

LEGISLATIVE SUMMARY SHEET

Tracking No. 0084-19

DATE: April 5, 2019

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; AMENDING THE NAVAJO NATION REGULATIONS FOR FAMILY FOSTER/GROUP HOME STANDARDS

PURPOSE: If approved, this resolution will approve and adopt the amended Regulations for Family Foster/Group Home Standards.

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: 2am Bgg
Website Posting Time/Date: _____
Posting End Date: 4/14/19
Eligible for Action: 4/15/19

PROPOSED STANDING COMMITTEE RESOLUTION
24th NAVAJO NATION COUNCIL -- First Year, 2019

INTRODUCED BY


(Sponsor)

TRACKING NO. 0084-19

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; AMENDING
THE NAVAJO NATION REGULATIONS FOR FAMILY FOSTER/GROUP HOME
STANDARDS

BE IT ENACTED:

Section One. Authority

A. The Health, Education and Human Services Committee ("HEHSC") is a standing committee of the Navajo Nation Council. It has oversight authority over the Navajo Nation Division of Social Services. 2 N.N.C. § 401(C)(1). HEHSC was established, *inter alia*, for the purpose of promulgating regulations, promoting accountability to policies, and providing legislative oversight on matters involving health, social services, education general government services and human services. 2 N.N.C. § 400(C)(1).

B. The Navajo Nation Division of Social Services Department of Family Services is authorized "to develop and recommend policy changes that will be responsive to improving delivery of service." *See* HEHSC-21-16.

Section Two. Findings

A. The 22nd Navajo Nation Council through the Health Education and Human Services Committee amended the Navajo Nation Regulations for Family Foster/Group Home

1 Standards in Resolution HEHSCO-039-13(exhibits omitted) and is attached hereto as
2 **Exhibit C.**

3 B. The Navajo Division of Social Services has developed amended regulations
4 governing Family Foster/Group Home Standards and is attached hereto as **Exhibit A.**

5 C. The Navajo Nation Department of Justice has reviewed the amended regulations
6 and has found them to be legally sufficient. *See* **Exhibit B.**

7
8 **Section Three. Approving the Amended Regulations for Family Foster/Group**
9 **Home Standards**

10 The Navajo Nation hereby approves the attached amended Regulations for Family
11 Foster/Group Home Standards attached hereto as **Exhibit A.**

12
13 **Section Four. Amendments**

14 Concerning the rules and regulations adopted herein, the Division of Social
15 Services may recommend all future amendments to the Health, Education and Human
16 Services Committee pursuant to HEHSC-21-16.



**NAVAJO NATION
FOSTER/ GROUP HOME STANDARDS**

1.1 AUTHORITY

The Department of Family Services (“DFS”) is the delegated authority to establish standards for foster home and group home placement of children, which shall permit use of the reasonable and prudent parenting standard.

1.2 MISSION

It is the mission of the DFS to license suitable foster and group homes to care for children placed out of home.

1.3 PURPOSE

The purpose of these Standards is to protect the health, safety and well-being of children placed in out-of-home care, including providing quality care and services for the child’s growth and development; while continuing to enhance the child’s culture, spiritual, family and extended family ties.

I. DEFINITIONS – the following are terms specifically used throughout these Standards:

- A. “Child Care Institution” means a private child care institution, or a public child care institution that accommodates no more than twenty-five (25) children, and is licensed by DFS, except in the case of a youth who has attained eighteen (18) years of age, this term includes a supervised independent living setting in which the youth is living independently. **Note:** This definition does not include detention facilities, forestry camps, training schools or any other facility operated primarily for the detention of children who are determined to be delinquent.
- B. “Foster Family Home” means the home of an individual or family licensed or approved as meeting the standards established by DFS and provides 24-hour out-of-home care for children. The term may include group homes, agency-operated boarding homes or other facilities licensed or approved for the purpose of providing foster care by DFS responsible for approval or licensing of such facilities. Foster family homes that are approved must be held to the same standards as foster family homes that are licensed.
- C. “Group Home” means a staffed facility of seven (7) to twelve (12) beds.
- D. “Kinship Care” means any living arrangement in which a relative or someone else emotionally close to the child takes primary responsibility for rearing a child.
- E. “Special Needs Child” means a child who is difficult to place permanently because of one or more of the following conditions:
 - 1. Physical or mental disability;

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2. Serious emotional maladjustment;
 3. A recognized high risk of physical or mental disability;
 4. Over the age of eight (8), which presents a barrier to permanency;
 5. Over the age of two (2) and has racial or ethnic factors which present a barrier to permanency; or
 6. Is a member of a sibling group that should be placed together.
- F. “Reasonable Parent Prudent Standard” means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the State/Tribe to participate in extracurricular, enrichment, cultural, and social activities. In this context, ‘caregiver’ means a foster parent with whom a child in foster care has been placed or a designated official for a child care institution in which a child in foster care has been placed.
- G. The term “age or developmentally-appropriate” means—
- a. activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally-appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and
 - b. in the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.

II. LICENSING

- A. Types of licenses issued by DFS:
1. Regular: A license for a term of one year for placement of not more than six (6) minor children. A regular license may be issued for kinship and/or emergency placement.
 2. Special License: A license for a term of one year for placement of not more than two (2) minor children with special needs.
 3. Group Home/Child Care Facility: A license for a term of one year for placement of six (6) or more minor children.
- B. Licensing Requirements – Foster Home
1. Upon receipt of an application, DFS shall conduct a licensing home study.
 - a. At least one home visit shall be made by DFS to the home of the applicant(s), and at least one face to face personal interview with the applicant(s) and all the members of the household.
 - b. The Office of Environmental Health (OEH) shall determine the occupancy level of the home. DFS’s recommendation for the number of children placed in the home will be consistent with OEH’s determination and no more than six (6) children including the applicant(s)’ children under age eighteen (18).
 - c. Age – An applicant(s) must be over the age of twenty-one (21).

