

Advocates for Elders Target Proposed BIA Regulations

An estimated 2,000 delegates from throughout Indian Country will convene in Duluth, Minnesota, soon for a conference of the National Indian Council on Aging, or NICOA. The theme of the conference will be developing a spiritual message for America, but some delegates also hope to send a message to the Bureau of Indian Affairs. They are concerned about proposed BIA regulations governing Individual Indian Money or IIM accounts, the federal accounts holding income from individual Indians' trust lands.

Conference delegate Andrew Joseph, a Tribal Elder and director of the Area Agency on Aging for the Colville Tribes, fears the regulations will harm many elderly and disabled Tribal members. He is especially concerned by BIA's plan to require guardianships of elderly and disabled Tribal members before the agency will supervise disbursement of IIM funds. Supervised accounts are often used by Elders' advocates to protect Elders' money from exploitation, and to insure necessary expenses are paid. Supervision of accounts by the BIA can also be important because funds held on deposit in a restricted IIM account will not count as income or a resource for federal benefit programs, such as Medicaid and SSI.

"Guardianships are expensive, and they're disrespectful for many Elders. It's one thing if a loving family needs a guardianship order to care for an incompetent Elder. It's another thing to make families get a

guardianship just so BIA will help manage their money. And in many cases there is no suitable guardian available," explains Joseph. "That's why we get BIA supervision in the first place. The BIA's ideas just don't make sense."

Some advocates believe that Interior Secretary Bruce Babbitt is trying to drastically limit the BIA's role in managing trust funds in response to *Cobell v. Babbitt*, the nationwide class action in which Babbitt was found in contempt of court over his agency's failure to keep accurate records of IIM funds. "It's incredible that BIA will admit to a court that it has a trust responsibility to keep better records of the money, but then reverse policies that have allowed BIA to help manage those funds for elderly and disabled Tribal members. What kind of a trustee is that?," questions Dave Baldrige, Executive Director of NICOA.

Advocates for Indian children are also concerned that the proposed regulations, provide inadequate protection for minors' IIM accounts. "The government should set a high standard for protecting children's trust funds, to assure they aren't paid out to parents or guardians unless the child has a real, immediate need for the money. The BIA needs to make sure funds are paid to the real custodian for the child, not to someone who hasn't had custody for a year," argues Ray E. Olney, director of Yakama Nation's children's program, NakNuWeSha. "Parents should be encouraged to

Advocates also believe that the proposed IIM regulations, before they are adopted, should be modified to:

- Preclude state child support agencies from filing encumbrances on IIM accounts;
- Preclude the federal agencies from filing claims against IIM funds;
- Require increased funding and training for BIA staff, so that they can appropriately supervise IIM accounts for vulnerable Tribal members;
- Preserve funds for "missing" IIM account holders, and increasing efforts to locate these tens of thousands of Tribal members who have been out of contact with their Tribe and the BIA;
- Restrict the role of state courts in the lives of IIM account holders.

leave children's IIM money in their accounts, so they'll have it for their future." Tribal members on Olney's reservation, represented by Columbia Legal Services, have prepared a detailed analysis of the proposed regulations. That analysis is available on the NICOA website, www.nicoa.org, under "policy statements."

Robert Shuckahosee and LaDonna Fowler, co-founders of AIRROW (American Indian Rehabilitation Rights Organization of Warriors), are also opposing the regulations. Fowler, Chairperson of the National Congress of American Indians (NCAI) Sub-Committee on Disability, is particularly concerned about Tribal members with alcohol and drug problems who would lose the protection of supervised IIM funds, unless they have a guardian. AIRROW hopes that IIM account holders will submit comments by the October 12 deadline.

Shuckahosee believes that "guardianships go against the grain of cul-

ture in opening up legal and court systems that may not be necessary." He also fears that even if the Tribal courts agree to take jurisdiction over the thousands of people who need financial help, that many of these matters could eventually end up in the state court and state administrative systems "when Tribes cannot handle all of the issues of guardianship for the disabled." The proposed regulations would allow the guardianships to be filed in any court of "competent jurisdiction."

