders/check on elders/more vigilance of elders
- Gain clear understanding of the challenges that elders face when addressing abuse. (communication, cultural values/norms, cognitive abilities, prior history of sexual abuse perhaps from boarding school, )
- Have elders on your board or as an advisory council.
- Hold community forums on elder abuse.
- Develop public awareness materials on elder abuse.



*“The growth in case law related to elder abuse reflects a significant change in our approach to the problem. Rather than viewing elder abuse as a social problem to be addressed by human service agencies...we now view elder abuse as a social AND legal problem that is best addressed by an array of services and legal actions.”*

Lori Stiegel





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In seeking solutions to our problems, it is important to look to those traditional teachings that have sustained the People from creation. One important teaching is to care for our elders. To help sustain teachings and build on tradition we should rely on:

- community
- family
- tribal leadership
- core values



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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



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**Bonnie Clairmont**  
**Victim Advocacy Program Specialist**  
**Tribal Law & Policy Institute**  
**161 East Marie Avenue**  
**West St Paul MN 55118**  
**651-644-1145**  
Email: [bonnie@tlpi.org](mailto:bonnie@tlpi.org)  
TLPI Website: [www.tlpi.org](http://www.tlpi.org)