

NAVAJO NATION CHILD SUPPORT ENFORCEMENT PROGRAM

I. BACKGROUND

This proposal represents the fifth year of a cooperative agreement between the Navajo Nation and the State of New Mexico for child support enforcement services. State and federal funds are being sought to continue this project as a cooperative effort between the Navajo Nation and the States of New Mexico, Utah, and Arizona, all of whom have been working together to work out jurisdictional barriers which have prevented the provision of state-wide child support enforcement services to all citizens, primarily those citizens living within the boundaries of the Navajo Nation.

Under this project, the Navajo Nation Child Support Enforcement Program will continue to provide Title IV-D services such as; locating absent parents, establishment of parentage, establishment of support orders, collection of child support, modification of existing support orders, and establishment and enforcement of medical support orders to all eligible applicants seeking child support enforcement services. AFDC and non-AFDC applicants will be eligible for services under this project.

The total budget for the Navajo Nation Child Support Enforcement Project is \$441,177.00. The funds will be used to provide cooperative tribal and state child support enforcement services for the period beginning July 01, , to June 30, , in the New Mexico portion of the Navajo Nation. Refer to Appendix "A" for proposed budget information.

For five consecutive years beginning in 1993 - 1997 the Legislature of New Mexico appropriated \$150,000.00 with applicable federal matching shares for the New Mexico Human Services Department Child Support Enforcement Division to contract with the Navajo Nation for the development and implementation of a child support enforcement program to provide cooperative tribal and state enforcement of child support enforcement orders.

Since the initial cooperative agreement was signed, the Navajo Nation has made tremendous progress in developing and implementing the Navajo Nation Child Support Enforcement Program. The Navajo Nation has enacted laws which comply with Title IV-D requirements and enables the program to administratively perform Title IV-D functions. Adoption of Child Support Guidelines for the Navajo Nation by the Navajo Nation Supreme Court, which establishes a scale of minimum child support contributions to be used to determine the amount an absent parent shall pay for support of his or her child(ren) pursuant to the "Act" and the development of the Policies and Procedures Manual . The Program staff currently receives referrals from Title IV-A agencies, investigates cases and works cases to establish parentage and collect child support. For

contract year ending June 30, 1998 the total caseload is 4,100 and total collection have amounted to \$401,123.00.

II. PROBLEM/NEED STATEMENT

The Navajo Nation suffers a tremendous level of health, social and economic problems typically found in third world countries. Conditions such as high unemployment, poverty, teen pregnancy, child abuse and neglect, high rates of alcoholism, suicide and domestic violence.

Historically, the Navajo people have resolved their health and social problems through traditional practices, peacemaking thorough extended family, and clan based community network.

Prior to the enactment of the Navajo Nation Child Support Enforcement Act, Title 9, Section 16, the Navajo Nation had no effective child support enforcement program. There was no general law of paternity of adult responsibility for the care and support of minor children. Navajo children living on the Navajo Nation did not enjoy the same benefits and protection provided by law to children living off the Navajo Nation (IV-D Services). Except where cooperative agreements exists between states and tribes, however Title IV-D services were limited due to jurisdictional problems. Enforcement of support orders for Navajo Children were hampered by the lack of reciprocity between states and tribal courts, and even between courts of different tribes, jurisdictional disputes and service of process problems. Due to this many outstanding court decrees of the Navajo Nation requiring child support were difficult to enforce.

Many custodial parents were unable to collect child support due their children due to lack of specific Navajo Nation child support obligations and enforcement statutes and lack of adequate resources for child support enforcement.

Through the efforts of the Office of Navajo Women and Families and the Women Commission, the Navajo Nation Child Support Enforcement Program was established, through a cooperative agreement between the Navajo Nation and the State of New Mexico for Child Support Enforcement Services. The Navajo Nation and the State of New Mexico will continue through this cooperative agreement a working relationship to work out jurisdictional barriers, for the provision of state-wide child support enforcement services to all citizens, primarily those citizens living within the boundaries of the Navajo Nation.

