



The Navajo Nation **DR. BUU NYGREN** **PRESIDENT**
Yideeskáadi Nitsáhákees **RICHELLE MONTOYA** **VICE PRESIDENT**

May 2, 2023

Honorable Crystalyne Curley, Speaker
Navajo Nation Council
Post Office Box 3390
Window Rock, AZ 86515

RE: CAP-32-23 *An Action Relating to Budget and Finance, Health, Education and Human Services, and Naabik'iyáti' Committees, and to the Navajo Nation Council; Approving the Use of Title IV-E Funds by the Navajo Division of Social Services*

Dear Speaker Curley,

I am pleased to sign into law this resolution CAP-32-23 approving the use of Title IV-E funds by the Navajo Division of Social Services. Title IV-E of the Social Security Act allows states, territories, and tribes to claim partial federal reimbursement for the cost of providing foster care, adoption assistance, and kinship guardianship assistance to children who meet federal eligibility criteria.

The Division of Social Services will use the Title IV-E reimbursement funds for the benefit of the Foster Care, Adoption Assistance, and Guardianship Assistance Programs.

I am confident that these funds will improve our abilities to serve Navajo children in need.

Sincerely,



Dr. Buu Nygren, *President*
THE NAVAJO NATION

RESOLUTION OF THE
NAVAJO NATION COUNCIL
25th NAVAJO NATION COUNCIL - FIRST YEAR, 2023

AN ACTION

RELATING TO BUDGET AND FINANCE, HEALTH, EDUCATION AND HUMAN SERVICES, AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; APPROVING THE USE OF TITLE IV-E FUNDS BY THE NAVAJO DIVISION OF SOCIAL SERVICES

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Budget and Finance Committee of the Navajo Nation Council is empowered to review and recommend to the Navajo Nation Council the budgeting, appropriation, investment, and management of all funds. 2 N.N.C. § 301(B) (2).
- B. The Health, Education and Human Services Committee of the Navajo Nation Council is empowered to review and recommend resolutions relating to social services, health, environmental health, education, veterans and veterans' services, employment and labor. 2 N.N.C. § 401(B) (6) (a).
- C. The Health, Education and Human Services Committee of the Navajo Nation Council serves as the oversight committee for the Division of Social Services. 2 N.N.C. § 401(C) (1).
- D. The Naabik'íyáti' Committee of the Navajo Nation Council is empowered to review all proposed legislation which requires final action by the Navajo Nation Council. 2 N.N.C. § 164(A) (9).
- E. The Navajo Nation Council is the governing body of the Navajo Nation and empowered to enact positive law of the Navajo Nation. 2 N.N.C. § 102(A).

SECTION TWO. FINDINGS

- A. The Naabik'íyáti' Committee of the Navajo Nation Council approved Resolution NABIJA-12-14 to allow the Navajo Nation to obtain reimbursement from the United States government under Title IV-E of the Social Security Act ("Title IV-E.")
- B. Title IV-E provides partial reimbursement to states and eligible tribes for foster case maintenance payments, adoption assistance payments, kinship or guardianship payments for

eligible children, and allowable costs associated with administering Title IV-E programs.

- C. Title IV-E is not a grant program, nor a complete child welfare system, but a program for the partial reimbursement of costs incurred. A document that provides an overview of the Title IV-E program is attached as **Exhibit A**.
- D. Once Council has approved its use of Title IV-E funds, the Division of Social Services will prepare a fund management plan to govern the use of the funds consistent with the original purpose of Title IV-E funds.

SECTION THREE. APPROVAL FOR THE DIVISION OF SOCIAL SERVICES TO USE TITLE IV-E FUNDS

- A. The Navajo Nation Council approves the use of Title IV-E funds by the Division of Social Services consistent with the original purpose of Title IV-E funds.
- B. As new revenue to the Navajo Nation, Title IV-E funds are subject to all statutory set asides.

SECTION FOUR. EFFECTIVE DATE


This Act is effective upon its approval pursuant to 2 N.N.C. 221(B).

SECTION FIVE. SAVING CLAUSE

Should any provision(s) of this Act be determined invalid by the Navajo Nation Supreme Court or the District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, the remainder of the Act shall remain the law of the Navajo Nation.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the 25th Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 17 in Favor, and 00 Opposed, on this 21st day of April 2023.



Honorable Crystalyne Curley, Speaker
25th Navajo Nation Council

4/27/23

DATE

Motion: Honorable Vince R. James
Second: Honorable Steven R. Arviso

Speaker Crystalyne Curley not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this 2 day of MAY, 2023.



Buu Nygren, President
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this _____ day of _____, 2023 for the reason(s) expressed in the attached letter to the Speaker.

Buu Nygren, President
Navajo Nation

TITLE IV-E PROGRAM

Title IV-E of the Social Security Act allows states, territories, and tribes to claim partial federal reimbursement for the cost of providing foster care, adoption assistance, and kinship guardianship assistance to children who meet federal eligibility criteria. The Title IV-E program, as it is commonly called, provides support for monthly payments on behalf of eligible children, as well as funds for related case management activities, training, data collection, and other costs of program administration.

Title IV-E reimbursement funds are to be used for purpose of supporting and/or enhancing the Navajo child well-being system. In addition to the snip below from the Fund Management Plan, funds should be used to support:

- capacity building in terms of staff directly involved with the child well-being system (social workers, prevention service workers, fiscal staff, IT staff, clinical/behavioral health staff, etc.),
- incentives for staff and clients
- professional development for staff associated with the child well-being system including law enforcement, judicial staff
- establishment of child well-being training program
- procurement/implementation of evidence-based practices and/or assessment curriculum/tools
- educational training for eligible children, caregivers, staff, and prospective staff
- resources for adoptive parents and guardians
- infrastructure development/repairs

The Division of Social Services will use the Title IV-E reimbursement funds for the benefit of the Foster Care, Adoption Assistance, and Guardianship Assistance Programs. Eligible expenditures may include:

- Foster maintenance payment for eligible children;
- Adoption assistance payments for eligible children;
- Guardianship payment for eligible children;
- Prevention efforts, follow-up care, and aftercare services;
- Continuous quality improvement;
- Allowable costs associated with training including parenting classes;
- Allowable costs associated with the Title IV-E program;
- Referral service;
- Preparation for and participation in judicial determination;
- Placement of the child;
- Case management and supervision, case planning, case reviews;
- Recruitment of foster, guardianship, and adoptive homes;

- Licensing studies of foster homes and facilities;
- Data collection and reporting; and
- Related agency overhead such as indirect costs, including costs that are supportive programs and program operation like organization leadership, central financial and accounting staff, human resources staff, central information systems staff, and payroll, property, and procurement staff.

NAVAJO NATION

117

4/21/2023

Navajo Nation Council Spring Session

12:37:17 PM

Amd# to Amd#

Legislation 0056-23: Approving
the Use of Title IV-E Funds by
the Navajo Division of Social
Services

PASSED

MOT James, V
SEC Arviso, S

Yeas : 17

Nays : 0

Excused : 4

Not Voting : 2

Yea : 17

Arviso, S
Aseret, L
Begay, H
Begay, N
Charles-Newton, E

Claw, S
James, V
Jesus, B
Nez, A

Nez, R
Notah, N
Parrish, S
Simpson, D

Tolth, G
Tso, O
Yanito, C
Yazzie, C

Nay : 0

Excused : 4

Johnson, C

Simonson, G

Crotty, A

Damon, S

Not Voting : 2

Daniels, H

Slater, C

Presiding Speaker: Curley, C