

## November 2023 APS TARC Podcast Transcript

### A Conversation with the Native American Elder Justice Initiative

#### Introduction

**Andrew Capehart:** Welcome to the Adult Protective Services Technical Assistance Resource Center podcast. We come to you with the goal of sharing promising practices and innovations from the APS field, and to highlight what is achievable with new ideas and partnerships to help you envision what may be replicated in your program.

Let's join our host, Jennifer Spoeri APS TARC subject matter expert and guests in conversation.

#### Discussion

**Jennifer Spoeri:** Welcome to the APS TARC podcast. Today we're going to have an interesting discussion with Bill Benson, the President, and Executive Director of the International Association for Indigenous Aging. With him is Peggy Jo Archer, the Director of Elder Justice Projects for the International Association for Indigenous Aging, also called IA Squared. Included in IA Squared is the Native American Elder Justice Initiative Resource Center, also called NAEJI. NAEJI is funded by the Administration for Community Living and works to address the lack of culturally appropriate information and community education materials on elder abuse in Indian Country.

So, let's start with Bill. Let's talk about the issue of elder abuse in American Indian, Alaskan Native, and Native Hawaiian communities. This hasn't always been a problem, right?

**Bill Benson:** Well, I would say, Jennifer, that it's not that it's not always been a problem. I would say that it's not been a problem that's been recognized and discussed widely until more recently. But I think for many people working with tribal communities, working with elders in those tribes, they've been aware that elder abuse does exist in one form or another, but it's been tough to talk about, and it's been only in recent years. I think as tribes have struggled with, how to address a variety of different issues that affect their populations and particularly the elders within their tribal communities, that there's been more recognition that there's a need to tackle this topic because it's very real and it's very painful, as it is anywhere else.

And so, I would say that it has always been a concern, just not one that's been talked about much. And now we're finally seeing a great deal more discussion, including not just what tribes can do about it, but creating resources to support tribes and even funding streams. And I know we'll talk about that more in a little bit.

**Jennifer Spoeri:** Absolutely, thanks, Bill. Peggy Jo, can you tell us how the Native American Elder Justice Initiative Resource came to be on the heels of Bill's explanation?

**Peggy Jo Archer:** Yes, so the Administration for Community Living awarded a cooperative agreement to the IA Squared in 2022, but NAEJI and the Native American Elder Justice Initiative has been around longer than that. It was previously housed at the University of North Dakota under the direction of Dr. Jackie Gray. Um, and we have two similar missions, it's still to address elder abuse, but with just two different, with different focuses. And so, the Resource Center at IA Squared will do the same thing. Like you heard earlier is promote locally tailored, culturally relevant activities to address elder abuse.

But we'll do it a little bit different. So, right now we're working on establishing like a national hub for elder abuse to provide technical assistance. And as Bill will talk about, there's been different funding streams that are out there for different tribal communities that are addressing elder abuse and that's something that we would love to provide technical assistance and other elder service programs that are addressing elder abuse. That's something that we really are passionate about is helping them address it. As we know that each tribal community has a diverse view on their cultural beliefs and the way of living and so it's really important for us to work with each tribe individually.

That's why we can't make everything so specific to one culture. Because every culture has their own beliefs and specifically when it comes to addressing abuse and working with elders.

**Jennifer Spoeri:** Wow, that's a lot to keep track of. I was going to ask you, what does NAEJI do and how do you do it to disseminate all this information to so many different communities?

**Peggy Jo Archer:** Yeah, so that's, that's an interesting question. So, basically one of our initiatives is to host listening sessions and to really talk with different tribal communities to ask what elder justice looks like in their communities. What kind of services are available to them and what are their cultural beliefs because in one tribal community, they might really honor an elder code, and they might have an elder abuse code and other communities don't have elder abuse code. Some of those elder abuse codes are written with the restorative justice mind frame with not really having like a legal, no jail time, or maybe less jail time and other places have more of a cultural practice attached to the way that they respond to elder abuse.

So, it's really important to know the community that you're serving and specifically when you're helping them address elder abuse, you can't go in there and say, well, they should serve 30 days when they don't believe in that at all. Cause they're going to turn you away because it doesn't match with how they believe somebody should be responsible for abusing elders.

**Jennifer Spoeri:** Yeah. And when you say different codes, you mean the different laws in the different tribal areas. Again, that's a lot to keep track of.

**Peggy Jo Archer:** Yeah, something that we're seeing is that many tribal reservations, they don't have an elder abuse code. They might have some kind of code that addresses abuse, but it's typically within a domestic violence code and it's not a standalone elder abuse code. And so, it really hinders an elder from getting the right services for them when it happens, because it's written in a maybe an intimate partner type of frame in

the domestic violence code. So, it's really important that tribal nations have a specific elder abuse code that is designed for elders.

