

## New law protects vulnerable adults

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FARMINGTON — The Navajo Nation Council on Tuesday voted unanimously in favor of an act that protects vulnerable adults from discrimination, abuse, retaliation, exploitation and neglect.

If President Ben Shelly signs the act into law, the Navajo Vulnerable Adult Protection Act will be the first on Navajo land to protect vulnerable adults ages 18 to 54. Previously, Navajo law protected only children and elderly from abuse and neglect.

“There’s an early childhood protection act on the books that protects children from 0 to 17, then there’s an elderly protection act that’s 55 and above,” said Hoskie Benally, community and government liaison for the Native American Disability Law Center in Farmington.

“There was no law on the books to protect vulnerable adults with disabilities,” he said. “No one ever advocated for it. There was a gap in protection.”

An estimated 30 percent of adults age 21 through 54 living on the Navajo Nation have a disability.

The purpose of the act is to “provide for the physical and mental well-being of all individuals, which includes the protection of vulnerable adults and the prevention of their abuse, neglect and exploitation,” the act states.

The act protects adults from physical, verbal, sexual and emotional abuse, and from neglect or abandonment. Specifically, it protects them from intimidation, threats, unreasonable confinement or any other acts of cruelty “which result in physical or other harm on any person or on property.”

“It is the policy of the Navajo Nation to respect, revere and protect all individuals, their communities and their unique qualities,” the act states. “It is in the Navajo Nation’s best interest and welfare to enact laws to protect vulnerable adults. This act shall be liberally interpreted in order to achieve this purpose.”

The act also calls for a civil penalty of up to \$500 for anyone who fails to report abuse or neglect, and for law enforcement to be available 24 hours per day to respond to and investigate such reports, including conducting immediate welfare checks.

Law enforcement officers will provide reports to the Office of the Prosecutor, which will determine the need for legal intervention, including further investigation, possible prosecution and emergency protection orders.

The Native American Disability Law Center, a nonprofit organization that advocates for the legal rights of American Indians with disabilities, has worked for six years to draft the act, Benally said.

The act made it to the floor of the Navajo Nation Council three times before it passed, he said.

When delegates failed to approve it in January 2010, they asked for more details about rules and responsibilities of specific divisions of the Navajo government and social services, Benally said. The Native American Disability Law Center solicited input from everyone affected by the law: criminal investigators, law enforcement officers, tribal

attorneys and judges, social workers, the Navajo Office of the Prosecutor and advocacy groups to put together the final draft in June 2010.

It went before the Council again in January 2011. That session was the final time the former 88-delegate Council convened, however, and by the time the act got to the floor a quorum was no longer present.

Advocates of the act waited another year before presenting it again to the Council.

The legislation was sponsored by Danny Simpson, delegate representing the Becenti, Lake Valley, Nahodishgish, Standing Rock, Whiterock, Huerfano, Nageezi and Crownpoint chapters. It passed 21-0 during the second day of the Council's winter session.

"It's been a long haul," Benally said of the process. "But we're now looking forward to having the president sign it into law. Then we will go out and do some education to let people know about the act and what it does. That's our next challenge."

The act establishes a legal framework for reporting, investigating and prosecuting abuse and neglect committed against adults with disabilities, including those with mental illnesses.

The uniqueness of the act, Benally said, is that "it doesn't require the victim to be removed from the home, as is common practice."

"Usually they are taken out of the home and put into an institution," he said. "This law says the perpetrator will be removed from the home instead."

The act, also known as the Doris Act, is named for Doris Dennison, a Navajo community activist who advocates for the rights of those with disabilities.