

LEGISLATIVE SUMMARY SHEET

Tracking No. 0295-20

DATE: November 19, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO LAW AND ORDER, HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE AND THE NAVAJO NATION COUNCIL; AMENDING NAVAJO NATION CHILD ENFORCEMENT ACT, 9 N.N.C. § 1701 *ET SEQ.*

PURPOSE: This resolution, if adopted, would amend the Navajo Nation Child Enforcement Act, 9 N.N.C. § 1701 *et seq.*

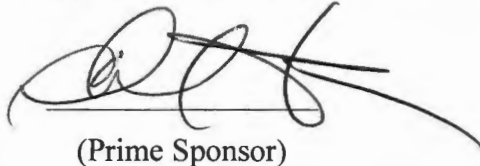
This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: 7:44pm 11-24-20
Posting End Date: 11-29-20
Eligible for Action: 11-30-20

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

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL -- Second Year, 2020

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0295-20

AN ACTION

RELATING TO LAW AND ORDER, HEALTH, EDUCATION AND HUMAN
SERVICES, NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION
COUNCIL; AMENDING THE NAVAJO NATION CHILD SUPPORT
ENFORCEMENT ACT, 9 N.N.C. § 1701 *ET SEQ.*

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).

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. The Navajo Nation Child Support Enforcement Act was originally adopted by the
10 Navajo Nation Council in 1994 (CD-111-94). Since the enactment of the Navajo Nation
11 Child Support Enforcement Act in 1994, federal law has changed. For this and other
12 reasons, it is necessary that the Act be updated.

13 B Amendments to the Navajo Nation Child Support Enforcement Act are necessary in
14 respect to Service of Process provisions. The current Act requires specific, individual
15 service rather than more general service that has proven to be expensive and time
16 consuming for the Department of Child Support Services. The complication in Service of
17 Process results in delays prosecuting child support cases and delays collection of child
18 support services for Navajo children.

19 C. The Navajo Nation Child Support Enforcement Act further provides for comity to
20 other jurisdictions. *See*, 9 N.N.C. §1718. Since the adoption of the Child Support
21 Enforcement Act, the federal government enacted the Full Faith and Credit for Child
22 Support Act, 28 U.S.C. §1738(B). This Act requires any state or tribe taking money from
23 the federal government under Title IV(D) of the Social Security Act must provide full
24 faith and credit to other IV(D) programs in order to be funded. In order to properly reflect
25 that change, the method of recognizing foreign child support orders needs to be through
26 full faith and credit rather than comity.

27 D. As Navajo children are considered the most valuable gifts of creation, it is in the best
28 interest of the Navajo Nation that the Navajo Nation Child Support Enforcement Act be
29 amended.

1 **SECTION THREE. APPROVING AMENDMENTS**

2 The Navajo Nation hereby approves amendments to the Navajo Nation Child Support
3 Enforcement Act, at 9 N.N.C. § 1701 *et seq.*, as follows:

4 _____

5 **Title 9. Domestic Relations**
6 **Chapter 17. Child Support Enforcement Act**

7

8 **§1701. Short Title:** This Act shall be known as the Navajo Nation Child Support
9 ~~Enforcement~~ Act, hereinafter as the "Act."

10

11 **§1702. Statement of Policy**

12 A. This Act shall be liberally construed to effectuate the policy stated herein; and
13 these remedies shall be in addition to, and not in lieu of, those in existing law. It is the
14 public policy of the Navajo Nation to implement the values of Navajo common law
15 regarding parentage and children. Children are the most valuable gift of creation.
16 They must be loved and receive care. There is a parental duty to establish a child's
17 parentage for identity in family and clan relations. Parents and relations have a duty
18 to nourish and support children. Where there is disharmony in the family, parents
19 will subordinate their interests in favor of their children.

20 B. Children shall be maintained; as completely as possible; from the resources of
21 their parents. This Act establishes an quasi-judicial/administrative process for the
22 establishment of parentage; the establishment, modification and enforcement of child
23 support obligations; and adds provides remedies to those already existing for child
24 support enforcement. ~~This Act shall be liberally construed to effectuate the policy~~
25 ~~stated herein; and these remedies shall be in addition to, and not in lieu of, those in~~
26 ~~existing law.~~

27 C. ~~The state of Arizona, New Mexico, and Utah which are charged with the~~
28 ~~provision of services to individuals under Title IV (D) of the Social Security Act may~~
29 ~~utilize the administrative and judicial review processes provided for in this Act, to the~~
30 ~~extent that they negotiate agreements for the performance of administrative functions~~

1 by the Navajo Nation. Absent such agreements, the Navajo Nation shall have no
2 obligation to provide services under this Act to state Title IV(D) agencies. In no
3 manner is this Act intended, nor is it to be deemed, to relieve the States of Arizona,
4 New Mexico and Utah from providing equal protection of the laws of their respective
5 states and the United States to their citizens. The Navajo Nation provides child
6 support services in accordance with Title IV (D) of the Social Security Act. Pursuant
7 to the requirements for the provision of services conforming to Title IV (D), any
8 judicial or administrative child support orders issued by states or tribes, exercising
9 proper jurisdiction and providing due process, and that are providing services in a
10 accordance with Title IV (D), must be given Full Faith and Credit in the courts and
11 hearing tribunals of the Navajo Nation. The Navajo Nation is under no obligation to
12 provide services under this Act to a state or tribe that is not providing child support
13 services in accord with Title IV (D).

14 15 **§1703. Definitions**

16 For purposes of this Act:

17 A. "Absent Parent" means a parent of (a) child(ren) either during the course of
18 marriage or outside of marriage who is not providing the custodial parent with child
19 support for the benefit of the child(ren), or who is bound by an administrative or court
20 order to pay a child support obligation.

21 B. "Administrative Order" unless otherwise indicated means an order issued by the
22 Navajo Nation Office of Hearings and Appeals establishing and/or modifying
23 parentage paternity of and/or liability for public debt and/or child support for any
24 child(ren).

25 C. "Alleged Father" means a man named as the father of a child born to unmarried
26 parents who has not been legally determined to be the father. The alleged father is
27 also referred to as the putative father.

28 D. "Appeal" means to ask a higher court to reverse the decision of a trial court after
29 final judgment or other legal ruling.

1 EC. "Child" means any person under the age of 18 who is not emancipated
2 according to the laws of the Navajo Nation who is alleged to be the natural or adopted
3 child(ren) offspring of an absent/non-custodial parent or custodial parent.

4 FD. "Child Support" means the financial obligation an absent/non-custodial parent
5 has towards his or her child(ren), whether such obligation is established through
6 judicial or administrative process, by stipulation of the absent/non-custodial parent, ~~or~~
7 ~~by parentage of any child(ren). The financial obligation of an absent parent shall be~~
8 ~~met through the payment of monies and/or through the provision of other goods~~
9 ~~and/or services, as ordered by the Office of Hearings and Appeals, or the courts.~~

10 GH. "Assignment of Child Support Rights" means the legal procedure whereby a
11 custodial parent assigns their right to receive services and support rights, as provided
12 under Navajo law or comparable laws of another jurisdiction, to the Navajo Nation.

