



Disrespect of Our Elders: Elder Abuse in Indian Country

National Indigenous Elder Justice Initiative

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Research to Practice Webinar



“Restoring respect and dignity by honoring Indigenous elders”



Objectives

- ❖ National Indigenous Elder Justice Initiative (NIEJI)
- ❖ Identify the types of elder abuse
- ❖ Understand the different definitions of elder abuse from perspectives of legal, tribal authorities, and indigenous elders
- ❖ Know how to screen for elder abuse
- ❖ Know some examples of restorative justice
- ❖ What are the resources

—Vision:

“Restore respect and dignity by honoring indigenous elders.”

What is Elder Abuse?

❖ National Center on Elder Abuse

“Any knowing, intentional, or negligent act by a caregiver or any other person that causes harm or a serious risk of harm to a vulnerable adult.”

What legal types of elder abuse?

- ❖ Physical Abuse
- ❖ Sexual Abuse
- ❖ Emotional/Psychological Abuse
- ❖ Neglect
- ❖ Financial Exploitation
- ❖ Self-Neglect
- ❖ Spiritual Abuse (Doble, 2006)

Types of Abuse

- ❖ Physical Abuse (NCEA 2013)
 - Physical abuse is defined as the use of physical force that may result in bodily injury, physical pain, or impairment.
 - Physical abuse may include but is not limited to such acts of violence as striking (with or without an object), hitting, beating, pushing, shoving, shaking, slapping, kicking, pinching, and burning. In addition, inappropriate use of drugs and physical restraints, force-feeding, and physical punishment of any kind also are examples of physical abuse.

Examples in Indian Country

❖ Physical Abuse

- Tribal Judges
 - Intoxicated son hits elderly parent.
 - Elder hit by adult child
 - Assault/battery on grandpa—wouldn't give grandson keys to the truck.
 - Elderly man with dementia hitting wife.
- Title VI Directors
 - Daughter hit elder because of his needs & health
 - Granddaughter slapping elder
 - Drug taking/alcohol use leads to yelling/hitting other family members

Types of Abuse

❖ Sexual Abuse (NCEA 2013)

- Sexual abuse is defined as non-consensual sexual contact of any kind with an elderly person.
- Sexual contact with any person incapable of giving consent is also considered sexual abuse. It includes, but is not limited to, unwanted touching, all types of sexual assault or battery, such as rape, sodomy, coerced nudity, and sexually explicit photographing.

❖ Sexual Abuse

- Tribal Health Directors
 - Grandma raped by male high on meth who broke into her house. Ashamed. Would not report or tell anyone. Finally agreed to go to hospital for exam.
- Tribal VI Directors
 - Grandma raped by nephew, wouldn't talk—ashamed
 - Elder raped and killed

❖ Emotional/Psychological Abuse (NCEA 2013)

- Emotional or psychological abuse is defined as the infliction of anguish, pain, or distress through verbal or nonverbal acts.
- Emotional/psychological abuse includes but is not limited to verbal assaults, insults, threats, intimidation, humiliation, and harassment. In addition, treating an older person like an infant; isolating an elderly person from his/her family, friends, or regular activities; giving an older person the "silent treatment;" and enforced social isolation are examples of emotional/psychological abuse.



Indian Country Examples

❖ Emotional Abuse

— Tribal Judges

- Drunk/mad relatives enter elder home yelling, scaring the elder
- Grown children moving in with elder—drinking, fighting, taking their money, chasing away caregivers
- Family violence—elder afraid to testify
- Confining elder to one room/no interaction with family
- Elderly mother contacting police to remove intoxicated adult children from home.



Indian Country Examples

❖ Emotional Abuse

— Title VI Directors

- Children abuse alcohol in elder's home
- Verbal abuse by young family members
- Yelling mean things to parents
- Children threatening parents/grandparents with nursing home if they couldn't live with her.

— Tribal Elders

- Verbal abuse to elderly parents
- Not listening when elders speak.
- Treating them as if they don't matter any more.

