

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



August 2, 2021

Hon. Seth Damon
Office of the Speaker
Post Office Box 3390
Window Rock, AZ 86515

RE: CJY-44-21, *An Act Relating to Law and Order, Health, Education and Human Services, Naabik'iyati' Committee and the Navajo Nation Council; Amending Section 1703 (E) of the Navajo Nation Child Support Enforcement Act, Title 9, Navajo Nation Code*

Dear Speaker Damon,

We have said previously that Navajo Fundamental Law recognizes the importance of our children in Navajo society and we must ensure they are protected, cared for, and supported. Our children deserve emotional and financial stability provided by loving parents; it is one way we can ensure our children are provided every opportunity for success in life.

It is critical that our Navajo Nation Department of Child Support Services (NNDCSS) receive federal funding to fully operate and continue to provide much needed services, such as enforcement of child support Orders. The amendment to section 1703 (E) ensures that children, including those that are 18 years of age, are defined as a Child pursuant to the Navajo Nation Code and qualify for federal funding that is available to the NNDCSS.

To protect our precious young ones, to help our future generations, and to provide potential to each deserving Navajo child, we sign CJY-44-21 into law.

Sincerely,


Jonathan Nez, *President*
THE NAVAJO NATION


Myron Lizer, *Vice President*
THE NAVAJO NATION

RESOLUTION OF THE
NAVAJO NATION COUNCIL
24th NAVAJO NATION COUNCIL - THIRD YEAR, 2021

AN ACTION
RELATING TO LAW AND ORDER, HEALTH, EDUCATION AND HUMAN SERVICES,
NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING
SECTION 1703(E) OF THE NAVAJO NATION CHILD SUPPORT ENFORCEMENT
ACT, TITLE 9, NAVAJO NATION CODE

BE IT ENACTED

SECTION ONE. AUTHORITY

- A. The Law and Order Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 600(A). The committee is empowered to review and make recommendations to the Navajo Nation Council on proposed Navajo Nation Code amendments and enactments. 2 N.N.C. §§ 164(A)(9) and 601(B)(14).
- B. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council. The committee is empowered to provide legislative oversight on matters involving health and social services, oversee Navajo Nation policies and priorities to optimize the delivery of social services and health services to the Navajo people, and review and recommend resolutions relating to social services and health. See 2 N.N.C. §§ 400(C)(1), (4) and 401(B)(6)(a).
- C. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council. Proposed legislation requiring final action by the Navajo Nation Council are assigned to the Naabik'íyáti' Committee. 2 N.N.C. §§ 164(A)(9) and 700(A).
- D. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102(A). The Council must review and approve enactments or amendments or positive law. 2 N.N.C. § 164(A).

SECTION TWO. FINDINGS

- A. By CJA-05-21, the Navajo Nation Council enacted amendments to the Navajo Nation Child Support Enforcement Act. This resolution was signed into law by Navajo Nation President Jonathan Nez on February 11, 2021.
- B. Pursuant to the Social Security Act, the Secretary of the Department of Health and Human Services is authorized to provide funding to tribal child support enforcement programs. 42 U.S.C. § 655(f).

- C. The Secretary of the Department of Health and Human Services has the duty/authority to review and approve child support plans for states and tribes pursuant to 42 U.S.C. § 652(a)(3) of the Social Security Act.
- D. In respect to Federal Child Support Program grants, the Code of Federal Regulations, at 45 C.F.R. § 309.90(a), provide:

§ 309.90 What governing Tribal law or regulations must a Tribe or Tribal organization include in a Tribal IV-D plan?

(a) A Tribe or Tribal organization must include in its Tribal IV-D plan Tribal law, code, regulations, and/or other evidence that provides for:

- (1) Establishment of paternity for any child up to and including at least 18 years of age;
- (2) Establishment and modification of child support obligations;
- (3) Enforcement of child support obligations, including requirements that Tribal employers comply with income withholding as required under § 309.110; and
- (4) Location of custodial and noncustodial parents.

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- E. The Navajo Nation Child Support Enforcement Act defines a "child" as "any person under the age of 18 who is not emancipated according to the laws of the Navajo Nation who is alleged to be the natural or adopted child(ren) of an absent/non-custodial parent or custodial parent." 9 N.N.C. § 1703(E).
 - F. The U.S. Office of Child Support Enforcement, Administration for Children and Families, has provided notice to the Navajo Nation of federal grant requirements. See **Exhibit A**.
 - G. For purposes of complying with federal tribal child support grant requirements, it is in the best interests of the Navajo Nation to amend the Navajo Nation Child Support Enforcement Act.

