Elder Justice in Tribal Communities

According tothe National Center for State and Tribal Elder Justice Coalitions, **“Native American Elder Justice** refers to the protection and advocacy of the rights, dignity, and well-being of older adult members within Native American communities. This encompasses efforts to address abuse, neglect, and exploitation of older adults in tribal communities, ensuring they have access to essential resources, healthcare, and support services. Additionally, it involves upholding the respect for Native American older adults' cultural and traditional roles, preserving their wisdom and contributions to the community, and ensuring their voices are heard in matters that affect their lives. Native American Elder Justice integrates traditional practices and values with Western legal and social frameworks to create a holistic approach to elder abuse and protection. The National Center for State and Tribal Elder Justice Coalitions recognizes the term Native American to be inclusive to all the original peoples of the U.S. including Native American, Alaska Native, Native Hawaiian, and unrecognized tribes.” (National Center for State and Tribal Elder Justice Coalitions, n.d.).

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**Types of Abuse**

* Physical
* Sexual
* Financial
* Emotional or Psychological
* Neglect
* Spiritual
* Abandonment
* Self-neglect

To learn more, visit: <https://iasquared.org/wp-content/uploads/2023/11/elder-abuse-in-indian-country.pdf> (note for designer, this will need to be a live link)

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**Rates of Abuse**

Prevalence of elder abuse in American Indian and Alaska Native populations in under researched, therefore there is limited data to understand the exact rates of elder abuse. (Forum on Global Violence Prevention, Board on Global Health, Institute of Medicine, & National Research Council, 2014)

However, one recent study found that the total prevalence of emotional, physical, and sexual mistreatment in the past year, neglect, and financial abuse by a family member for the AIAN group was 33% (Crowder et al., 2022). *(note for designer: this information can be used for a call-out box/bubble, with citation)*

29.7% of AIAN respondents reported experiencing two or more types of neglect, exploitation, or mistreatment over their lifetime (Crowder et al., 2022). *(note for designer: this information can be used for a call-out box/bubble, with citation)*

Almost 25% of AIAN respondents reported experiencing emotional abuse since 60 years of age, which is nearly double the rate of White respondents. (Crowder et al., 2022) *(note for designer: this information can be used for a call-out box/bubble, with citation)*

Rates of elder abuse have been found to be higher among older Indians both on and off tribal land.​

* Higher prevalence of neglect by a caregiver​
* Higher prevalence of financial exploitation by a stranger​
* Higher prevalence of emotional abuse​
* Higher prevalence of abuse over lifetime​
* Almost one-quarter of older AIAN reported emotional abuse (Crowder et al., 2022)

**Protective/Risk Factors in Native Communities**

General risk factors for abuse in Native communities include:

* substance abuse within the family and community
* elder mental health issues
* caregiving burden
* dependency
* loss of culture
* lack of social support
* unemployment
* living in poverty
* limited accessibility to services (Crowder et al., 2019) (Wei & Balser, 2024) (NIEJI, 2020c)

Risk Factors for Specific Types of Abuse

* Specifically, risk factors for **physical abuse** and **neglect** include unemployment and substance use. Additional risk factors for **neglect** include caregiving burden and limited accessibility to services due to geographic and environmental challenges (Wei & Balser, 2024).
* Risk factors for elder **financial abuse** include: poor health, mental decline, or physical disability; needing help with activities of daily living such as shopping, preparing meals, and managing money; feeling obligated to share their resources with their family (NIEJI, 2020b).

Protective Factors Against Abuse

* Although there is limited published research on protective factors against elder abuse in Native communities, some research has shown that support, family ties, and a culture of respecting elders may be protective against elder abuse. One specific protective factor against **physical abuse** is financial independence (Wei & Balser, 2024).
* **Culture can be both a risk and protective factor.** *(note for designer: this information can be used for a call-out box/bubble)*

**Cultural Conceptions of Abuse**

“Mistreatment is, in fact, a culturally relative issue in the sense that cultural groups have their own notions of “right” and “wrong” treatment of elders. In the US, what appears to be abusive to the majority population may not be interpreted in that way by ethnic minority elders themselves” (Forum on Global Violence Prevention, Board on Global Health, Institute of Medicine, & National Research Council, 2014).

When asking about abuse, Native American elders may respond better to questions such as “have you been disrespected?” or “has anyone bothered you?” Words like disrespect, mistreatment, or bothered may lead to elders discussing incidents that could be classified as abuse or neglect (NIEJI, 2020b).

**Role of Adult Protective Services**

Adult Protective Services is “a social services program provided by state and local government nationwide serving older persons and adults with disabilities who are in need of assistance due to abuse, neglect, self-neglect and/or exploitation” (National Adult Protective Service Association, 2013).

Every state has an APS department, but not all tribal communities have a tribal APS program, so some tribes may rely on an Elderly Protection Program/Team to respond to allegations of elder abuse. In cases where tribal communities do not have APS programs and staff, the reports and investigations often fall on the tribal law enforcement department (NIEJI, n.d.).

If there are no formal working agreements between county, state and tribal agencies, then the next best practice is to develop working relationships such as being a part of tribal Elder Protection Teams and having tribal representation on their Multi-Disciplinary Team (MDTs). To produce culturally informed practices, it is important to know if a tribe has their own APS program, if they have a code that addresses elder justice, and if so, to become familiar with the code to know how to address abuse collaboratively.

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