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- d. Income – The applicant(s) shall have sufficient income to maintain his/her own family unit without relying upon foster care payments.
- e. Criminal Background Check
 - i. Pursuant to P.L. 101-630, Indian Child Protection and Family Violence Prevention Act, all adult household members shall have a fingerprint based criminal background check with the following entities:
 - Navajo Department of Law Enforcement, Information Management Systems for Navajo Nation-wide clearances; and
 - Federal National Crime Information Center (NCIC) for a Federal/State background check.
 - ii. A criminal background check shall be completed every three (3) years.
 - iii. An applicant shall not be granted a license if the applicants or any adult members of the household have a criminal felony, and/or substantial civil offenses record. Felony involving: conviction of child abuse or neglect, spousal abuse, crimes against children (including child pornography), crimes involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.
 - iv. If a record check reveals a felony conviction for a physical assault, battery or drug related offense, if DFS finds that a court of competent jurisdiction has determined that the felony was committed within the past five (5) years, such final approval shall not be granted.
- f. Child Abuse and Neglect Registry Check; DFS shall:
 - i. Check any child abuse and neglect registry for information on any prospective foster or adoptive parent and on any other adult living in the home of such a prospective parent for such information, before the prospective foster or adoptive parent may be finally approved for placement of a child, regardless of whether foster care maintenance payments or adoption assistance are to be made on behalf of the child.
 - ii. Check any child abuse and neglect registry it maintains for such information, which shall include contacting the appropriate Department of Family Services field offices;
 - iii. Request any other State/Tribe in which any such prospective parent or other adult has resided in the preceding five (5) years, to check any child abuse and neglect registry maintained by such other State or Tribe for such information; and
 - iv. Comply with any such request to check its child abuse and neglect registry that is received from another State or Tribe.
 - v. Prevent the unauthorized disclosure of abuse and neglect information maintained by DFS and to prevent any such information obtained from other states/tribes from being used for a purpose other than the conducting of background checks in foster and adoptive placement cases. The release of such information shall be pursuant to the Navajo Nation Privacy and Access to Information Act, 2 N.N.C. § 81, et seq.
- g. On a case by case basis for relative placements DFS may grant a request for a waiver of a non-safety related standard, e.g. square footage of the home, separate bedrooms, etc.

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- h. The authorized representative of DFS shall ensure all documentation/paperwork required for licensure are current and on file.
- i. Health and Medical Records:
 - i. All adult household members shall submit a physical examination report every three (3) years.
 - ii. Licensed medical personnel must certify that the health of all adult household members is physically capable of undertaking the expected childcare tasks.
 - iii. The applicant(s) must provide current immunization records of all children in the household.
- j. References
 - i. All applicant(s) for initial licenses shall provide at least three (3) references who will attest to the applicant(s) character and ability to provide quality child care services.
 - ii. References shall not be immediate relatives of the applicant and must be updated every three (3) year.
 - iii. If references are not received within thirty (30) days from the date of the application the applicant(s) will need to provide another reference name and address within ten (10) working days.
- k. Training

All training shall include, and continue as necessary, knowledge, skills and potential liability relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally-appropriate activities.

 - i. Pre-License
 - Applicant(s) shall complete and receive a certificate of completion for a mandatory ten (10) hours of pre-placement training.
 - A license will not be issued until completion of parenting training, food handlers, first aid, OEH fire evacuation plan and Cardio Pulmonary Resuscitation (CPR) courses.
 - ii. Post Licensing (Continuing Education)
 - On an annual basis, licenses will be required to complete eight (8) hours of continuing education in child development, parenting, child car seat usage, etc.
 - Special License providers shall complete an additional six (6) hours of training annually, e.g., medication, diet, feeding techniques, nasal gastric or gastric tube, nebulizer treatments, bathing and toileting techniques and other conditions related to special needs and/or medically fragile children.
- 2. Health and Safety Standards of the Home
 - a. Location
 - i. The home must be accessible twelve (12) months of the year.
 - b. Building/Home Environment
 - i. The home must be in good repair and large enough to prevent crowding.
 - ii. The home must be in a safe and sanitary condition.
 - iii. Be able to accommodate special needs children, i.e. wheel chair accessible.
 - iv. Where water is not provided by a regulated water system (i.e. Navajo Tribal Utility Authority), an adequate water supply shall be maintained.

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- v. Precautionary measure must be taken for safe maintenance of wood burning and gas stoves (see OEH Standards).
- vi. Homes with dirt floors must be kept clean and free of debris, e.g., mud and clutter.
- vii. All outdoor areas must be safe and free from any hazardous conditions.
- viii. Garbage and trash must be disposed of properly.
- c. Livestock and Pets
 - i. Dogs, cats or other pets must have current immunizations, e.g., rabies shots.
 - ii. Pets and livestock must be properly maintained and controlled.
- d. Beds and Bedding
 - i. Each child shall have his/her own bed, equipped with suitable bedding.
 - ii. Each child shall have a place to store his/her clothing and personal belongings and shall have access to his/her possessions.
- e. Sleeping Arrangement
 - i. No child shall be displaced and made to sleep in a room or in a separate building not commonly used for sleeping purposes.
 - ii. Sleeping arrangements used in one-room homes shall be appropriate to prevent any potential for sexual abuse.
 - iii. A child over the age of ten (10) years shall not share a room with a child of the opposite sex.
 - iv. A child shall not share a bedroom with an adult except when the needs of an infant require this arrangement.
- f. Bathing and Toilet Facilities
 - i. The home must have clean and sanitary toilet facilities.
 - ii. Bathing and other personal hygiene practices shall be applied in the home.
- g. Dining/Kitchen Area
 - i. The dining area shall be kept clean and sanitary at all times.
 - ii. Adequate and safe provisions shall be made for storage of food, supplies, dishes, cooking utensils and cleaning supplies.
 - iii. Sanitation and food handler's permits must be displayed in the kitchen.
- h. Poison Safety
 - i. Medications, poisons, cleaning agents, flammable products and toxic substances shall be properly labeled and stored in such place that they are not accessible to children.
 - ii. All medication shall be properly labeled, stored and used in accordance to label instructions.
- i. Communication
 - i. Emergency telephone numbers (i.e. law enforcement, hospital, fire department, poison control/medical hotlines, etc.) must be posted in plain view.
 - ii. Each home must have access to a telephone for emergency purposes.
 - iii. If the home has no telephone, the licensee must establish and furnish to DFS a plan that provides a reliable and reasonable means of communication.
- j. Fire Protection
 - i. Caretakers shall have proper training in fire safety to include proper use of the fire extinguisher.

