

RESOLUTION OF THE
NAABIK'ÍYÁTI' COMMITTEE OF THE
NAVAJO NATION COUNCIL

23RD NAVAJO NATION COUNCIL—FIRST YEAR, 2015

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND
NAABIK'ÍYÁTI' COMMITTEES; AMENDING RESOLUTION NABIMY-28-15 TO
REPLACE PREVIOUS RECOMMENDATIONS WITH THE UPDATED DIVISION OF
SOCIAL SERVICES RECOMMENDATIONS TO THE U.S. DEPARTMENT OF HEALTH
AND HUMAN SERVICES CONCERNING SERVICES AND FUNDING OF PROGRAMS

WHEREAS:

- A. The Navajo Nation established the Health, Education and Human Services Committee (HEHSC) as a Navajo Nation Council standing committee and as such empowered HEHSC to review and recommend resolutions regarding certain matters, including health, education and social services. 2 N. N.C. §§ 164 (A) (9), 400 (A), 401 (B)(6)(a) (2012); see also CJA-03-13.
- B. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee and as such empowered Naabik'íyáti' Committee to coordinate all federal programs, i.e. U.S. Department of Health and Human Services ("HHS"), to provide efficient services to Navajo members. 2 N.N.C. §§ 164 (A)(9), 700 (A), 701 (A)(4) (2012); see also CJA-03-13.
- C. The Navajo Nation has a government to-government relationship with the Federal government. Through treaty, the Federal government has trust responsibilities to the Navajo Nation.
- D. It is the mission of the HHS to enhance and protect the health and well-being of all Americans by providing for effective health and human services and fostering advances in medicine, public health, and social services.

- E. On May 28, 2015, the Naabik'íyáti' Committee passed Resolution NABIMY-28-15 titled "Supporting the Navajo Nation Division of Social Services in its Recommendations to the U.S. Department of Health and Human Services Concerning Services and Funding of Programs." See NABIMY-28-15 attached as Exhibit A.
- F. The recommendations to NABIMY-28-15, which were dated April 15, 2015, were attached to the Resolution. See Exhibit A.
- G. Since the passage of NABIMY-28-15, the Division of Social Services (DSS) has made some additional changes to the recommendations, and requires an approved copy to present during tribal consultation. See Letter from President attached as Exhibit B.
- H. The main changes made to the initial recommendations include the request for an increased appropriation for the Low Income Home Energy Assistance Program (LIHEAP) and a recommendation concerning the Indian Child Welfare Act, 25 CFR Part 23. See New Recommendations attached as Exhibit C.
- I. It is in the best interests of the Navajo Nation to amend NABIMY-28-15 to replace the previous recommendations with the newly updated recommendations, attached hereto as Exhibit "C," and incorporate them.

NOW THEREFORE BE IT RESOLVED:

The Navajo Nation hereby amends NABIMY-28-15 to replace the previous recommendations with updated recommendations attached hereto as Exhibit "C," titled "2015 Navajo Division of Social Services Advocacy Issues" dated September, 2015, and incorporate them. The Navajo Nation hereby supports the Navajo Nation Division of Social Services in its amended recommendations to the U.S. Department of Health and Human Services concerning services and funding of programs administered and managed by the Division.

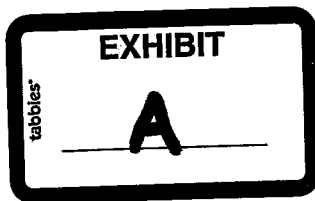
CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 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 14 in favor and 0 opposed, this 8th day of October 2015.

A handwritten signature in black ink, appearing to read 'LoRenzo Bates', with a stylized flourish at the end.

LoRenzo Bates, Chairperson
Naabik'íyáti' Committee

Motion: Honorable Davis Filfred
Second: Honorable Otto Tso



NABIMY-28-15

RESOLUTION OF THE
NAABIK'ÍYÁTI' COMMITTEE OF THE
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL -- First Year, 2015

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND
NAABIK'ÍYÁTI'; SUPPORTING THE NAVAJO NATION DIVISION OF SOCIAL
SERVICES IN ITS RECOMMENDATIONS TO THE U.S. DEPARTMENT OF HEALTH
AND HUMAN SERVICES CONCERNING SERVICES AND FUNDING OF PROGRAMS

WHEREAS:

- A. The Navajo Nation established the Health, Education and Human Services Committee (HEHSC) as a Navajo Nation Council standing committee and as such empowered HEHSC to review and recommend resolutions regarding certain matters, including health, education and social services. 2 N.N.C. §§ 164 (A) (9), 400 (A), 401 (B) (6) (a) (2012); see also CO-45-12.
- B. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee and as such empowered Naabik'íyáti' Committee to coordinate all state programs, including those of the state of Arizona. 2 N.N.C. §§ 164 (A) (9), 700 (A), 701 (A) (4) (2012); see also CO-45-12
- C. The Navajo Nation has a government-to-government relationship with the Federal government. Through treaty, the Federal government has trust responsibilities to the Navajo Nation.
- D. The U.S. Department of Health and Human Services (HHS) is the U.S. government's principal agency for protecting the health of all Americans and providing essential human services, especially for those who are least able to help themselves. *HHS.gov*. The Department's motto is "Improving the health, safety, and well-being of America." "About HHS," U.S. Department of Health & Human Services, November 13, 2013.