13 HI. "Comity" means the legal principle that political entities (*i.e.*, states, nations,
14 tribes or courts of other jurisdictions) will mutually recognize each other's legislative,
15 executive and judicial acts.

16 IE. "Court" shall mean any family court of the Navajo Nation or a court of another
17 state or territory having jurisdiction to determine an absent/non-custodial parent's
18 liability for child support.

19 JE. "Court Order" means any order, judgment, or decree of a court establishing ~~or~~
20 ~~modifying parentage~~ paternity for (a) child(ren) and/or liability for public debt and/or
21 child support for any child(ren).

22 KG. "Custodial Parent" means the parent who holds legal custody of the child(ren)
23 pursuant to a court order, or who exercises physical custody of the child(ren) on the
24 basis of agreement between the parents or the absence of one parent. The term
25 custodial parent shall also include a guardian or custodian appointed by a court of
26 competent jurisdiction.

27 L. "Department" unless otherwise indicated means the Navajo Nation Department of
28 Child Support Services.

29 MH. "Division" unless otherwise indicated means the Navajo Nation Division of
30 Human Resources, or its successor.

1 N. "Due Process" means the principle of fairness in legal proceedings so that a person
2 has a right to know what action is being taken and has an opportunity to be heard.

3 O. "Fee Simple" means the absolute title to land, free of any other claims, which one
4 can sell or pass to another by will or inheritance.

5 P. "Foreign Orders" means any court orders from outside of Navajo Nation.

6 QI. "Garnishment" means the process whereby an order is directed to an employer,
7 bank or agent, holding monies or property of an absent/non-custodial parent, to make
8 payments or deliver property to satisfy a child support obligation debt in accordance
9 with the order.

10 R. "Genetic Testing" means analysis of inherited factors to determine legal
11 fatherhood or paternity.

12 S. "Gross Income" is means income from any source, including but not limited to,
13 salaries, wages, commissions, bonuses, dividends, severance or retirement pay,
14 pensions, interest, trust income, annuities, capital gains, unemployment
15 compensation, worker's compensation, earned disability insurance benefits, tips,
16 gifts, prizes, and alimony. This It includes in-kind and non-cash income, calculated at
17 reasonable market value.

18 T. "Hardship" means the severity with which a proposed construction of the law
19 would bear upon a particular case. This term applies to cases that may have
20 extenuating circumstances where a lenient stance is taken by the court.

21 U. "Means-tested Assistance" means payments received by the parents which are not
22 included in the determination of the child support obligation. This includes, but not
23 limited to, Temporary Assistance to Needy Families (TANF), Supplemental Security
24 Income (SSI), Supplemental Nutrition Assistance Program (SNAP), General
25 Assistance.

26 VK. "Income Tax Refund Interception" is means a remedy whereby any income tax
27 refund, Ffederal or state, of an non-custodial/ absent parent is shall be intercepted,
28 directly from the United States, State, Navajo Nation, or other Indian Nation for the
29 payment of public and/or support debt.
30

1 W. "In-Kind/Non-cash support" means support provided to a custodial parent for the
2 child(ren) in lieu of cash support payments.

3 X. "Modification of Child Support" means a decrease or increase of child support
4 obligation in an order.

5 Y. "Income Withholding" also known as wage execution means a remedy which is
6 included in an administrative or court order directing an employer to withhold
7 payments from the earned wages of a non-custodial parent.

8 Z. "Non Compliance" means when the employer does not honor wage garnishment
9 for child support order within one week or within the next pay period of receipt of
10 order.

11 AA. "Non-Custodial Parent" refer to "absent parent."

12 BBL. "Parent" means the natural or adoptive mother or father of a child.

13 CCM. "Parentage" means the condition of being the natural or adoptive mother or
14 father of any child(ren) and includes both the paternity and maternity of any
15 child(ren).

16 DD. "Paternity" means the legal acknowledgement of the parental relationship
17 between a father and his child.

18 ~~N. "Public Assignment of Child Support Rights" means the assignment of child~~
19 ~~support rights by the custodial parent to the Navajo Nation, or any state or federal~~
20 ~~agency. Such assignment may be in connection with the payment of benefits under~~
21 ~~the federal titles IV-A, IV-E, or XIX Medicaid. Aid to Families with Dependent~~
22 ~~Children (AFDC) to or for the benefit of any child(ren) by the Navajo Nation, or any~~
23 ~~state or federal agency, as a consequence of the failure of an absent parent to provide~~
24 ~~child support to any child(ren).~~

25 EE. "Public Debt" means the debt of unpaid child support owed by a non-custodial
26 parent that has been assigned by the Custodial Parent.

27 FF. "Service of Process means the actual delivery of legal document that requires a
28 person to respond or appear.

1 GG Θ. "State Lottery and Indian Gaming Winnings" means any and all monies
2 and/or goods and/or services which are awarded to an individual as a consequence of
3 a state and/or Indian Nation gaming operation.

4 HH. "Statute of Limitation" means the length of time a person has to take a legal
5 action.

6 ~~P. "Child Support Rights" means the rights of a custodial parent to receive child~~
7 ~~support from an absent parent as determined under the law of the Navajo Nation or~~
8 ~~comparable laws of any other jurisdiction or territory.~~

9 II. "Voluntary Agreement" means an agreement between parties to establish
10 paternity and child support.

11 JJ Q. "Wage Assignment" means a voluntary written assignment of earned wages
12 which is submitted by an employee to an employer, authorizing the employer to pay
13 the earned wages of the employee to or for the benefit of a child(ren).

14 KK R. "Wage Execution" is a remedy which can be included in an administrative or
15 court order directing an employer to make payments to or for the benefit of a child
16 from the earned wages of any employee.

17
18 **§1704. Public Assignment of Child Support Rights. Establishment and Amount**
19 **of Obligation**

20 A. Assignment

21 ~~A public assignment of child support rights constitutes an obligation owed by~~
22 ~~the absent parent to the Navajo Nation, or any state or federal agency. The~~
23 ~~assignment may be connected to the payment of AFDC benefits to, or for the benefit~~
24 ~~of, the child(ren).~~

25 I. ~~A custodial parent who receives AFDC benefits in his or her own~~
26 ~~behalf or for the benefit of a child shall assign all accrued child support rights~~
27 ~~for the AFDC beneficiary child(ren), to the Navajo Nation, or other federal or~~
28 ~~state agency, which made AFDC payments to the custodial parent.~~

29 II. ~~A custodial parent who does not receive AFDC benefits may apply for~~
30 ~~services from the Division under this Act upon their voluntary assignment of~~

1 all accrued child support rights to the Navajo Nation. Provided, that the
2 Division may charge such non-AFDC recipient custodial parents fees for
3 services provided under this Act, in accord with the fee schedule established
4 pursuant to Section II of this Act. The application Navajo Nation assures the
5 application on fee will not exceed \$25. in accordance with Tribal Final Rule
6 45 CFR 309.75 (e).