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- ii. An evacuation plan must be posted in plain view.
 - iii. Each home must have an approved fire extinguisher installed and maintained. Fire extinguisher(s) must be inspected once a year by a certified inspector.
 - iv. Smoke and Carbon Monoxide detectors must be in all homes, maintained and in operating condition.
 - k. Vehicles
 - i. All vehicles utilized by caretakers must be kept in a safe and reliable condition. Full insurance coverage must be secured and maintained on all vehicles with a copy provided to DFS, e.g., comprehensive, collision and liability.
 - ii. Caretakers and/or other adults who transport children shall have a valid driver's license.
 - iii. Approved child and passenger safety restraints must be used for all child(ren) when operating a motor vehicle.
 - l. Insurance

It is strongly recommended that providers secure and maintain insurance coverage for adequate protection against damages to or loss of the home and other property.
 - m. Identification

Upon completion of the licensing process DFS will issue a foster care identification card to the child care provider and the child care provider shall carry the Foster Care License identification card at all times.
- C. Licensing Requirements – Group Home/Child Care Institution
- 1. License Application
 - 2. Business Site Lease Approved Packet, when appropriate
 - 3. Organizational Chart
 - 4. Scope of Services, which includes type of services provided, population served, staff/child ratio, number of children, location of facility, etc.
 - 5. Staff requirements include education/training, certifications/licensure, criminal and child abuse/neglect background checks (pursuant to section II(B)(1)(e) and (f) above, Criminal Background and Child Abuse and Neglect Registry Checks), and physical exams to include immunizations within three years.
 - 6. The authorized representative of DFS shall ensure all documentation/ paperwork required for licensure are current and on file.
 - 7. Property/Vehicle Insurances
 - 8. Licensing Assessment will include the following:
 - a. Name of Applicant(s)
 - b. Identifying Information, e.g., business license, tax identification number, etc.
 - c. Location of Facility
 - d. Mailing Address
 - e. Telephone
 - f. Organizational Chart
 - g. Type and Number of Children to be served
 - h. Description of Community and Neighborhood
 - i. Description of facility includes the OEH study, etc.
 - j. Source of Funding

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- k. Determination and any Recommendations
 - 9. Annual Re-licensing Requirements will include:
 - a. Staff development plan to include twelve (12) hours of documented trainings per year (e.g., child development, parenting, behavior modification, crisis intervention and restraint training and other training related to the scope of services).
 - b. Current First Aid and CPR certification.
 - c. Current Food Handlers' permits.
 - d. Fire safety/chemical awareness.
 - e. OEH Environmental Survey/Sanitation Permit.
 - f. Current Organizational Chart.
 - g. Staff requirements and clearance every three (3) years.
 - h. Property/Vehicle Insurance and Liability.
 - 10. Administrative/Direct Services Review
 - a. Property and license agreements.
 - b. Financial information in accordance to NN Procurement Standards.
 - c. OEH report, findings and corrective actions taken.
 - d. Fire safety plan and inspections.
 - e. Personnel assessments.
 - f. Case file review (e.g. eligibility for services, compliance to 25 CFR Part 20, etc.).
 - 11. As a condition of licensing/agreement entered into by a child care institution to provide foster care, the presence on-site of at least one official who, with respect to any child placed at the child care institution, is designated to be the caregiver who is authorized to apply the reasonable and prudent parent standard to decisions involving the participation of the child in age or developmentally-appropriate activities, and who is provided with training in how to use and apply the reasonable and prudent parent standard in the same manner as prospective foster parents are provided the training.
 - a. Child care institutions and foster care providers who authorize a child to participate in an activity in accordance with the reasonable and prudent parent standard will not be held liable should the child be harmed while participating in that activity. Child Care Institutions and Foster Care Providers who authorize a child to participate in a activity in violation of the reasonable and prudent parent standards or acts with malicious intent that causes harm physically or emotionally to the child will be held personally liable.
- D. Denial/Revocation or Modification of a License
- 1. DFS shall deny/revoke an applicant(s) or licensee(s) when:
 - a. Non-compliance with the provisions of these Standards; or
 - b. Fraudulent documents submitted to DFS relating to such person(s)' qualifications, experiences or performance of responsibilities; or
 - c. Physical and emotional inability of the provider(s) to meet the needs of child(ren); or
 - d. Substantiated neglect, physical and/or sexual abuse of children; or
 - e. Continuing to employ any staff that fails a background check.
 - 2. DFS may modify a license in the following conditions:
 - a. Change in location of home.

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- b. Change in the number of children and/or the age of the children.
 - c. Change in type of license, e.g., regular to a special or vice versa. DFS will work with the licensee to develop a written plan, with specific time frames, to meet the licensing requirements.
- 3. DFS can extend the existing license for a period not to exceed ninety (90) days, when the licensee needs additional time to complete re-licensure.
 - a. The children may remain in the home during the extension on the condition that the noncompliance does not present an immediate threat to the health and well-being of the child(ren).
 - b. At the expiration of the ninety (90) days, DFS must either reinstate the license to the end of its original term or revoke the license.
- 4. DFS shall send a Notification of Decision within ten (10) business days to the licensee(s) to deny, revoke or modify a license.
- E. Appeal Procedures
 - 1. The licensee(s) may appeal DFS's decision within twenty (20) business days from receipt of the written notice from DFS. If an appeal is not made, the decision of DFS shall be final.
 - 2. The licensee must call or write to the DFS field office foster home specialist to request for an appeal.
 - 3. Such appeal will be forwarded to the DFS administration for consideration.
 - 4. For Foster homes: the DFS administration will review the appeal and within thirty (30) business days from the time the appeal is received:
 - a. Meet with the DFS field office issuing the decision and other relevant parties to review the case matter.
 - b. Meet with the licensee to resolve the matter.
 - c. If the DFS field office and the licensee are unable to resolve the matter, the DFS administration may schedule a formal hearing with the Navajo Division of Social Services' Executive Director and such decision will be final.
 - d. The licensee will be notified in writing within five (5) business days from the date of the decision.
 - 5. For Group Home/Child Care Institutions: the DFS administration will review the appeal and will do all the following within thirty (30) business days from the time the appeal is received:
 - a. Meet with the group home director/supervisor and other relevant parties to review the case matter.
 - b. If no resolution is reached, the DFS administration may schedule a formal hearing with the Division's Executive Director.
 - c. The Executive Director will support or overturn the decision of the DFS administration.

III. ROLES AND RESPONSIBILITIES FOR CARE OF CHILDREN

A. DFS

- 1. Child care training. A list of required trainings will be provided to potential and currently licensed foster parent(s) and group homes to acquire and maintain their license.