- E. Programs administered or otherwise under the oversight of Department of Health and Human Services include health and social science research; preventing disease, including immunization services; assuring food and drug safety; Medicare (health insurance for elderly and disabled Americans) and Medicaid (health insurance for low-income people); health information technology; financial assistance and services for low-income families; improving maternal and infant health, including a Nurse Home Visitation to support first-time mothers; Head Start (pre-school education and services); Faith-based and community initiatives; preventing child abuse and domestic violence; substance abuse treatment and prevention; Services for older Americans, including home-delivered meals; comprehensive health services for Native Americans; Assets for Independence; Medical preparedness for emergencies; and child support enforcement.
- F. The U.S. Department of Health and Human Services is responsible for almost a quarter of all federal outlays and administers more grant dollars than all other federal agencies combined. www.hhs.gov.
- G. The Navajo Nation Division of Social Services administers and manages the Department of Self Reliance, the Child Care and Development Fund, the Department of Family Services, Navajo Children and Family Services, the Navajo Treatment Center for Child and Their Families and the Navajo School Clothing Program and Special Project. The Division also manages a program for development disabilities. The Division of Social Services strives to build and maintain strong families and communities through cultural identity, wellness and self-sufficiency. Its mission is to provide quality, holistic, culture, and value-based services.


NOW THEREFORE BE IT RESOLVED THAT:

The Navajo Nation hereby supports the Navajo Nation Division of Social Services in its recommendations to the U.S. Department of Health and Human Services concerning services and funding of programs administered and managed by the Division. These programs are funded through the U.S. Department of Health and Human Services pursuant to the Violence Prevention Service Act, the Stephanie Tubbs Jones Child Welfare Services program, the Promoting Safe and Stable Families Program, the Indian Child

Welfare Act, the Children's Mental Services Program, the Child Care and Development Fund Program and the program for Temporary Assistance for Needy Families (TANF). The recommendations of the Navajo Nation Division of Social Services, designated as "2015 Navajo Division of Social Services Advocacy Issues," are attached hereto as Exhibit "A."

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Naabik'iyáti' Committee of the 23rd 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 10 in favor and 0 opposed, (Two members from each Standing Committee pursuant to 2 N.N.C. §700 (D)) this 28th day of May, 2015.


Leonard Tsosie, Pro Tem Chairperson
Naabik'iyáti' Committee

Motion: Honorable Nelson BeGaye
Second: Honorable Davis Filfred



2015
NAVAJO DIVISION OF
SOCIAL SERVICES
ADVOCACY ISSUES

SUBMITTED TO THE
DEPARTMENT OF HEALTH
AND HUMAN SERVICES

APRIL 15, 2015

1-1-2015



Division of Social Services Violence Prevention Service Act/Grants to Native American

Issue

The Navajo Nation requests for continued funding and higher appropriations for the Family Violence Prevention Services Act – Grant to Native American Tribes. The Nation has notice a yearly decrease of the FVPSA funds. We received an estimated decrease of 27% from FY 2008 to FY 2013.

Background

The FVPSA grant provides funding for Navajo Nation programs to provide services for victims of family violence, domestic violence and dating violence. Services include intervention, immediate shelters and supportive services for victims and their dependents.

Impact:

Domestic Violence and family violence within the Navajo Nation is a major concern and issue. With the reduction in funds, the Nation must reevaluate their program operations and make difficult budget decisions. This includes reducing program operations, such as having fewer supplies, using outdated equipment and if absolutely necessary, reducing staff. When a reduction in force is done because there are not enough funds, remaining personnel are expected to work double duties and may start to experience burn out.

Recommendation

Evaluate and reassess the method used to distribute funds for Tribal Nations.



Division of Social Services

B Subpart I: Stephanie Tubbs Jones Child Welfare Services

B Subpart II: Promoting Safe and Stable Families Program

Issue

The Navajo Nation is satisfied with the funding and flexibility of the funding provided to the Nation.

Background

The two grants provided much needed services to the children of the Navajo Nation whom are at risk of being abused and neglected. The two grants allow the Nation to implement unique and culturally relevant services to the Navajo Children and their Families.

Impact:

The impact is that the much need services continue to be delivered.

Recommendation

Thank you for the opportunity to receive direct federal funds.



Navajo Division of Social Services on Child Welfare Act

Issue

State child welfare agencies lack of compliance with the Indian Child Welfare Act of 1978.

Background

The Navajo Nation had renewed its five-year P.L. 93-638 ICWA contract, FY 2014 – FY 2018 with the Bureau of Indian Affairs (BIA), Navajo Regional Office. The contract consists of a specified Scope of Work, which lays out responsibilities the Nation must meet throughout the contract term.

With this contract, the Navajo Nation relies extensively and trust state child welfare agencies to coordinate and collaborate with the Navajo Nation on ICWA cases involving Navajo children. The Navajo Nation has maintained statistical data on a monthly, quarterly and annual basis which has shown that the program has continued to meet its contractual obligations as outlined in the Scope of Work. Year after year, the data shows that majority of Navajo children who were placed in out-of-home care were reunified with one or both parents and the second highest permanency for children is that children were placed with identified relatives.

