



Department of Justice Elder Justice Initiative Resource Packet for Tribal Liaisons

JUNE 15, 2019



DEPARTMENT OF JUSTICE
ElderJustice
INITIATIVE

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Department of Justice Rural and Tribal Elder Justice Resource Materials

Available at:

<https://www.justice.gov/elderjustice/book/file/1110846/download>

Tribal Resources

This is a curated list of helpful resources for tribal elder justice professionals. While this list is not comprehensive, it is intended to be a starting place to learn more about and begin taking action on this issue.

Federal Directory of Elder Justice Related Resources



US DEPARTMENT OF AGRICULTURE

Tribal Programs and Services

US Department of Agriculture (USDA) offers a variety of programs and services that are available to Tribal Governments, Tribal communities and organizations, and individual Native Americans and Alaska Natives. The Office of Tribal Relations (OTR) is dedicated to ensuring that Tribes have relevant information on the programs and services available at USDA.

[Learn More](#)



US DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living Services for Native Americans

Administration for Community Living (ACL) funds programs that support American Indians, Alaska Natives and Native Americans in the areas of nutrition, supportive services for older adults, and caregiver services. The nutrition and supportive services grants include congregate and home-delivered meals, information and referral, transportation, personal care, chores, health promotion and disease prevention, and other supportive services. The caregiver services grants include assisting families in caring for older relatives with chronic illness or disability, and grandparents caring for grandchildren. There are other necessary services provided by ACL grants so the people we serve have meaningful support to help them live independently in their communities.

[Learn More](#)

Administration for Native Americans

The Administration for Native Americans (ANA) is a division of the Administration for Children and Families. The mission of ANA is to promote economic and social self-sufficiency for American Indians, Alaska Natives, Native Hawaiians, and other Native Pacific Islanders. ANA provides community-based project funding to improve the lives of native children and families thereby reducing long-term dependency on public assistance. Funding is provided to eligible tribes and nonprofit Native American organizations through three competitive discretionary grant programs.

[Learn More](#)

Centers for Disease Control and Prevention

Center for State, Tribal, Local, and Territorial Support

This center links CDC, the Agency for Toxic Substances and Disease Registry, and Tribal governments. It also houses the Office of Tribal Affairs and Strategic Alliances.

[Learn More](#)

Centers for Medicare & Medicaid Services

Medicare, Medicaid, and the State Children's Health Insurance Program (SCHIP) play a critical role in determining the type and quality of healthcare received by American Indians/Alaska Natives (AI/AN). This site provides information on these programs and highlights aspects of specific interest to AI/AN.

[Learn More](#)

Centers for Medicaid & Medicare Services Tribal Technical Advisory Group

CMS Tribal Technical Advisory Group (TTAG) was established in 2003 with the first face-to-face meeting at HHS in February 2004. The TTAG serves as an advisory body to CMS, providing expertise on policies, guidelines, and programmatic issues affecting the delivery of health care for AI/ANs served by Titles XVIII, XIX, and XXI of the Social Security Act or any other health care program funded (in whole or in part) by CMS.

[Learn More](#)

CMS Tribal Consultation

Tribal Consultation is an enhanced form of communication that emphasizes trust, respect, and shared responsibility. It is an open and free exchange of information and opinion among parties, which leads to mutual understanding and comprehension.

[Learn More](#)

Long-Term Services and Supports Technical Assistance Center

The Long-Term Services and Supports (LTSS) Technical Assistance Center guides American Indian and Alaska Native audiences in planning and implementing programs to care for their elders and people with disabilities.

Tribal involvement in case management: A major step for Tribes to enhance access to long term services & supports (LTSS)

[Learn More](#)

The Tribal Nursing Home Collaborative

U.N.I.T.E.—Uniting Nursing Homes in Tribal Excellence—is a collaborative of tribal nursing home stakeholders who network, discuss best practices, promote evidence-based education and trainings, and work on quality improvement initiatives.

[Learn More](#)

CMS Division of Tribal Affairs

CMS Division of Tribal Affairs works closely with American Indian and Alaska Native (AI/AN) communities and leaders to enable access to culturally competent healthcare to eligible CMS beneficiaries in Indian Country. CMS collaborates with the Indian Health Service and other federal partners to facilitate access to high quality and timely healthcare.

[Learn More](#)

All Tribes Calls and Webinars

All Tribes Calls and Webinars provide an opportunity for CMS to solicit input from Indian Health Services (IHS), Tribes and Tribal organizations, and urban Indian programs (ITU) on implementation or changes to CMS policies impacting American Indian and Alaska Native (AI/AN) beneficiaries. The topics for the

calls are identified based on CMS proposed and final regulations, policies and initiatives, or other topics requested by ITUs or other stakeholders. Information is presented by subject matter experts using cleared materials.

[Learn More](#)

HHS Secretary's Tribal Advisory Committee Meeting

The Secretary's Tribal Advisory Committee (STAC) signals a new level of attention to Government-to-Government relationship between HHS and Indian Tribal Governments.

[Learn More](#)

Indian Health Services

The goal of the Elder Care Initiative is to promote the development of high-quality care for American Indian and Alaska Native elders by acting as a consultation and liaison resource for Indian Health Services (IHS), Tribal, and urban Indian health programs.

IHS Elder Care Initiative

[Learn More](#)

IHS Long Term Care in Indian Country: New Opportunities and New Ideas

[Learn More](#)

National Institutes of Health

Tribal Health Research Office

Established in 2015, the Tribal Health Research Office (THRO) is located in the Division of Program Coordination, Planning, and Strategic Initiatives in the Office of the Director (OD), NIH. The office was created in recognition of the importance of ensuring meaningful input from and collaboration with tribal Nations on NIH programs and policies.

[Learn More](#)

NIH Tribal Advisory Committee

The Tribal Advisory Committee (TAC) is advisory to the NIH, and provides a forum for meetings between elected Tribal officials (or their designated representatives) and NIH officials to exchange views, share information, and seek advice concerning intergovernmental responsibilities related to the implementation and administration of NIH programs.

[Learn More](#)

NIH Tribal Health Research Coordinating Committee

The NIH Tribal Health Research Coordinating Committee (THRCC) serves as a catalyst for developing research, research training, and career development initiatives focused on American Indians and Alaska Natives (AI/AN). It provides a forum for discussing the diverse health issues and challenges



facing AI/AN communities, and how NIH research can help address those needs.

[Learn More](#)

Tribal Collaboration Working Group of the All of Us Research Program Advisory Panel

The All of Us Research Program is committed to ensuring that the program reflects the diversity of the United States and includes individuals who have typically been underrepresented in biomedical research. The Tribal Collaboration Working Group, a working group of the All of Us Research Program Advisory Panel, will provide information for consideration regarding the inclusion of American Indian and Alaska Native (AI/AN) populations in the program.

[Learn More](#)

Office of Intergovernmental and External Affairs, Tribal Component

The Tribal Affairs component of the Office of Intergovernmental and External Affairs was established in 2000 to serve as the official first point of contact for Tribes, Tribal Governments, and Tribal Organizations wishing to access the Department of Health and Human Services (HHS). Duties and responsibilities include:

- Coordination and management of IGA's tribal and native policy issues and serves as the Department's expert and informational resource to the Secretary

- Provides executive direction for the Secretary's Intradepartmental Council on Native American Affairs (ICNAA)
- Collaboration and outreach to Tribes and national Native organizations
- Coordination of HHS participation in national Tribal meetings and Tribal site visits for HHS executive leadership
- Advice and assistance to the HHS Regional Directors and Senior staff on tribal affairs
- Coordination of the Secretary's policy development for Tribes and national Native organizations

[Learn More](#)

Substance Abuse and Mental Health Services Administration

Tribal Technical Advisory Committee

In 2008, in recognition of Presidential Executive Orders and a Memorandum on Tribal Consultation, SAMHSA formed the Tribal Technical Advisory Committee (TTAC). SAMHSA established this committee to enhance the government-to-government relationship and to honor the Federal trust responsibilities and obligations to Tribes and American Indian and Alaska Native people.

[Learn More](#)

US Food and Drug Administration

Tribal Affairs

FDA collaboration and consultation, as appropriate, with federally-recognized tribal governments, per HHS Consultation Policy, and Executive Order 13175.

[Learn More](#)



US DEPARTMENT OF THE INTERIOR

Indian Affairs

The mission of Indian Affairs is to promote awareness of tribal governmental responsibilities and processes, and to provide tribes with the resources they need to foster strong and stable tribal governments in exercising their rights as sovereign nations.

[Learn More](#)



US DEPARTMENT OF JUSTICE

Office of Tribal Justice

The Office of Tribal Justice (OTJ) was initially formed in 1995 in response to requests from Tribal leaders for a dedicated point of contact for Indian country-specific legal and policy matters. The office was made permanent on July 29, 2010, with the passage of the Tribal Law and Order Act (TLOA). 25 U.S.C. § 3665a(2010). The duties of the Office are described in Section 106 of the Act:

(c) DUTIES.—The Office of Tribal Justice shall—

- (1) serve as the program and legal policy advisor to the Attorney General with respect to the treaty and trust relationship between the United States and Indian tribes;
- (2) serve as the point of contact for federally recognized tribal governments and tribal organizations with respect to questions and comments regarding policies and programs of the Department and issues relating to public safety and justice in Indian country; and
- (3) coordinate with other bureaus, agencies, offices, and divisions within the Department of Justice to ensure that each component has an accountable process to ensure meaningful and timely consultation with tribal leaders in the development of regulatory policies and other actions that affect-
 - (A) the trust responsibility of the United States to Indian tribes;
 - (B) any tribal treaty provision;
 - (C) the status of Indian tribes as sovereign governments; or
 - (D) any other tribal interest.

[Learn More](#)

Office for Victims of Crime

Office for Victims of Crime administers the Crime Victims Fund, which is financed by fines and penalties paid by convicted federal offenders, not from tax dollars. Federal revenues deposited into the Fund also come from gifts, donations, and bequests by private parties. OVC channels funding for victim



compensation and assistance throughout the United States, raises awareness about victims' issues, promotes compliance with victims' rights laws, and provides training and technical assistance and publications and products to victim assistance professionals. Find tribal related publications, resources and funding announcements here: Victims in Indian Country.

- [Learn More](#)
- [Crime Victims Fund](#)
- [Training](#)
- [Awareness](#)
- [Publications](#)
- [Victims' Rights Laws](#)

Professional Resources



COMMUNITY OUTREACH

Informational Placemats

Developed by National Indigenous Elder Justice Initiative Elder Abuse prevention grantees.