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2. The field office foster home specialist will:
 - a. Review the agreement with the licensed foster parent(s) on an annual basis. The DFS field office supervisor will acknowledge the agreement and forward it to the DFS administration.
 - b. Develop a case plan within thirty (30) days with the foster parent(s) to maintain a license. The foster parents' case plan shall be developed based on need.
 - c. Monitor all foster home placements to determine compliance. DFS shall conduct random inspections of licensed foster homes at least every three (3) months.
 3. Compulsory School Attendance
 - a. DFS will assure that each child who has attained the minimum age for compulsory school attendance under applicable law and with respect to whom there is eligibility for a payment, is a full-time elementary or secondary school student or has completed secondary school, and for purposes of this paragraph, the term elementary or secondary school student' means, with respect to a child, that the child is—
 - i. Enrolled (or in the process of enrolling) in an institution which provides elementary or secondary education, as determined under the law of the jurisdiction in which the institution is located;
 - ii. Instructed in elementary or secondary education at home in accordance with a home school law of the jurisdiction in which the home is located;
 - iii. In an independent study elementary or secondary education program in accordance with the law of the jurisdiction in which the program is located, which is administered by the local school or school district; or
 - iv. Incapable of attending school on a full-time basis due to the medical condition of the child, which incapability is supported by regularly updated information in the case plan of the child.
- B. Licensed providers shall do the following:
1. Provide care, guidance, and supervision to child(ren) placed in their home or facility to ensure mental, emotional, spiritual, physical, and educational needs are being met in accordance with the reasonable parent prudent standard for the participation of the child in age or developmentally-appropriate activities.
 2. Actively participate in the child's case plan (e.g., transportation to and from the school and medical appointments).
 3. Coordinate with the Case Management Specialist to make every reasonable effort to maintain family ties between the child(ren)'s nuclear and extended family members, including clan relatives and/or the child's significant connections (e.g., neighbors, family friends, or step relatives, etc.).
 4. Obtain a Consent for Travel for all travel activities planned for the child(ren) leaving the jurisdiction of the Navajo Nation with the exception of near reservation towns, e.g., Gallup, Flagstaff, Winslow, etc.
 5. Ensure that children placed in their homes have routine physical and/or dental examinations at least once a year.
 6. Not cut the hair of the child without written permission of the parent(s) or if unable to locate parent(s), the Case Management Specialist.

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7. Ensure the child(ren) placed in their care receives at least three (3) nutritional meals a day.
8. Ensure that clothing and personal allowances provided by DFS be used for the child only.
9. Maintain a record of all receipts for monetary, clothing and travel expenses.
10. Respect the religious and/or traditional practices of the child(ren) and not impose any religious and/or traditional practices on the child(ren) without the written consent of the natural parents, and/or legal guardians.
11. Teach and discipline children placed in their home with kindness and understanding.
12. Not use physical means to discipline a child to include verbal abuse, derogatory remarks about the child, his/her natural parents, relatives or use of verbal threats to have the child(ren) removed from the home.
13. Not allow another child or group of children to hurt a child while in their care.
14. Not deprive the child of meals, mail or family visits as a method of discipline.
15. Notify Law Enforcement before using any type of physical restraint when a child's actions are physically dangerous to self and others. Depending on the severity of the incident, the child may receive immediate medical/mental health attention. An Incident Report Form will be submitted to DFS within twenty-four (24) hours.
16. Ensure that tasks and household assignments are appropriate to the age and physical abilities of the child and shall not interfere with school, health or recreation.
17. Ensure that children in care are not identified by name, revealing description, and photographed for any type of publication or broadcast media.

C. Absences From Care

1. When a child is missing from the licensed providers care Law Enforcement shall be contacted immediately and an Incident Report Form shall be completed and forwarded to DFS immediately but no later than twenty-four (24) hours after incident.
2. The licensed provider and DFS will determine the primary factors that contributed to the child's running away or otherwise being absent from care, including screening the child to determine if he/she was a possible sex trafficking victim.
3. DFS will create an appropriate safety plan for the child to avoid an absence from care in the future.

IV. Review of Standards

DFS shall review at reasonable, specific, time-limited periods the licensing or approval standards for foster care providers.

Document No. 011767

Date Issued: _____

**EXECUTIVE OFFICIAL REVIEW**Title of Document: NN Foster/Group Home Standards Contact Name: AMBROSE, GLADYSProgram/Division: DIVISION OF SOCIAL SERVICESEmail: gambrose@navajo-nsn.gov Phone Number: 928.871.6556

- ☐ **Business Site Lease**
- | | | | Sufficient | Insufficient |
|---|-------|-------------|--------------------------|--------------------------|
| 1. Division: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Office of the Controller: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| (only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review) | | | | |
| 3. Office of the Attorney General: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

- ☐ **Business and Industrial Development Financing, Veteran Loans, (i.e. Loan, Loan Guarantee and Investment) or Delegation of Approving and/or Management Authority of Leasing transactions**

- | | | | | |
|------------------------------------|-------|-------------|--------------------------|--------------------------|
| 1. Division: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Office of the Attorney General: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

- ☐ **Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications**

- | | | | | |
|-------------------------------------|-------|-------------|--------------------------|--------------------------|
| 1. Office of Management and Budget: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Office of the Controller: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Office of the Attorney General: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

- ☐ **Navajo Housing Authority Request for Release of Funds**

- | | | | | |
|------------------------------------|-------|-------------|--------------------------|--------------------------|
| 1. NNEPA: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Office of the Attorney General: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

- ☐ **Lease Purchase Agreements**

- | | | | | |
|------------------------------------|-------|-------------|--------------------------|--------------------------|
| 1. Office of the Controller: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| (recommendation only) | | | | |
| 2. Office of the Attorney General: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

- ☐ **Grant Applications**

- | | | | | |
|-------------------------------------|-------|-------------|--------------------------|--------------------------|
| 1. Office of Management and Budget: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Office of the Controller: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Office of the Attorney General: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

- ☒ **Five Management Plan of the Local Governance Act, Delegation of an Approving Authority from a Standing Committee, Local Ordinances (Local Government Units), or Plans of Operation/Division Policies Requiring Committee Approval**

- | | | | | |
|------------------------------------|------------------------|----------------------|-------------------------------------|--------------------------|
| 1. Division: | <i>Ug Q 366 for TM</i> | Date: <i>6/10/19</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Office of the Attorney General: | <i>[Signature]</i> | Date: <i>1/11/19</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

- ☐ **Relinquishment of Navajo Membership**

- | | | | | |
|------------------------------------|-------|-------------|--------------------------|--------------------------|
| 1. Land Department: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Elections: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Office of the Attorney General: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **Land Withdrawal or Relinquishment for Commercial Purposes**