In addition to the BIA contract, the Navajo Nation has maintained its Intergovernmental Agreements (IGA) with the states of Arizona, New Mexico and Utah. In 2007 IGAs with the States of New Mexico and Utah were revised and approved and in 2014 the IGA with the State of Arizona was revised and approved. The IGA provides for guide in terms of identifying roles and responsibilities for the state and the Navajo Nation and it insures that parents and caretakers are provided "Active Efforts" to be reunified with their children or an alternative option is that immediate relatives be offered the same opportunities to be a placement option for their relative children. The IGA also allows for the states and the Navajo Nation to maintain and further enhance a government-to-government relationship, defining purposes and policies and putting more accountability on the respective governments.

Recommendation

The Navajo Nation recommends that states be mandated to conduct annual independent ICWA case audits to determine best practices and examine deficiencies. The Navajo Nation further recommends that those states that were found to have deficiencies, e.g., non-compliance with the ICWA provisions, states should be imposed some type of sanction on their funding and be mandated to develop a corrective action plan that specifically addresses the identified deficiencies.



Navajo Division of Social Services Child Mental Services

Issue:

The Navajo Nation requests an increase in funding from the United States of DHHS- Children's Mental Health Services Program.

Background:

The Navajo Treatment Center for Children and Families (NTCCF) is a specialized program that provides outpatient therapeutic services to Navajo children and their families who have been exposed to violence, abuse and neglect.

NTCCF goals:

1. To provide social, behavioral and mental health services to Navajo children and families who have experienced trauma from issues of violence, abuse and neglect.
2. To empower children and their families with dignity and respect.
3. To provide a continuum of care services to Navajo children and their families in an outpatient setting.

NTCCF funding amount is subject to availability of appropriations, the Secretary shall make available to the program the total amount specified in the annual funding agreement. NTCCF is contracted with Indian Health Services (I.H.S.) for the term of January 01, 2015 through December 31, 2019.

Impact:

An increase in funding would allow the program to continue providing specialty services for children and families on the Navajo Nation. Currently the NTCCF Program provides services to their patients and families in the home or school setting. The down turn in the economy has made it more difficult for families to travel. Therefore, the staff are making more field trips to provide critical therapeutic intervention. This is a not a service that the local I.H.S. Hospitals provide across the Navajo Nation. I.H.S. provides medication management in their clinics. Additionally, I.H.S Mental Health programs see patients on a monthly basis and often refer their more difficult cases to our office for specialized services. The program has not received an increase in funding for despite the changes to the I.H.S. programs. Although, I.H.S. continues to operate a mental health programs they are very specific in terms of what patients they will serve. An increase in funding would allow the NTCCF to continue to provide services to patients throughout the Navajo Nation.

The NTCCF also integrates the Western and Traditional models of treatment for our children and families. The DHHS must embrace and support the integration of culturally appropriate treatment services for our Navajo children and families. The NTCCF utilizes traditional practitioners to provide treatment services to nurture and facilitate a healthy body, mind and spirit. The K'e (clan) concept in the Navajo culture is promoted to improve, build and maintain harmony to ensure a balanced future for children and their families.

The NTCCF has also seen an increase in the number of Veterans that are receiving services along with their children. Many of these families are impacted by Post Traumatic Stress Disorder and must receive Western and Traditional services to restore harmony for their families.

Recommendations:

The Navajo Nation requests additional direct funding from the United States of Department of Health and Human Services (USDHHS) Children's Mental Health Services Program to support the specialty services provided to the children and families of the Navajo Nation.



Division of Social Services Care and Development Block Grant Funds

Issue

The Navajo Nation's Child Care and Development Fund Program activities are well over the 2.0% set aside.

Background

In November 2014, President Obama signed the Child Care and Development Block Grant which reauthorizes the CCDF program and makes expansive changes to the program. It promotes the family gaining economic self-sufficiency by making child care more affordable and fostering healthy child development and school success by improving the quality of child care. It also focuses more by defining health and safety requirements, outlining policies for continuity of care, and highlighting the importance of equality of care.

The approval makes some statutory changes; however, most of this is focused on the states and not specifically on tribes. It does mention tribes but the impact is unknown. Thus, it is important to understand that funds and other resources are necessary to make some of these changes.

Impact

As far as the tribes are concerned: The tribal set-aside of not less than 2% (prior law said up to 2%). The information is that the set-aside will go up to 2.5% in 2016; however, Navajo does more than 2.0% in set aside. Our quality activities are up to 4% and funding should reflect the amount of quality activities.

Recommendation

Increased the set aside to 4.0% due to Navajo Nation activities exceed the 2.0% or even the proposed 2.5% in 2016.



Division of Social Services Department for Self-Reliance

ISSUE

Maintaining Tribal TANF Program Flexibility

BACKGROUND:

The Personal Responsibility and Work Opportunities Reconciliation Act of 1996 (PRWORA) established the Temporary Assistance for Needy Families (TANF) program and authorized Indian tribes to operate their own TANF Programs.