- [Don't Get Mixed Up in Consumer Scams](#)
- [Don't Let Your Money Fly Away](#)
- [Spot Scams from a Mile Away](#)

Native American Elder Justice Today

A blog by The New York City Elder Abuse Center that brings readers up to speed on current issues and innovations in the field of Native American elder justice.

[Learn More](#)

Ways to Love Our Elders

An outreach poster for tribal communities developed by National Indigenous Elder Justice Initiative.

[Learn More](#)

Your Money, Your Goals: Focus on Native Communities Companion Guide

Includes materials for Native communities on identifying, preventing, and responding to elder financial exploitation.

[Learn More](#)



ELDER SERVICES

Tribal Footprints

A resource for older Native Americans to help them find tribal aging resources in their area. Search by map or call for help.

[Learn More](#)

National Resource Center on Native American Aging

The National Resource Center on Native American Aging (NRCNAA) is committed to identifying Native elder health and social issues. Through education, training, and technical assistance, the Center assists in developing community-based solutions to

improve the quality of life and delivery of related support services to the Native aging population.

[Learn More](#)



FUNDING AND GRANTS

Native Learning Center: Grants Management Bootcamp

In this two-day grants management boot camp training you will get the skills and know-how to keep your project on track, comply with grant regulations, and protect your Tribe from the administrative and legal problems that results from poor grants management.

[Learn More](#)

Native Learning Center – Grant Opportunities

View current grants specifically for Native American tribes and tribal entities.

[Learn More](#)

Rural Health Information Hub

Summaries of funding programs are provided by the Rural Health Information Hub (RHlhub) for your convenience. Please contact the funder directly for the most complete and current information.

[Learn More](#)



INNOVATIVE MODELS AND TOOLKITS

Elder Protection Toolkit

The Tribal Elder Protection Team Toolkit is designed to help you identify and implement a tribal elder protection team.

[Learn More](#)

Operation Golden Shield

This community policing project partners local law enforcement with Native American elders for a series of friendly visits with elders throughout the year.

[Learn More](#)

Reclaiming What is Sacred

A resource for tribes and villages on how to create meaningful responses to abuse in later life. It identifies specific guiding philosophies, cultural considerations, and potential action steps tribes and villages might wish to take when addressing abuse in later life in their communities.

[Learn More](#)

[Paper](#)

[Tools](#)

State-Tribal Crime Victim Liaison Demonstration Program

This report discusses the outcome of a 3-year project through which the Oklahoma



District Attorneys Council, Victim Services Division, supported a State-Tribal Crime Victim Liaison. This liaison provided outreach to Oklahoma American Indian victims regarding tribal victim assistance, grant opportunities, and crime victim compensation.

[Learn More](#)



JUSTICE SYSTEMS

Elder Abuse Codes

Learn how to create tribal elder abuse codes and view real world examples of successful elder abuse code development.

[Learn More](#)

National Council of Juvenile and Family Court Judges – Tribal Work

Tribal courts are unique and parallel systems of justice. The National Council of Juvenile and Family Court Judges (NCJFCJ) has made a commitment to meaningful and ongoing collaboration with tribes, approaching its work from a place of honor, respect, and mutual learning. The NCJFCJ is engaging tribal courts and judges in cultural humility with an understanding that best practices in tribal courts may be different from state courts and diverse perspectives strengthen solutions.

[Learn More](#)

Restorative Justice: A Healing Approach to Elder Abuse

This paper examines restorative justice in the tribal elder abuse context.

[Learn More](#)

Tribal Elder Abuse Law Enforcement and Legal Learning Module

An offering from National Indigenous Elder Justice Initiative that aims to provide information for criminal justice and legal professionals to recognize, investigate, prosecute, and adjudicate, cases of elder abuse, neglect, and exploitation in Indian Country.

[Learn More](#)

Tribal Justice Systems (Online Training)

Takes a high-level look at the various types of justice used in tribal areas. Tribal justice systems can vary from traditional Western-style systems to tribal courts and traditional courts, including family and community forums.

[Learn More](#)



NATIONAL RESOURCES

National Indigenous Elder Justice Initiative

Most cases of elder abuse are undetected, under reported, and unresolved resulting in injury, financial decimation, and even death. The National Indigenous Elder Justice

Initiative (NIEJI) was created to address the lack of culturally appropriate information and community education materials on elder abuse, neglect, and exploitation in Indian Country.

[Learn More](#)

StrongHearts

StrongHearts is a culturally-appropriate, anonymous, confidential service dedicated to serving Native American survivors of domestic violence and concerned family members and friends. By dialing 1-844-7NATIVE (1-844-762-8483) Monday through Friday from 9 a.m. to 5:30 p.m. CST, callers can connect at no cost one-on-one with knowledgeable StrongHearts advocates who can provide lifesaving tools and immediate support to enable survivors to find safety and live lives free of abuse.

[Learn More](#)

Tribal Resource Tool

The Office for Victims of Crime of the U.S. Department of Justice has funded the National Center for Victims of Crime, National Congress of American Indians, and Tribal Law and Policy Institute to create a web-based resource mapping tool to:

- Provide a listing of all services available for AI/AN survivors of crime and abuse and
- Help identify gaps in services so those can be addressed.

The tool includes services for:

- all ages of AI/AN survivors and victims

- all forms of victimization
- all locations (on or off reservations, in areas that are remote, rural, urban, or suburban)
- all needs of victims, including justice, safety, healing, and support.

Help continue to engage others in this important project by sharing information widely and asking the appropriate providers to fill out the provider inclusion survey.

[Learn More](#)

[Survey](#)



PROFESSIONAL EDUCATION

American Indian/Alaska Native Populations (Online Training)

The American Indian/Alaska Native Populations module covers key issues impacting American Indian and Alaska Native victims of crime. It also describes barriers American Indian and Alaska Native victims face when seeking help after being the victims of crime and provides strategies for serving American Indian and Alaska Native victims.

[Learn More](#)

National Indigenous Elder Justice Initiative Online Interactive Educational Module

The National Indigenous Elder Justice Initiative (NIEJI) released a new Healthcare Module as part of their Online Interactive Elder Justice Curriculum. This new Healthcare Module was developed to train healthcare providers working

with Native elderly on factors for recognizing, identifying, and reporting suspected elder abuse and neglect. Professionals who may find this module relevant include: physicians, nurses, certified nursing assistants (CNA), community health representatives (CHR), home health aides, psychologists, behavioral health consultants, physical therapists, occupational therapists, dietitians, emergency medical technicians, and other medical personnel.

[Learn More](#)

[Healthcare](#)

Partners in Justice: BIA Victim Specialists

This video, prepared by the U.S. Department of Justice's Office for Victims of Crime (OVC) and the U.S. Department of the Interior's Bureau of Indian Affairs (BIA), presents an overview of the BIA Victim Specialist Program and identifies some of the program's successes and challenges providing services to victims of crime in Indian Country. BIA's National Victim Assistance Coordinator and BIA Victim Specialists who are based in Indian Country provide viewers with an explanation of the services available to native victims of crime through the program, and also discuss how BIA's Victim Specialist Program complements tribally operated victim services programs.

[Learn More](#)

Tribal Elder Protection Team Toolkit: Developing Your Team

This webinar introduces the Tribal Elder Protection Team Toolkit, a resource designed to assist tribal communities in developing tribal elder protection teams (EPT). The toolkit aims to help identify vested partners or potential EPT members to help respond to elder abuse in Indian Country. The speakers cover each section of the EPT Toolkit, how to develop a tribal EPT and Tribal Elder Protection Codes, selecting team members, and additional tips on

culturally sensitive and appropriate practices commonly accepted in tribal communities.

[Learn More](#)

[PPT Slides](#)

Social Services Best Practices

The aim of this National Indigenous Elder Justice Initiative webinar is to understand the best practices in the social services disciplines regarding elder abuse and neglect in Indian Country.

[Learn More](#)



REPORTS

Disrespect of Our Elders: Elder Abuse in Indian Country

Research to Practice Brief on Elder Abuse in Tribal Communities.

[Learn More](#)

Office for Victims of Crime Builds Capacity to Serve Crime Victims in Indian Country

This fact sheet describes the Office for Victims of Crime's efforts to support American Indian/ Alaska Native victims of crime by forging innovative partnerships to develop and expand exemplary tribal programs and services; and maintaining established programs that focus on culturally specific training, technical assistance, and case management, among other services.

[Learn More](#)

A Review of the Literature Elder Abuse in Indian Country Research, Policy, and Practice

A 2004 tribal elder abuse literature review by the National Indian Council on Aging.

[Learn More](#)



PUBLIC OUTREACH MATERIALS

Elder Abuse Awareness Video Project

This National Indigenous Elder Justice Initiative video project engages tribal communities with elder abuse awareness messages in native languages.

[Learn More](#)

Watch Wilson Wewa, NIEJI Public Service Announcement:



Elder Justice Initiative Resources and Referrals list



Elder Justice Resources & Referrals

Emergency Services

Adult Protective Services (APS)

A state social service program that can take reports of alleged abuse, or neglect/self-neglect of vulnerable adults age 18 or older. APS can do an assessment and determine the needs of the elder abuse victim. Some professionals are mandated reporters. See the National Adult Protective Services Association map to find the APS agency in your area. <http://www.napsa-now.org/get-help/help-in-your-area/>

Counseling

Crime victims experience trauma and can benefit from counseling. Counseling for a victim of crime may be covered by the state crime victim compensation program for a limited amount of time. Contact your state department of mental health, elder shelter, or local elder advocacy group to find counselors or support groups. Check the State Departments and Divisions of Mental Health map for state mental health agencies.

http://www.state.sc.us/dmh/usa_map.htm

Crime Victims Compensation

These are state programs that reimburse victims of violent crime for related expenses such as funeral or burial costs, crime scene clean-up, medical expenses, counseling and lost wages. Some programs cover emergency shelter and transportation costs. There is a maximum amount that each state will cover, and these amounts may vary by state. See the National Association of Crime Victim Compensation Boards for details by state.

<http://www.nacvcb.org/index.asp?sid=5>

Domestic Violence and Sexual Assault Programs

In the course of your work, you may come into contact with older adults in a domestic violence or sexual assault situation. Domestic violence programs vary by state and should be equipped to assist older victims of domestic abuse. Call the National DV hotline at 1-800-799-7233 to find a program in your area. Sexual assault programs also vary by state, and can assist older victims of sexual assault. Call "RAINN", the Rape, Abuse, Incest National Network hotline at 1-800-656-4673 for your local program.

Elder Shelters

Some states have shelters that specialize in helping elder abuse victims. Most shelters accept older victims age 60 and up. See the State Level Elder Justice Resources and Referrals list for all of the current elder abuse shelters in the U.S., and for their referral requirements.