**Jennifer Spoeri:** Gotcha. So, that's part of your community education, I'm sure too.

**Peggy Jo Archer:** Yes. That's really one of our initiatives is to enhance and strengthen elder abuse codes because in some tribal nations, they do have elder abuse codes but, they were written a long time ago and so, it's really hard to use them now, like with spiritual abuse or financial abuse. As I was saying earlier, some of the elder abuse codes only account for physical abuse or sexual abuse, not the financial aspect. So we have seen the need to revise codes. And that's something that we are really interested in helping do.

**Jennifer Spoeri:** Well, I dare to say the rest of the APS world in our country is also going through some of that with older codes and statutes. So, Bill, can you speak to our mutual agenda? That is now surfaced of supporting the response to elder abuse through APS.

**Bill Benson:** I sure can, Jen, and I'm happy to do that. When we think about state based Adult Protective Services, we have APS systems in all 50 states, as well as the territories in Puerto Rico and the District of Columbia. So, we've got roughly 57 or so different APS systems. Imagine with well over 500 federally recognized tribes that each of them are unique and each are different. And so, the challenge in collaborating between Adult Protective Services and states and with tribes is that there are so many of them, they're so different. And each has to be treated respectfully for its uniqueness, but more importantly for its sovereignty. A tribe, a tribal nation that's federally recognized is a sovereign entity.

So, that creates, as you can imagine, complexities with respect to jurisdiction, authority, who does what within states for APS to respond to a tribal member who's alleged to be a victim of abuse. So, I think the mutual agenda for us has been, one, to make sure that APS services are available to tribal members. Ideally, it would be Adult Protective Services run and administered by the tribe itself. There's very few tribal APS programs today. But we hope that that will grow, and I'll say more about that in a couple of minutes, but we also know that Adult Protective Services that are state based are important to tribal members in several different ways. One, tribal members might be victimized by abusers who are not tribal members coming from the surrounding communities and states, and what have you.

So, APS needs to be able to help with those circumstances. When a tribal member is the victim of abuse and they don't have their own APS program, they might want and could benefit from support from a neighboring state-based APS program. So, I think our agenda is several fold. It is one, to help APS better understand what it's like to work with tribal communities to understand how they view tribal abuse within their own tribes, to know whether or not there's even a tribal code in existence in that tribe. And then what you do to honor, and respect, and work with that tribe. Secondly, we also, and this is a mutual agenda item between NAPSA and our work with the International Association for Indigenous Aging and with ACL, and that is to expand APS services themselves within tribal communities, and fortunately, there's been some good news on that front.

Up until recently, tribes have not had any access whatsoever to funds that are used to support Adult Protective Services. The only monies that have been out there as you know, Jen, better than anybody historically has been through the Social Services Block Grant (SSBG). Tribes do not have access to SSBG funds, even though they can be used to support Adult Protective Services. A tribe would have to go to the state, to a State Government and try to get them to provide them with SSBG funds. There are some examples where that's happened, but not many. But outside of that, until we recently received some federal funding at the national level for Adult Protective Services under the Elder Justice Act, again, those funds, as important as they are to APS, have not been available to tribal APS until very recently.

And that's the last point I want to make here. And that is when Congress provided funding for states for Adult Protective Services in the last appropriations period, FY'24, that ended at the end of September of 2023, Congress included a set aside of up to 5 percent of those funds could be used, should be used, will be used to support tribal Adult Protective Services efforts. It's a very small amount of money. I think in total, it's \$750,000 but ACL through the office of the Office of American Indian Alaska Native Native Hawaiian elders, which is operated by Cynthia LaCount, they had a competitive process and have just awarded their first five grants to tribal communities to help them develop and support Adult Protective Services.

And so, we want to continue the collaboration between NAPSA and NAEJI, and our organization to be able to enhance and support and really truly support and help to sustain those tribal grantees. Now, we don't know if Congress will continue that or not, but it is a priority for NAPSA, and it's a priority for ACL, and it's a priority for IA Squared to make sure that those funds are sustained if we can possibly do that. This is just the infancy of developing APS and tribal communities.

**Jennifer Spoeri:** Yeah, that's certainly something to be celebrated. It's just, why did it take so long? But we celebrate it nonetheless.

**Bill Benson:** Small steps, small steps, it's a beginning in the right direction.

**Jennifer Spoeri:** Absolutely. So, I know there are many American Indian Alaskan Natives that don't live on tribal lands. So, Peggy Jo, how did they fit into your work with NAEJI?