7 ~~III1.~~ The assignment of child support rights includes the right to prosecute
8 any action to establish parentage paternity, and to establish, modify, and/or
9 enforce the amount of child support obligation, pursuant to this Act or any
10 other provision of applicable Navajo Nation law. All such actions shall be
11 brought in the name of the Navajo Nation, ~~or such other federal or state~~
12 ~~agency which made AFDC payments to the custodial parents.~~

13 ~~IV2.~~ A The custodial parent shall has have the right to refuse to assign
14 his/her support rights to the Navajo Nation, ~~or other federal or state agency,~~
15 ~~for good cause based upon the best interests of the child(ren).~~

16 B. Obligation

17 The absent/non-custodial parent's child support obligation shall be established
18 through the quasi-judicial/administrative process provided in this Act, or by a
19 voluntary agreement which meets the requirements of ~~Section 16~~ § 1716 of this Act.

20 ~~I1.~~ The obligation shall commence at the time of the entry of the
21 administrative order which establishes the amount of the child support payable
22 by the absent/non-custodial parent, or on the date on which the absent/non-
23 custodial parent signs the voluntary agreement.

24 ~~H2.~~ If there is an administrative order, the amount of the child support
25 obligation shall be the amount set in the administrative order.

26 ~~III.~~ ~~Until there is an administrative order entered, the amount of the child~~
27 ~~support obligation shall be presumed to be the amount determined in writing~~
28 ~~by the Division as part of the administrative process established under this~~
29 ~~Act, in accordance with the Navajo Nation Child Support Guidelines.~~

1 **§1705. Notice of Public Assignment of Child Support Rights**

2 A. When the Navajo Nation ~~or any other state and/or federal agency~~ has received
3 an assignment of child support rights, the Department Division ~~may~~ shall issue a
4 Notice of Public Assignment (NPA) of Child Support Rights. Service shall be by:

5 1. e Certified mail, restricted delivery; ~~Provided, that where an attempt to~~
6 ~~serve by certified mail is unsuccessful,~~

7 2. Personal service in accordance to the Navajo Nation Rules of Civil
8 Procedures. Personal service of an NPA may be made by delivering a copy of
9 the NPA to the recipient personally or by leaving a copy at the recipient's
10 dwelling house or usual place of abode with some person sixteen (16) years or
11 older then residing therein. shall be made by any person designated by the
12 ~~Division who has reached the age of eighteen (18) years, and who is neither~~
13 ~~identified as a child nor a custodial parent under the Notice of Assignment of~~
14 ~~Child Support Rights.~~

15 B. Refusal of Certified Mail. When Service of Process has been attempted by
16 certified mail to the last known address of the recipient with return receipt requested
17 and return receipt has been returned by the United States Postal Service as "refused,"
18 such shall be deemed valid service if:

19 1. Mail was previously sent to that address and not returned as
20 "undeliverable;" or,

21 2. The address has been verified by a third party, i.e. U.S Post Office,
22 recipient's employer, etc.

23 C. The ~~notice~~ Notice of Public Assignment of Child Support Rights shall
24 include:

25 A 1. A statement providing the name(s) and birth date(s) of the minor
26 child(ren) for whom parentage/paternity is alleged and for whom child support
27 is being sought, and the name of the custodial parent and alleged or putative
28 father.

29 B 2. A statement of the child support obligation accrued pursuant to a court
30 or administrative order or voluntary agreement and a demand for immediate

1 payment, for those cases wherein a court or administrative order has
2 established the child support obligation; or

3 € 3. A statement of the child support obligation which the Division
4 Department has determined to be appropriate, in accordance with the Navajo
5 Nation Child Support Guidelines, for those cases in which no court or
6 administrative order has established the child support obligation;

7 Đ 4. A statement that if the alleged absent non-custodial parent disagrees
8 with the claims of their parentage paternity of the child(ren), the amount of
9 the child support obligation or the periodic monthly payment required thereon,
10 the alleged absent/non-custodial parent must file an written answer and
11 request a for hearing, within thirty (30) days of service, with the Division,
12 which shall immediately transmit the written answer and request for hearing
13 to the Office of Hearings and Appeals;

14 E 5. A statement that if no timely written answer is received within thirty
15 (30) days, the Office of Hearings and Appeals hearing tribunal shall enter an
16 order in accordance with the Notice of Public Assignment of Child Support
17 Rights. A statement indicating that the entry of default against the absent/non-
18 custodial parent will result in the entry of a self-executing judgment for wage
19 execution in the amount of the public debt;

20 F 6. A statement that as soon as an administrative order is entered, the
21 absent/non-custodial parent's property, without further notice or hearing, will
22 be subject to collection action, including, but not limited to; wage execution,
23 garnishment, income tax refund interception, state and Indian gaming
24 winnings interception, retirement, attachment and execution on real property
25 held in fee simple, whether located within or outside the boundaries of Navajo
26 Indian Country and personal property wheresoever located. This also includes
27 the following:

28 a. License Suspension

29 b. Passport Denial

30 c. Bank Account Seizures

1 G7. A statement that the custodial parent and the absent/non-custodial
2 parent are is responsible for notifying the ~~Division~~ Department of any change
3 of address or employment;

4 H 8. A statement of all fees associated with the administrative child support
5 enforcement process ~~which~~ may be charged against the absent/non-custodial
6 parent;

7 I. ~~A statement indicating that the entry of default against the absent~~
8 ~~parent will result in the entry of a self-executing judgment for wage execution~~
9 ~~in the amount of the public debt;~~

10 J 9. Such other information as the ~~Division~~ Department deems appropriate.

11
12 **§1706. Navajo Nation Child Support Guidelines**

13 The ~~Navajo Nation Supreme Court~~ Department shall, following public
14 hearings conducted by the ~~Division~~ Department and in accord with the requirements
15 of 7 N.N.T.C. §601, establish a scale of minimum child support contributions. This
16 scale shall be used to determine the amount an absent non-custodial parent shall pay
17 for support of his or her child(ren) pursuant to this Act.