Eldercare Locator

The Eldercare Locator links those who need assistance with state and local area agencies on aging, as well as community-based organizations. Services include identifying those who can help with meals, home care or transportation, or caregiver training and respite. Search by state for help.

<https://eldercare.acl.gov/Public/Index.aspx> For senior transportation assistance, call 1-800-677-1116.

Ombudsman

The long-term care ombudsman advocates for the rights of nursing home or long-term care residents. See the National Consumer Voice map to find the ombudsman in your area. http://theconsumervoicemap.org/get_help

Victim Connect

A referral hotline is located at the National Center for Victims of Crime. The center has specialized help for older adults. They are available for calls M-F, 8:30am-7:30pm, by phone at 855-4-VICTIM. <https://victimconnect.org>

Other Support Services

Aging and Disability Resource Centers

A single point of entry to get information on services and support for those who are aging or who have a disability. See the Eldercare locator to find your local program. <https://eldercare.acl.gov/Public/Index.aspx>

Food Programs for Older Adults

National Council on Aging <https://www.ncoa.org/economic-security/benefits/food-and-nutrition/food-assistance-benefits/>

Guardianship

Listed are national organizations to assist with questions about guardianship.

- American Bar Association Commission on Law and Aging
https://www.americanbar.org/groups/law_aging/resources/guardianship_law_practice.html
- Center for Guardian Certification <http://www.guardianshipcert.org>
- National Guardianship Association <https://www.guardianship.org>, with particular reference to the NGA Standards of Practice at <https://www.guardianship.org/standards>
- National Guardianship Network <https://www.naela.org/NGN>
- National Center for State Courts, Center for Elders and the Courts <http://eldersandcourts.org>
- National Resource Center for Supported Decision-Making <http://www.supporteddecisionmaking.org>

Housing, Energy Assistance, Transportation Programs, etc.

Online, easy access to all types of government benefits. <https://www.benefits.gov/>

Housing & Urban Development (HUD)

Provides housing options for low income seniors. https://www.hud.gov/topics/information_for_senior_citizen

Legal Services

Legal Aid

Some older adults you come into contact with may need an attorney for help in filing for a civil protective order, changing a will, appointing a power of attorney, or other matters. Your local legal aid society or bar association are good referrals.

National Center on Law and Elder Rights (NCLER) (administered by Justice in Aging)

Provides legal assistance to practitioners on many aspects of elder law with a focus on senior poverty. It sponsors a series of training seminars in many areas that touch on elder justice work. The staff is highly knowledgeable about many aspects of senior financial security, including benefits, Medicare/Medicaid, veteran's benefits, housing and more. They also sponsor the Elder Justice Fellows, in partnership with DOJ, CNCS, and Equal Justice Works. www.NCLER.ACL.gov

Senior LAW center

A legal services and domestic violence services provider to consider. <http://seniorlawcenter.org/projects-and-clinics/strengthening-the-economic-security-of-older-victims-of-domestic-violence/>

More programs can be found on your state resource list.

Transportation

Cases involving older adults may require arranging transportation to court or to witness conferences, etc. Local transportation may have special rides (paratransit) for the elderly, and some crime victim compensation programs will assist with this as well. Call the N4a transportation number for help at 1-800-677-1116.

National Resources

Elder Justice Initiative

Elder justice professionals will find information, training, webinars and resources to help you in your elder abuse cases. <https://www.justice.gov/elderjustice>

Administration for Community Living (ACL)

Helps older adults live in the community by funding services and community-based network support systems. <https://www.acl.gov/>

Consumer Financial Protection Bureau (CFPB)

Investigates violations of federal consumer financial law. <https://www.consumerfinance.gov/practitioner-resources/resources-for-older-adults/>

Elder Abuse Resource Roadmap (EARR): Financial Abuse

The Elder Justice Initiative's tool to identify financial abuse and the steps to report it. <https://www.justice.gov/elderjustice>

Federal Bureau of Investigations (FBI)

Investigates crimes that occur across state lines, identity theft, and cyber-crimes through the Internet Crime Complaint Center (IC3). <https://www.ic3.gov/default.aspx>

Federal Trade Commission (FTC)

Investigates international and interstate cases including consumer fraud, direct marketing, internet scams, and more through the Consumer Sentinel Network for law enforcement. <https://www.ftc.gov/enforcement/consumer-sentinel-network>

Housing & Urban Development (HUD)

Learn how to report suspected abuse, waste and fraud in HUD programs. <https://www.hudoig.gov/report-fraud>

National Center on Elder Abuse (NCEA)

A national elder abuse resource center that offers expertise in practice, education, research, and policy. Operates the elder abuse list-serve, a great resource for elder abuse professionals. <https://ncea.acl.gov/>

National Clearing House on Abuse in Later Life (NCALL)

This is a nationally recognized leader on elder abuse, which provides comprehensive resources on all types of elder abuse. Especially helpful for victim witness specialists in safety planning. <http://www.ncall.us/>

Office for Victims of Crime

Search their directory of crime victim services. <https://ovc.ncjrs.gov/findvictimservices/>

Secret Service

Jurisdiction over credit card fraud, bank fraud, and fraud involving U.S. bills, notes, bonds, and currency. <https://www.secretservice.gov>

Securities and Exchange Commission (SEC)

Investigates domestic and cross border securities fraud. <https://www.sec.gov/enforce/how-investigations-work.html>

Social Security Administration Office of Inspector General (SSA OIG)

Prevents and detects fraud, waste, and abuse in SSA programs and operations. <https://oig.ssa.gov/>

Treasury Inspector General for Tax Administration (TIGTA)

Investigates and prevents fraud, abuse, and deficiencies in IRS programs and operations.

https://www.treasury.gov/tigta/about_what.shtml

United States Postal Inspection Service (USPIS)

Responds to fraudulent complaints that use the mail system.

<https://postalinspectors.uspis.gov/contactUS/filecomplaint.aspx>

Veterans Benefits Administration

Field examiners in the fiduciary program can look into abuse of pensions. <https://www.benefits.va.gov/fiduciary/>

Programs for Diverse and Underserved Populations

Diverse Elders Coalition

This is a national advocacy coalition which promotes inclusion of older adults from underrepresented communities. This group, founded in 2010, can be a good resource for building cultural competency for the investigation of cases involving traditionally underrepresented communities. They have many resources that can help locate local supports throughout the country. www.diverseelders.org

National Caucus and Center on Black Aging (NCBA)

This advocacy group is a national voice on issues for African American Aging. It has many resources that could be helpful for cases reaching that population. www.ncba-aged.org/

National Resource Center on APPI Aging

This national advocacy group is a leading voice on the cultural competency needed to address aging in the Asian-American community. This center is also a resource to help identify local support in various communities throughout the country. In some cases, they may also be able to provide local translators of languages spoken less frequently for informal interviews. www.napca.org

Native American Elders

Specializes in helping Native American older adults. <https://www.nieji.org/>

National Indian Council on Aging (NICOA)

A non-profit founded in 1976 by the members of the National Tribal Chairman's Association that called for a national organization focused on aging American Indian and Alaskan Native Elders. It focuses on advocacy for health, social services, and economic wellbeing for those communities. It provides jobs and services through the federal Senior Community Service Employment Program (SCSEP) in eight states. It is governed by a national board of directors.

NHCA: National Hispanic Council on Aging

This advocacy group has a primary focus on health disparities and caregiving in the Hispanic community.
www.nhca.org

SAGE for Lesbian, Gay, Bisexual, Transgender (LGBT) Elders

Offers services and advocacy for LGBT older adults. <https://www.sageusa.org/>

Elder Justice Initiative Stop Financial Abuse presentation

Available at:

<https://www.justice.gov/elderjustice/get-involved-get-safe>



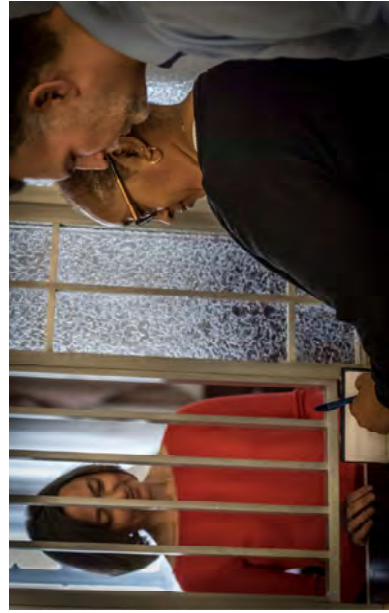
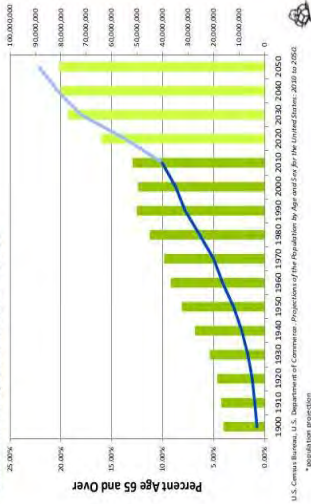
THE STATISTICS

- According to the Bureau of Justice Statistics National Crime Victimization Survey, in 2014, 2.6 million persons over age 65 were victims of identity theft.
- Over 13% of older Americans are a victim of financial fraud yearly.
- Only 1 in 44 cases of Financial Abuse is reported.
- Seniors with cognitive incapacity suffer greater economic loss.

RURAL SENIORS AND THEIR HOMES

THE WAVE IS COMING

U.S. Senior Population 1900 – 2050*



HOW DOES FINANCIAL ABUSE OCCUR?

- Through the mail
- On the computer
- On the phone
- On TV or radio
- In person



THROUGH THE MAIL

Mass mailings:

- Mail scams:
 - “You have won the lottery”
 - “You have won a prize”
 - “You may receive a check”
 - “You have won money”
- Fake charities asking for money
- Free lunch investment seminars
- Psychic scams

ON THE COMPUTER

- Phishing scams – official-looking emails, ads, or pop up messages designed to trick you into clicking them. **DO NOT CLICK** these emails!
- They may install a virus on your computer or take you to a false website to **capture your personal data**.
- Other online scams:
 - online dating or Facebook scams
 - work at home or investment scams
 - lottery scams and more



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ON THE PHONE

- IRS/Treasury Department scam calls – the IRS or Treasury Department will not contact you by phone if you are late or have not paid taxes. These are impostors!
- The Grandparent Scam – a fake call from a grandchild, nephew, niece etc. saying they are in trouble and need money
- Telemarketers – repetitive, high pressure calls sometimes with scare tactics



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ON TV OR RADIO

- Products with large shipping or handling charges
- Products sold that are frequently fake:
 - Quick weight loss products
 - Fraudulent mortgage ads



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IN PERSON

- Door-to-door repairs or sales
- Family
- Investment Fraud
- Guardian/Conservator or POA
- Lawyers
- Medical/caregivers
- A transaction using a credit card
- Check fraud



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WHO ARE THE FINANCIAL ABUSERS?

