

Developing Tribal Elder Abuse Codes



National Indian Council on Aging Recommendations on Tribal Elder Abuse Codes¹

A tribal elder abuse code allows federally recognized tribes to establish tribal laws that protect elderly persons within the jurisdiction of the tribe from abuse, neglect, and exploitation. The codes provide identification and appropriate resolution of elder abuse, defining what agency receives and investigates suspected reports of abuse, and how elderly protection services are delivered.

When developing a Tribal Elder Abuse Code(s), it is essential that the code be created by each individual tribe rather than adopting a foreign code. Model codes are useful as examples, but tribes should embrace their sovereignty when creating their own. During development each tribe should incorporate their own tribal beliefs and values into the elder abuse code(s).

- 1. Obtaining Support of Tribal Government:** The process of obtaining support of tribal government may vary from tribe-to-tribe. Gaining approval for the development of an elder abuse code may range from an endorsement by the tribal leader to the passage of a resolution by the tribal council.
 - If tribal resolution is needed, it is recommended that an elder, or a tribal service program representative if an elder is not available, present this document to the council
 - Determine the most effective method of obtaining tribal council approval. Important documentation may include background information, statistical support, and/or real-life case examples
 - Identify the length of time needed for tribal approval. If tribal council would like data, determine the need to gather the information. Also consider if there may be a change in council coming soon (e.g., election year)
- 2. Establishing a Working Group:** The working group is tasked with gathering community information to identify the areas of concern to be addressed, including “who, what, where, when and how.” Always involve both male and female tribal elders when establishing the working group. The working group may choose to assign its members specific responsibilities such as; facilitator, organizer, cultural interpreters (elders), and task groups. Additional working group members should include:
 - Tribal leaders who have experience with tribal governance or the authority within tribal government
 - Law enforcement, especially tribal officers if available
 - Title VI Director, Elderly Services Coordinator, or aging services staff
 - Indian Health Service representative, behavioral health provider, or another medical professional
 - Financial service representative
 - Spiritual leader or healers
- 3. Gathering or Collecting Information:** Gathering information about elder abuse to ensure understanding on the areas of concern in your community.
 - Collect data from elderly programs, police, hospitals, health centers, and tribal social service providers
 - Establish regular meetings at the community or elder center and invite tribal members to discuss the importance of creating an elder protection code(s)
 - Surveys: Conduct formal or informal surveys to identify elder abuse issues. Distribute surveys to places where community members frequently gather
 - Gain a clear understanding of current laws in the community related to elder protections
- 4. Identifying Tribal Values:** Identifying tribal values held by the community members will guide all who use the code such as; tribal leaders, tribal members, service providers, police, and the court. When elder abuse codes are being established always involve tribal elders.
 - Identify how the community deals with negative unwanted behaviors or actions
 - Discussion of the current approaches will prevent that behavior or action from occurring in the future

5. **Writing the Tribal Code:** From the working group, select a task group to draft your elder abuse and protection code including tribal values and areas of concern from collected data.
 - Civil and Criminal Model Elder Abuse codes can be found on the NIEJI website www.nieji.org/codes²
6. **Obtaining Final Approval:** The final draft should be presented to your tribal council or governing body for approval. If the code is not approved, the working group should decide what needs to be changed in the document based upon the concerns or suggested changes identified by the council or governing body. Revised draft can then be resubmitted for review from tribal council or governing body for approval. Endorsement by an elder group can help in advocating for the adoption of the codes.
7. **Developing a Protocol for the Implementation of the Code(s):** Code(s) must include policies and procedures that clearly identify authorized key agencies in each phase, stages in reporting and investigations, timelines, and penalties. Protocol should include;
 - Designated agency(ies) for receiving reports, reporting procedures, protection of reporters, intake, assessment, casework activities, case closure, follow-up, confidentiality, access to records, access to victims, and referral procedures
8. **Implementing the Code:** Additional considerations during implementation.
 - Determine how often should the code(s) should be reviewed, to ensure that it continues to protect the elders from abuse.
 - Develop a Tribal Elder Protection Team
 - ❖ See Developing a Tribal Elder Protection Team handout in the Tribal EPT Toolkit.
 - Create a plan for evaluation. Determine a process for recording data from elder abuse incidents. Evaluation data will be helpful in determining the effectiveness of the code(s) and in providing justification in grant applications for funding of elder abuse programming.
 - Continuing education, and building awareness about elder abuse in the community for health providers, service providers, law enforcement, and community members.
 - ❖ NIEJIs Online Interactive Educational Modules can be found on the NIEJI website at www.nieji.org/training/elder-abuse/³

Information retrieved and modified from the “Using your Tribal Values to develop an elder protection code” workbook.

Thank you to NICOA for the use of your publication: www.nicoa.org/wp-content/uploads/2014/05/Elder-Protection-Workbook-Final.pdf



References

1. National Indian Council On Aging, *The Elder Abuse Task Force* (2008). *Using your tribal values to develop elder protection code: A step-by-step guide for communities*. Retrieved on May 25, 2017 from nicoa.org/wp-content/uploads/2014/05/Elder-Protection-Workbook-Final.pdf
2. National Indigenous Elder Justice Initiative (2014). *Civil and criminal elder protection code examples*. Retrieved on May 30, 2017 from www.nieji.org/codes
3. National Indigenous Elder Justice Initiative (2016). *Online Interactive Educational Modules*. Retrieved on May 30, 2017 from www.nieji.org/training/elder-abuse/

“This (report/document/etc.) was completed for the National Center on Elder Abuse and is supported in part by a grant (No. OI-90IE0001) from the Administration on Aging, U.S. Department of Health and Human Services (DHHS). Grantees carrying out projects under government sponsorship are encouraged to express freely their findings and conclusions. Therefore, points of view or opinions do not necessarily represent official Administration on Aging or DHHS policy.”



National Indigenous Elder Justice Initiative