18 A. The Navajo Nation Child Support Guidelines must, at a minimum:

19 1. Take into consideration all gross income of the custodial and non-
20 custodial parents; and

21 2. Be based on specific descriptive and numeric criteria and result in a
22 computation of an amount of child support which is sufficient to meet the
23 basic needs of the child(ren) for housing, clothing, food, education, health
24 care, recreation, and goods and services required by physical and/or mental
25 disability; and

26 3. Provide for the child(ren)'s health care needs, through health insurance
27 coverage which supplements those health care goods and services provided by
28 ~~the Federal Government~~ Indian Health Service (IHS) Health Care Facilities
29 and Public Law 638 hospitals, where appropriate; and
30

1 4. ~~Consider t~~The circumstances which may support a written finding on
2 the record of a judicial or administrative proceeding for the award of child
3 support, in reducing support contributions on the basis of hardship to the
4 absent parent or other children while ~~considering~~ balancing the best interest of
5 the child(ren) who are the subject of the judicial or administrative proceeding;
6 and

7 5. Provide for non-cash payment for current support only; establish a
8 specific dollar amount for support obligation; and describe types of non-cash
9 support that will be permitted to satisfy the support order. Non-cash payments
10 will not apply to accrued arrearages; and

11 6. Provide the opportunity to challenge/dispute the guidelines findings
12 and child support amount;

13 7. Provide for review and revision, where appropriate, of the child
14 support guidelines at least once every four years to ensure that the amounts
15 provided for in the guidelines are periodically adjusted for increases or
16 decreases in the costs associated with the care and support of children within
17 the Navajo Nation.

18 B. ~~The Supreme Court of the Navajo Nation~~ Department shall accept and
19 compile pertinent and reliable information from any available source in order to
20 establish a scale of minimum support contributions. Copies of the scale shall be made
21 available to the ~~Division~~ Department, the Office of Hearings and Appeals, courts,
22 prosecutors, and persons admitted to the practice of law in the Navajo Nation, and
23 shall be considered public records of the Navajo Nation.

24
25 **§1707. Adjustments to Gross Income**

26 A. When calculating the gross income of a parent for purposes of this Act, the
27 following adjustments to gross income shall be made as deductions from gross
28 income:

29 1. Amounts of court-ordered alimony and child support actually paid;
30 and

1 2. Amounts necessary for minimal costs of food, shelter, clothing, and
2 transportation in maintenance of the parent; and

3 3. Amounts paid in mandatory taxes and social security deductions.

4 B. The provisions of §1707, Subsection (A) notwithstanding, the best interests of
5 the child(ren) shall take precedence. Child support amounts shall be sufficient to
6 provide for the basic needs of the child(ren). In cases wherein adjustments to gross
7 income of a parent under §1707, Subsection (A) (~~ii~~2), would result in insufficient
8 child support to any of the children of the ~~absent~~ non-custodial parent, the needs of
9 the child(ren) shall take precedence over the needs of the ~~absent~~ non-custodial parent.

10
11 **§1708. Administrative Hearings**

12 A. Scheduling of Hearing

13 Upon receipt of a written answer from the ~~alleged absent~~ non-custodial parent
14 pursuant to §1705 of this Act, ~~the Office of Hearings and Appeals shall schedule a~~
15 hearing shall be scheduled before a hearing officer. The ~~administrative~~ hearing shall
16 be held within the judicial district in which the custodial parent resides, unless
17 another venue is agreed upon by the parties. Telephonic ~~administrative~~ hearings are
18 permitted as well as the telephonic administration of oaths. The ~~administrative~~
19 hearing shall be scheduled within thirty (30) days of upon the receipt of the written
20 answer, or unless continued for cause by any motion of the parties or by the hearing
21 ~~officer~~ tribunal.

22 B. Issues for Determination in Administrative Hearing

23 1. ~~Parentage-Paternity~~. Unless the alleged ~~absent~~ parent has stipulated
24 and/or acknowledged to his ~~or her~~ parentage/paternity of the child(ren), the
25 hearing ~~officer~~ tribunal shall determine whether the alleged ~~absent~~ parent is
26 the parent of the child(ren). Birth Certificates that name the person as the
27 father creates an actionable, legal, presumption of paternity that satisfies the
28 hearing body's obligation to establish paternity by clear and convincing
29 evidence. The hearing ~~officer~~ tribunal shall make a specific finding of fact
30 regarding whether the alleged absent parent is the parent of the child(ren).

1 Such determination can be made without a hearing and based on
2 documentation filed and agreed to by both parties. The standard ~~for~~ of proof of
3 ~~parentage~~ shall be by clear and convincing evidence.

4 2. Amount of Child Support Obligation. The hearing ~~officer~~ tribunal
5 shall establish the amount of the child support obligation of the ~~absent non-~~
6 custodial parent by using the Navajo Nation Child Support Guidelines,
7 ~~provided in §1706.~~ The hearing ~~officer~~ tribunal shall make a specific finding
8 of fact regarding the amount of the child support obligation. The standard of
9 proof ~~for establishment of the amount of the child support obligation~~ shall be
10 by preponderance of the evidence.

11 C. Procedures. The hearing shall be conducted according to procedures
12 established by the ~~Office of Hearings and Appeals~~ hearing tribunal. These
13 procedures shall provide due process to the parties and shall, at a minimum,
14 authorize:

15 1. The inspection of property, examination and production of pertinent
16 records, books, information, or evidence;

17 2. The subpoena of any person for testimony ~~under oath concerning all~~
18 ~~matters related to the establishment of parentage and child support;~~

19 3. The admission of ~~pertinent~~ relevant testimony and evidence ~~upon~~
20 ~~which the issues of parentage and child support shall be determined; and~~

21 4. The making of a permanent record of the proceedings, through
22 electronic recording or other method.

23 D. Default. If the ~~alleged non-custodial~~ absent parent fails to answer within the
24 required time period or fails to appear at the hearing, upon a showing of valid service,
25 the hearing ~~officer~~ tribunal shall enter a decision and order of parentage paternity, and
26 child support obligation pursuant to the notice. ~~Within 20 days of the administrative~~
27 ~~hearing, the~~ The hearing ~~officer~~ tribunal shall enter an order stating the establishment
28 of parentage paternity, and the child support obligation of the ~~absent non-custodial~~
29 parent.

30 E. ~~Miscellaneous~~ Content of Order

1 1. Each order for child support or maintenance payments shall include an
2 order that the ~~absent~~ non-custodial parent and custodial parent notify the
3 ~~Office of Hearings and Appeals~~ tribunal of any change of
4 employer/unemployment or change of address within 10 days of such change.

5 2. ~~In the event the order contains a determination of child support~~
6 ~~obligation, the order shall be in favor of the child through its custodial parent~~
7 ~~or guardian when the Navajo Nation, or other federal or state agency, is not~~
8 ~~making AFDC payments in behalf of the child.~~

9 3 2. In the event the order contains a determination of child support
10 payments, the order shall include ~~provide for~~ garnishment, wage execution,
11 state and Indian gaming winnings and income tax refund interception as
12 means for execution on any unpaid child support obligation.

13 3. The amount to be withheld will include current child support plus an
14 amount to be applied toward liquidation of past due child support (arrearages)
15 if applicable.