- Family, friends, neighbors or acquaintances
- Professionals, such as lawyers, doctors, financial advisors, clergy, caregivers, guardians, etc.
- Strangers such as a telemarketer or door to door sales or repair person, new love interest, TV or radio announcers



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HYBRID FINANCIAL ABUSE

- This is when more than one type of abuse is occurring.
- For example, a family member physically abuses an older adult when he refuses to cooperate with a demand for money.



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COMPLICATIONS

- Reluctance to end the abuse due to ties to the abuser (friend or family member), fear of retaliation, shame, dependency on the abuser for assistance, health care, or for economic reasons
- Physical and emotional suffering
- Losses – money, time, retirement income, homes/residence, self esteem, inability to provide for oneself



SIGNS OF FINANCIAL ABUSE

- Unpaid bills, a large amount of junk mail, sizable bank withdrawals or unusual credit card activity
- Caregiver/family not providing for the older adult
- Changes in personality, demeanor, hygiene, self care
- Missing valuables
- Unusual new friends, new names on accounts
- Phone rings constantly



MORE SIGNS OF FINANCIAL ABUSE

- Unusual changes in a will or beneficiary
- Social Isolation, abuser “speaks” for the victim
- Calls from debt collectors
- Strange charges on a medical bill
- Home in a state of disrepair



WHY ARE OLDER ADULTS TARGETED?

- That’s where the money is!
- If retired, often at home and accessible
- Older adults with memory problems are a particularly attractive target
- Older adults may be more trusting



Get Involved, Get Safe

What Can You Do?



HOW TO AVOID FINANCIAL ABUSE

- Safeguard financial information
- Safeguard personal information
- Order your credit report –
 - Equifax, Experian, Transunion
- Use computer safe practices
- Hang up the phone

HOW TO AVOID FINANCIAL ABUSE

- Review all financial statements
- Check out any repair person you hire
 - get 3 estimates
- Don't sign a contract until you have verified the company
- If you don't understand a financial transaction or if you feel you are being pressured to give money, to sign a document – ask for help!



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GET INVOLVED, PREVENT, REPORT

- Put a stop payment on money wires, checks
- Place a fraud alert with the 3 credit reporting companies
- Change your phone number
- Freeze credit, shred old credit cards
- Contact the bank, credit companies



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GET INVOLVED, PREVENT, REPORT

- Call law enforcement and make a report
- Get a restraining order at court
- Call a crises hotline
- Report to Adult Protective Services
- Call or report to appropriate government agency
- Seek legal counsel
- See EIJ site for how to report at eldertjustice.gov



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REPORTING

To Report:

- All Fraud can always be reported to Adult Protective Services in your area.
- through the mail, report to the USPIIS
- through the computer, report to Sentinel, FTC, FBI-IC3 or USPIIS
- on the phone, contact the FTC
- on TV or radio, contact the FTC
- in person, call local police first



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Conclusion



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HELPFUL RESOURCES:

National Center for Victims of Crime (NVCV)

<https://victimsofcrime.org/> Victim Connect 1-855-484-2846

The National Center on Elder Abuse

<https://www.ncea.aoa.gov/index.html>

The U.S. Postal Inspection Service

<https://postalinspectors.uspis.gov> 1-800-275-8777

The Federal Trade Commission <https://www.ftc.gov/>

www.freecreditreport.com/Official

The National Association of Adult Protective Services

www.napsa-now.org/ 1-217-523-4431

Better Business Bureau www.bbb.org/scan-stopper

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HELPFUL RESOURCES:

AARP www.aarp.org 1-800-222-4444, option #2
The U.S. Securities and Exchange Commission www.sec.gov/
1-800-732-0330
The Federal Bureau of Investigation <https://www.fbi.gov>
1-866-720-5721
The Consumer Financial Protection Bureau
www.consumerfinance.gov/ 1-855-411-2372
Equifax www.equifax.com 1-888-766-0008
TransUnion www.transunion.com 1-800-680-7289
Experian www.experian.com 1-888-397-3742

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INFORMATION WAS OBTAINED FROM:

The Bureau of Justice Statistics
The National Institute of Justice
The U.S. Census Bureau
The Consumer Sentinel
The Financial Industry Regulatory Authority (FINRA)
AARP
The U.S. Securities and Exchange Commission
The Federal Bureau of Investigation
The National Center for Victims of Crime
The National Center on Elder Abuse
The U.S. Postal Inspection Service

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INFORMATION WAS OBTAINED FROM:

The Federal Trade Commission
The National Association of Adult Protective Services
The Consumer Financial Protection Bureau”

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Elder Justice Initiative Financial Scam pamphlets

Available at:

<https://www.justice.gov/elderjustice/eji-brochures>

Tips to Protect Yourself



Know that wiring money is like sending cash



After a disaster, give only to established charities



Talk to your doctor before you buy health products or treatments



Don't send money to someone you don't know personally



Don't agree to deposit a check and wire money back for anyone



Don't reply to messages asking for personal or financial information



Know that fraudsters will pose on the internet as interested romantic partners



Conduct background checks on a caregiver before hiring



Know that the federal government will never call you on the phone and ask for personal information



Have a plan in case a medical emergency arises

Stay Aware of Scams

One of the best ways to protect yourself from financial fraud is to remain informed. Learn about financial scams at:

consumer.ftc.gov/scam-alerts
elderjustice.gov/senior-scam-alert

elderjustice.gov

Break the Silence & Report

The majority of financial fraud victims choose not to report their victimization. Do not remain silent. You're not alone. Speak out and tell someone. Find the right reporting agency by going to the **Elder Abuse Resource Roadmap: Financial** at elderjustice.gov/roadmap

- Reporting helps us track trends so we can warn people about scams
- In some instances, there may be help available that you are unaware of



Victim Connect Hotline

*Crime victim service referrals,
with senior services specialists*

9am–6pm EST, Monday through Friday

1-855-4VICTIM (1-855-484-2846)

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Get the facts about

Financial
Scams



Financial Fraud & Scams

Fraud Victimization

Millions of older Americans become victims of financial fraud each year:

- You are not alone
- 10,000 Americans turn 65 every day
- Over 13% of older Americans become victims of financial fraud every year
- Of those who are subject to a fraud attempt, 25% will become a fraud victim
- Older adults lose more than \$3 billion annually to financial scams

Examples

Examples of fraud & scams include:

- Overcharging for products or services
- Lottery and sweepstakes fraud
- Pretend romantic attention towards an older adult
- Scammers posing as government employees telling you to pay a fee
- Someone posing to be from the information technology field offers to fix a non-existent problem with your computer

It's Your Right

Fraud victims have been approached:

- While in the grocery store
- By knocking at the door
- Through the phone
- Through the internet
- Through the mail

If someone approaches you in any of these ways, you do not have to respond.

It is ok to hang up the phone, not answer the door, not open an email or a piece of mail, or say “No, thank you” to someone approaching you in the parking lot.

The Facts



Financial exploitation is the illegal or improper use of an older person's funds or resources.



Just over 5% of older adults, both men and women, experience financial exploitation each year.



Financial exploitation is a multi-billion dollar industry.



Older adults with cognitive incapacity suffer significantly greater economic losses than those without such incapacity.



Only 1 in 44 incidents of financial harm is reported to authorities.



Consequences include financial loss, hospitalization, and institutionalization.

Report Financial Exploitation

There are many types of financial harm, and it can be difficult to know what to do when this happens.

Find the right reporting agency by going to the **Elder Abuse Resource Roadmap: Financial** at elderjustice.gov/roadmap



elderjustice.gov

For more information about the Department of Justice's efforts to prevent and combat elder abuse, please visit the Elder Justice Website at:

elderjustice.gov

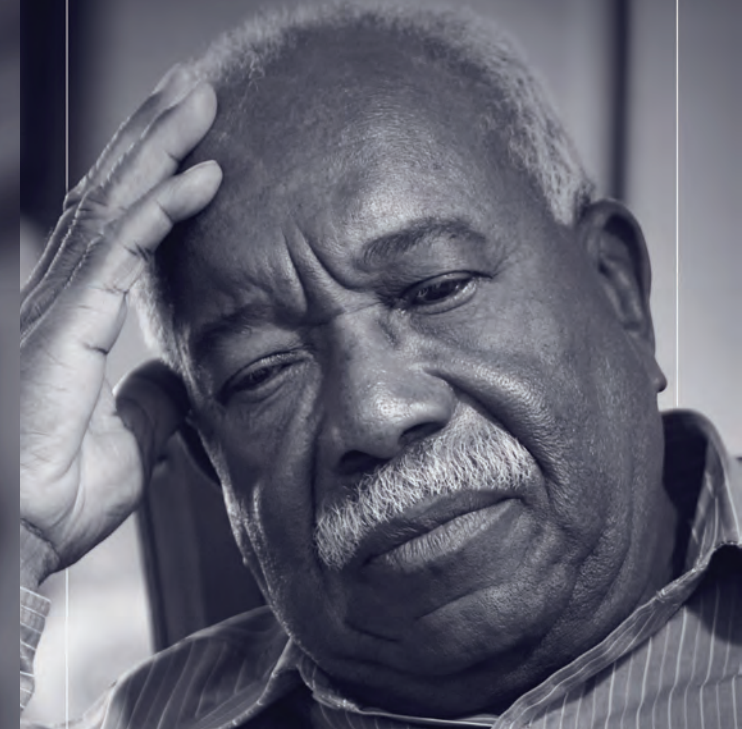
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Get the facts about

Financial
Exploitation
*Learn How to
Protect Yourself*

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Types of Financial Exploitation

Examples of financial exploitation include:

- Using ATM cards without permission
- Forging a signature on a check or property title (wills, deeds)
- Telling an older adult money is needed for college expenses when the money is really being used for other purposes
- Using a power of attorney to benefit oneself rather than the older adult
- Unauthorized sales, such as a family ring or the family farm
- Threats to harm precious property if money is not handed over

Warning Signs of Financial Exploitation

There are a number of warning signs to watch for, including:

- Sudden changes in banking practices
- Being accompanied to the bank by an unknown person
- Adding a new name on a bank signature card
- Sudden changes in a will or other financial documents
- Unexplained disappearance of funds or possessions
- Substandard care or unpaid bills when there are adequate financial resources
- Sudden appearance of previously uninvolved relatives