Types of Abuse

❖ Neglect (NCEA 2013)

- Neglect is defined as the refusal or failure to fulfill any part of a person's obligations or duties to an elder. Neglect may also include failure of a person who has fiduciary responsibilities to provide care for an elder (e.g., pay for necessary home care services) or the failure on the part of an in-home service provider to provide necessary care.
- Neglect typically means the refusal or failure to provide an elderly person with such life necessities as food, water, clothing, shelter, personal hygiene, medicine, comfort, personal safety, and other essentials included in an implied or agreed-upon responsibility to an elder.

Examples from Indian Country

❖ Neglect

- Tribal Judges
 - Elder confined to home/family wouldn't provide support
 - Elder complains of loneliness is left alone
 - Family not checking on elder unable to take care of self
 - Family goes away leaving elder without food
 - Failing to obtain proper medical treatment for elder
- Elders
 - Family locks elder in home
 - Lack of family care & attention
 - Family too busy to take care of elders
 - Not visiting or taking elders to gatherings
 - Lack family care and attention

❖ Abandonment (NCEA 2013)

- Abandonment is defined as the desertion of an elderly person by an individual who has assumed responsibility for providing care for an elder, or by a person with physical custody of an elder.

❖ Financial/Material Exploitation (NCEA 2013)

- Financial or material exploitation is defined as the illegal or improper use of an elder's funds, property, or assets.
- Examples include, but are not limited to, cashing an elderly person's checks without authorization or permission; forging an older person's signature; misusing or stealing an older person's money or possessions; coercing or deceiving an older person into signing any document (e.g., contracts or will); and the improper use of conservatorship, guardianship, or power of attorney.



Financial Effects of Elder Abuse

- ❖ Restitution often not forthcoming or too late
- ❖ No time to rebuild assets
- ❖ Loss of choices for older adult; loss of independence
- ❖ Reliance on others for financial support
- ❖ More quickly spending down to Medicaid



Financial Abuse: Talk to Elders

- ❖ Planning Ahead
 - Under what conditions would you want someone to manage your finances?
 - Under what conditions would you want to be placed in a long term care setting
- ❖ Staying Connected-Check in on one another
 - When people who regularly attend events are not there
 - Have a buddy system
- ❖ Being Cautious
 - Don't provide resources without checking out the situation
- ❖ Reporting Their Suspicions
 - If you think abuse may be going on, tell someone.
 - Ask authorities to intervene.



Examples from Indian Country

❖ Exploitation

- Tribal Judges
 - Granddaughter wiped out grandma's bank account.
 - Misusing elder's monthly check & not paying for food or bills for elder.
- Title VI
 - Family gambled away elder's only income
 - Family takes elder's personal items
 - Family took elder's check



Examples from Indian Country

❖ Exploitation

- Tribal Elders
 - Grandchild took elder's car and wrecked it.
 - Grandchildren pressured elder for money
 - Family cashed elder's checks & locked elder in their room.
 - Family borrowed money and didn't pay back
 - Granddaughter & boyfriend moved in and supported by elder
 - Taking advantage by relatives
 - Using their homes to park grandchildren to feed, clothe, babysit, etc.

Types of Abuse

❖ Spiritual Abuse (Doble 2006)

- Anything that interferes with spiritual growth including the corruption of another person's value system.
- Examples include but are not limited to denial of an elder to attend spiritual activities or ceremonies, taking of an elder's ceremonial items for sale or use without permission, comments or activities which are damaging to the elder's spirit.
- Soul Wounding (Duran & Duran, 1996)

Spiritual Abuse

❖ Examples

- Elder not taken to ceremonies and spiritual events
- Family not allowed to conduct ceremonies in hospital as elder is dying.
- Ceremonial items taken from the elder's home by visitors (family, friends, others) for use or sale.
- Elders not raised within the community wanting to have ceremonies at end of life and no connections to provide the ceremonies.
- Others?



What makes elders vulnerable?

- ❖ Culture supports generocity
- ❖ Trusting nature
- ❖ Perceived to be easy to fool or con
- ❖ Have steady source of income
- ❖ Isolation



Research in Indian Country

- ❖ 567 Federally Recognized Tribes/Alaska Villages
- ❖ Over 400 state recognized and unrecognized
- ❖ No large-scale, population-based studies of elder abuse in Indian Country
- ❖ National study not focused on elder abuse, but Native elders.
- ❖ Other studies small, focused regional or local areas.