16 F. Modification of Order. The child support obligation of an ~~absent~~ non-
17 custodial parent may after entry of an administrative order, be modified prospectively
18 upon entry of an order by the ~~Office of Hearings and Appeals~~ hearing tribunal. Either
19 parent may petition the hearing ~~officer~~ tribunal for an order based on a showing of a
20 change of circumstances requiring the other parent to appear and show cause why the
21 decision previously entered should not be prospectively modified. ~~The order to~~
22 ~~appear and show cause together with a copy of the affidavit upon which the order is~~
23 ~~based shall be served by the petitioning parent on the other parent in the same manner~~
24 ~~as the notice under §1705 of this Act.~~ A hearing shall be set scheduled not more than
25 30 days from the date of service; The following conditions shall be reasons for
26 modification of existing orders including, but are not limited to:

- 27 1. Change in income
28 2. Change in custody
29 3. Disability of non-custodial parent
30 4. Loss or gain of employment

1 5. Change in child support law

2 6. Death of dependent

3 7. Emancipation of dependents

4 The interest of the child(ren) shall always take precedence over the needs of
5 the parents. The order of modification shall be issued within twenty (20) days after
6 the hearing.

7
8 **§1709. Judicial Review**

9 A. Appeal

10 1. ~~The Navajo Nation Supreme Court shall hear appeals on the record~~
11 ~~from administrative decisions made by the Office of Hearings and Appeals~~
12 ~~pursuant to this Act.~~

13 21. Any party may secure judicial review of an administrative order made
14 pursuant to this Act by filing an appeal with the Navajo Nation Supreme
15 Court within ~~twenty~~ thirty(230) days after the administrative decision is filed
16 in ~~by the hearing tribunal~~ Office of Hearings and Appeals.

17 B. Appeal on Record. The appeal to the Navajo Nation Supreme Court shall be
18 an appeal on the record established before the ~~Office of Hearings and Appeals~~
19 ~~hearing tribunal~~ and shall be strictly limited to the issues of the ~~parentage~~ paternity of
20 the child(ren), the amount of public debt and child support liability of the ~~absent non-~~
21 custodial parent.

22 C. Standard of Review. The Navajo Nation Supreme Court shall not reconsider
23 questions of fact which have been determined by the ~~Office of Hearings and Appeals~~
24 ~~hearing tribunal~~. The Navajo Supreme Court may reverse or modify the decision of
25 the ~~Office of Hearings and Appeals~~ hearing tribunal if the administrative findings,
26 conclusions or decisions are, as a matter of law:

- 27 1. Clearly erroneous in view of the reliable, probative, and substantial
28 evidence in the record, when viewed in its entirety; or
29 2. Arbitrary and capricious or characterized by abuse of discretion.

1 **§1710. Docketing of Order**

2 A true copy of ~~any~~ an administrative order made pursuant to ~~Section 5 or 8~~
3 §1705 or §1708 of this Act, may be filed with the clerk of any Court in the Navajo
4 Nation. The eClerk shall docket the order in the judgment docket. Upon docketing,
5 the order shall have all the force and effect of a docketed order of the Family eCourt,
6 including but not limited to the ability to enforce such an order pursuant to the Navajo
7 Rules of Civil Procedure and the laws of the Navajo Nation.

8
9 **§1711. Powers of the ~~Division~~ Department**

10 A. Except where otherwise indicated, the ~~Division~~Department shall have the
11 power to promulgate rules and regulations necessary to carry out the provisions of
12 this Act.

13 B. The ~~Division~~ Department shall have the authority to ~~conduct~~ provide a child
14 support ~~enforcement~~ services ~~program~~ under this Act, including the authority to
15 investigate claims of ~~parentage~~ paternity and child support obligation, to locate ~~absent~~
16 custodial and non-custodial parents, and to establish, enforce and modify child
17 support obligations through the administrative process contained in this Act.

18 C. ~~— Except where otherwise indicated, the Division shall have the power to certify~~
19 ~~to official acts.~~

20 D C. The ~~Division~~ Department shall have the power to require alleged ~~absent~~
21 parents to undergo blood testing and/or DNA testing, in accordance with rules and
22 regulations promulgated by the ~~Division~~ Department for the purpose of obtaining
23 evidence relevant to the parentage of child(ren). Navajo traditional and customary
24 objections to blood testing and/or DNA testing shall not be a basis for refusal to
25 undergo such testing. ~~The Division may require the alleged absent parent to~~
26 ~~reimburse the Division for the costs of such blood testing and/or DNA testing.~~

27 E D. The ~~Division~~ Department shall be exempt from any filing fees required of
28 individuals in the courts of the Navajo Nation.

29 F E. The ~~Division~~ Department shall have the authority to report ~~the names and~~
30 ~~social security numbers of absent parents and~~ cases and the amounts of ~~unpaid public~~

1 and/or child support debt to credit reporting bureaus, and professionals licensing
2 agencies.

3 G F. The ~~Division~~ Department shall have the ~~power~~ authority to set or reset the
4 schedule of fees required on the establishment and enforcement of public debt and
5 child support, including application fees, filing and other fees associated with the
6 administrative process.

7 H. ~~The Division shall have the power to utilize funds which it collects pursuant~~
8 ~~to this Act through a revolving cost account for the operation of the child support~~
9 ~~enforcement services, subject to appropriation of such funds by the Navajo Nation~~
10 ~~Council. Provided, that state and federal funds shall not be supplanted by fees~~
11 ~~collected by the Division.~~

12
13 **§1712. Wage Execution and Garnishment Income Withholding/Wage**
14 **Assignment**

15 A. ~~The Office of Hearings and Appeals hearing tribunal~~ may order wage
16 ~~execution~~ Income withholding in any order issued pursuant to §1705 or §1708 of this
17 Act. ~~Wage execution~~ Income withholding shall be utilized in all cases, ~~wherein an~~
18 ~~employer of an absent parent can be identified.~~

19 B. ~~The Office of Hearings and Appeals may require garnishment of earnings to~~
20 ~~enforce child support order pursuant to this Act in cases wherein wage execution may~~
21 ~~not be an available remedy, due to the lack of an identified employer, or for other~~
22 ~~reasons.~~

23 B. A non-custodial parent may execute a wage assignment to meet the child
24 support obligation pursuant to §1716 of this Act.