Protect Yourself from Financial Exploitation

There are several things you can do to help protect your money:

- Check your financial statements each month
- Store financial materials in a locked drawer or out of sight
- Give your power of attorney CFPB's "Help For Agents Under A Power of Attorney"
- Talk to your bank about age-friendly banking options
- Contact a civil legal attorney before signing documents
- Visit [ftc.gov](https://www.ftc.gov) every year to get your free credit reports

Elder Justice Initiative Abuse and Neglect presentation

Available at:

<https://www.justice.gov/elderjustice/get-involved-get-safe>



Get Involved, Get Safe

Stop Elder Abuse and Neglect

STATISTICS ON ELDER ABUSE

Abused seniors are 3 times more likely to die than non-abused seniors. ⁽¹⁾	Cognitive decline is a risk factor for elder abuse, including financial exploitation. ⁽²⁾	Approximately 1 in 10 seniors is abused each year. ⁽³⁾
Abused seniors are more likely to be placed in nursing homes than non-abused older adults. ⁽⁴⁾	Elder abuse is dramatically underreported . Only 1 in every 23 cases is reported to Adult Protective Services. ⁽⁵⁾	

IMPACT OF ELDER ABUSE

- Suffering, illness, or premature death
- Nursing home and hospital admittance
- Large economic losses
- Caregiver hardship



TYPES OF ELDER ABUSE

- Physical
- Psychological
- Financial
- Sexual
- Neglect/Abandonment



PHYSICAL ABUSE

- Pushing, shoving, hitting
- Kicking, biting, slapping
- Burning, shaking, pinching
- Punching, physically restraining
- Locking a person up
- Not allowing use of restroom
- Over or under medicating
- Using weapons



PSYCHOLOGICAL ABUSE

- Verbal abuse such as belittling or blaming
- Intimidation and threats (non-verbal and verbal)
- Ridiculing beliefs
- Humiliation
- Isolation
- Stalking





FINANCIAL ABUSE

- Theft of social security/pension check
- Forcing or coercing a senior to withdraw funds
- Deceiving an older adult to get money (in person, by phone, mail, computer, radio, or TV)
- Taking an older adult's property, jewelry, valuables without consent



SEXUAL ABUSE

- Nonconsensual sexual contact
- Forced oral, anal, or vaginal intercourse
- Unwanted touching or fondling
- Exhibitionism or forcing an older adult to view or participate in pornography
- Using sexual language



NEGLECT AND ABANDONMENT

Failure to provide for the needs of an older adult:

- Food
- Shelter
- Clothes
- Hygiene
- Healthcare
- Social interaction
- Desertion of a senior



What are Some of the
Warning Signs of
Abuse?



CAUSES OF ELDER ABUSE

- Ageism
- Societal attitudes
- Stereotyping of seniors
- Lack of awareness

SOME WARNING SIGNS OF ABUSE

- Physical - unexplained bruises, repeated injuries, broken bones
- Psychological - crying, agitated, ashamed, depressed, afraid
- Financial - large bank withdrawals, unpaid bills, missing items
- Sexual - genital-anal trauma, bleeding, STD's, bruising to breasts, painful urination
- Neglect - dehydration, poor hygiene, poor living conditions
- Abandonment - seeing a vulnerable elder left alone in distress

OTHER CAUSES OF ELDER ABUSE

- Intergenerational violence
- History of domestic violence
- Entitlement
- History of mental illness of the caregiver or the older adult
- Addictions- drugs, alcohol, gambling



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PERPETRATORS OF ELDER PHYSICAL ABUSE

- Family Members 57.9%
- Friends and neighbors 16.9%
- Home Care Aides 14.9%



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PREVENTING ELDER ABUSE

- Listen to older adults
- Intervene when you suspect abuse
- Call Adult Protective Services
- Call the Ombudsman
- Call the police to make a report or do a welfare check
- Watch for signs
- Get involved



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TIPS FOR OLDER ADULTS

- Keep financial affairs in order
- Stay connected
- Call for help
- Get a Civil Restraining Order
- File criminal charges
- Get a cell phone or alert pendant
- Watch out for each other



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RESOURCES

For all types of elder abuse help, please see:
The Elder Justice Initiative elderjustice.gov.

The National Center for Victims of Crime www.nvcv.org
Victim Connect Hotline 1-855-484-2846, 9am-7pm Monday-Friday



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RESOURCES

Physical Abuse Resource:

The National Domestic Violence Hotline 1-800-799-SAFE (7233)

Psychological Abuse Resource:

National Adult Protective Services Association www.napsa-iow.org

Financial Abuse Resources:

Federal Trade Commission www.ftc.gov

Consumer Financial Protection Bureau www.consumerfinance.gov/

Military Consumer Protection Day (for veterans) www.military.ncpw.gov



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PREVENTING ELDER ABUSE

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14

PREVENTING ELDER ABUSE

- Listen to older adults
- Intervene when you suspect abuse
- Call Adult Protective Services
- Call the Ombudsman
- Call the police to make a report or do a welfare check
- Watch for signs
- Get involved



15

RESOURCES

- Sexual Assault Resource:**
National Sexual Violence Resource Center 1-877-739-3895
- Neglect and Abandonment Resources :**
Neglect in nursing homes, see map of ombudsman resources at National Consumer Voice, <http://theconsumervoice.org>
- Other neglect or abandonment:** see map of Adult Protective Services at The National Adult Protective Service Association [www.napsa-now.org](http://napsa-now.org)

CONCLUSION



REFERENCES

- Information for this presentation was obtained from:
- The National Center on Elder Abuse
 - The National Center for the Prevention of Elder Abuse
 - The National Institute of Justice
 - The Census Bureau
 - Elder Abuse Detection and Intervention: Brandl, B.; Dyer, Bitondo, C.; Hetsler, C.; Marlatt, Otto J.; Stiegel, L.; Thomas, R.
 - The National Council on Aging
- “Licensed material is being used for illustrative purposes only. Any person depicted in the licensed material is a model.”

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 2. Lachs, M. S., Williams, C. S., O'Brien, S., Filmer, K. A., & Charlson, M. E. (1998). The mortality of elder mistreatment. *Journal of the American Medical Association, 280*(5), 428-432. DOI: 10.1001/jama.280.5.428
 3. Lifespan of Greater Rochester, Inc., West Hill Medical Center of Cornell University & New York City Department for the Aging. (2011). *Under the Radar: New York State Elder Abuse Prevalence Study*. Rochester, NY: Authors.
 4. Dong, X. Q., Suman, M. A., Rajan, K., & Evans, D. A. (2011). Association of cognitive function and risk for elder abuse in a community-dwelling population. *Dementsia and Geriatric Cognitive Disorders, 32*(3), 209-215. DOI: 10.1159/00034047
 5. Lachs, M. S., Williams, C. S., O'Brien, S., & Filmer, K. (2002). Adult protective service use and nursing home placement. *The Gerontologist, 42*(3), 74-79. DOI: 10.1093/geronj/42.6.74

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Elder Justice Initiative Abuse and Neglect pamphlet

Available at:

<https://www.justice.gov/elderjustice/eji-brochures>

What Is the Impact of Elder Abuse, Neglect & Exploitation?

- Elder abuse triples the risk of premature death and causes unnecessary illness, injury, and suffering.
- Victims of elder abuse are four times more likely to be admitted to a nursing home and three times more likely to be admitted to a hospital.
- Financial exploitation causes large economic losses for businesses, families, elders, and government programs, and increases reliance on federal and state health care programs, such as Medicare and Medicaid.
- Older adults with cognitive incapacity suffer significantly greater economic losses than those without such incapacity.
- As a result of providing care for an older adult, some caregivers experience declines in their own physical and mental health.

For more information about the Department of Justice's efforts to prevent and combat elder abuse, please visit the Elder Justice Website at:

elderjustice.gov

Victim Connect Hotline

*Crime victim service referrals,
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9am–6pm EST, Monday through Friday

1-855-4VICTIM (1-855-484-2846)

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Get the facts about

Elder Abuse



Physical Abuse

Physical abuse is an act, rough treatment, or punishment that may result in injury, pain or impairment.

Examples include being hit, kicked, bit, slapped, shaken, pinched, burned, pushed, shoved, grabbed, held down, or locked in. Abuse also includes not allowing someone to go to the bathroom and giving too much or too little medication.



Psychological Abuse

Psychological abuse is verbal or nonverbal behavior that results in the infliction of anguish, mental pain, fear, or distress.

Examples include verbal attacks, belittling, bullying, refusing to talk with an elder, talking to an elder as though he/she were a young child, even though the elder has full mental capacity, isolating an elder from others, and stalking.



Sexual Abuse

Sexual abuse is sexual contact of any kind, even without physical touching, with an older person without agreement from that person.

Examples include sexual assault, forcing someone to watch pornography, forcing someone to undress, and taking pictures of someone who is partly or fully undressed.



Neglect and Abandonment

Neglect is the intentional or unintentional failure or refusal to provide care or help to an older adult by someone who is expected to provide care. Abandonment is an extreme form of neglect.

Examples include failing to provide food or water, failing to take the elder to the doctor or dentist or to the toilet, failing to keep the elder clean or the home safe and clean, failing to help the elder to dress or pay bills, and leaving the elder alone for long periods of time.



Financial Abuse

Financial abuse is the illegal or improper use of an older person's money or property.

Examples include taking or selling things without permission, making elders sign legal documents they don't understand, forcing elders to give away something that belongs to them, pretending to be the elder to obtain goods or money, keeping money that belongs to the elder, stopping the elder from using their own money, or keeping information about the elder's money away from the elder.

Resources

For information about the Department of Justice's Elder Justice Initiative efforts to prevent and combat elder abuse visit the Elder Justice website at:

<https://www.elderjustice.gov>



National Indigenous Elder Justice Initiative Elder Protection Team Toolkit

Available at:

<https://www.nieji.org/tribal-elder-protection-team>

Tribal Elder Protection Team



Introduction to Tribal Elder Protection Teams

The Tribal Elder Protection Team (EPT) also commonly referred to as a Multidisciplinary Team (MDT) is a group of professionals, the elder, family members, and community members from diverse disciplines. The team provides comprehensive assessment and consultation in addressing elder abuse concerns. The EPT provides assistance to their clients to promote coordination among service programs available to elders. Improve lines of communication to efficiently address elder abuse, neglect, and exploitation. The EPT will increase relationships between tribal public service agencies while maintaining client confidentiality. Various professional disciplines are represented on the EPT. Membership is limited and is not open to all service providers, or members of the public. The Tribal Elder Protection Team Toolkit will define the roles and responsibilities of the EPT members.