SECTION THREE. AMENDING SECTION 1703(E) OF NAVAJO NATION CHILD SUPPORT ENFORCEMENT ACT

A. The Navajo Nation hereby amends the Navajo Nation Child Support Enforcement Act as follows:

§1703. Definitions

For purposes of this Act:

E. "Child" means any person ~~under the age of 18~~ up to and including at least 18 years of age who is not emancipated according to the laws of the Navajo Nation who is alleged to be the natural or adopted child(ren) of an absent/non-custodial parent or custodial parent.

B. Concerning this action, the Navajo Nation Department of Child Support Services, upon advice of the Navajo Nation Department of Justice, shall ensure other necessary information is provided the U.S. Office of Child Enforcement Services, including the organizational chart requested.

SECTION FOUR. SAVINGS CLAUSE

Should any part of this action be determined invalid by the Navajo Nation Supreme Court or the District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, portions not determined invalid shall remain the law of the Navajo Nation.

SECTION FIVE. CODIFICATION

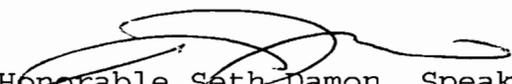
The provisions of this action that amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions into the next codification or supplement of the Navajo Nation Code.

SECTION SIX. EFFECTIVE DATE

This action shall become effective in accord with 2 N.N.C. § 221(B).

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the 24th Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 21 in Favor, and 00 Opposed, on this 22nd day of July 2021.


Honorable Seth Damon, Speaker
24th Navajo Nation Council

7-26-2021

DATE

Motion: Honorable Nathaniel Brown
Second: Honorable Thomas Walker, Jr.

Speaker Seth Damon not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this 02 day of August, 2021.


Jonathan Nez, President
Navajo Nation

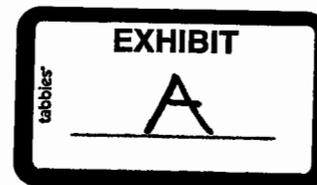
2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this _____ day of _____, 2021 for the reason(s) expressed in the attached letter to the Speaker.

Jonathan Nez, President
Navajo Nation



ADMINISTRATION FOR
CHILDREN & FAMILIES

Office of Child Support Enforcement | 330 C Street, S.W., 5th Floor
Washington, DC 20201 | www.acf.hhs.gov/css



May 19, 2021

Jonathan Nez, President
Navajo Nation
PO Box 7050
Window Rock, AZ 86515

Dear President Nez:

We received your tribal child support program plan amendment on April 20, 2021. In accordance with 45 CFR 309.40(c), OCSE requests additional information. The enclosure lists the information we need to make a final determination.

You can submit your response by email to OCSE.Tribal@acf.hhs.gov or by mail to:

Commissioner
Office of Child Support Enforcement
330 C Street, SW, 5th Floor
Washington, DC 20201

If you have questions or need additional information, contact your Regional Program Manager, Elise Wing at Elise.Wing@acf.hhs.gov or 415-438-8480. You can also contact the OCSE tribal team for assistance at OCSE.Tribal@acf.hhs.gov.

Sincerely,

Linda Boyer
Acting Commissioner

Enclosure

cc: Dr. Perphelia Fowler, Division Director, Division of Human Resources, Navajo Nation
Judy Platero, Tribal IV-D Program Manager, Navajo Nation
Elise Wing, Regional Program Manager, Region 9
Tracy Donovan, Program Specialist, Region 9
Melissa Johnson, Director, OCSE Division of Regional Operations

Additional Information Requested:

OCSE has reviewed Navajo Nation's plan amendment and requires additional information or clarification for these items:

- In accordance with 45 CFR 309.90(a)(1), the tribal child support program must have laws or regulations for the establishment of paternity for any child up to and **including at least 18 years of age**. Under section 1703 of the Navajo Nation Child Support Enforcement Act, "child means any person under the age 18 who is not emancipated according to the laws of the Navajo Nation who is alleged to be the natural or the adopted child(ren) of an absent/non-custodial parent or custodial parent." To comply with section 309.90(a)(1), the tribe must revise this definition to include a child who is 18 years of age.
- Please provide the most current organizational chart.

NAVAJO NATION

847

Navajo Nation Council Summer Session

7/22/2021
03:51:24 PM

Amd# to Amd#

Consent Agenda Items (D)

PASSED

MOT Brown
SEC Walker, T

Yeas : 21

Nays : 0

Excused : 0

Not Voting : 2

Yea : 21

Begay, E	Daniels	Nez, R	Tso, D
Begay, K	Freeland, M	Slater, C	Tso, E
Begay, P	Halona, P	Smith	Walker, T
Brown	Henio, J	Stewart, W	Yazzie
Charles-Newton	James, V	Tso	Yellowhair
Crotty			

Nay : 0

Excused : 0

Not Voting : 2

Wauneka, E Tso, C

Presiding Speaker: Damon