

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0114-26\_\_

SPONSOR: Eugenia Charles-Newton

**TITLE: An Action Relating to the Naabik'iyáti' Committee; Condemning Any Action by a State or State-Licensed Agency that Denies Navajo Children in or Entering Custody the Right to Participate in Traditional Diné Ceremonies, Prayers, and Spiritual Practices**

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**LEGISLATIVE SUMMARY SHEET**

**Tracking No.** 0114-26

**DATE:** May 29, 2026

**TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; CONDEMNING ANY ACTION BY A STATE OR STATE-LICENSED AGENCY THAT DENIES NAVAJO CHILDREN IN OR ENTERING CUSTODY THE RIGHT TO PARTICIPATE IN TRADITIONAL DINÉ CEREMONIES, PRAYERS, AND SPIRITUAL PRACTICES**

**PURPOSE:** This legislation, if approved, will condemn any action by any state or state-licensed agency that denies, restricts, or interferes with the inherent right of Navajo children who are in, or who are entering, custody to participate in traditional Diné ceremonies, prayers, and spiritual practices.

**FINAL AUTHORITY:** Naabik'íyáti' Committee


**VOTE REQUIRED:** Simple Majority

**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: 4-2-26  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 06-16-26  
Eligible for Action: 06-17-26

1 PROPOSED STANDING COMMITTEE RESOLUTION  
2 25<sup>th</sup> NAVAJO NATION COUNCIL—Fourth Year, 2026

3 Introduced by:

4   
5 \_\_\_\_\_

6 Primary Sponsor

7  
8 Tracking No. 0114-26

9  
10 AN ACTION

11 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; CONDEMNING  
12 ANY ACTION BY A STATE OR STATE-LICENSED AGENCY THAT  
13 DENIES NAVAJO CHILDREN IN OR ENTERING CUSTODY THE  
14 RIGHT TO PARTICIPATE IN TRADITIONAL DINÉ CEREMONIES,  
15 PRAYERS, AND SPIRITUAL PRACTICES

16  
17 WHEREAS:

- 18 A. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation  
19 Council empowered to coordinate all request for information, appearances, and  
20 testimony related to proposed county, state, and federal legislation impacting the  
21 Navajo Nation. 2. N.N.C. §§ 700 (A) and 701 (A)(6).
- 22 B. The Navajo Nation is a sovereign tribal nation with an enrolled citizenry exceeding  
23 420,000 members and maintains government-to-government relations with the  
24 United States federal government, state governments throughout the United States,  
25 including but not limited to the States of Arizona, New Mexico, and Utah, and the  
26 counties within and adjacent to the Navajo Nation's territorial jurisdiction.
- 27 C. The Navajo Nation, through *Diyin Bits'áádéé' Beehaz'áanii* (*Diné* Traditional  
28 Law), recognizes that the *Diné* Life Way is a holistic approach to living, that the  
29 various spiritual healings through worship, song, and prayer (*Nahaghá*) must be  
30 preserved, taught, maintained, and performed in their original forms, and that elders

1 and medicine people are the teachers of traditional laws, values, and principles. 1  
2 N.N.C. §§ 203 (G) and (H).

3 D. The Navajo Nation, through *Diyin Dine'é Bitsqadęę Beenahaz'áanii* (*Diné*  
4 Customary Law), recognizes and protects among other rights and freedoms of the  
5 Diné people: the teaching and preservation of the sacred system of *k'é*, based upon  
6 the four original clans of *Kiiyaa'áanii*, *Tódich'ii'nii*, *Hashtl'ishnii*, and  
7 *Honágháahnii*, and all descendant clans the teaching and preservation of the sacred  
8 Diné language, *nihiiinéí'*; the right of every child to be respected, honored, and  
9 protected with a healthy physical and mental environment, free from all abuse; and  
10 the right of children to receive education that empowers them to absorb wisdom  
11 and self-knowledge each of which is exercised, in part, through participation in  
12 traditional Diné ceremony. 1 N.N.C. § 204.

13 E. The Navajo Nation Bill of Rights further guarantees the free exercise of religion to  
14 all persons within the Navajo Nation. 1 N.N.C. § 4.

15 F. The Indian Child Welfare Act ("ICWA"), Pub. L. No. 95-608, 92 Stat. 3069  
16 codified as amended at 25 U.S.C. §§ 1901-1963, was enacted by Congress to  
17 "protect the best interests of Indian children and to promote the stability and  
18 security of Indian tribes and families" by establishing minimum federal standards  
19 for state child custody proceedings that reflect "the unique values of Indian  
20 culture."

21 G. The American Indian Religious Freedom Act ("AIRFA"), Pub. L. No. 95-341, 92  
22 Stat. 469 (1978) codified at 42 U.S.C. § 1996, declares the policy of the United  
23 States is to "protect and preserve for American Indians their inherent right of  
24 freedom to believe, express, and exercise the traditional religions of the American  
25 Indian," including "access to sites, use and possession of sacred objects, and the  
26 freedom to worship through ceremonials and traditional rites."

27 H. The AIRFA Amendments of 1994, 42 U.S.C. § 1996(a), expressly provide that "the  
28 use, possession, or transportation of peyote by an Indian for bona fide traditional  
29 ceremonial purposes in connection with the practice of a traditional Indian religion  
30 is lawful, and shall not be prohibited by the United States or any State," and that

1 "no Indian shall be penalized or discriminated against on the basis of such use,  
2 possession or transportation."