** EPT and MDT may be used interchangeably in various sections of the toolkit, as different tribes may refer to their teams as one or the other. The EPT may be as diverse as their communities in which they serve.*

** Involving the elders as the central focus of the group is specific to Native American Elder Protection Teams as some non-Native teams do not include elders in the conversation.*

What is an Elder Protection Team?

One of the most successful models for addressing elder abuse in Indian Country is utilized by the Confederated Tribes of Warm Springs (CTWS) in Oregon. The CTWS-MDT representatives have served their tribal community since 1999 through a multidisciplinary team approach. This MDT provides assistance to their clients when coordinating with social service programs, health systems, and legal proceedings. The CTWS-MDT coordinates documentation, and evidence gathering efforts for legal procedures (civil and criminal cases), and assists in community crime prevention efforts.¹

The CTWS- MDT members include representatives from: The Senior Wellness Center, Tribal Police, Tribal Prosecutor's Office, BIA/Tribal Social Services, Tribal Housing Authority, Indian Health Service (IHS), Community Health Representatives (CHR), Victims of Crimes Office, Assisted Living, and the Oregon Adult Protective Services.¹

Why create an Elder Protection Team?

- To reduce stereotypes around elder abuse
- To address a lack of standardized protocols which may limit resources available to elders
- To improve appropriate responses to elder abuse
- To improve communication and coordination among service agencies, thereby saving valuable time locating advocates and addressing safety concerns for the elder
- To improve elder abuse training for professionals, thereby gaining trust in providers, and better utilizing
- To reduce underreporting of elder abuse
 - In 2013, the Bureau of Indian Affairs reported that 1 in 23 cases of elder abuse were reported to any agency; only 1 in 44 cases of financial abuse were reported, and 1 in 57 cases of neglect.²

What to consider when creating an Elder Protection Team?

1. Defining the responsibilities and functions of the team such as:

- How often meetings are held (e.g., monthly)
- Location and time (e.g., Senior Center- meeting room at 6pm)
- Who chairs meetings (e.g., senior wellness director, etc.)
- Defining how client information will be recorded (e.g., each department will keep own records)

2. Defining criteria of membership and affiliation:

- Requirements for meeting attendance (e.g., each department selects a representative)
- Clearly agreed upon EPT protocols for addressing elder abuse
- Limitations of report sharing (e.g., each members signs confidentiality agreement)
- How confidentiality will be maintained

3. Defining purpose of the EPT meeting:

- Case review (e.g., each department reports case status to team)
- Intervention (e.g., coordination of resources by local senior / elder programs and other team members)
- Prosecution (e.g., implementing Tribal Elder Abuse Code(s), roles of law enforcement and the court)
- Prevention of elder abuse, neglect, and exploitation

4. Defining roles and responsibilities of members:

- Define each team member's role (e.g., response protocol and mandatory reporting)
- Training needs and requirements
- Identify relevant jurisdictional issues (e.g., PL-280 state, tribal, federal, etc.)

5. Defining community awareness and prevention procedures for example:

- How will information be disseminated into the community? (e.g., holding press conferences, distributing informational pamphlets)
- Community outreach activities to address awareness of elder abuse, development of an elder abuse support group or coalition, meeting your elderly neighbors, and initiating projects with local schools.

Elder Protection programs vary across Indian Country in terms of:

- Available infrastructure including agencies and personnel responding to incidents
- Jurisdictional considerations
- Availability of traditional justice systems
- Tribal and / or State civil or criminal courts

Content for this document was adapted from presentation materials and correspondence with Wilson Wewa of the Confederated Tribes of Warm Springs from November 2016 through May 2017.

References

1. *The Confederated Tribes of Warm Springs, Wilson Wewa (2014). Multidisciplinary Team Approach on Elder Abuse. Retrieved from www.nieji.org/pdf/multidisciplinary-team-approach-elder-abuse-presentation-121014.pdf*
2. *U.S. Department of the Interior Bureau of Indian Affairs, Office of Indian Services, Division of Human Services (2013). Adult Protective Services Handbook: A Guide for Protecting Vulnerable Adult and Elder Indians from Abuse, Neglect, and Exploitation.*

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National Indigenous Elder Justice Initiative Civil and Criminal sample Elder Protection codes

Available at: <https://www.nieji.org/codes>

CRIMINAL MODEL TRIBAL ELDER PROTECTION CODE

001.0 TITLE

This code shall be known and cited as the "[Name of enacting Tribe or Nation] Elder Protection Code."

002.0 AUTHORITY

[Cite all relevant sections of Tribe or Nation's constitution, charter or governing documents that grant the Tribe or Nation's legislature or lawmaking body the authority to enact laws prohibiting and regulating conduct, and imposing penalties upon all persons within the jurisdiction of the Tribe or Nation]

003.0 POLICY

It is the policy of the [Tribe or Nation] to continue the traditional respect the members of the [Tribe or Nation] have had for elders. Elders are a valuable resource to the [Tribe or Nation] because they are repositories and custodians of tribal history, language, culture and tradition; and, they are the best hope of the [Tribe or Nation] to pass on the tribal history, language, culture, and tradition to children of the [Tribe or Nation]. Thus, the interests of the [Tribe or Nation], 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 [Tribe or Nation].

004.0 PURPOSE

The purpose of this code is to establish a tribal criminal law that protects elders within the jurisdiction of the [Tribe or Nation] from abuse, exploitation and neglect as defined in this code. The code shall be liberally interpreted in order to achieve its purpose and comport with the customs and traditions of the [Tribe or Nation].

005.0 DEFINITIONS

- A. A person is guilty of elder abuse if they knowingly and willfully commit the following:
 - 1) PHYSICAL ABUSE is any intentional or negligent infliction of bodily injury, unreasonable confinement, intimidation, or cruel punishment of an elder with resulting physical harm or pain or mental anguish by any person;
 - 2) SEXUAL ABUSE is any physical contact which is not consented to by the elder intended for sexual gratification of any person making such contact or to abuse, humiliate, or degrade the elder;
 - 3) EMOTIONAL ABUSE is the intentional infliction of threats, humiliation, intimidation or any other demeaning behavior towards an elder;
 - 4) EXPLOITATION is the unauthorized or improper use of funds, property, or other resources of an elder; or the unauthorized or improper use of an elder 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 to the elder's benefit or according to the elder's desires.

- 5) NEGLECT is the wanton, reckless, and grossly negligent
- a) failure of a caregiver to provide for the basic needs of an elder by not supplying resources, services, or supervision necessary to maintain an elder's physical and mental health and includes the inability of an elder to supply such basic needs for himself;
 - b) interference with the delivery of necessary services and resources;
 - c) failure to report abuse, exploitation or neglect of an elder by any person;
 - d) failure to provide services or resources essential to the elder's practice of his customs, traditions or religion; or
 - e) abandonment of an elder.

B. CAREGIVER is:

- 1) a person who is required by tribal law or tribal custom (or state or federal law) to provide services or resources to an elder;
- 2) a person who has volunteered to provide care or resources to an elder;
- 3) an institution or agency which voluntarily provides or is required by tribal law or custom (state or federal law, or tribal-state agreement) to provide services or resources to an elder; or,
- 4) an employee of any institution or agency specified within this code.

C. CONSENT is agreement given without intimidation or coercion by an elder with the capacity to make an agreement.

D. ELDER is a person subject to the jurisdiction of the [Tribe or Nation] who is at least [____] years of age.

E. EMERGENCY is a situation in which an elder is immediately at risk of death or injury and is unable to consent to services which would remove the risk.

F. FAMILY is [determined by Tribe or Nation's legal definition and custom].

G. GOOD FAITH is a reasonable person's honest belief or purpose and the lack of intent to defraud.

H. INCAPACITY is a legal determination made by tribal/state court regarding the current inability (functional inability) of a person to sufficiently understand, make, and communicate responsible

decisions about themselves as a result of mental illness, mental deficiency, physical illness or disability, or chronic use of drugs or liquor, and to understand the consequences of any such decision. Incapacity may vary in degree and duration and shall not be determined solely on the basis on age.

- I. LEAST RESTRICTIVE ALTERNATIVE is an approach which allows an elder independence and freedom from intrusion consistent with the elder's needs by requiring that the least dramatic method of intervention be used when intervention is necessary to protect the elder from harm. Caregivers, tribal/state courts and any other person/entity providing services to elders will be controlled by this standard.
- J. POWER OF ATTORNEY is a written document signed by an elder and notarized providing another person with the legal authority to conduct business on behalf of the elder in the name of the elder. There are two main types of power of attorney.
 - 1) A General Power of Attorney covers all the elder's business activities, including signing papers, title documents, contracts, bank accounts, etc.
 - 2) A Special Power of Attorney grants powers limited to specific areas as set forth in the document.
- K. PROTECTIVE PLACEMENT is placement of an elder in a hospital, nursing home, residential care facility or the transfer of an elder from one such institution to another by tribal/state court or with the elder's consent or appropriate legal authority.
- L. PROTECTIVE SERVICES are services provided to an elder with the elder's consent or with appropriate legal authority and include, but are not limited to: social case work, psychiatric and health evaluation, home care, day care, legal assistance, social services, health care, case management, guardianship and other services consistent with this code. Protective services include protective supervision, but they do not include protective placement.
- M. RETALIATION is threatening of a reporter mandatory or otherwise of elder abuse or the reporter's family in any way; causing bodily harm to the reporter or the reporter's family; causing the reporter or any of the reporter's family to be terminated, suspended from employment, or reprimanded by an employer; or damaging the reporter's or the reporter's family's real or personal property in any way.

006.0 MANDATORY ARREST AUTHORITY

An officer shall arrest and take into custody person(s) whom the officer has probable cause to believe abused/neglected a person defined as an "elder." No warrant is required to make an arrest. This mandatory arrest provision means that the victimized not sign a complaint for an arrest to occur. Further, an officer may arrest under probable cause even though it may be against the express wishes of the victim.

Mandatory arrest is required when:

- 1) The victim is injured;

- 2) The use of threatened use of a weapon is involved;
- 3) The violation of a valid restraining order; or
- 4) Imminent danger through abuse or neglect of a victim

Any person arrested under this provision shall be held without bail, in custody for a period of [forty-eight (48) hours] as a mandatory “cooling off” period in the best interest of the [Tribe or Nation]

007.0 DUTY TO REPORT ABUSE OR NEGLECT OF AN ELDER

Any person who has reasonable cause to suspect that an elder has been abused, neglected, self-neglected, or exploited shall immediately report the abuse, neglect, or self-neglect, or exploitation to the [tribal human services agency, other designated tribal entity] unless they have a privileged relationship as attorney-client, doctor-patient or priest-penitent.

