

Tribal Elder Protection Team Adult Protective Services



Various professional disciplines are represented on the Elder Protection Team (EPT), one of which is the Adult Protection Services (APS) team member. Every state has an APS Department, but not all tribal communities have suspected reports of elder abuse are reported, while other tribes may rely on an Elderly Protection Program to conduct investigations. Finally, some tribes may not have a designated office to report suspected cases of elder abuse. Reports then fall to the tribal law enforcement department.

Adult Protective Services Definition

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.”¹

The Tribal Adult Protective Service Representative Role

1. Provides a designated representative from their agency to participate in regular EPT meetings, or will arrange for an alternate when unavailable
2. Provides information about the EPT to their agency staff to increase awareness and referrals
3. Makes client referrals to the EPT, when appropriate for the coordination of additional elder services
4. Shares appropriate client information to the EPT
5. Collaborates with EPT representatives to detect, investigate, intervene, and prevent additional abuse, neglect, and exploitation
6. Provides expert input, review of cases, and provides appropriate follow-up
7. Conducts case investigation and intervention, when appropriate
8. Acts as a liaison between the EPT and the APS agency

Eligibility for Adult Protective Services in Indian Country²

An individual must meet the basic requirements:

- Residing in designated service areas
 - ❖ Abuse that occurs on tribal land may be subject to tribal jurisdiction, based on whether the abuser and victim are American Indians
 - ❖ Federal law will apply to severe crimes regardless of where the crime took place
- Enrolled member of a federally-recognized tribe
- Over the age of 18 years and disabled, or an elderly person

Age for consideration may vary from tribe-to-tribe, but usually persons' age 55 years or older are considered elderly in some tribes

Services are provided for vulnerable adults and elderly persons when they are:

- Deprived temporarily or permanently of needed supervision by responsible adults
- Being neglected, abused, or exploited
- Needing services when they are mentally or physically handicapped or otherwise disabled
- Requiring assistance to manage their Individual Indian Money (IIM) or other financial accounts

Adult protective services provide cooperation with relevant court systems to make interventions and coordinate services to the elderly person including but not limited to any of the following:

- Coordinating with tribal courts system to provide services to investigate and provide documentation on allegations of abuse, neglect, and exploitation
- Coordination of other local services, such as community organizations, elderly services agencies, and facilities in the tribal community
- Coordinating with law enforcement and tribal courts to place the victim of suspected abuse out of the home to assure safety while the allegations are being investigated
 - ❖ It is preferred that the elderly person remains in their home (when possible), and the suspected offender be removed while the investigation takes place
- Working with other community agencies to identify and help clients to use services available for assistance

National Adult Protective Service Association: Guiding Principles and Practice Guidelines¹

The APS Representative should also follow the APS Guiding Principles and the NAPSA Practice Guidelines when developing a plan of action to address the identified needs and risks of the adult. The APS program is guided by Practice Guidelines that emphasize the need to:¹

- Recognize that the interests of the vulnerable adult are the first concern of any intervention
- Avoid imposing personal values on others
- Seek informed consent from the vulnerable adult before providing services
- Respect the vulnerable adult's right to keep personal information confidential
- Recognize client differences such as cultural, historical, and personal values
- Honor the rights of the vulnerable adult to receive information about their choices and options in a form or manner that they can understand
- To the best of the worker's ability, involve the vulnerable adult as much as possible in developing the service plan
- Focus on case planning that maximizes the vulnerable adult's independence and choice to the extent possible based on the vulnerable adult's capacity
- Use the least restrictive services and community-based services first, rather than institutionally based services whenever possible
- Use family and informal support systems first as long as this is in the best interest of the adult
- Maintain clear and appropriate professional boundaries
- In the absence of a vulnerable adult's expressed wishes, support casework actions that are in the older adult's best interest
- Use substituted judgment in case planning when historical knowledge of the older adult's values is available
 - ❖ Substituted Judgment is information regarding the patients' wishes from significant others, for their preferences for life support, drug therapy, fluid infusions, or supplemental nutrition distinguished from a decision based on an advance directive. Substituted judgments are relied upon when patients are unable to advocate for themselves, and are generally respected by health care workers³
- Do no harm. Inadequate or inappropriate intervention may be worse than no intervention

APS Report Documentation Procedures

APS programs have a systematic method of documenting the entire case process. When completing case documentation, the APS worker:⁴

- Values the importance of clear, concise, accurate and fact-based case documentation and reporting, and its long-term impact on the client and other involved parties
- Values accuracy, objectivity, and unbiased documentation of diverse cultures, lifestyles, and needs case recording and preparation of reports
- Respects and acknowledges the time frames necessary for the preparation and submission of case documentation and reports to the supervisor, to allow sufficient time for review and in conformance with mandated timelines for completion of required tasks
- Clearly supports the case finding
- Includes a confidentiality statement per the programs rules and regulation

APS Guiding Principles¹

- Respect the integrity and authority of victims to make their own life choices
- Hold perpetrators, not victims, accountable for the abuse and for stopping their behavior
- Avoid victim blaming questions and statements
- Take into consideration the victims' concepts of what safety and quality of life means
- Recognize resilience. Honor the strategies that victims have used in the past to protect themselves
- Redefine success. Success is defined by the victim, not by what professionals think is right or safe

References

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The NIEJI project has been retired, but they have granted NIJI permission to share materials.
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National Indigenous Elder Justice Initiative