**Peggy Jo Archer:** Yes, thanks for asking that. Elder abuse can be a significant concern for urban Indians as well. The first thing that I would talk about is cultural differences. So, when we go back to thinking about elder abuse codes on the reservation, they're all written different, right? And they, in there, identify age, and each tribal code is written different age. So, you think about working with an urban Indian. And they don't identify as an elder, but it is elder abuse. They are experiencing elder abuse. That can be an example of that cultural difference. And then identifying that they've been a victim of abuse, seeking services.

And then also understanding and working with somebody that understands that their experience with not maybe identifying as an elder, which would be understanding the cultural values and practices of an urban Indian. Also, isolation, urban, urban living and limit limited access to cultural traditions and supports is also a

big factor for urban Indians, especially if they are not able to participate in doing traditional healing ceremonies, when abuse has taken place, that's a big predictor that there's going to be isolation and probably less reporting will go into that. Um, less, there's probably not a lot of cultural relevant or responsive services to American Indians when abuse happens and then the historical trauma that comes into play when we discuss abuse. So again, elder abuse is significant concern for urban Indians, and we really have to understand how to serve them because they also still have those strong cultural roots, values and practices that they come from.

**Jennifer Spoeri:** Yeah, it's really recognizing it too, you know?

**Bill Benson:** If I could jump in for just a moment on that. The reality in it, this is really surprises most people, and it surprised me when I learned it that as much as 70 percent or more of the American Indian Alaska Native population no longer lives on tribal land. It is a diaspora, they are out there in our urban, suburban communities. And unlike some other populations, these folks don't tend to move into neighborhoods. You know, they're not living in the same community. They're just dispersed within the communities where they live. And so, they're hidden, they're invisible. And those who are obligated to serve them like existing Adult Protective Service programs, or Area Agencies on Aging, or others.

Often don't even know that they are in their communities, even though they are in almost any major city has a significant population of American Indians, Alaska Natives, and I have to quote one of our true patrons, if you will, patron saint of Adult Protective Services. There's a few of them, Kathleen Quinn. Kathleen Quinn ran Illinois Adult Protective Services program for years and one day she said to me, I've worked in State Government in 30 years, both for the State APS Program, the State Ombudsman Program, and the State Attorney General's Office. No one ever told me there was an American Indian in Chicago, when in fact, Chicago has one of the larger urban Indian populations.

So the challenge for state based APS programs and all others is to one know that they exist and then figure out how to provide services in a way that's appropriate as best they can, given all that Peggy Jo has said about what's not available to these urban based Indians today. It requires a great deal of sensitivity and thoughtful outreach to make these folks even aware that APS exists and and how they can get resolution in an abuse situation. They clearly can't go back very readily to their tribal community to get help when there's an abuse situation going on and they live in Chicago or Minneapolis or Los Angeles or Seattle.

**Jennifer Spoeri:** Right, right. And that's really incredible because that's where NAEJI comes in to provide that support to APS programs on how to work with these urban Indians, and in the community outreach to be culturally sensitive, and so this is incredible stuff. Everyone, what's your website? Is the website up and running? Is that something, it's in the ACL.

**Peggy Jo Archer:** Yeah. So, we are currently working on the website is up and running. We currently up there have our state and tribal hotlines, which are various hotlines that can be used throughout the United States.

So, if anybody is listening to this and goes on there and sees or knows of a really good support organization that should be on there, please send it to us. We would love to add it to that website. But also, we have a list of tribal codes on there so that people can see the different tribes that have the codes. And if there's one on there that we don't have, we would love to add that as well. But our website is on the IA Squared website. And then there's a tab that has the NAEJI.

**Jennifer Spoeri:** And it's also on the [elderjustice.acl.gov](http://elderjustice.acl.gov) website. And you can, all the different resource centers are there as well. So.

**Bill Benson:** And our website is [www.iasquared.org](http://www.iasquared.org).

**Jennifer Spoeri:** Spelled out "squared"?

**Bill Benson:** "iasquared" spelled out, yeah.

**Jennifer Spoeri:** Okay, great. Well, thank you so much. I have to say how much I appreciate you, Bill and Peggy Jo, for sharing your knowledge with us today and look for good things to come from IA Squared and AG. And thank you to all who listened to this podcast. Have a good rest of your day.

**Andrew Capehart:** Thanks so much for listening. The APS TARC is a project of the Office of Elder Justice and Adult Protective Services at the Administration for Community Living Administration on Aging Department of Health and Human Services, and is administered by WRMA, Incorporated a TriMetrix Company in partnership with the National Adult Protective Services Association.

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