25 C. No employer shall refuse to honor a wage assignment or Income Withholding
26 executed pursuant to this Act. An assignment and Income Withholding made
27 pursuant to this section shall be binding upon the employer one (1) week after service
28 upon the employer of a true copy of the assignment. Payment of monies pursuant to a
29 wage assignment and Income Withholding shall serve as payment of all such wages
30 assigned under any contract of employment. No employer may discharge or

1 prejudice any employee because his/her wages have been subject to an assignment or
2 Income Withholding for child support. Any employer not complying with the Income
3 Withholding Order for child support or who takes action against an employee because
4 his/her wages are garnished will be charged a fee of no more than \$500.00 for each
5 non-compliance. An employer can contest any citation pursuant to 15 N.N.C. §1417.
6

7 **§ 1713. Wage assignments**

8 ~~An absent parent may execute a wage assignment as will be sufficient to meet~~
9 ~~the child support obligation calculated by reference to the order of the Office of~~
10 ~~Hearings and Appeals, or a voluntary agreement entered into pursuant to §1716 of~~
11 ~~this Act.~~

12 ~~No employer shall refuse to honor a wage assignment executed pursuant to~~
13 ~~this Act. An assignment made pursuant to this section shall be binding upon the~~
14 ~~employer one (1) week after service upon the employer of a true copy of the~~
15 ~~assignment. Payment of monies pursuant to a wage assignment shall serve as~~
16 ~~payment of all such wages assigned under any contract of employment. No employer~~
17 ~~may discharge or prejudice any employee because his wages have been subject to an~~
18 ~~assignment for child support.~~

19
20 **§1714 1713. Exemption from limitation. Statute of limitations not applicable**

21 No support lien, wage assignment, Income withholding, or garnishment shall
22 be deemed invalid or nonactionable due to the expiration of the statute of limitations
23 on any action for failure to provide child support or maintenance for any child(ren).
24 No statute of limitations shall be effective to prevent establishment, modification
25 and/or enforcement of parentage and/or child support for any child from birth until
26 the child reaches the age of eighteen (18). So long as child support has been
27 established by a hearing tribunal having proper jurisdiction and having provided due
28 process to all parties, prior to the child/ren having attained the age of 18 years of age,
29 any arrearages that have accumulated prior to the age of emancipation, remain subject
30 to collection and enforcement.

1
2 **§1715 1714. Government records**

3 A. The ~~Division~~ Department may request and ~~shall~~ receive information from the
4 records of all ~~divisions, departments, boards, bureaus or other agencies~~ government
5 agencies (tribal, states, and federal) and/or private businesses to locate parents subject
6 to child support, and the same are authorized to provide such information as is
7 necessary for this purpose. This information will be disclosed in accordance with the
8 Navajo Nation Privacy Act and Access to Information Act 2 N.N.C. §81 et. seq.

9 ~~B. The Division may make such information available only to those officials of~~
10 ~~the Navajo Nation which are authorized to locate parents who have failed to provide~~
11 ~~child support for their child(ren) to establish, modify, or enforce court orders for child~~
12 ~~support, or to establish parentage. This information may be given to them only upon~~
13 ~~their assurance that it will be used in connection with their official duties under the~~
14 ~~child support enforcement program.~~

15 ~~CB.~~ Disclosure of information under this subsection shall comply with ~~Section~~
16 ~~(402 (a) (9))~~ of the Social Security Act. In all support proceedings before the ~~Office~~
17 ~~of Hearings and Appeals hearing tribunal~~, there shall be compulsory disclosure by
18 both parties of their respective financial status.

19
20 **§ 1716 1715. Enforceable voluntary agreement**

21 A. Content of Agreement

22 A custodial parent may enter into an agreement with the ~~alleged absent non-~~
23 custodial parent with or without legal representation.

24 1. At a minimum, the agreement shall establish the ~~parentage~~ paternity of
25 the child(ren) and the amount of child support obligation which shall be paid
26 by the ~~absent non-custodial~~ parent to the custodial parent. ~~In no circumstance~~
27 ~~will an agreement be approved or enforced which provides for a level of child~~
28 ~~support which is less than that provided for by the Navajo Nation Child~~
29 ~~Support Guidelines established pursuant to Section 6 of this Act.~~

1 2. By the terms of the agreement, the ~~absent~~ non-custodial parent must
2 personally submit ~~personally~~ to the jurisdiction of the ~~Office of Hearings and~~
3 ~~Appeals~~ hearing tribunal for enforcement and modification of the agreement,
4 and consent to entry of an ~~administrative~~ order in accordance with the terms
5 of the agreement. The agreement may be obtained by the parties through their
6 own actions, or utilizing the services of the ~~Navajo Nation Peacemaker~~
7 Peacemaking Program of the Navajo Nation.

8 B. Submission and Filing of Agreement

9 1. The voluntary agreement shall be submitted to the Department or
10 hearing tribunal for approval and enforcement. After said agreement is
11 approved by the Department or the hearing tribunal, it shall be filed but
12 judgment shall not be rendered unless there is a default in the child support
13 payments agreed upon, where, upon motion of the Department, judgment shall
14 be rendered and entered forthwith.

15 2. ~~When In the event that~~ no request for hearing has been filed with the
16 ~~Office of Hearings and Appeals~~ hearing tribunal under §1705 of this Act, and
17 no action has been filed before a court, the voluntary agreement shall be
18 submitted to the ~~Division~~ Department for approval and filed with the ~~Division~~
19 Department, which shall maintain the voluntary agreement in its records for
20 possible modification and/or enforcement under provisions of this Act.

21 23. ~~When In the event that~~ an ~~administrative~~ hearing has been requested,
22 ~~from the Office of Hearings and Appeals~~, the voluntary agreement shall be
23 submitted to the ~~Office of Hearings and Appeals~~ hearing tribunal for its
24 approval and enforcement under the provisions of this Act.

25 C. Timing of Agreement

26 1. Such agreement may be entered into at any time prior to the issuance of a
27 final administrative order establishing or modifying ~~parentage or~~ child support
28 obligation, either before or after service or process, or at any time while said
29 order is still in effect. No agreement shall be entered into before the birth of
30

1 the child unless the ~~Office of Hearings and Appeals~~ hearing tribunal finds that
2 there are special circumstances making it advisable to do so.

3 2. ~~The voluntary agreement shall be submitted to the Division or the Office of~~
4 ~~Hearings and Appeals for approval and enforcement. After said agreement is~~
5 ~~approved by the Division or the Office of Hearings and Appeals, it shall be~~
6 ~~filed but judgment shall not be rendered unless there is a default of the child~~
7 ~~support payments agreed upon, when, upon motion of the Division judgment~~
8 ~~shall be rendered and entered forthwith.~~

9
10 **§1717-1716. Writs of Assistance, Specific Performance, and Bonds**

11 A. Upon application by the ~~Division~~ Department, ~~The~~ Navajo Nation Family
12 court may issue a writ of assistance to enforce any court or administrative order
13 issued pursuant to this Act. Administrative and court orders recognized through
14 comity have *res judicata* authority.

15 B. The Navajo Nation Family court may specifically enforce any agreement
16 made pursuant to this Act and approved by the ~~Division~~ Department, ~~Office of~~
17 ~~Hearings and Appeals~~ hearing tribunal, or the Peacemaking Program of the Navajo
18 Nation.

19 C. The Navajo Nation Family court may require a party to submit a commercial,
20 personal surety, or other bond to satisfy the terms of an order issued pursuant to this
21 Act, and enforce such bond in proceedings against the principal and sureties.