But the BIA is not waiting for the new regulations to take effect before they require guardianship orders. NCAI and Tribal representatives recently have been informed that the BIA staff is working on a change to the BIA handbook which will take effect within the next 30 days, which will implement the requirement that the BIA has to have a court order in order to supervise an IIM account.

For more information, contact Helen Spencer at (509) 575-5593 or e-mail: Helen.Spencer@Columbialegal.org.

CHINUK-WAWA CLASS OFFERED

nix'a nəsayka munk skukəm nəsayka chinuk-wawa.
 "Let's work on strengthening our Chinuk-wawa (Jargon)."

Another multi level three-credit class in chinuk-wawa will be offered in September. It will be conducted by the Tribe's Language Program and sponsored by the University of Oregon. The ten-week course will begin September 25, and will be held on Monday nights from 6pm - 9pm in the Tribal Governance Center. Individuals interested in applying for this class should contact the Tribe's Language Specialist Tony Johnson at (503) 879-2084 or email: tony.johnson@grandronde.org

DIABETES AND KIDNEY DISEASE: A Guide for American Indians and Alaska Natives

NEW YORK, NY — One in every five American Indians and Alaska Natives has diabetes, which is the number one cause of kidney failure in the United States today. This high incidence of diabetes causes American Indians and Alaska Natives to develop kidney failure three times more often than whites, says the National Kidney Foundation (NKF). To help people in these communities learn more about two of the diseases that disproportionately affect them, the NKF has created a new educational brochure, "Diabetes and Kidney Disease: A Guide for American Indians and Alaska Natives."

Written in question-and-answer format, "Diabetes and Kidney Disease" provides important information about the prevention, control and treatment of both diseases. Readers will learn the symptoms of diabetes, the early signs of kidney damage and treatment options for kidney failure.

Though all American Indians and Alaska Natives are at increased risk for developing Type II diabetes, both diabetes and kidney disease can be prevented. For a free copy of "Diabetes and Kidney Disease: A Guide for American Indians and Alaska Natives," contact the National Kidney Foundation at (800) 622-9010.

The National Kidney Foundation is the nation's leading voluntary health agency dedicated to preventing kidney and urinary tract diseases, improving health and well-being of individuals and families affected by these diseases, and increasing the availability of all organs for transplantation.

Voc Rehab Monitoring Session Conference held in Grand Ronde

By Jon George

The Tribe's Vocational Rehabilitation program hosted a monitoring session conference at Spirit Mountain Casino on August 14-16.

Native American Tribes from around the Northwest who have the privilege of acquiring a Native American Rehabilitation Project 121 Grant attended the conference. Tribes from Alaska, Idaho, Montana, Washington State, Oregon, Arizona, and Northern California attended.

The conference was facilitated by Richard Corbridge, Assistant Commissioner for Region X. The conference was designed to bring the Northwest Tribes together to discuss program issues and concern, to improve rehab projects and to share information between all programs.

The Grand Ronde Vocational Rehabilitation program would like to thank the Tribal Council for their gracious donation, which allowed us to extend our hospitality to our guests. The participants were given a tour of our Tribal facilities and escorted to a trip to the beach in Lincoln City.

We would especially like to extend a sincere thank you to Chairwoman Kathryn Harrison for taking time out of her busy schedule to address the conference, and also to Bob Martin for welcoming the Northwest Tribes.

The conference was a huge success and the participants were deeply appreciative of the way the Confederated Tribes of Grand Ronde treated their guests.

Photo by Justin Phillips



Participants from Tribes in Alaska, Idaho, Montana, Washington, Oregon, Arizona, and Northern California attended a Vocational Rehabilitation monitoring session conference at Spirit Mountain Casino on August 14-16.