Sufficient Insufficient

1. Division: _____ Date: _____ ☐ ☐
2. Office of the Attorney General: _____ Date: _____ ☐ ☐

☐ **Land Withdrawals for Non-Commercial Purposes, General Land Leases and Resource Leases**

1. NLD _____ Date: _____ ☐ ☐
2. F&W _____ Date: _____ ☐ ☐
3. HPD _____ Date: _____ ☐ ☐
4. Minerals _____ Date: _____ ☐ ☐
5. NNEPA _____ Date: _____ ☐ ☐
6. DNR _____ Date: _____ ☐ ☐
7. DOJ _____ Date: _____ ☐ ☐

☐ **Rights of Way**

1. NLD _____ Date: _____ ☐ ☐
2. F&W _____ Date: _____ ☐ ☐
3. HPD _____ Date: _____ ☐ ☐
4. Minerals _____ Date: _____ ☐ ☐
5. NNEPA _____ Date: _____ ☐ ☐
6. Office of the Attorney General: _____ Date: _____ ☐ ☐
7. OPVP _____ Date: _____ ☐ ☐

☐ **Oil and Gas Prospecting Permits, Drilling and Exploration Permits, Mining Permit, Mining Lease**

1. Minerals _____ Date: _____ ☐ ☐
2. OPVP _____ Date: _____ ☐ ☐
3. NLD _____ Date: _____ ☐ ☐

☐ **Assignment of Mineral Lease**

1. Minerals _____ Date: _____ ☐ ☐
2. DNR _____ Date: _____ ☐ ☐
3. DOJ _____ Date: _____ ☐ ☐

☐ **ROW (where there has been no delegation of authority to the Navajo Land Department to grant the Nation's consent to a ROW)**

1. NLD _____ Date: _____ ☐ ☐
2. F&W _____ Date: _____ ☐ ☐
3. HPD _____ Date: _____ ☐ ☐
4. Minerals _____ Date: _____ ☐ ☐
5. NNEPA _____ Date: _____ ☐ ☐
6. DNR _____ Date: _____ ☐ ☐
7. DOJ _____ Date: _____ ☐ ☐
8. OPVP _____ Date: _____ ☐ ☐

☐ **OTHER:**

1. _____ Date: _____ ☐ ☐
2. _____ Date: _____ ☐ ☐
3. _____ Date: _____ ☐ ☐
4. _____ Date: _____ ☐ ☐
5. _____ Date: _____ ☐ ☐



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



DOJ
1/10/19 4:19p
DATE / TIME
<input type="checkbox"/> 7 Day Deadline
DOC #: 011767
SAS #: Hsgn
UNIT:

☐ RESUBMITTAL

*** FOR NNDOJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. ***

CLIENT TO COMPLETE

DATE OF REQUEST: 1/10/19 ENTITY/DIVISION: DSS
CONTACT NAME: Gladys Ambrose DEPARTMENT: Family SVS
PHONE NUMBER: 928-871-4556 E-MAIL: gambrase@navajo-nsn.gov
TITLE OF DOCUMENT: NN Foster/Group Home Standards

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT: 1/11 @ 8:25 REVIEWING ATTORNEY/ADVOCATE: KM

DATE/TIME OUT OF UNIT: 1/11 @ 2:20 LS

DOJ ATTORNEY / ADVOCATE COMMENTS

Sufficient.

REVIEWED BY: (PRINT)	DATE / TIME	SURNAMED BY: (PRINT)	DATE / TIME
		Gladys Martin	1/11/19 11:47am

DOJ Secretary Called: Sharon for Document Pick Up on 1/11 at 220 By: Smith

PICKED UP BY: (PRINT) DATE / TIME:

RESOLUTION OF THE
HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
OF THE NAVAJO NATION COUNCIL

22ND NAVAJO NATION COUNCIL - Third Year, 2013

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; AMENDING THE NAVAJO
NATION REGULATIONS FOR FAMILY FOSTER HOME STANDARDS

BE IT ENACTED:

The Navajo Nation hereby amends the Navajo Nation Regulations for Family Foster Home Standards, attached as Exhibit A, as originally enacted by HSSCD-132-94, attached as Exhibit B.

Amendment 1: Motion made to change language at page 4 of Exhibit A:
Section II. LICENSING A. ~~Pre-adoptive Family Home. A licensed family home suitable to provide care to~~ Types of licenses issued by DFS:
10. Regular: A license for a term of one year for placement of not more than four (4) minor children whose permanency plan is adoption with the family.

To read as new language as follows at page 4 of Exhibit A:
Section II. LICENSING A. ~~Pre-adoptive Family Home. A licensed family home suitable to provide care to~~ Types of licenses issued by DFS:
10. Regular: A license for a term of one year for placement of not more than six (6) minor children whose permanency plan is adoption with the family.

Amendment 1:

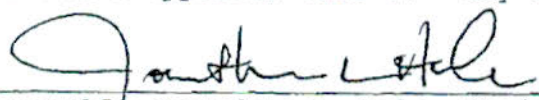
Motioned: Honorable Walter Phelps

Seconded: Honorable Joshua Lavar Butler

Vote : 2 in favor, 1 opposed, 0 abstained

C E R T I F I C A T I O N

I hereby certify that the foregoing resolution was duly considered by the Health, Education and Human Services Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 3 in favor and 0 opposed, this 07th day of October 2013.


Honorable Jonathan L. Hale, Chairperson
Health, Education and Human Services Committee

Motioned: Honorable Dwight Witherspoon

Seconded: Honorable Walter Phelps

NAVAJO NATION FOSTER/ GROUP HOME STANDARDS

1.1 AUTHORITY

The Department of Family Services ("DFS") is the delegated authority to establish standards for foster home and group home placement of children.

1.2 MISSION

It is the mission of DFS to license suitable foster and group homes to care for children placed out of home.

1.3 PURPOSE

The purpose of these Standards is to protect the health, safety and well-being of children placed in out-of-home care, including providing quality care and services for the child's growth and development; while continuing to enhance the child's culture, spiritual, family and extended family ties.