Acierno, Hernandez-Tejado, Muzzy, 2009

- ❖ National Elder Mistreatment Study
- ❖ 5,777 older adults; 2.3% AI/AN (n=132)
- ❖ 11.4% of total reported experiencing at least one type of maltreatment in past year
- ❖ No specific data on AI/AN



Brown, 1989

- ❖ Southwestern “very traditional” older adults
- ❖ 110 AI surveyed and random sample of participants (n=27) were interviewed
- ❖ 16% endorsed physical abuse items
- ❖ 32.4% endorsed neglect items
- ❖ 21.6% endorsed financial exploitation items



Buchwald, Tomita, Hartman, Furman, Dudden, & Manson, 2000

- ❖ Northwestern urban sample of AI/AN 50 years and older.
- ❖ Medical chart review for physical abuse of 550
- ❖ 10% definitely/probably abused in the past year.
- ❖ Abused were more likely younger females who were depressed and dependent upon others for food.
- ❖ Of those abused, only 31% were reported.



Baker-Demaray, 2009

- ❖ 470 Participants age 55 and over
- ❖ Residence
 - 54% reservation or Native village
 - 23% Urban
- ❖ Greatest concerns in their community
 - ❖ Neglect
 - ❖ Emotional abuse
 - ❖ Financial Exploitation
- ❖ Men more concerned than women

Most Important

AI/AN elders describe

- ❖ Abuse as *disrespect*
- ❖ Sexual abuse as *bothering*

- ❖ Survey of 100 from south-central urban and mountain west reservation 60 years and over
- ❖ Financial exploitation was major issue
- ❖ Physical abuse discussed in very few cases

❖ Elder vs. Elderly

- Elder status is achieved through wisdom, substance and value, held in respect
- Elderly status is ascribed due to age.

❖ Good Treatment- Anticipating the elder's needs and meeting them without asking

❖ Elder Maltreatment

- Rated verbal force (yelling & screaming) more abusive than other ethnic groups
- Many feel abuse would end of younger generation would adhere to more “traditional” cultural norms.

❖ 100 Urban & Rural Older AI

❖ Being treated well

- Being taken care of
- Having one's needs met (anticipated)
- Being respected
 - Providing assistance to the elder
 - Acknowledging the Elder's status
 - Family spending time with Elder
 - Family including Elder in their activities

- ❖ Being treated poorly
 - Examples including financial exploitation/neglect
 - Lack of respect
 - Psychological Abuse
 - Physical Abuse
- ❖ 16% reported being treated badly
- ❖ 76% gave accounts of others being treated badly

- ❖ Financial Exploitation
 - Money, Labor, Housing
 - Exploitive child care
- ❖ Neglect
 - Not providing needed assistance to elders
 - Ignoring/overlooking elders
 - Failing to visit
 - Putting elders in nursing homes
 - Helping only when it is convenient for family member

- ❖ Lack of Respect
 - Failing to respect elder’s wisdom
 - Speaking rudely to or near an elder
 - Being inconsiderate
- ❖ Psychological Abuse
 - Verbally harassing
 - Lying to the elder
 - High stress household, filled with conflict
- ❖ Physical Abuse
 - Being beaten up, hit, forced intoxication

- ❖ National Resource Center on Native American Aging, Identifying our Needs a Survey of Elders
 - 18,062 AI/AN elders 55 years and older
 - 240 tribes, Alaskan Villages, Hawaiian homesteads
 - 0.5% currently used elder abuse prevention services (EAP)
 - 13.4% would use EAP services if they were available



Walker, Carter, Gray, Baker Demaray, & Davis, 2014

- ❖ Falls in past year: 32% (1-4X); 5.5% (>4X)
- ❖ Eat < 2 meals/day: 15.8%
- ❖ No help with chores: 11.8%
- ❖ No money for food, etc.: 12.8%
- ❖ Unable to cook or feed self: 11.6%
- ❖ Eat alone most of the time: 23%
- ❖ Lack of companionship: 19%
- ❖ No help with chores and bills: 22-49%



Elder Abuse Indicators

- ❖ Unexplained Falls
 - Native elders report falling
 - 1 to 4 times a year 32.2%
- ❖ Malnourished or inadequate food
 - Native elders report eating
 - Fewer than 2 meals a day 15.6%
- ❖ Unable/no help to shop/cook/feed self
 - Native elders report they are not physically able. 10.6%
 - Native elders report they do not have money to buy food. 13.1%



