

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0093-21_

SPONSOR: Daniel Tso

TITLE: An Act Relating to Law and Order, Health, Education and Human Services, Naabik'iyáti' Committees and the Navajo Nation Council; Amending Section 1703 (E) of the Navajo Nation Child Support Enforcement Act, Title 9, Navajo Nation Code

Date posted: June 08, 2021 at 7:37PM

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Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0093-21

DATE: June 8, 2021

TITLE OF RESOLUTION: AN ACT 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

PURPOSE: This resolution, if adopted, would amend section 1703(E) of the Navajo Nation Child Enforcement Act (the entire law appears at 9 N.N.C. § 1701 *et seq.*). The amendment will amend the Child Enforcement Act to include children 18 years old and younger. The change is necessary for purposes of federal grant requirements and other purposes.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD VSpredhase
Website Posting Time/Date _____
Posting End Date: June 13, 2021
Eligible for Action: June 14, 2021

Law and Order Committee
Thence
Health Education & Human Services Committee
Thence
Naabik'iyáti' Committee
Thence
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 24th NAVAJO NATION COUNCIL -- Third Year, 2021

3 INTRODUCED BY

4 

5 (Prime Sponsor)

6 TRACKING NO. 0093-21

7 AN ACT

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

12 BE IT ENACTED:

13 SECTION ONE. AUTHORITY

14 A. The Law and Order Committee is a standing committee of the Navajo Nation Council.
15 2 N.N.C. § 600(A). The committee is empowered to review and make recommendations
16 to the Navajo Nation Council on proposed Navajo Nation Code amendments and
17 enactments. 2 N.N.C. §§ 164 (A)(9) and 601 (B)(14).

18 B. The Health, Education and Human Services Committee is a standing committee of the
19 Navajo Nation Council. The committee is empowered to provide legislative oversight on
20 matters involving health and social services, oversee Navajo Nation policies and priorities
21 to optimize the delivery of social services and health services to the Navajo people, and
22 review and recommend resolutions relating to social services and health. See 2 N.N.C.
23 §§400 (C)(1), (4) and 401 (B)(6)(a).

1 C. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council.
2 Proposed legislation requiring final action by the Navajo Nation Council are assigned to
3 the Naabik'iyáti' Committee. 2 N.N.C. §§ 164 (A)(9) and 700 (A).

4 D. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §
5 102(A). The Council must review and approve enactments or amendments or positive
6 law. 2 N.N.C. § 164 (A).

7
8 **SECTION TWO. FINDINGS**

9 A. By CJA-05-21, the Navajo Nation Council enacted amendments to the Navajo Nation
10 Child Support Enforcement Act. This resolution was signed into law by Navajo Nation
11 President Jonathan Nez on February 11, 2021.

12 B. Pursuant to the Social Security Act, the Secretary of the Department of Health and
13 Human Services is authorized to provide funding to tribal child support enforcement
14 programs. 42 U.S.C. §655(f).

15 C. The Secretary of the Department of Health and Human Services has the duty/authority
16 to review and approve child support plans for states and tribes pursuant to 42 U.S.C.
17 §652(a)(3) of the Social Security Act.

18 D. In respect to Federal Child Support Program grants, the Code of Federal Regulations,
19 at 45 C.F.R. § 309.90(a), provide:

20
21 _____
22 § 309.90 What governing Tribal law or regulations must a Tribe or Tribal organization
include in a Tribal IV-D plan?

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

25 (1) Establishment of paternity for any child up to and including at least 18 years of
26 age;

27 (2) Establishment and modification of child support obligations;

28 (3) Enforcement of child support obligations, including requirements that Tribal
29 employers comply with income withholding as required under § 309.110; and

30 (4) Location of custodial and noncustodial parents.

1 ****

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3 _____
4 E. The Navajo Nation Child Support Enforcement Act defines a "child" as "any person
5 under the age of 18 who is not emancipated according to the laws of the Navajo Nation
6 who is alleged to be the natural or adopted child(ren) of an absent/non-custodial parent or
7 custodial parent." 9 N.N.C. § 1703(E).

8 F. The U.S. Office of Child Support Enforcement, Administration for Children and
9 Families, has provided notice to the Navajo Nation of federal grant requirements. See
10 **Exhibit A.**

11 G. For purposes of complying with federal tribal child support grant requirements, it is in
12 the best interests of the Navajo Nation to amend the Navajo Nation Child Support
13 Enforcement Act.

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

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

18 _____
19 ****

20 **§1703. Definitions**

21 For purposes of this Act:

22 ****

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

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

1 requested.

2 **SECTION FOUR. SAVINGS CLAUSE**

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

6
7 **SECTION FIVE. CODIFICATION**

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

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13 **SECTION SIX. EFFECTIVE DATE**

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