I. DEFINITIONS – the following are terms specifically used throughout these Standards:

- A. "Child Care Institution" means a private child care institution, or a public child care institution that accommodates no more than twenty-five (25) children, and is licensed by DFS, except in the case of a youth who has attained eighteen (18) years of age, this term includes a supervised independent living setting in which the youth is living independently. **Note:** This definition does not include detention facilities, forestry camps, training schools or any other facility operated primarily for the detention of children who are determined to be delinquent.
- B. "Foster Family Home" means the home of an individual or family licensed or approved as meeting the standards established by DFS and provides 24-hour out-of-home care for children. The term may include group homes, agency-operated boarding homes or other facilities licensed or approved for the purpose of providing foster care by DFS responsible for approval or licensing of such facilities. Foster family homes that are approved must be held to the same standards as foster family homes that are licensed.
- C. "Group Home" means a staffed facility of seven (7) to twelve (12) beds.
- D. "Kinship Care" means any living arrangement in which a relative or someone else emotionally close to the child takes primary responsibility for rearing a child.
- E. "Special Needs Child" means a child who is difficult to place permanently because of one or more of the following conditions:

1. Physical or mental disability;
2. Serious emotional maladjustment;
3. A recognized high risk of physical or mental disability;
4. Over the age of eight (8), which presents a barrier to permanency;
5. Over the age of two (2) and has racial or ethnic factors which present a barrier to permanency; or
6. Is a member of a sibling group that should be placed together.

II. LICENSING

A. Types of licenses issued by DFS:

1. Regular: A license for a term of one year for placement of not more than four (4) minor children. A regular license may be issued for kinship and/or emergency placement.
2. Special License: A license for a term of one year for placement of not more than two (2) minor children with special needs.
3. Group Home/Child Care Facility: license for a term of one year for placement of six (6) or more minor children.

B. Licensing Requirements – Foster Home

1. Upon receipt of an application, DFS shall conduct a licensing home study.
 - a. At least one home visit shall be made by DFS to the home of the applicant(s), and at least one face to face personal interview with the applicant(s) and all the members of the household.
 - b. The Office of Environmental Health (OEH) shall determine the occupancy level of the home. DFS's recommendation for the number of children placed in the home will be consistent with OEH's determination and no more than six (6) children including the applicant(s)' children under age eighteen (18).
 - c. Age – An applicant(s) must be over the age of twenty-one (21).
 - d. Income – The applicant(s) shall have sufficient income to maintain his/her own family unit without relying upon foster care payments.
 - e. Criminal Background Check
 - i. Pursuant to P.L. 101-630, Indian Child Protection and Family Violence Prevention Act, all adult household members shall have a fingerprint based criminal background check with the following entities:
 - Navajo Department of Law Enforcement, Information Management Systems for Navajo Nation-wide clearances; and
 - Federal National Crime Information Center (NCIC) for a Federal/State background check.
 - ii. A criminal background check shall be completed every three (3) years.
 - iii. An applicant shall not be granted a license if the applicants or any adult members of the household have a criminal felony, and/or substantial civil offenses record. Felony involving: conviction of child abuse or neglect, spousal abuse, crimes against children (including child pornography), crimes involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.

- iv. If a record check reveals a felony conviction for a physical assault, battery or drug related offense, if DFS finds that a court of competent jurisdiction has determined that the felony was committed within the past five (5) years, such final approval shall not be granted.
- f. Child Abuse and Neglect Registry Check; DFS shall:
 - i. Check any child abuse and neglect registry for information on any prospective foster or adoptive parent and on any other adult living in the home of such a prospective parent for such information, before the prospective foster or adoptive parent may be finally approved for placement of a child, regardless of whether foster care maintenance payments or adoption assistance are to be made on behalf of the child.
 - ii. Check any child abuse and neglect registry it maintains for such information, which shall include contacting the appropriate Department of Family Services field offices;
 - iii. Request any other State/Tribe in which any such prospective parent or other adult has resided in the preceded five (5) years, to check any child abuse and neglect registry maintained by such other State or Tribe for such information; and
 - iv. Comply with any such request to check its child abuse and neglect registry that is received from another State or Tribe.
 - v. Prevent the unauthorized disclosure of abuse and neglect information maintained by DFS and to prevent any such information obtained from other states/tribes from being used for a purpose other than the conducting of background checks in foster and adoptive placement cases. The release of such information shall be pursuant to the Navajo Nation Privacy and Access to Information Act, 2 N.N.C. § 81, *et seq.*
- g. On a case by case basis for relative placements DFS may grant a request for a waiver of a non-safety related standard, e.g. square footage of the home, separate bedrooms, etc.
- h. The authorized representative of DFS shall ensure all documentation/paperwork required for licensure are current and on file.
- i. Health and Medical Records:
 - i. All adult household members shall submit a physical examination report every three (3) years.
 - ii. A licensed medical personnel must certify that the health of all adult household members is physically capable of undertaking the expected childcare tasks.
 - iii. The applicant(s) must provide current immunization records of all children in the household.
- j. References
 - i. All applicant(s) for initial licenses shall provide at least three (3) references who will attest to the applicant(s) character and ability to provide quality child care services.
 - ii. References shall not be immediate relatives of the applicant and must be updated every three (3) year.

- iii. If references are not received within thirty (30) days from the date of the application the applicant(s) will need to provide another reference name and address within ten (10) working days.
 - k. Training
 - i. Pre-License
 - Applicant(s) shall complete and receive a certificate of completion for a mandatory ten (10) hours of pre-placement training.
 - A license will not be issued until completion of parenting training, food handlers, first aid, OEH fire evacuation plan and Cardio Pulmonary Resuscitation (CPR) courses.
 - ii. Post Licensing (Continuing Education)
 - On an annual basis, licenses will be required to complete eight (8) hours of continuing education in child development, parenting, child car seat usage, etc.
 - Special License providers shall complete an additional six (6) hours of training annually, e.g., medication, diet, feeding techniques, nasal gastric or gastric tube, nebulizer treatments, bathing and toileting techniques and other conditions related to special needs and/or medically fragile children.
- 2. Health and Safety Standards of the Home
 - a. Location
 - i. The home must be accessible twelve (12) months of the year.
 - b. Building/Home Environment
 - i. The home must be in good repair and large enough to prevent crowding.
 - ii. The home must be in a safe and sanitary condition.
 - iii. Be able to accommodate special needs children, i.e. wheel chair accessible.
 - iv. Where water is not provided by a regulated water system (i.e. Navajo Tribal Utility Authority), an adequate water supply shall be maintained.
 - v. Precautionary measure must be taken for safe maintenance of wood burning and gas stoves (see OEH Standards).
 - vi. Homes with dirt floors must be kept clean and free of debris, e.g., mud and clutter.
 - vii. All outdoor areas must be safe and free from any hazardous conditions.
 - viii. Garbage and trash must be disposed of properly.
 - c. Livestock and Pets
 - i. Dogs, cats or other pets must have current immunizations, e.g., rabies shots.
 - ii. Pets and livestock must be properly maintained and controlled.
 - d. Beds and Bedding
 - i. Each child shall have his/her own bed, equipped with suitable bedding.
 - ii. Each child shall have a place to store his/her clothing and personal belongings and shall have access to his/her possessions.
 - e. Sleeping Arrangement
 - i. No child shall be displaced and made to sleep in a room or in a separate building not commonly used for sleeping purposes.
 - ii. Sleeping arrangements used in one-room homes shall be appropriate to prevent any potential for sexual abuse.