As stated in the Welfare Reform Law, "*... the best welfare solutions come from those closest to the problems, not the federal government*". Congress recognized that Tribal TANF Programs are in the best position to serve its own tribal families because they experience extensive unique circumstances including remoteness, lack of housing and infrastructure, high unemployment rates, lack of employment opportunities, substance abuse, domestic violence, long-term dependency on welfare and low education levels. As a result, tribes were given flexibility in designing their own Tribal TANF Programs to address the unique circumstances associated with moving the individuals and families they serve toward self-reliance.

The Department for Self Reliance (DSR) has exercised flexibility in various ways:

- Incorporating Navajo culture and tradition in program design, including employing our own Navajo staff; use of the Navajo language; use of traditional teachings including T'áá hwó ájí téego; and integration of the Navajo Service Delivery Model, called the Pathway to Self Reliance into the Western case management process.
- Promoting the change in public perception of the program from that of a typical "welfare" program to one that promotes the teaching of T'áá hwó ájí téego (it is up to you). As a result, the Navajo Nation's Tribal TANF Program is administered by the Department for Self Reliance.
- Defining the program's work requirements, including the Work Activities and Work Participation Rate, while considering the factors unique to the service delivery area and population.
- Although legislation does not require it, developing and implementing Quality Assurance; Fraud Prevention and Detection; and Customer Development components.
- In contrast to other tribal TANF programs, the DSR's program operation is completely independent of the three (3) State TANF programs.

RECOMMENDATION:

When Congress initiates efforts to reauthorize TANF, the Navajo Nation strongly advocates that the flexibility provided to Tribes, including the Navajo Nation, to design and operate their Tribal TANF program, be maintained, as stated in the Welfare Reform Law, "*... the best welfare solutions come from those closest to the problems, not the federal government*".



vision of Social Services Department of Self Reliance

ISSUE

Maintaining Current Funding Level

BACKGROUND:

The Personal Responsibility and Work Opportunities Reconciliation Act of 1996 (PRWORA) established the Temporary Assistance for Needy Families (TANF) program and authorized Indian tribes to operate their own TANF Programs. After lengthy negotiations in the late 1990's with the State TANF Programs in Arizona, New Mexico, and Utah, the Navajo Nation has been receiving its annual funding from DHHS/ACF based upon 1994 State TANF caseload data and expenditures. By law, negotiations must be based upon only the 1994 State information.

The Navajo Nation has operated its own TANF Program since October 01, 2000. During Fiscal Year 2014, the Navajo Nation's Tribal TANF Program, administered by the Department for Self Reliance (DSR), provided assistance and services to an average of 2,083 families, comprised of 6,294 adults and children, each month. The DSR's Service Delivery Area includes the Navajo Nation and federally recognized near reservation communities and extends into three states: Arizona, New Mexico and Utah.

In addition to providing assistance and services to eligible needy families, the DSR utilizes the Tribal Family Assistance Grant (TFAG) for the following:

- Due to lack of infrastructure and the prohibition of utilizing TFAG funds for construction and purchase of office buildings, the DSR is incurring an excessive and increasing cost to lease eight (8) office facilities, with seven (7) located on the Navajo Nation and one (1) located in Gallup, NM. The average cost per square foot for reservation office facilities is \$20.00 per square foot as opposed to \$12.00 per square foot in Gallup, NM.
- To ensure data and network security, manage the enormous volume of data stored and transmitted on the department's network infrastructure, and expand technological capabilities, modern network equipment needs to be constantly expanded and maintained to continue to be reliable and answer our department needs. As a result, the DSR has made considerable investment in the Information Technology infrastructure where it was not available before.
- To help families become self-sufficient through career development and employment placements requires a new type of staff who must be knowledgeable in career development. Since the Navajo Nation does not have an adequate number of professionals who are trained, educated, and experienced in career development, DSR has invested in enhancing and expanding the knowledge and skills of staff to be career developers.
- Funding received from the States of Arizona and New Mexico has decreased due to the deficit the States are experiencing. Since FY 2008, the State of Arizona has decreased the amount of Maintenance of Effort (MOE) funding they provide to the DSR by 11.16%.

RECOMMENDATION:

The Navajo Nation strongly advocates that funding for Tribal TANF Programs, including the Navajo Nation, be maintained at the current level.

A decrease in funding for tribal Temporary Assistance for Needy Families programs would have one or more of the following impacts on the adults and children served by the DSR:

- Adjusting the current payment standard to decrease the monthly assistance payment amount provided to eligible families.
- Eliminating assistance and services to two-parent families. This would impact approximately five-hundred (500) two-parent families currently served by the department.
- Decreasing the number and amount of supportive services provided to families. Supportive services, which remove barriers which hinder or prevent an adult's participation in authorized work requirements, include transportation, childcare, employment-related expenses, and education-related expenses.
- Reducing and/or eliminating public education and prevention services to reduce future dependence on governmental benefits and out-of-wedlock pregnancies; to maintain two-parent families; and services targeted for the youth, fathers, and grandparents and caretakers.
- Reducing the DSR's time limit, from the federally-mandated maximum of sixty (60) months to forty-eight (48) or thirty-six (36) months. This will result in Customers having less time to become educated, employed, and self-sufficient. In addition, reducing the time limit will impact families that return to the Navajo Nation after receiving assistance from a State TANF program. Since the DSR must count the months of assistance received from State TANF programs, Navajo families moving back to the DSR's Service Delivery Area may be ineligible to receive TANF due to having met the DSR's reduced time limit; or may have a limited number of months of assistance remaining.