22 D. The Navajo Nation Family court, upon a showing that an ~~absent~~ non-custodial
23 parent has failed to obey an administrative or court order to pay a support or public
24 debt, will issue an order to show cause against the absent parent.

25
26 **§1718 1717. Foreign Orders and Comity**

27 A. Court and administrative orders, judgments or decrees of other Indian nations,
28 states or federal agencies, which relate to child support enforcement, are enforced in
29 the Navajo Nation under the ~~doctrine of comity~~ Full Faith and Credit for Child
30 Support Orders Act (FFCCSOA). Authentic foreign orders will be enforced as an

1 order of the Navajo Nation where the foreign tribunal had personal jurisdiction over
2 the person claimed to be bound by the foreign order; personal Service of Process was
3 made on such person; the administrative or court proceedings offered substantial
4 justice to such person; and the order does not violate Navajo Nation public policy.
5 For purposes of this Act, the ~~Office of Hearings and Appeals~~ hearing tribunal shall
6 have the authority to consider court and administrative orders, judgments or decrees
7 of a foreign jurisdiction for comity recognition.

8 B. A foreign order is authenticated by reasonable proof that the document
9 tendered to the ~~Office of Hearings and Appeals~~ hearing tribunal is a true copy of the
10 foreign order as it is recorded in the agency or court of the issuing jurisdiction. An
11 authenticated stamp issued by a clerk of court or custodian of records, or a court seal,
12 is sufficient evidence of authenticity.

13 C. Unless defects in jurisdiction or public policy are apparent on the face of the
14 foreign order, the burden is upon the person against whom it is to be enforced to
15 contest the validity of the order. Upon a failure to respond to notice and the
16 opportunity to contest the order, the ~~Office of Hearings and Appeals~~ hearing tribunal
17 may enforce it as a Navajo Nation order.

18 D. Where a foreign order is invalid by reason of a lack of personal jurisdiction in
19 the agency or court of the issuing jurisdiction, the ~~Office of Hearings and Appeals~~
20 hearing tribunal may adopt some or all of its provisions as an original order of the
21 Office of Hearings and Appeals.

22 23 **§1719 1718. Request for Peacemaking Assistance**

24 The ~~Division~~ Department may request the assistance of Navajo
25 Peacemaking Program of the Navajo Nation in resolving ~~parentage and~~ child
26 support issues, if agreed to by both the custodial parent and ~~alleged absent~~ non-
27 custodial parent.

28 29 **§1720 1719. Coordination of Peacemaking Courts Program of the Navajo** 30 **Nation**

1 Peacemakers must coordinate ~~their~~ activities with the ~~Division~~ Department.
2 Agreements reached through the peacemaking process must meet the requirements of
3 §17165 of this Act.
4

5 **~~§1721~~ 1720. Temporary Support Orders**

6 In any action under the Domestic Abuse ~~Violence~~ Protection Act, 9 N.N.C.
7 §1904 et seq., any action affecting dissolution of marriage, or in any other action
8 provided for under Navajo Nation law, wherein the Navajo Nation Family Court has
9 made a temporary order concerning the care, custody, and suitable support or
10 maintenance of the child(ren), the ~~Division~~ Department shall have the authority to
11 enforce only those provisions ~~of such order~~ identifying child support obligation and
12 paternity as set forth by the hearing tribunal or Navajo Nation Family Court.
13

14 **~~§1722~~ 1721. Amendments**

15 This Act may be amended from time to time by the Navajo Nation Council
16 upon recommendation of the ~~Division of Human Resources~~ Department of Child
17 Support Services, and the Health, Education and Human Services, ~~Health and Social~~
18 ~~Services~~, and Judiciary Law and Order Committees of the Navajo Nation Council.
19
20

21 **SECTION FOUR. SAVINGS CLAUSE**

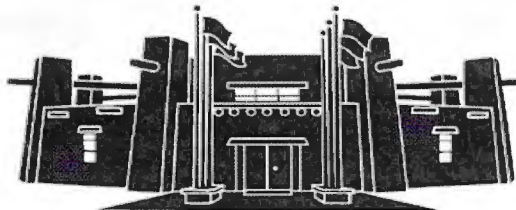
22 Should any part of this action be determined invalid by the Navajo Nation Supreme Court
23 or the District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme
24 Court, portions not determined invalid shall remain the law of the Navajo Nation.
25

26 **SECTION FIVE. CODIFICATION**

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

1
2 **SECTION SIX. EFFECTIVE DATE**

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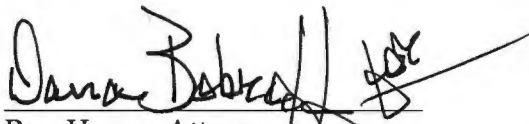


MEMORANDUM

To : Hon. Charlaine Tso, Delegate
Navajo Nation Council

Hon. Jamie Henio, Delegate
Navajo Nation Council

From :


Ron Haven, Attorney
Office of Legislative Counsel

Date : November 19, 2020

Re : **AN ACTION RELATING TO LAW AND ORDER, HEALTH,
EDUCATION AND HUMAN SERVICES, NAABIK'ÍYÁTI'
COMMITTEES AND THE NAVAJO NATION COUNCIL;
AMENDING THE NAVAJO NATION CHILD SUPPORT
ENFORCEMENT ACT, 9 N.N.C. § 1701 *ET SEQ.***

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. As to format, the resolution as drafted is legally sufficient. Regarding substance, as with any legislation, it can be subject to review by the courts in the event of proper challenge. Please ensure that this particular resolution request is precisely what you want.

If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment. If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Ahéhee'.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0295-20__

SPONSOR: Charlaine Tso

TITLE: An Action Relating To Law And Order, Health, Education And Human Services, Naabik'iyáti' Committees And The Navajo Nation Council; Amending The Navajo Nation Child Support Enforcement Act, 9 N.N.C. § 1701 ET SEQ.

Date posted: November 24, 2020 at 7:44PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

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

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0295-20

SPONSOR: Honorable Charlaine Tso

TITLE: An Action Relating To Law And Order, Health, Education And Human Services, Naabik'iyáti' Committees And The Navajo Nation Council; Amending The Navajo Nation Child Support Enforcement Act, 9 N.N.C. § 1701 et seq.