- iii. A child over the age of ten (10) years shall not share a room with a child of the opposite sex.
- iv. A child shall not share a bedroom with an adult except when the needs of an infant require this arrangement.
- f. Bathing and Toilet Facilities
 - i. The home must have clean and sanitary toilet facilities.
 - ii. Bathing and other personal hygiene practices shall be applied in the home.
- g. Dining/Kitchen Area
 - i. The dining area shall be kept clean and sanitary at all times.
 - ii. Adequate and safe provisions shall be made for storage of food, supplies, dishes, cooking utensils and cleaning supplies.
 - iii. Sanitation and food handler's permits must be displayed in the kitchen.
- h. Poison Safety
 - i. Medications, poisons, cleaning agents, flammable products and toxic substances shall be properly labeled and stored in such place that they are not accessible to children.
 - ii. All medication shall be properly labeled, stored and used in accordance to label instructions.
- i. Communication
 - i. Emergency telephone numbers (i.e. law enforcement, hospital, fire department, poison control/medical hotlines, etc.) must be posted in plain view.
 - ii. Each home must have access to a telephone for emergency purposes.
 - iii. If the home has no telephone, the licensee must establish and furnish to DFS a plan that provides a reliable and reasonable means of communication.
- j. Fire Protection
 - i. Caretakers shall have proper training in fire safety to include proper use of the fire extinguisher.
 - ii. An evacuation plan must be posted in plain view.
 - iii. Each home must have an approved fire extinguisher installed and maintained. Fire extinguisher(s) must be inspected once a year by a certified inspector.
 - iv. Smoke and Carbon Monoxide detectors must be in all homes, maintained and in operating condition.
- k. Vehicles
 - i. All vehicles utilized by caretakers must be kept in a safe and reliable condition. Full insurance coverage must be secured and maintained on all vehicles with a copy provided to DFS, e.g., comprehensive, collision and liability.
 - ii. Caretakers and/or other adults who transport children shall have a valid driver's license.
 - iii. Approved child and passenger safety restraints must be used for all child(ren) when operating a motor vehicle.
- l. Insurance

It is strongly recommended that providers secure and maintain insurance coverage for adequate protection against damages to or loss of the home and other property.
- m. Identification

Upon completion of the licensing process DFS will issue a foster care identification card to the child care provider and the child care provider shall carry the Foster Care License identification card at all times.

C. Licensing Requirements – Group Home/Child Care Institution

1. License Application
2. Business Site Lease Approved Packet, when appropriate
3. Organizational Chart
4. Scope of Services, which includes type of services provided, population served, staff/child ratio, number of children, location of facility, etc.
5. Staff requirements include education/training, certifications/licensure, criminal and child abuse/neglect background checks (pursuant to section II(B)(1)(e) and (f) above, Criminal Background and Child Abuse and Neglect Registry Checks), and physical exams to include immunizations within three years.
6. The authorized representative of the Division shall ensure all documentation/paperwork required for licensure are current and on file.
7. Property/Vehicle Insurances
8. Licensing Assessment will include the following:
 - a. Name of Applicant(s)
 - b. Identifying Information, e.g., business license, tax identification number, etc.
 - c. Location of Facility
 - d. Mailing Address
 - e. Telephone
 - f. Organizational Chart
 - g. Type and Number of Children to be served
 - h. Description of Community and Neighborhood
 - i. Description of facility includes the OEH study, etc.
 - j. Source of Funding
 - k. Determination and any Recommendations
9. Annual Re-licensing Requirements will include:
 - a. Staff development plan to include twelve (12) hours of documented trainings per year (e.g., child development, parenting, behavior modification, crisis intervention and restraint training and other training related to the scope of services).
 - b. Current First Aid and CPR certification.
 - c. Current Food Handlers' permits.
 - d. Fire safety/chemical awareness.
 - e. OEH Environmental Survey/Sanitation Permit.
 - f. Current Organizational Chart.
 - g. Staff requirements and clearance every three (3) years.
 - h. Property/Vehicle Insurance and Liability.
10. Administrative/Direct Services Review
 - a. Property and license agreements.
 - b. Financial information in accordance to NN Procurement Standards.
 - c. OEH report, findings and corrective actions taken.
 - d. Fire safety plan and inspections.
 - e. Personnel assessments.

- f. Case file review (e.g. eligibility for services, compliance to 25 CFR Part 20, etc.).

D. Denial/Revocation or Modification of a License

1. DFS shall deny/revoke an applicant(s) or licensee(s) when:
 - a. Non-compliance with the provisions of these Standards; or
 - b. Fraudulent documents submitted to DFS relating to such person(s)' qualifications, experiences or performance of responsibilities; or
 - c. Physical and emotional inability of the provider(s) to meet the needs of child(ren); or
 - d. Substantiated neglect, physical and/or sexual abuse of children; or
 - e. Continuing to employ any staff that fails a background check.
2. DFS may modify a license in the following conditions:
 - a. Change in location of home.
 - b. Change in the number of children and/or the age of the children.
 - c. Change in type of license, e.g., regular to a special or vice versa. DFS will work with the licensee to develop a written plan, with specific time frames, to meet the licensing requirements.
3. DFS can extend the existing license for a period not to exceed ninety (90) days, when the licensee needs additional time to complete re-licensure.
 - a. The children may remain in the home during the extension on the condition that the noncompliance does not present an immediate threat to the health and well-being of the child(ren).
 - b. At the expiration of the ninety (90) days, DFS must either reinstate the license to the end of its original term or revoke the license.
4. DFS shall send a Notification of Decision within ten (10) business days to the licensee(s) to deny, revoke or modify a license.