Navajo Division of Social Services Department for Self

ISSUE

Maintaining Unobligated Funds in Reserve

BACKGROUND:

Prior to the passage of ARRA, Tribal TANF programs were allowed to place unobligated funds in reserve, without fiscal year limitation, to be utilized strictly for provision of assistance to needy families. The ARRA legislation expanded the usage of Reserve funds for both assistance to needy families and for administrative costs.

- The Department for Self Reliance has been realistic and prudent in each of its three-year Tribal Family Assistance Plans. Although this has resulted in funds being placed in reserve, the declining national economy and increasing national high cost of living has resulted in a significant increase in our caseload, due in part to a large number of Navajo families relocating back to the Navajo Nation. Fortunately, the DSR has the reserve fund available to offset the additional costs associated with the increasing caseload.

RECOMMENDATION:

- The Navajo Nation strongly advocates maintaining the current allowance for tribal TANF programs to place unobligated funds in reserve without fiscal year limitation.



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT
SEP 4 '15 PM 4:26

September 4, 2015



Honorable Jonathan Hale, Chairperson
Health Education Human Services Committee &

Honorable Lorenzo Bates, Speaker
Naa bik'iyati' Committee
23rd Navajo Nation Council
Post Office Box 3390
Window Rock, Arizona 86515

Honorable Chairpersons Hale and Bates:

On September 14, 2015, the U.S. Department of Health and Human Services/Administration for Children and Families (ACF) will be hosting its annual Tribal Consultation meeting regarding several programs including Tribal TANF Program, Low Income Home Energy Assistance Program (LIHEAP), Child Care, Title IV-E, and ICWA. Delegate Amber Crotty, and the Division of Social Services Director Terrelene G. Massey are planning to attend on behalf of the Navajo Nation, along with one other staff from the applicable programs.

I am writing to inform you that the Navajo Nation's advocacy document has been revised. As you may recall, on May 28, 2015, the Naa bik'iyati' Committee approved the April 15, 2015 version of the *2015 Navajo Division of Social Services Advocacy Issues – Submitted to the Department of Health and Human Services*. We have updated this document to provide tribal feedback in preparation for the September 14, 2015 tribal consultation (see attached September 4, 2015 version) for your review. The major changes at this time are there are two additional papers – ICWA 25 CFR Part 23 and LIHEAP; otherwise, the changes to the others are minor. The Executive Branch is requesting your respective committees' assistance to approve the advocacy papers, which will take a few weeks. Because the consultation meeting is approaching fast, I understand that the arrangement that Ms. Massey and Chairperson Hale made was for me to get these revisions to you, and for Delegate Crotty and Ms. Massey to take the revised documents for submission. Thereafter, the legislative committees will provide review and approval.

If there are any questions, please contact Ms. Massey at 928-871-6851. She will work with you and your respective committees on these. Thank you.

Sincerely,

Russell Begaye, President
THE NAVAJO NATION



**2015
NAVAJO DIVISION OF
SOCIAL SERVICES
ADVOCACY ISSUES**

**SUBMITTED TO THE
DEPARTMENT OF HEALTH
AND HUMAN SERVICES**

SEPTEMBER, 2015



Navajo Division of Social Services Family Violence Prevention Service Act/Grants to Native American Tribes

Issue

The Navajo Nation requests for continued funding and higher appropriations for the Family Violence Prevention Services Act – Grant to Native American Tribes. The Nation has noticed a yearly decrease of the FVPSA funds, which has impacted services. We received an estimated decrease of 27% from FY 2008 to FY 2013.

Background

The FVPSA grant provides funding for Navajo Nation programs to provide services for victims of family violence, domestic violence and dating violence. Services include intervention, immediate shelters and supportive services for victims and their dependents.

Impact:

Domestic Violence and family violence within the Navajo Nation is a major concern and issue. With the reduction in funds, the Nation must reevaluate their program operations and make difficult budget decisions. This includes reducing program operations, such as having fewer supplies, using outdated equipment and if absolutely necessary, reducing staff. When a reduction in force is done because there are not enough funds, remaining personnel are expected to work double duties and may start to experience burn out. Burn out has additional ramification, the most concerning is quality of services.

Recommendation

Evaluate and reassess the method used to distribute funds for Tribal Nations.



Navajo Division of Social Services Low Income Home Energy Assistance Program (LIHEAP)

Issue

The Navajo Nation requests for continued funding and higher appropriations for the Low Income Home Energy Assistance Program. In FY 2015, Navajo Nation Division of Social Services expended all of its federal appropriations, and it turned potential clients away. Due to the decline in funding we are not able to assist all households with their home energy needs.

Background

The Navajo Nation Division of Social Services provides LIHEAP assistance to individuals and families who are low-income. Assistance may include, but is not limited to: Wood/coal, propane, electric/natural gas for heating purposes and electric for cooling purpose needed for home energy related utility payments. It also provides Energy Crisis Intervention Program assistance to eligible households. Assistance under the crisis intervention program is for delivery of fuel, minor repairs for a furnace, heater, and purchase of wood-burning stoves. Lastly, it provides low-cost residential energy related weatherization for minor home repairs for eligible households. Assistance includes caulking, weather-stripping insulation, storm windows, etc.

