



THE NAVAJO NATION
DIVISION OF SOCIAL SERVICES
DEPARTMENT FOR SELF RELIANCE



TRIBAL FAMILY ASSISTANCE PLAN

For period of October 01, 2015 to September 30, 2018

(Amended September 1, 2016)



NAVAJO NATION DEPARTMENT FOR SELF RELIANCE TRIBAL FAMILY ASSISTANCE PLAN



I. PERIOD COVERED BY THE TRIBAL FAMILY ASSISTANCE PLAN

This Tribal Family Assistance Plan (TFAP) covers the operation of the Navajo Nation's Tribal Temporary Assistance for Needy Families (TANF) program, known as the *Navajo Nation Department for Self Reliance*, for a three-year period beginning October 01, 2015 and ending September 30, 2018.

II. THE NAVAJO NATION: AN INTRODUCTION

The Navajo Nation is the largest federally recognized Indian tribe in the United States. According to the 2010 U.S. Census, 308,013 individuals claim Navajo ethnicity. Of the estimated 170,000 individuals residing on the Navajo Nation, approximately 145,000 are enrolled members of the Navajo Nation. An estimated 80,000 Navajos reside in or near "border towns" adjacent to the Navajo Nation.

The Navajo Nation land base occupies a total area of approximately 27,000 square miles and extends into three states: 65% of the total Navajo land area is in northeast Arizona, 27% is in northwest New Mexico and the remaining 7% in southeast Utah. Three (3) Navajo "satellite" communities; Alamo, Tohajiilee, and Ramah; are located in central New Mexico (see Exhibit "A").

The Navajo Nation operates under a three (3)-branch government system centrally headquartered in Window Rock, Arizona:

- The Executive Branch, headed by an elected President and Vice President, is comprised of sixteen (16) Divisions and Executive offices which provide a broad range of governmental services.
- The Legislative Branch, headed by an elected Speaker of the Navajo Nation Council, consists of a twenty-four (24) member elected Navajo Nation Council and various offices and boards.
- The Judicial Branch, headed by an appointed Chief Justice, is comprised of a system of eleven (11) District Courts and a Supreme Court.

III. ADMINISTRATION OF THE NAVAJO NATION'S TRIBAL TANF PROGRAM

A. Lead Agency and Organizational Structure

The Navajo Nation Department for Self Reliance (DSR) is responsible for the overall administration of the Navajo Nation's TANF program and will provide Tribal TANF assistance and related support services to individuals and their families who meet established eligibility criteria.

The DSR is established under the Navajo Division of Social Services (NNDSS), within the Executive Branch of the Navajo Nation (see Exhibit "B"). The DSR organizational structure (see Exhibit "B"), consists of a Department Manager III, who is responsible for managing the DSR; ten (10) administrative support sections at the Central office level; and eight (8) local offices responsible for providing direct services and assistance to DSR Customers.



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Legislative oversight is provided to the DSR by the Health, Education and Human Services Committee (HEHSC) of the Navajo Nation Council, pursuant to authority and powers granted to the Committee in the Navajo Nation Code. The HEHSC promulgates regulations, promotes accountability to policies, and provides legislative oversight on matters involving health, social service, education, general governmental services and human services.

B. DSR Vision Statement

To eliminate future dependency of children and families on government assistance by promoting T'áá hwó ájít 'eego.

C. DSR Mission Statement

We shall serve, with integrity and ethics, to empower individuals and families by promoting T'áá hwó ájít 'eego, through appropriate support, opportunities and education.

NOTE: T'áá hwó ájít 'eego is defined on page 4, under *Background of the Department for Self Reliance*.

D. DSR Purposes

The DSR accepts the four (4) purposes of federal Welfare Reform legislation as its own and has identified two (2) additional purposes:

1. To provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives;
2. To end the dependency of needy parents on government benefits by promoting job preparation, work, and marriage;
3. To prevent and reduce the incidence of out-of-wedlock pregnancies;
4. To encourage the formation, maintenance, and strengthening of two-parent families.
5. To reduce the future dependency of children on government benefits by promoting education and prevention.
6. To promote responsible and involved parenting.