The following individuals have a special duty in reporting abuse, neglect, self-neglect or exploitation:

- A. the elder's family or caregiver as defined within this code;
- B. any employee or elected official of the [Tribe or Nation];
- C. any medical doctor, physical therapist, coroner, or medical examiner;
- D. any nurse, physician's assistant; or health aide;
- E. any dentist or dental hygienist;
- F. an elder and adult program services case/social worker, or elder services provider;
- G. any mental health practitioner or counselor;
- H. any law enforcement officer;
- I. any person with a fiduciary duty to the elder, including but not limited to a guardian or employee of elder/nursing home;
- J. any tribal court employee;
- K. any person subject to federal reporting requirements (see Title 18 United States Code Section 1169).

007.1 CONFIDENTIALITY

The identity of a person who in good faith reports suspected elder abuse, neglect, self-neglect or exploitation is confidential and shall not be released unless the reporter consents or the tribal/state court orders the release because it finds, after notice to the reporter and an opportunity to be heard; that the need to protect the elder outweighs the reporter's interest in confidentiality.

007.2 IMMUNITY FOR REPORTING

A person who in good faith reports suspected abuse or neglect for an elder is immune from any civil or criminal suit based on that person's report.

007.3 FAILURE TO REPORT

Any person who is required by this code to report suspected elder abuse and fails to do so is subject to a civil penalty of up to [\$5,000] and a term of imprisonment not to exceed [one year], or both.

007.4 BAD FAITH REPORT; CIVIL PENALTY; DAMAGES; CRIMINAL LIABILITY

Any person who makes a report of suspected elder abuse knowing it to be false maybe subject to a fine not to exceed [\$5,000] and a term of imprisonment not to exceed [one year], or both.

007.5 REPORTS

Reports of suspected elder abuse as defined in this code shall be made to [tribal law enforcement]. The [officer] taking an oral report shall immediately complete a written incident report. Unless anonymously made, the incident report should contain the name of the reporter and, if possible, the reporter should sign the report. Anonymous reports shall be investigated as required by this code.

007.6 PRIVILEGED COMMUNICATION

No evidentiary privilege, except for the attorney-client, doctor-patient or priest-penitent privilege as detailed in Section 007.0, may be raised as a justifiable defense or reason for failing to report suspected elder abuse or neglect or for testifying as required by this code.

008.0 EMERGENCY PROTECTION ORDER

- A. The [tribal court] shall issue an emergency protection order authorizing protective services or protective placement on an emergency basis upon petition supported by clear and convincing evidence that:
- 1) the elder is at risk of immediate (physical) harm;
 - 2) the elder is incapacitated and cannot consent to protective services;
 - 3) the person possessing power of attorney for the elder is unavailable, or there is no one authorized by law or court order to give consent on an emergency basis; and
 - 4) an emergency exists.

- B. The emergency protection order shall:
- 1) set out the specific emergency services to be provided to the elder to remove the conditions creating the emergency;
 - 2) provide only those services which will remove the emergency;
 - 3) allow protective placement only if the evidence shows that it is necessary;
 - 4) designate the [agency] required to implement the order;
 - 5) be issued for a maximum of [hours/days] and may be renewed only once for a maximum of [hours/days] provided the evidence shows that the emergency is continuing.
- C. The [tribal court] may authorize forcible entry by law enforcement to enforce the emergency protection order after it has been shown that attempts to gain voluntary access to the elder have failed.
- D. The petition for an emergency protection order shall contain the [name/address/location], and interest in the petitioner; the [name/address/location], and condition of the elder; the nature of the emergency; the nature of the elder's incapacity; the proposed protective services, and where applicable, protective placement; the attempts, if any to secure the elder's consent to services; and, any other facts the petitioner believes will assist the [tribal court].
- E. The emergency protection order shall be issued only after notice. The notice accompanied by a copy of the petition shall be given to the elder, the elder's family and caregiver at least [___] hours before a hearing on the petition is scheduled and the [tribal court] has had the opportunity to hear all parties and the evidence. The [tribal court] may waive the waiting period if the emergency is such that the elder will suffer immediate and irreparable harm or reasonable attempts have been made to notify the parties.
- F. The [tribal court] shall hold a hearing on a petition to provide protective services or placement to an elder within [___] hours after an emergency protection order is issued.
- G. The [tribal court] can set aside an emergency protection order upon a petition of any party showing good cause.
- H. If there is good cause to believe that an emergency exists and that an elder is at risk of immediate and irreparable (physical) harm and, based on personal observation, an [investigator/ law enforcement officer] believes that the elder will be irreparably harmed during the time an emergency protection order is secured, the [investigator/ law enforcement officer] shall immediately protect the elder, including, where necessary, transporting the elder for medical treatment or to an appropriate facility. Immediately after the elder is protected, a petition for an emergency protection order shall be filed and the procedures set out in this section followed.

- I. Any person who acts in good faith pursuant to this section is immune from any civil or criminal suit based on that person's actions.

009.0 WRITTEN REPORTS

In all cases of elder abuse as defined in this code the officer involved shall make a written report with the tribal court prosecutor, setting forth the reason(s) for his/her decision within [ten (10) days] of the incident.

010.0 REPORTING STATISTICS

In all cases of elder abuse as defined in this code the officer shall make a written report which will be reviewed by the tribal prosecutor and housed at the tribal court. A quarterly report shall be made by the tribal court and shared with law enforcement, elected tribal officials, and other appropriate tribal employees that includes the number of elder abuse reports, investigations, and arrests. These reports will exclude all identifiable information of individuals involved.

CRIMINAL MODEL TRIBAL ELDER PROTECTION CODE

001.0 TITLE

This code shall be known and cited as the "[Name of enacting Tribe or Nation] Elder Protection Code."

002.0 AUTHORITY

[Cite all relevant sections of Tribe or Nation's constitution, charter or governing documents that grant the Tribe or Nation's legislature or lawmaking body the authority to enact laws prohibiting and regulating conduct, and imposing penalties upon all persons within the jurisdiction of the Tribe or Nation]

003.0 POLICY

It is the policy of the [Tribe or Nation] to continue the traditional respect the members of the [Tribe or Nation] have had for elders. Elders are a valuable resource to the [Tribe or Nation] because they are repositories and custodians of tribal history, language, culture and tradition; and, they are the best hope of the [Tribe or Nation] to pass on the tribal history, language, culture, and tradition to children of the [Tribe or Nation]. Thus, the interests of the [Tribe or Nation], 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 [Tribe or Nation].

004.0 PURPOSE

The purpose of this code is to establish a tribal criminal law that protects elders within the jurisdiction of the [Tribe or Nation] from abuse, exploitation and neglect as defined in this code. The code shall be liberally interpreted in order to achieve its purpose and comport with the customs and traditions of the [Tribe or Nation].

005.0 DEFINITIONS

- A. A person is guilty of elder abuse if they knowingly and willfully commit the following:
 - 1) PHYSICAL ABUSE is any intentional or negligent infliction of bodily injury, unreasonable confinement, intimidation, or cruel punishment of an elder with resulting physical harm or pain or mental anguish by any person;
 - 2) SEXUAL ABUSE is any physical contact which is not consented to by the elder intended for sexual gratification of any person making such contact or to abuse, humiliate, or degrade the elder;
 - 3) EMOTIONAL ABUSE is the intentional infliction of threats, humiliation, intimidation or any other demeaning behavior towards an elder;
 - 4) EXPLOITATION is the unauthorized or improper use of funds, property, or other resources of an elder; or the unauthorized or improper use of an elder 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 to the elder's benefit or according to the elder's desires.

- 5) NEGLECT is the wanton, reckless, and grossly negligent
- a) failure of a caregiver to provide for the basic needs of an elder by not supplying resources, services, or supervision necessary to maintain an elder's physical and mental health and includes the inability of an elder to supply such basic needs for himself;
 - b) interference with the delivery of necessary services and resources;
 - c) failure to report abuse, exploitation or neglect of an elder by any person;
 - d) failure to provide services or resources essential to the elder's practice of his customs, traditions or religion; or
 - e) abandonment of an elder.

B. CAREGIVER is:

- 1) a person who is required by tribal law or tribal custom (or state or federal law) to provide services or resources to an elder;
- 2) a person who has volunteered to provide care or resources to an elder;
- 3) an institution or agency which voluntarily provides or is required by tribal law or custom (state or federal law, or tribal-state agreement) to provide services or resources to an elder; or,
- 4) an employee of any institution or agency specified within this code.

C. CONSENT is agreement given without intimidation or coercion by an elder with the capacity to make an agreement.

D. ELDER is a person subject to the jurisdiction of the [Tribe or Nation] who is at least [____] years of age.

E. EMERGENCY is a situation in which an elder is immediately at risk of death or injury and is unable to consent to services which would remove the risk.

F. FAMILY is [determined by Tribe or Nation's legal definition and custom].

G. GOOD FAITH is a reasonable person's honest belief or purpose and the lack of intent to defraud.

H. INCAPACITY is a legal determination made by tribal/state court regarding the current inability (functional inability) of a person to sufficiently understand, make, and communicate responsible

decisions about themselves as a result of mental illness, mental deficiency, physical illness or disability, or chronic use of drugs or liquor, and to understand the consequences of any such decision. Incapacity may vary in degree and duration and shall not be determined solely on the basis on age.

- I. LEAST RESTRICTIVE ALTERNATIVE is an approach which allows an elder independence and freedom from intrusion consistent with the elder's needs by requiring that the least dramatic method of intervention be used when intervention is necessary to protect the elder from harm. Caregivers, tribal/state courts and any other person/entity providing services to elders will be controlled by this standard.
- J. POWER OF ATTORNEY is a written document signed by an elder and notarized providing another person with the legal authority to conduct business on behalf of the elder in the name of the elder. There are two main types of power of attorney.
 - 1) A General Power of Attorney covers all the elder's business activities, including signing papers, title documents, contracts, bank accounts, etc.
 - 2) A Special Power of Attorney grants powers limited to specific areas as set forth in the document.
- K. PROTECTIVE PLACEMENT is placement of an elder in a hospital, nursing home, residential care facility or the transfer of an elder from one such institution to another by tribal/state court or with the elder's consent or appropriate legal authority.
- L. PROTECTIVE SERVICES are services provided to an elder with the elder's consent or with appropriate legal authority and include, but are not limited to: social case work, psychiatric and health evaluation, home care, day care, legal assistance, social services, health care, case management, guardianship and other services consistent with this code. Protective services include protective supervision, but they do not include protective placement.
- M. RETALIATION is threatening of a reporter mandatory or otherwise of elder abuse or the reporter's family in any way; causing bodily harm to the reporter or the reporter's family; causing the reporter or any of the reporter's family to be terminated, suspended from employment, or reprimanded by an employer; or damaging the reporter's or the reporter's family's real or personal property in any way.