Impact:

The Navajo Nation covers large geographic area. In 2014, it served 4027 households. Approximately 78% of its LIHEAP funds is for services. Total funding received for FY14 \$2,362,797. Compared to the previous year the amount of assistance was higher and did not consider household size as a factor in determining the amount of assistance a household would receive.

The Navajo Nation covers large geographic area. In 2015, it served 3260 households. Approximately 78% of its LIHEAP funds is for services. Total Funding received for FY15 \$1,523,875.

Recommendation

Evaluate and reassess the method used to distribute funds for Tribal Nations.
Provide increased appropriation for Navajo Nation.



Navajo Division of Social Services

Title IV-B Subpart I: Stephanie Tubbs Jones Child Welfare Services

Title IV-B Subpart II: Promoting Safe and Stable Families Program

Issue

The Navajo Nation receives funding under Title IV-B Subpart I and II. Thus far, the funding has been flexible.

Background

The two grants provided much needed services to the children of the Navajo Nation whom are at risk of being abused and neglected. The two grants allow the Nation to implement unique and culturally relevant services to the Navajo Children and their Families.

Impact:

The impact is that the much need services continue to be delivered.



Navajo Division of Social Services Indian Child Welfare Act, 25 CFR Part 23

Issue

The protection of our children is vital to the welfare and security of Navajo life. This is the reason NDSS supports the implementation of 25 CFR 23. The Navajo Nation continues to advocate for Navajo children in the state child welfare systems.

NDSS has been following the *BIA Guidelines for State Courts and Agencies in Indian Child Custody Proceedings* that have been made by the Bureau of Indian Affairs and supports those changes. NDSS will continue to advocate for States to use and implement the BIA guidelines.

Background

The NDSS Navajo Children & Family Services have entered into Intergovernmental Agreements with the states of AZ, NM and UT on the Indian Child Welfare Act. These IGAs provide a mechanism to work together and for both tribe and state to bring issues and solutions to the table.

ICWA applies whenever an Indian child is the subject of a State child custody proceeding. It also applies to proceedings involving status offenses or juvenile delinquency proceedings if any part of those proceedings results in the need for placement of the child in a foster care, pre-adoptive or adoptive placement, or termination of parental rights.

Under the guidelines, agencies and State courts, in every child custody proceeding, must ask whether the child is or could be an Indian child and conduct an investigation into whether the child is an Indian child. NDSS supports that states should make *active efforts* to place Indian children with Native families (this standard is higher than reasonable efforts as required by Title IV-E of the Social Security Act).

Impact:

The Navajo Nation is following several cases including *AD&C v. Washburn (Goldwater Institute)*. This case includes Navajo child who is living off-reservation and is placed with non-Indian family.

As of the end of August 2015, the overall ICWA case load was 668 cases, which included 1,342 children. The Navajo nation had ICWA cases in 30 states, with AZ, NM, UT, CA and CO being the top five states in the country. We receive on an average every month at least 300 new ICWA notices/inquiries, majority of those notices come for the State of California.

Recommendation

The Navajo Nation recommends that states agencies receiving federal dollars be required to comply with 25 CFR Part 23.



Navajo Division of Social Services Indian Child Welfare Act

Issue

State child welfare agencies lack of compliance with the Indian Child Welfare Act of 1978.

Background

The Navajo Nation had renewed its five-year P.L. 93-638 ICWA contract, FY 2014 – FY 2018 with the Bureau of Indian Affairs (BIA), Navajo Regional Office. The contract consists of a specified Scope of Work, which lays out responsibilities the Nation must meet throughout the contract term.

With this contract, the Navajo Nation relies extensively and trust state child welfare agencies to coordinate and collaborate with the Navajo Nation on ICWA cases involving Navajo children. The Navajo Nation has maintained statistical data on a monthly, quarterly and annual basis which has shown that the program has continued to meet its contractual obligations as outlined in the Scope of Work. Year after year, the data shows that majority of Navajo children who were placed in out-of-home care were reunified with one or both parents and the second highest permanency for children is that children were placed with identified relatives.

In addition to the BIA contract, the Navajo Nation has maintained its Intergovernmental Agreements (IGA) with the states of Arizona, New Mexico and Utah. In 2007 IGAs with the States of New Mexico and Utah were revised and approved and in 2014 the IGA with the State of Arizona was revised and approved. The IGA provides for guide in terms of identifying roles and responsibilities for the state and the Navajo Nation and it insures that parents and caretakers are provided “Active Efforts” to be reunified with their children or an alternative option is that immediate relatives be offered the same opportunities to be a placement option for their relative children. The IGA also allows for the states and the Navajo Nation to maintain and further enhance a government-to-government relationship, defining purposes and policies and putting more accountability on the respective governments.

Recommendation

The Navajo Nation recommends that states be mandated to conduct annual independent ICWA case audits to determine best practices and examine deficiencies. The Navajo Nation further recommends that those states that were found to have deficiencies, e.g., non-compliance with the ICWA provisions, states should be imposed some type of sanction on their funding and be mandated to develop a corrective action plan that specifically addresses the identified deficiencies.