The Navajo Nation is the largest Indian reservation in the United States and the 1990 Census Bureau indicates that New Mexico has an American Indian Population of 146,001, of which 90.17 percent are Navajo Indian. About one-third of all Navajo families are headed by

a single female. There are 58,434 Navajo children under the age of eighteen (18). Half of all Navajo aged 0-17 live in poverty.

III. GOALS AND OBJECTIVES

The goal of this proposal between the Navajo Nation and State of New Mexico is to continue providing child support enforcement services within the Navajo Nation which will afford custodial parents and their children an opportunity to receive their basic human needs of economic and medical support to which they are entitled.

Objective 1. To provide the following services necessary to establish and enforce support obligations on all cases under Title IV-D of the Social Security Act, and as required to comply with federal time lines in 75% of all cases:

- A. Locate absent parents.
- B. Establish paternity, if necessary.
- C. Establish support obligations.
- D. Enforce and modify support obligations.
- E. Secure and enforcement of medical support.
- F. Secure and enforce liens, income withholdings, bonds, and/or other security in appropriate cases.
- G. Collect spousal support when a support order has been established for the spouse, the spouse is living with the child, and a child support order is being enforced under the Title IV-D plan.
- H. Cooperate with other states in establishing paternity, locating absent parents and securing and enforcing orders.
- I. Establish and monitor cases to recover amounts due to the state for AFDC reimbursement, and/or the custodial party.

Objective 2. To provide presentations and educate the public at the community/division level, regarding the types of services provided and procedures involved in working a child support case.

Objective 3. To provide technical services to clients requesting for child support enforcement services.

Objective 4. To provide Genetic testing on-site in the Shiprock and Crownpoint Child Support Enforcement Offices.

Objective 5. To increase the establishment of paternity by 25%.

Objective 6. The Navajo Nation Office of Hearing and Appeals will conduct hearings on contested child support cases. The Hearing Officer will issue administrative orders necessary to establish and enforce support obligations on all cases under Title IV-D of the Social Security Act.

IV. METHODOLOGY AND TIME LINE

A. Contract Year

The Navajo Nation Child Support Enforcement Program year begins July 01, 1998 to June 30, 1999. This time line is the fiscal year of the State of New Mexico. The Navajo Nation proposes to subcontract with the State of New Mexico in the amount of \$441,177.00 to provide cooperative child support enforcement services. Refer to Time Chart, Exhibit "A".

B. Project Management

The Office of Navajo Women and Families, Division of Human Resources of the Navajo Nation Executive Branch will be responsible for the project management as reflected in Exhibit "B". The Program Manager under the Office of Navajo Women and Families will serve as the project monitor and will be responsible for monitoring the project according to contractual agreements and federal requirements.

C. Staffing and Supervision:

Two Child Support Enforcement Offices will be maintained; one located in Shiprock, New Mexico and the other in Crownpoint, New Mexico. The Navajo Nation Child Support Enforcement Offices will be staffed with adequate staff to carry out the duties in meeting the goals and objective of the program, all staff will be under the direct supervision of the Child Support Enforcement Program Director.

The Program Director will spend an appropriate amount of time at both Navajo Nation Child Support Enforcement Offices. The Program Manager with the Office of Navajo Women and Families will provide supervision of the Child Support Enforcement Program Director. The Navajo Nation Child Support Enforcement Program organizational staffing chart as presented in Exhibit "B".

One full time Hearing Officer will be hired under the supervision of Office of Hearings and Appeals as reflected in Exhibit C. The full time Hearing Officer's salary shall be cost allocated at 50% through the New Mexico Joint Powers Agreement. On site hearings will be held in Shiprock and Crownpoint, New Mexico, or by telephone.

V. EVALUATION

Variable number of cases will be based on the number of clientele served, new cases, and amount of child support collections.

Collections and disbursement of child support payments will be in compliance to contractual requirements, federal regulations and time frames.

Monthly and quarterly reports will include a significant statistical, and financial report to reflect compliance with contractual requirements, and federal regulations within time frames.