006.0 MANDATORY ARREST AUTHORITY

An officer shall arrest and take into custody person(s) whom the officer has probable cause to believe abused/neglected a person defined as an "elder." No warrant is required to make an arrest. This mandatory arrest provision means that the victimized not sign a complaint for an arrest to occur. Further, an officer may arrest under probable cause even though it may be against the express wishes of the victim.

Mandatory arrest is required when:

- 1) The victim is injured;

- 2) The use of threatened use of a weapon is involved;
- 3) The violation of a valid restraining order; or
- 4) Imminent danger through abuse or neglect of a victim

Any person arrested under this provision shall be held without bail, in custody for a period of [forty-eight (48) hours] as a mandatory “cooling off” period in the best interest of the [Tribe or Nation]

007.0 DUTY TO REPORT ABUSE OR NEGLECT OF AN ELDER

Any person who has reasonable cause to suspect that an elder has been abused, neglected, self-neglected, or exploited shall immediately report the abuse, neglect, or self-neglect, or exploitation to the [tribal human services agency, other designated tribal entity] unless they have a privileged relationship as attorney-client, doctor-patient or priest-penitent.

The following individuals have a special duty in reporting abuse, neglect, self-neglect or exploitation:

- A. the elder's family or caregiver as defined within this code;
- B. any employee or elected official of the [Tribe or Nation];
- C. any medical doctor, physical therapist, coroner, or medical examiner;
- D. any nurse, physician's assistant; or health aide;
- E. any dentist or dental hygienist;
- F. an elder and adult program services case/social worker, or elder services provider;
- G. any mental health practitioner or counselor;
- H. any law enforcement officer;
- I. any person with a fiduciary duty to the elder, including but not limited to a guardian or employee of elder/nursing home;
- J. any tribal court employee;
- K. any person subject to federal reporting requirements (see Title 18 United States Code Section 1169).

007.1 CONFIDENTIALITY

The identity of a person who in good faith reports suspected elder abuse, neglect, self-neglect or exploitation is confidential and shall not be released unless the reporter consents or the tribal/state court orders the release because it finds, after notice to the reporter and an opportunity to be heard; that the need to protect the elder outweighs the reporter's interest in confidentiality.

007.2 IMMUNITY FOR REPORTING

A person who in good faith reports suspected abuse or neglect for an elder is immune from any civil or criminal suit based on that person's report.

007.3 FAILURE TO REPORT

Any person who is required by this code to report suspected elder abuse and fails to do so is subject to a civil penalty of up to [\$5,000] and a term of imprisonment not to exceed [one year], or both.

007.4 BAD FAITH REPORT; CIVIL PENALTY; DAMAGES; CRIMINAL LIABILITY

Any person who makes a report of suspected elder abuse knowing it to be false maybe subject to a fine not to exceed [\$5,000] and a term of imprisonment not to exceed [one year], or both.

007.5 REPORTS

Reports of suspected elder abuse as defined in this code shall be made to [tribal law enforcement]. The [officer] taking an oral report shall immediately complete a written incident report. Unless anonymously made, the incident report should contain the name of the reporter and, if possible, the reporter should sign the report. Anonymous reports shall be investigated as required by this code.

007.6 PRIVILEGED COMMUNICATION

No evidentiary privilege, except for the attorney-client, doctor-patient or priest-penitent privilege as detailed in Section 007.0, may be raised as a justifiable defense or reason for failing to report suspected elder abuse or neglect or for testifying as required by this code.

008.0 EMERGENCY PROTECTION ORDER

- A. The [tribal court] shall issue an emergency protection order authorizing protective services or protective placement on an emergency basis upon petition supported by clear and convincing evidence that:
- 1) the elder is at risk of immediate (physical) harm;
 - 2) the elder is incapacitated and cannot consent to protective services;
 - 3) the person possessing power of attorney for the elder is unavailable, or there is no one authorized by law or court order to give consent on an emergency basis; and
 - 4) an emergency exists.

- B. The emergency protection order shall:
- 1) set out the specific emergency services to be provided to the elder to remove the conditions creating the emergency;
 - 2) provide only those services which will remove the emergency;
 - 3) allow protective placement only if the evidence shows that it is necessary;
 - 4) designate the [agency] required to implement the order;
 - 5) be issued for a maximum of [hours/days] and may be renewed only once for a maximum of [hours/days] provided the evidence shows that the emergency is continuing.
- C. The [tribal court] may authorize forcible entry by law enforcement to enforce the emergency protection order after it has been shown that attempts to gain voluntary access to the elder have failed.
- D. The petition for an emergency protection order shall contain the [name/address/location], and interest in the petitioner; the [name/address/location], and condition of the elder; the nature of the emergency; the nature of the elder's incapacity; the proposed protective services, and where applicable, protective placement; the attempts, if any to secure the elder's consent to services; and, any other facts the petitioner believes will assist the [tribal court].
- E. The emergency protection order shall be issued only after notice. The notice accompanied by a copy of the petition shall be given to the elder, the elder's family and caregiver at least [___] hours before a hearing on the petition is scheduled and the [tribal court] has had the opportunity to hear all parties and the evidence. The [tribal court] may waive the waiting period if the emergency is such that the elder will suffer immediate and irreparable harm or reasonable attempts have been made to notify the parties.
- F. The [tribal court] shall hold a hearing on a petition to provide protective services or placement to an elder within [___] hours after an emergency protection order is issued.
- G. The [tribal court] can set aside an emergency protection order upon a petition of any party showing good cause.
- H. If there is good cause to believe that an emergency exists and that an elder is at risk of immediate and irreparable (physical) harm and, based on personal observation, an [investigator/ law enforcement officer] believes that the elder will be irreparably harmed during the time an emergency protection order is secured, the [investigator/ law enforcement officer] shall immediately protect the elder, including, where necessary, transporting the elder for medical treatment or to an appropriate facility. Immediately after the elder is protected, a petition for an emergency protection order shall be filed and the procedures set out in this section followed.

- I. Any person who acts in good faith pursuant to this section is immune from any civil or criminal suit based on that person's actions.

009.0 WRITTEN REPORTS

In all cases of elder abuse as defined in this code the officer involved shall make a written report with the tribal court prosecutor, setting forth the reason(s) for his/her decision within [ten (10) days] of the incident.

010.0 REPORTING STATISTICS

In all cases of elder abuse as defined in this code the officer shall make a written report which will be reviewed by the tribal prosecutor and housed at the tribal court. A quarterly report shall be made by the tribal court and shared with law enforcement, elected tribal officials, and other appropriate tribal employees that includes the number of elder abuse reports, investigations, and arrests. These reports will exclude all identifiable information of individuals involved.

Administration for Community Living Services for Native Americans (OAA Title VI) Grant and Services list

Available at: <https://acl.gov/programs/services-native-americans-oaa-title-vi>

Services for Native Americans (OAA Title VI)

PROGRAM AREAS

Overview

Agging and Disability Networks

Alzheimer's Disease and Dementia

Connecting People to Services

Consumer Choice and Control

Data Collection Projects

Empowering Advocacy

Employment

For American Indians, Alaska Natives, and Native Hawaiians

Health & Wellness

Program Evaluations and Reports

Protecting Rights and Preventing Abuse

Research and Development

Retirement Planning and Pension Support

Support to Caregivers

ACL funds programs that support American Indians, Alaska Natives and Native Americans in the areas of nutrition, supportive services for older adults, and caregiver services. The nutrition and supportive services grants include congregate and home-delivered meals, information and referral, transportation, personal care, chores, health promotion and disease prevention, and other supportive services. The caregiver services grants include assisting families in caring for older relatives with chronic illness or disability, and grandparents caring for grandchildren. There are other necessary services provided by ACL grants so the people we serve have meaningful support to help them live independently in their communities.

History of Title VI Programs

In 1978, the Older Americans Act was amended to include Title VI which established programs for the provision of nutrition and supportive services for Native Americans (American Indians, Alaska Natives and Native Hawaiians).

The program has since expanded to include caregiver support services. Eligible Tribal organizations receive grants in support of the delivery of home and community-based supportive services for their elders, including nutrition services and support for family and informal caregivers. The Authorizing Legislation comes from Sections 613, 623 and 631 of the Older Americans Act of 1965, as amended.

The Purpose of the Programs and How They Work

Services for Native Americans programs were first established in 1978 with the provision of nutrition and supportive services. In 2000, services expanded to include caregiver support services. Programs provide grants to eligible Tribal organizations to promote the delivery of home and community-based supportive services, including nutrition services and support for family and informal caregivers, to Native American, Alaskan Native, and Native Hawaiian elders. These programs, which help to reduce the need for costly institutional care and medical interventions, are responsive to the cultural diversity of Native American communities and represent an important part of the communities' comprehensive services.

Criteria Used to Determine Eligibility for Grants

Formula grants for the Services for Native Americans programs are allocated to Tribal organizations based on their share of the American Indian, Alaskan Native, and Native Hawaiian population aged 60 and over in their services area. To be eligible for funding, Tribal organizations of federally-recognized Tribes must represent at least 50 Native American elders age 60 and over. There is no requirement for matching funds. Separate formula grant awards are made for nutrition and supportive services and caregiver support services.

Usa.gov – Resources for Federally Recognized Indian Tribes

Available at: <https://www.usa.gov/agencies>

< State, Local, and Tribal Governments

[Contact Elected Officials](#)[Governors](#)[Indian Tribes and Resources for Native Americans](#)[Local Governments](#)[State Attorneys General](#)[State Consumer Protection Offices](#)[State Governments](#)[State, County, and Municipal Courts](#)

Federally Recognized Indian Tribes and Resources for Native Americans

Find information about and resources for Native Americans.

On This Page

- [Federally Recognized Indian Tribes](#)
- [Cultural Resources for Native Americans](#)
- [Housing Help: Resources for Native Americans](#)
- [Legal Resources for Native Americans](#)

Federally Recognized Indian Tribes

The U.S. government officially recognizes [nearly 600 Indian tribes](#) in the contiguous 48 states and Alaska. These federally recognized tribes are eligible for funding and services from the Bureau of Indian Affairs, either directly or through contracts, grants, or compacts.

The [Bureau of Indian Affairs](#) provides contact information for each tribe's [Tribal Leader](#).

Cultural Resources for Native Americans