Navajo Division of Social Services Child Mental Services

Issue:

The Navajo Nation requests an increase in funding from the United States of DHHS- Children's Mental Health Services Program.

Background:

The Navajo Treatment Center for Children and Families (NTCCF) is a specialized program that provides outpatient therapeutic services to Navajo children and their families who have been exposed to violence, abuse and neglect.

NTCCF goals:

1. To provide social, behavioral and mental health services to Navajo children and families who have experienced trauma from issues of violence, abuse and neglect.
2. To empower children and their families with dignity and respect.
3. To provide a continuum of care services to Navajo children and their families in an outpatient setting.

NTCCF funding amount is subject to availability of appropriations, the Secretary shall make available to the program the total amount specified in the annual funding agreement. NTCCF is contracted with Indian Health Services (I.H.S.) for the term of January 01, 2015 through December 31, 2019.

Impact:

An increase in funding would allow the program to continue providing specialty services for children and families on the Navajo Nation. Currently the NTCCF Program provides services to their patients and families in the home or school setting. The down turn in the economy has made it more difficult for families to travel. Therefore, the staff are making more field trips to provide critical therapeutic intervention. This is a not a service that the local I.H.S. Hospitals provide across the Navajo Nation. I.H.S. provides medication management in their clinics. Additionally, I.H.S Mental Health programs see patients on a monthly basis and often refer their more difficult cases to our office for specialized services. The program has not received an increase in funding for despite the changes to the I.H.S. programs. Although, I.H.S. continues to operate a mental health programs they are very specific in terms of what patients they will serve. An increase in funding would allow the NTCCF to continue to provide services to patients throughout the Navajo Nation.

The NTCCF also integrates the Western and Traditional models of treatment for our children and families. The DHHS must embrace and support the integration of culturally appropriate treatment services for our Navajo children and families. The NTCCF utilizes traditional practitioners to provide treatment services to nurture and facilitate a healthy body, mind and spirit. The K'e (clan) concept in the Navajo culture is promoted to improve, build and maintain harmony to ensure a balanced future for children and their families.

The NTCCF has also seen an increase in the number of Veterans that are receiving services along with their children. Many of these families are impacted by Post Traumatic Stress Disorder and must receive Western and Traditional services to restore harmony for their families.

Recommendations:

The Navajo Nation requests additional direct funding from the United States of Department of Health and Human Services (USDHHS) Children's Mental Health Services Program to support the specialty services provided to the children and families of the Navajo Nation.



Navajo Division of Social Services Child Care and Development Block Grant Funds

Issue

The Navajo Nation's Child Care and Development Fund Program activities are well over the 2.0% set aside.

Background

In November 2014, President Obama signed the Child Care and Development Block Grant which reauthorizes the CCDF program and makes expansive changes to the program. It promotes the family gaining economic self-sufficiency by making child care more affordable and fostering healthy child development and school success by improving the quality of child care. It also focuses more by defining health and safety requirements, outlining policies for continuity of care, and highlighting the importance of equality of care.

The approval makes some statutory changes; however, most of this is focused on the states and not specifically on tribes. It does mention tribes but the impact is unknown. Thus, it is important to understand that funds and other resources are necessary to make some of these changes.

Impact

As far as the tribes are concerned: The tribal set-aside of not less than 2% (prior law said up to 2%). The information is that the set-aside will go up to 2.5% in 2016; however, Navajo does more than 2.0% in set aside. Our quality activities are up to 4% and funding should reflect the amount of quality activities.

Recommendation

Increased the set aside to 4.0% due to Navajo Nation activities exceed the 2.0% or even the proposed 2.5% in 2016.



Navajo Division of Social Services Department for Self-Reliance

ISSUE

Maintaining Tribal TANF Program Flexibility

BACKGROUND:

The Personal Responsibility and Work Opportunities Reconciliation Act of 1996 (PRWORA) established the Temporary Assistance for Needy Families (TANF) program and authorized Indian tribes to operate their own TANF Programs.

As stated in the Welfare Reform Law, "... *the best welfare solutions come from those closest to the problems, not the federal government*". Congress recognized that Tribal TANF Programs are in the best position to serve its own tribal families because they experience extensive unique circumstances including remoteness, lack of housing and infrastructure, high unemployment rates, lack of employment opportunities, substance abuse, domestic violence, long-term dependency on welfare and low education levels. As a result, tribes were given flexibility in designing their own Tribal TANF Programs to address the unique circumstances associated with moving the individuals and families they serve toward self-reliance.

The Department for Self Reliance (DSR) has exercised flexibility in various ways:

- Incorporating Navajo culture and tradition in program design, including employing our own Navajo staff; use of the Navajo language; use of traditional teachings including T'áá hwó ájį téego; and integration of the Navajo Service Delivery Model, called the Pathway to Self Reliance into the Western case management process.
- Promoting the change in public perception of the program from that of a typical "welfare" program to one that promotes the teaching of T'áá hwó ájį téego (it is up to you). As a result, the Navajo Nation's Tribal TANF Program is administered by the Department for Self Reliance.
- Defining the program's work requirements, including the Work Activities and Work Participation Rate, while considering the factors unique to the service delivery area and population.
- Although legislation does not require it, developing and implementing Quality Assurance; Fraud Prevention and Detection; and Customer Development components.
- In contrast to other tribal TANF programs, the DSR's program operation is completely independent of the three (3) State TANF programs.