E. DSR Goals and Objectives

Goal I: To promote career development for DSR Customers through education and training.

Objectives:

- a. Each field office shall coordinate with local resources to offer ABE and GED classes each month, by September 30, 2017.
- b. An academic tutoring service will be established at each DSR field office by September 30, 2018.



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- c. Each local office will collaborate with local organizations and/or educational institutions to provide at least one (1) academic enrichment and/or team building activity annually for youth, age 12-18, who are members of a DSR needy family.

Goal II: To encourage and support wellness for DSR customers

Objectives:

- a. Each local office will collaborate with local resources to promote Customer wellness by providing at least one (1) wellness related training session for Customers each quarter.
- b. Each local office will collaborate with local resources to promote child wellness by providing at least two (2) educational training sessions annually (e.g., bullying, peer pressure, substance abuse, relationships, fatherhood, and motherhood) for minor children included in DSR eligible needy families.
- c. Promote wellness to DSR Customers through the use of media (newsletter, radio, website, etc.), by providing at least one (1) wellness related publication or announcement each quarter.

Goal III: To increase and strengthen collaboration with local, State, Tribal, and Federal stakeholders to enhance service delivery and resources.

Objectives:

- a. DSR will meet with at least one (1) resource program each quarter to establish and/or maintain collaborative efforts, share information and to cross train staff.
- b. Meet with key partner programs (NDCSE, NDWD, NNCCDF, AZDES, NMHSD, and Utah DWS) to review, monitor and, as necessary, update existing agreements, by September 30, 2018.
- c. Enhance service delivery and resources by establishing at least one (1) new Memorandum of Understanding/Agreement with a stakeholder annually.
- d. Each local office will collaborate with local organizations and/or businesses to provide at least one (1) employment related activity (paid/unpaid employment, Job Search and Job Readiness Training and Assessments, etc.) annually for youth, age 14-18, who are members of a DSR needy family.



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Goal IV: To improve the quality and efficiency of service delivery through the expanded use of technology.

Objectives:

- a. Establish and maintain a Customer computer resource center, which consists of a minimum of three (3) computers and a printer, at each local office by September 30, 2017.
- b. Conduct at least two (2) Customer training sessions each quarter utilizing the DSR computer network.
- c. At least 5% of Adult receiving DSR assistance who have a grade equivalency level of less than 9.0 will complete remediation and adult basic education courses on-line by September 30, 2018.
- d. At least one (1) Customer survey will be conducted annually, utilizing technology, to measure the quality of services provided to DSR Customers.

F. Background of the Department for Self Reliance

In July 1999, the Navajo Nation submitted its first Tribal Family Assistance Plan (TFAP) to the Department of Health and Human Services (DHHS). In August 2000, DHHS formally notified the Navajo Nation of its first approved TFAP for the three (3)-year period of October 01, 2000 to September 30, 2003. Subsequently, tribal TANF plans were approved for the Navajo Nation for the periods of October 01, 2003 to September 30, 2006 ; October 01, 2006 to September 30, 2009; October 01, 2009 to September 30, 2012 and October 01, 2012 to September 30, 2015.

The creation and establishment of the Navajo Nation's own tribal TANF program originated from a strong belief in Navajo values and teachings of living life in harmony and balance, or *Hozho K'eh lina*. These Navajo values and teachings have lasted for generations and helped the Navajo people endure challenges, such as poverty, and to persevere. It is with these beliefs that the Navajo Nation chose to take on the challenge of stemming the cycle of dependence by establishing a TANF program that places responsibility, decision-making, and self-reliance back on our own people.