3 I. The States of Arizona and New Mexico, which together with the State of Utah  
4 encompass the lands of the Navajo Nation, have each enacted state Religious  
5 Freedom Restoration Acts (A.R.S. § 41-1493 et seq.; NMSA § 28-22-1 et seq.) that  
6 prohibit state and local governments from substantially burdening a person's  
7 exercise of religion absent a compelling governmental interest pursued by the least  
8 restrictive means; and the State of Utah extends free-exercise protections through  
9 Article I, § 4 of its Constitution.

10 J. Traditional *Diné* ceremonies, prayers, and spiritual practices including practices  
11 already publicly recognized under federal law such as the ceremonies of the Native  
12 American Church protected by 42 U.S.C. § 1996(a), and including widely  
13 documented life-stage observances such as the *Kinaaldá*, the four-day *Diné*  
14 coming-of-age ceremony for young women are foundational to the formation of a  
15 *Diné* child's identity, sense of belonging, and connection to family, clan,  
16 community, and Nation.

17 K. Participation in ceremony is not a personal preference but a cultural and spiritual  
18 continuity, healing, balance (*hózhó*), and the proper transmission of teachings from  
19 one generation to the next; the absence of ceremony at the proper time and in the  
20 proper manner causes spiritual, emotional, and developmental harm that cannot be  
21 remedied retroactively.

22 L. From time to time, Navajo children enter the custody of state child welfare systems  
23 in Arizona, New Mexico, Utah, and other states; and concerns have been raised by  
24 Navajo families, leaders, and community members that Navajo children in such  
25 custody may be at risk of being denied access to participate in traditional  
26 ceremonies, denied the use of sacred medicines, denied the presence of family  
27 members or recognized *Hataalii* (medicine people), or denied the use, possession,  
28 or transportation of sacred items necessary to ceremony.

29 M. Any such denial, whether by direct prohibition, scheduling refusal, transportation  
30 refusal, refusal to permit the presence of family members or medicine people,

1 refusal to permit the use of sacred items or medicines, or any other action or  
2 inaction, constitutes a substantial burden on the child's religious exercise, a  
3 violation of the child's rights under *Diyin Bits'áádéé' Beehaz'áanii*, *Diyin Dine'é*  
4 *Bitsqqdęę Beenahaz'áanii*, and a continuation of historical patterns of forced  
5 assimilation that ICWA, AIRFA, and the Navajo Nation Bill of Rights were  
6 enacted to remedy.

- 7 N. The identification, sequencing, content, and conduct of certain *Diné* ceremonies are  
8 sacred and protected, and authority to determine whether a particular practice  
9 constitutes a recognized *Diné* ceremony, and what that ceremony requires, rests  
10 with the child's family, clan, recognized *Hataalii*, and the appropriate offices of the  
11 Navajo Nation and not with any state agency, state court, or non-Navajo authority.

12  
13 **NOW, THEREFORE, BE IT RESOLVED:**

- 14 A. The Navajo Nation hereby condemns any action by any state or state-licensed  
15 agency that denies, restricts, or interferes with the right of any Navajo child who is  
16 in or who is entering, the custody of such agency to participate in traditional *Diné*  
17 ceremonies, prayers, and spiritual practices, as protected by *Diyin Bits'áádéé'*  
18 *Beehaz'áanii*, *Diyin Dine'é Bitsqqdęę Beenahaz'áanii*, the Navajo Nation Bill of  
19 Rights, the Indian Child Welfare Act, the American Indian Religious Freedom Act  
20 and its 1994 Amendments, and applicable state Religious Freedom Restoration  
21 Acts.
- 22 B. The Navajo Nation affirms that the right described in subsection (A) encompasses,  
23 without limitation: (1) participation in ceremony in the manner and at the time  
24 required by *Diné* teaching, including ceremonies that must be performed at specific  
25 life stages or in response to specific circumstances; (2) transportation to and from  
26 the place where ceremony is conducted; (3) the presence and active participation of  
27 parents, extended family, clan relatives, and recognized *Hataalii*; (4) the use,  
28 possession, and transportation of sacred items and traditional medicines, including  
29 peyote as protected by 42 U.S.C. § 1996a; (5) the confidentiality of the content,  
30 location, and conduct of ceremony, with no disclosure of sacred information to any

1 non-Navajo authority required as a condition of participation; and (6) teaching and  
2 practice in the *Diné* language as part of ceremony.

3 C. The Navajo Nation affirms the authority to determine whether a particular practice  
4 constitutes a recognized *Diné* ceremony, and what that ceremony requires, rests  
5 with the child's family, clan, recognized *Hataalii*, and the appropriate offices of the  
6 Navajo Nation and not with any state agency, state court, or non-Navajo authority.

7 D. The Navajo Nation condemns any denial of the rights including, scheduling refusal,  
8 transportation refusal, refusal to permit the presence of family or *Hataalii*, refusal  
9 to permit the use of sacred items or medicines, or any other action or inaction to  
10 constitute a substantial burden on the religious exercise of the child, a violation of  
11 the child's rights.

12 E. The Navajo Nation hereby authorizes the Navajo Nation President, Navajo Nation  
13 Vice-President, and the Speaker of the Navajo Nation Council and their designees  
14 to take all steps necessary to advocate for the Navajo Nation's position with respect  
15 to this resolution.