TITLE: 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

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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.
PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL -- Third Year, 2021
INTRODUCED BY

[Signature]

(Prime Sponsor)

TRACKING NO. 0095-21

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

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’iyati’ 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’iyati’ 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.
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:

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§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.

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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.
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).