Elder Abuse Indicators

❖ Family & Friends Never Help:

- Shopping/errands
 - 20.8%
- With money
 - 41.2%
- With housekeeping or chores
 - 31.6%
- Provide business/financial advice
 - 48.2%
- Provide companionship
 - 18.1%

NRCNAA, 2012



Elder Abuse Indicators

Use of Resources For All Tribes		
	<u>Now Use</u>	<u>Would Use</u>
Elder Abuse Prevention	0.5%	13.9%
Financial Assistance	2.7%	30.0%
Legal Assistance	1.7%	26.4%
Transportation	9.1%	36.4%
Caregiver	5.7%	33.1%
Congregate Meals	16.4%	17.3%
Home Delivered Meals	16.0%	38.5%
Personal Care	2.9%	21.7%
Home Health Care	4.2%	34.5%
Home Modification	2.0%	29.5%

NRCNAA, 2012



Practice Based Evidence

Programs developed in Indian Country from a Restorative Justice approach are more successful than Western legal based programs. Some examples are:

- ❖ Multidisciplinary Elder Protection Teams
- ❖ Elder Council
- ❖ Family Restoration Programs
- ❖ Operation Golden Shield



Multidisciplinary Elder Protection Teams

- ❖ Elder is the center of the team
- ❖ Resources and services for the elder are represented
- ❖ Best plan to meet the elder's needs and preferences is developed
- ❖ Review is established to make sure the plan is working



Elder Councils

- ❖ People who are disrespectful of elders are brought before the Elder Council
- ❖ The Elder Council addresses the issue and sets the requirements and the consequences
 - Instruction in proper behavior
 - Restitution
 - Banishment



Family Restoration Programs

- ❖ Before prosecution attempts are made to address the problems that result in the abuse
- ❖ Mediation and discussion with all parties to identify the family/elder needs
- ❖ Plan is developed with the mediator/social worker and implemented with the family
- ❖ Follow-up sessions make sure the plan is working, each person is doing their part, and if any revision is needed
- ❖ If it doesn't work or there is not compliance it can move to prosecution



Operation Golden Shield

- ❖ Community Policing with At-Risk Elders
 - Coffee with an elder
 - Visiting an elder between calls
 - Changing a lightbulb
 - Checking the smoke alarm
- ❖ Special events
 - Thanksgiving meal
 - Christmas Gift
 - Elder Sweetheart for Valentine's Day
- ❖ Increase likelihood of elders asking for help



NIEJI

- ❖ Interactive Map of State & Tribal reporting numbers
- ❖ Tribal Elder Abuse Model Civil & Criminal Codes
- ❖ Training Modules for Social Services, Caregivers, Financial and commercial providers
- ❖ Technical Assistance
- ❖ Coming soon:
 - Training Modules for Legal, Policy, Healthcare
 - Tribal Elder Abuse Survey with Title VI Programs
 - Tribal Mini-Grants to develop Tribal Elder Abuse Resources



Needed Research

- ❖ Comprehensive assessment of elder abuse in Indian Country
 - This is planned with the Title VI programs to start (260 federally recognized programs throughout the U.S.)
- ❖ Determination of what services are available in tribal communities
 - Domestic Violence Programs for shelter
 - Housing, nutrition, transportation, home health, homemakers, financial supports, etc.
- ❖ Assessment of Tribally developed programs to determine evidence of efficacy



Screening for Abuse

- ❖ Best practice: Everyone should be screened
- ❖ Normalize talking about a difficult topics
- ❖ Native Elders talk about disrespect not abuse
- ❖ Asking questions creates a potential to catch abuse in its early stage and prevent it from escalating

Screening: Ask the Elder

- ❖ “Are you being disrespected? If so, in what ways?”
- ❖ “Has anybody hurt you?”
- ❖ “Are you afraid of anybody?”
- ❖ “Is anyone taking or using your money without your permission?”
- ❖ “Is anyone taking your things without your permission?”

Mosqueda and Dong, JAMA 306:5:532-540 (Aug, 2011)

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Thank You!
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