RECOMMENDATION:

When Congress initiates efforts to reauthorize TANF, the Navajo Nation strongly advocates that the flexibility provided to Tribes, including the Navajo Nation, to design and operate their Tribal TANF program, be maintained, as stated in the Welfare Reform Law, "... *the best welfare solutions come from those closest to the problems, not the federal government*".



Navajo Division of Social Services Department of Self Reliance

ISSUE

Maintaining Current Funding Level

BACKGROUND:

The Personal Responsibility and Work Opportunities Reconciliation Act of 1996 (PRWORA) established the Temporary Assistance for Needy Families (TANF) program and authorized Indian tribes to operate their own TANF Programs. After lengthy negotiations in the late 1990's with the State TANF Programs in Arizona, New Mexico, and Utah, the Navajo Nation has been receiving its annual funding from DHHS/ACF based upon 1994 State TANF caseload data and expenditures. By law, negotiations must be based upon only the 1994 State information.

The Navajo Nation has operated its own TANF Program since October 01, 2000. During Fiscal Year 2014, the Navajo Nation's Tribal TANF Program, administered by the Department for Self Reliance (DSR), provided assistance and services to an average of 2,083 families, comprised of 6,294 adults and children, each month. The DSR's Service Delivery Area includes the Navajo Nation and federally recognized near reservation communities and extends into three states: Arizona, New Mexico and Utah.

In addition to providing assistance and services to eligible needy families, the DSR utilizes the Tribal Family Assistance Grant (TFAG) for the following:

- Due to lack of infrastructure and the prohibition of utilizing TFAG funds for construction and purchase of office buildings, the DSR is incurring an excessive and increasing cost to lease eight (8) office facilities, with seven (7) located on the Navajo Nation and one (1) located in Gallup, NM. The average cost per square foot for reservation office facilities is \$20.00 per square foot as opposed to \$12.00 per square foot in Gallup, NM.
- To ensure data and network security, manage the enormous volume of data stored and transmitted on the department's network infrastructure, and expand technological capabilities, modern network equipment needs to be constantly expanded and maintained to continue to be reliable and answer our department needs. As a result, the DSR has made considerable investment in the Information Technology infrastructure where it was not available before.
- To help families become self-sufficient through career development and employment placements requires a new type of staff who must be knowledgeable in career development. Since the Navajo Nation does not have an adequate number of professionals who are trained, educated, and experienced in career development, DSR has invested in enhancing and expanding the knowledge and skills of staff to be career developers.
- Funding received from the States of Arizona and New Mexico has decreased due to the deficit the States are experiencing. Since FY 2008, the State of Arizona has decreased the amount of Maintenance of Effort (MOE) funding they provide to the DSR by 11.16%.

RECOMMENDATION:

The Navajo Nation strongly advocates that funding for Tribal TANF Programs, including the Navajo Nation, be maintained at the current level.

A decrease in funding for tribal Temporary Assistance for Needy Families programs would have one or more of the following impacts on the adults and children served by the DSR:

- Adjusting the current payment standard to decrease the monthly assistance payment amount provided to eligible families.
- Eliminating assistance and services to two-parent families. This would impact approximately five-hundred (500) two-parent families currently served by the department.
- Decreasing the number and amount of supportive services provided to families. Supportive services, which remove barriers which hinder or prevent an adult's participation in authorized work requirements, include transportation, childcare, employment-related expenses, and education-related expenses.
- Reducing and/or eliminating public education and prevention services to reduce future dependence on governmental benefits and out-of-wedlock pregnancies; to maintain two-parent families; and services targeted for the youth, fathers, and grandparents and caretakers.
- Reducing the DSR's time limit, from the federally-mandated maximum of sixty (60) months to forty-eight (48) or thirty-six (36) months. This will result in Customers having less time to become educated, employed, and self-sufficient. In addition, reducing the time limit will impact families that return to the Navajo Nation after receiving assistance from a State TANF program. Since the DSR must count the months of assistance received from State TANF programs, Navajo families moving back to the DSR's Service Delivery Area may be ineligible to receive TANF due to having met the DSR's reduced time limit; or may have a limited number of months of assistance remaining.



Navajo Division of Social Services Department for Self Reliance

ISSUE

Maintaining Unobligated Funds in Reserve

BACKGROUND:

Prior to the passage of ARRA, Tribal TANF programs were allowed to place unobligated funds in reserve, without fiscal year limitation, to be utilized strictly for provision of assistance to needy families. The ARRA legislation expanded the usage of Reserve funds for both assistance to needy families and for administrative costs.

- The Department for Self Reliance has been realistic and prudent in each of its three-year Tribal Family Assistance Plans. Although this has resulted in funds being placed in reserve, the declining national economy and increasing national high cost of living has resulted in a significant increase in our caseload, due in part to a large number of Navajo families relocating back to the Navajo Nation. Fortunately, the DSR has the reserve fund available to offset the additional costs associated with the increasing caseload.

RECOMMENDATION:

- The Navajo Nation strongly advocates maintaining the current allowance for tribal TANF programs to place unobligated funds in reserve without fiscal year limitation.