E. Appeal Procedures

1. The licensee(s) may appeal DFS's decision within twenty (20) business days from receipt of the written notice from DFS. If an appeal is not made, the decision of DFS shall be final.
2. The licensee must call or write to the DFS field office foster home specialist to request for an appeal.
3. Such appeal will be forwarded to the DFS administration for consideration.
4. For Foster homes: the DFS administration will review the appeal and within thirty (30) business days from the time the appeal is received:
 - a. Meet with the DFS field office issuing the decision and other relevant parties to review the case matter.
 - b. Meet with the licensee to resolve the matter.
 - c. If the DFS field office and the licensee are unable to resolve the matter, the DFS administration may schedule a formal hearing with the Navajo Division of Social Services' Executive Director and such decision will be final.
 - d. The licensee will be notified in writing within five (5) business days from the date of the decision.
5. For Group Home/Child Care Institutions: the DFS administration will review the appeal and will do all the following within thirty (30) business days from the time the appeal is received:

- a. Meet with the group home director/supervisor and other relevant parties to review the case matter.
- b. If no resolution is reached, the DFS administration may schedule a formal hearing with the Division's Executive Director.
- c. The Executive Director will support or overturn the decision of the DFS administration.

III. ROLES AND RESPONSIBILITIES FOR CARE OF CHILDREN

A. DFS

1. Child care training. A list of required trainings will be provided to potential and currently licensed foster parent(s) and group homes to acquire and maintain their license.
2. The field office foster home specialist will:
 - a. Review the agreement with the licensed foster parent(s) on an annual basis. The DFS field office supervisor will acknowledge the agreement and forward it to the DFS administration.
 - b. Develop a case plan within thirty (30) days with the foster parent(s) to maintain a license. The foster parents' case plan shall be developed based on need.
 - c. Monitor all foster home placements to determine compliance. DFS shall conduct random inspections of licensed foster homes at least every three (3) months.
3. Compulsory School Attendance
 - a. DFS will assure that each child who has attained the minimum age for compulsory school attendance under applicable law and with respect to whom there is eligibility for a payment, is a full-time elementary or secondary school student or has completed secondary school, and for purposes of this paragraph, the term 'elementary or secondary school student' means, with respect to a child, that the child is—
 - i. Enrolled (or in the process of enrolling) in an institution which provides elementary or secondary education, as determined under the law of the jurisdiction in which the institution is located;
 - ii. Instructed in elementary or secondary education at home in accordance with a home school law of the jurisdiction in which the home is located;
 - iii. In an independent study elementary or secondary education program in accordance with the law of the jurisdiction in which the program is located, which is administered by the local school or school district; or
 - iv. Incapable of attending school on a full-time basis due to the medical condition of the child, which incapability is supported by regularly updated information in the case plan of the child.

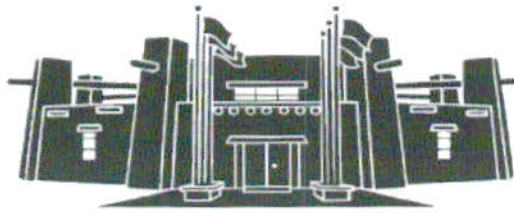
B. Licensed providers shall do the following:

1. Provide care, guidance, and supervision to child(ren) placed in their home or facility to ensure mental, emotional, spiritual, physical, and educational needs are being met.
2. Actively participate in the child's case plan (e.g., transportation to and from the school and medical appointments).

3. Coordinate with the Case Management Specialist to make every reasonable effort to maintain family ties between the child(ren)'s nuclear and extended family members, including clan relatives and/or the child's significant connections (e.g., neighbors, family friends, or step relatives, etc.).
4. Obtain a Consent for Travel for all travel activities planned for the child(ren) leaving the jurisdiction of the Navajo Nation with the exception of near reservation towns, e.g., Gallup, Flagstaff, Winslow, etc.
5. Ensure that children placed in their homes have routine physical and/or dental examinations at least once a year.
6. Not cut the hair of the child without written permission of the parent(s) or if unable to locate parent(s), the Case Management Specialist.
7. Ensure the child(ren) placed in their care receives at least three (3) nutritional meals a day.
8. Ensure that clothing and personal allowances provided by DFS be used for the child only.
9. Maintain a record of all receipts for monetary, clothing and travel expenses.
10. Respect the religious and/or traditional practices of the child(ren) and not impose any religious and/or traditional practices on the child(ren) without the written consent of the natural parents, and/or legal guardians.
11. Teach and discipline children placed in their home with kindness and understanding.
12. Not use physical means to discipline a child to include verbal abuse, derogatory remarks about the child, his/her natural parents, relatives or use of verbal threats to have the child(ren) removed from the home.
13. Not allow another child or group of children to hurt a child while in their care.
14. Not deprive the child of meals, mail or family visits as a method of discipline.
15. Notify Law Enforcement before using any type of physical restraint when a child's actions are physically dangerous to self and others. Depending on the severity of the incident, the child may receive immediate medical/mental health attention. An Incident Report Form will be submitted to DFS within twenty-four (24) hours.
16. Ensure that tasks and household assignments are appropriate to the age and physical abilities of the child and shall not interfere with school, health or recreation.
17. Ensure that children in care are not identified by name, revealing description, and photographed for any type of publication or broadcast media.


IV. Review of Standards

DFS shall review at reasonable, specific, time-limited periods the licensing or approval standards for foster care providers.



MEMORANDUM

TO: Honorable Amber K. Crotty
24th Navajo Nation Council Delegate

FROM: 
Candace French, Attorney
Office of Legislative Counsel

DATE: April 5, 2019

RE: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; AMENDING THE NAVAJO NATION REGULATIONS FOR FAMILY FOSTER/GROUP HOME STANDARDS

Per your request, attached is the above-reference proposed resolution and associated legislative summary sheet. Based on existing law, the resolution drafted is legally sufficient. However, as with all legislation, the proposed resolution is subject to review by the courts in the event of a challenge.

The Office of Legislative Counsel recommends the appropriate standing committee(s) reviews based on the standing committees powers outlined in 2 N.N.C. §§ 301, 401, 501, 601, and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration. 2 N.N.C. § 164(A)(5).

Please review the proposed resolution to ensure it is drafted to your satisfaction. If you approve, please sign as "Primary Sponsor" and submit it to the Office of Legislative Services where the proposed resolution will be given a tracking number and referred to the Office of the Speaker. If the proposed legislation is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like to make to the proposed resolution.