

# **White House Conference on Aging**

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Testimony of

**Jacqueline S. Gray, PhD, Director**

National Indigenous Elder Justice Initiative

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Good afternoon honored leaders, elders, and other attendees. Thank you for the opportunity to address this esteemed group. I would like to focus a few minutes of your time on the issue of elder abuse in Indian Country. As the director of the National Indigenous Elder Justice Initiative - (NIEJI). I have worked in Indian Country in the areas of mental health, domestic violence, suicide prevention, crisis intervention and elder abuse for nearly 35 years. I am the past - president of the Society of Indian Psychologists and President - elect for the American Psychological Association's Division 45 The Society for the Study of Culture, Race and Ethnicity. I have responded to crisis after crisis in Indian Country. As NIEJI Director I have spoken to groups throughout Indian Country over the past few years on recognizing and preventing elder abuse among the first people of this land. Elder abuse is not our culture. Historically, we have honored and respected our elders for they carry our culture and teachings. However, things have changed. Every time I speak to a group I have a line of people to talk to afterward who tell me stories of those they know and care about who are being abused or neglected in some way. They ask me what they can do or how they can be helped. There are difficulties in addressing these people who tearfully share their stories. In addressing the elder abuse crisis in Indian Country I would like to submit the following information and recommendations for your consideration:

- 1) As of last year, there were 565 federally recognized tribes and over 400 state and non-recognized tribes in the United States, but only about 50 of these tribes had an elder abuse code in their tribal law. There is an urgent need to significantly increase the number of tribes who have enacted an elder abuse code in their tribal law. NIEJI has developed a model elder abuse code and has it available on our website (<http://www.NIEJI.org>) for tribes to use and adapt to fit for their unique needs. We provide technical assistance to tribes to develop their codes and policies addressing elder abuse.

- **Recommendation:** Encourage tribes to enact codes that will protect their elders for abuse and neglect.
- 2) Even among those tribes who do have elder abuse codes, few have the services to report, investigate, and intervene in elder abuse situations.
- **Recommendation:** Increase direct funding and staff to the tribes to enforce elder abuse codes and better aid in the reporting, investigation, and intervention of elder abuse cases in Indian Country.
- 3) Although many states have implemented mandatory reporting of elder abuse by healthcare workers and others, this is not true for Indian Country. IHS is working on an elder abuse policy, but as of yet do not have one and does not plan to have a mandatory reporting portion of the policy. As tribes implement codes, they must also have policies for how to handle these issues.
- **Recommendation:** Require mandatory reporting of elder abuse to tribal authorities by health care, social services, elder services, and law enforcement.
- 4) How much elder abuse occurs in Indian Country is not known. We do not have data that mandatory reporting by health providers and law enforcement would give us to know just how big the problem is. Many times charges are not filed, reports are not written when officers go on calls. Much like domestic violence has been in the past, elder abuse is swept under the rug or seen as a private matter. We need to conduct an elder abuse needs assessment of our elders to understand the scope of the problem, the type of services that are needed, and where they are needed. The National Resource Center on Native American Aging has been conducting surveys with Native American elders for over 20 years. In that survey they ask if elders have used elder abuse prevention services and if elders would use those services if they were available. Over the past 10 years, the past three survey cycles of over 33,000 Native American elder participants, ½ of 1 percent indicated they had used elder abuse prevention services. Thirteen (13) percent indicated they would use those services if

they were available. Twenty-six times as many people would use the services. This was only one question about elder abuse. We know from our research that Native American elders do not consider themselves abused. They use the terms “disrespected” or “bothered.” If we survey specific behaviors and are culturally sensitive in our methods we may have a better indication of how extensive the problem might be. At this time we only have anecdotal data.

- **Recommendation:** Implementation of culturally appropriate survey on elder abuse behaviors that could be compared to national data would help tribes understand their problems around elder abuse and determine what laws, policies, services and resources they need to protect their elders. It would also demonstrate to federal policy makers the extent of the need in Indian Country.

5) There needs to be training on recognizing and intervening in elder abuse problems. Many times in Indian Country the abuser may be the only breadwinner for the family. Not wanting to lose this support, charges are not filed. How many times may the signs not be recognized in the elderly? Training for personnel in the tribal legal system, health care providers, social services, caregivers, elders and community members needs to be provided. NIEJI is in the process of developing online trainings, but this takes time. Violence Against Women Act (VAWA) and Tribal Law and Order Act (TLOA) have opened the doors to this when domestic violence or sexual assault occurs and charges may be filed, but what about when charges are not filed? What about reconciliation? What are the non-prosecutorial approaches to these issues?

- **Recommendation:** We need standardized, culturally relevant surveys of Native American elders to determine what is happening, how it is happening, and what services and resources are available.
- **Recommendation:** Tribal legal services, health care providers, elder workers, and social services need to participate in culturally relevant training in recognition and intervention in elder abuse in Indian Country.

6) Some tribes have implemented culturally relevant programs to address these issues including multi-disciplinary elder protection teams, elder

councils, law enforcement visitation programs (community policing), and family restoration programs to name a few. These programs are working in their communities and we know from the practice based evidence they work.

- **Recommendation:** These tribally developed programs need to be evaluated for their effectiveness so that they may be listed as evidence-based interventions that would qualify for funding. Research to address these model programs needs to be funded.
- **Recommendation:** Examination of practice-based evidence in addition to evidence-based practice as acceptable for funding of tribal programs.

7) Because many tribes cannot afford to implement the changes necessary to implement the Tribal Law and Order Act (TLOA), they still do not have the protections when issues cross jurisdictional lines. A major areas are financial exploitation and intervention with non-Indian perpetrators. There is so much controversy over who should address the matter in financial exploitation that nothing is done. The same is true with non-Indian perpetrators of elder abuse. The question becomes where did the crime take place? On or off the reservation? Was the offender Indian or non-Indian? Was the victim Indian or non-Indian. It becomes too much of a problem to sort out who should be in charge and recovery of finances are unlikely so why bother!

- **Recommendation:** Financial institutions should be conducting training for their staff to recognize unusual withdrawals and payments by elders to help identify and stop elder exploitation. They call about unusual charges on credit and debit cards, why not recognizing unusual patterns for elder accounts?
- **Recommendation:** Examination of how jurisdictions can better collaborate in the investigation, intervention, and support of the dignity of our elders. Convening cross-jurisdictional study groups to develop best practices and guidelines for cross-jurisdictional issues.

Please consider these important issues to protect, honor and respect one of our greatest resources, our elders. Please restore dignity to our elders.

Thank you.