Posted: November 24, 2020 at 7:44 PM

5 DAY Comment Period Ended: November 29, 2020

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Comments/Recommendations	<i>None</i>



**Legislative Tracking Secretary
Office of Legislative Services**

11/30/20 7:30 AM

Date/Time

**LAW AND ORDER COMMITTEE
24TH NAVAJO NATION COUNCIL**

SECOND YEAR 2020

COMMITTEE REPORT

Mr. Speaker,

The **LAW AND ORDER COMMITTEE** to whom has been assigned:

Legislation No. 0295-20: An Action Relating to Law and Order, Health, Education and Human Services, Naabik'iyati' Committees and the Navajo Nation Council; Amending the Navajo Nation Child Support Enforcement Act, 9 N.N.C. §1701 *ET. SEQ.* – *Sponsor: Honorable Charlaine Tso*

Has had it under consideration and reports the same with the recommendation that it **DO PASS** with no amendments

And thereafter referred to Health, Education & Human Services Committee

Respectfully submitted,



Eugenia Charles-Newton, Chairwoman
Law and Order Committee
24th Navajo Nation Council

Date: December 07, 2020

Main Motion: Honorable Eugene Tso

Second : Honorable Vince James

Vote : 2-0-3 (Chairwoman not voting)

LAW AND ORDER COMMITTEE
Special Meeting
December 07, 2020

Legislation No. 0295-20: An Action Relating to Law and Order, Health, Education and Human Services, Naabik'iyati' Committees and the Navajo Nation Council; Amending the Navajo Nation Child Support Enforcement Act, 9 N.N.C. §1701 *ET. SEQ.* – *Sponsor: Honorable Charlaine Tso*

VOTE TALLY SHEET:

Motion: Eugene Tso Second: Vince James Vote: 2-0-3

Yea: Eugene Tso/Vince James

Nay: None

Not Voting: Eugenia Charles-Newton

Excused: Otto Tso

Absent: Edmund Yazzie



Eugenia Charles-Newton, Chairwoman
Law and Order Committee

Laureen Spencer, Legislative Advisor
Office of Legislative Services

Committee Report

THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE NAVAJO NATION COUNCIL to whom has been assigned;

LEGISLATION NO. 0295-20

AN ACTION RELATING TO LAW AND ORDER, HEALTH, EDUCATION AND HUMAN SERVICES, NAABIK'IYATI' COMMITTEES AND NAVAJO NATION COUNCIL; AMENDING THE NAVAJO NATION CHILD SUPPORT ENFORCEMENT ACT, 9 N.N.C. § 1701 *ET SEQ.*

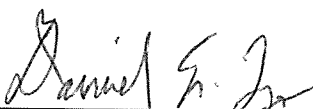
Sponsor: Honorable Charlaine Tso
Co-Sponsor: Honorable Jamie Henio

(Eligible for Committee Action November 30, 2020)

Amendment One (1): Page 17, Line 5 sentence is underlined and stricken - should just be stricken; and at Page 17, Line 24 underline hearing tribunal

Has had under consideration and report the same with the recommendation that Legislation 0295-20 pass with one (1) amendment and no directive; and therefore referred the same to the NAABIK'IYATI' COMMITTEE OF THE NAVAJO NATION COUNCIL

Respectfully Submitted,



Daniel E. Tso, Chairperson
Health, Education and Human Services Committee

December 09, 2020 - Amendment One (1) Motion

Motion by: Honorable Carl R. Slater

Seconded by: Honorable Pernell Halona

Vote: 4 in favor; 0 Opposed; Chairperson Not Voting

Yeas: Paul Begay, Jr.; Carl R. Slater; Pernell Halona; Charlaine Tso

Nays: none

Not Voting: Edison J. Wauneka

Absent (excused): all present

December 09, 2020 - Main Motion

Motion by: Honorable Edison J. Wauneka

Seconded by: Honorable Pernell Halona

Vote: 5 in favor; 0 Opposed; Chairperson Not Voting

Yeas: Paul Begay, Jr.; Carl R. Slater; Pernell Halona; Charlaine Tso;
Edison J. Wauneka;

Nays: none

Not Voting: all present

Absent (excused): all present

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE

Regular Meeting
December 09, 2020

Roll Call
Vote Tally Sheet

THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE NAVAJO
NATION COUNCIL to whom has been assigned;

LEGISLATION NO. 0295-20

AN ACTION RELATING TO LAW AND ORDER, HEALTH, EDUCATION AND HUMAN
SERVICES, NAABIK'IYATI' COMMITTEES AND NAVAJO NATION COUNCIL; AMENDING
THE NAVAJO NATION CHILD SUPPORT ENFORCEMENT ACT, 9 N.N.C. § 1701 *ET SEQ.*

Sponsor: Honorable Charlaine Tso
Co-Sponsor: Honorable Jamie Henio

(Eligible for Committee Action November 30, 2020)

December 09, 2020 - Amendment One (1) Motion

Motion by: Honorable Carl R. Slater

Seconded by: Honorable Pernell Halona

Vote: 4 in favor; 0 Opposed; Chairperson Not Voting

Yeas: Paul Begay, Jr.; Carl R. Slater; Pernell Halona; Charlaine Tso

Nays: none

Not Voting: Edison J. Wauneka

Absent (excused): all present

December 09, 2020 - Main Motion

Motion by: Honorable Edison J. Wauneka

Seconded by: Honorable Pernell Halona

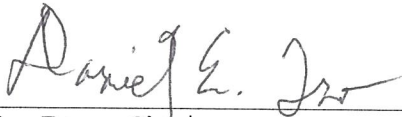
Vote: 5 in favor; 0 Opposed; Chairperson Not Voting

Yeas: Paul Begay, Jr.; Carl R. Slater; Pernell Halona; Charlaine Tso;
Edison J. Wauneka;

Nays: none

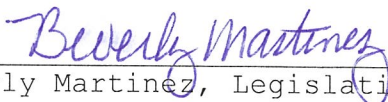
Not Voting: all present

Absent (excused): all present



Daniel E. Tso, Chairman

Health, Education and Human Services Committee



Beverly Martinez, Legislative Advisor

Health, Education and Human Services Committee

**24th NAVAJO NATION COUNCIL
NAABIK'ÍYÁTI' COMMITTEE REPORT
Second Year 2020**

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #0295-20

An Action Relating to Law and Order, Health, Education and Human Services, Naabik'íyáti' Committees and the Navajo Nation Council; Amending the Navajo Nation Child Support Enforcement Act, 9 N.N.C. § 1701 ET SEQ.

Sponsored by: Honorable Charlaine Tso

Has had it under consideration and reports the same that the legislation **WAS PASSED AND IS REFERRED TO THE NAVAJO NATION COUNCIL.**

Respectfully Submitted,


Honorable Seth Damon, Chairman
NAABIK'ÍYÁTI' COMMITTEE

11 December 2020

MAIN MOTION

Motioned by: Honorable Rickie Nez

Seconded by: Honorable Eugene Tso

Vote: 23 in Favor, 00 Opposed (Chairman Damon Not Voting)

NAVAJO NATION

794

Naa'bik'iyati' Committee Special Meeting

12/11/2020

10:32:11 PM

Amd# to Amd#	Legislation 0295-20: Amending	PASSED
MOT Nez, R	Navajo Nation Child Enforcement	
SEC Tso, E	Act, 9 N.N.C. SS 1701 ET SEQ	

Yeas : 23

Nays : 0

Excused : 0

Not Voting : 0

Yea : 23

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

Nay : 0

Excused : 0

Not Voting : 0

Presiding Speaker: Damon