The concept of *T'áá hwó ájít 'eego* is one of these values and teachings. This powerful concept promotes living life with a purpose, making conscious decisions, exercising personal discipline and taking responsibility for one's life. By instilling *T'áá hwó ájít 'eego* in his/her life, personal attributes of self-respect, perseverance, overcoming challenges, and conducting one's self with courage and potential are developed.



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The DSR has adopted these values and teachings as a foundation and model for individuals and family served by the DSR to follow on their path to self-sufficiency. Both *Hozho K'eh lina* and *T'áá hwó ájít 'eego* are in each of the four (4) developmental stages of learning and personal development.

NITSÁHAKÉÉS (Thinking): To promote personal responsibility by educating customers on welfare reform, reducing dependency on public assistance by creating educational and career opportunities, providing assistance to needy families to meet their basic needs, and addressing social dilemmas by identifying and providing referrals to key resources.

NAHAT'Á (Planning): To create an atmosphere which encourages personal change by assisting the Customer in identifying specific opportunities which foster a positive outcome. The Customer will begin to recognize their personal strengths which promote the Customer's well-being by encouraging a Customer-centered process that instills hope and optimism in the Customer's capacity for change.

AADÍŁIIŁ (Doing): To implement a plan of action based on a Customer's identified strengths and barriers while establishing and providing opportunities for Customers enhance their knowledge, skills and abilities and gain experience will help them to become self-reliant.

BEE NIISÉÉLDOO (Growing): To empower Customers to take responsibility for their future by assisting the Customer to progress toward self-sufficiency, *lina*, for themselves and their family members.

These four (4) cultural components provide guidance and serve as a model for development of one's well-being and promote value in sustaining Navajo livelihood, self-reliance and self-efficacy in today's world.

G. Assurances

1. Forty-five (45)-day Public Comment Period

From November 10, 2014 to December 31, 2014, the DSR conducted a public comment period to inform, educate and collect input from the public on the contents of this TFAP. The public comment period and public hearing dates and locations were announced on area radio stations, in area newspapers, in the DSR Newsletter, and on the DSR website. A total of twelve (12) public hearings were held in communities located on or near the Navajo Nation and a copy of the TFAP was posted on the DSR website for public review and comment.

In addition, copies of the plan were distributed to stakeholders; meetings were held with partner programs to orientate them about the contents in the plan; and comment sheets were distributed for the public to complete and return to the DSR. The comments were considered and, where appropriate, were incorporated in the plan.



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2. Tribal Administrative Approval

In accordance with Navajo Nation law, the Navajo Nation's TFAP was reviewed by the appropriate Navajo Nation offices prior to signature of the President of the Navajo Nation.

3. Fiscal Accountability Provision

For each fiscal year in which the Navajo Nation receives or expends funds pursuant to a block grant under Section 412 of Title 1 – Block Grants for Temporary Assistance for Needy Families, the Nation will comply with the fiscal accountability provisions of Section 5(f) (1) of the Indian Self-Determination and Education Assistance Act (25 USC 450c (f) (1), relating to the submission of a single-agency audit report required by chapter 75 of title 31, United States Code.

Other internal controls were established within the DSR for enhanced fiscal accountability. Administrative functions to prevent, identify, and deter fraud; recover and reconcile improper payments to Customers; and to execute quality assurance were established within the DSR.

4. Dispute Resolution Process.

A Customer who is not satisfied with a decision made by the DSR will be afforded an opportunity to dispute the decision, pursuant to the procedures set forth in the DSR's AADÍŁLIIŁ (DOING) Procedures Manual. The dispute resolution process affords the Customer a fair hearing that meets the standards comparable to the provisions in Tribal TANF Program Final Rules 45 CFR 286.75(a)(7).

5. Assurance of Protection of Customer Confidentiality

Pursuant to the Navajo Nation Privacy Act (CAP-48-99), the DSR's Professional and Ethical Standards of Employee Conduct, and DSR Pathway to Self Reliance (Policy) Manual, the DSR assures it will uphold and protect the confidentiality of DSR Customers.

6. Equitable Assistance and Services

Eligible families moving into the DSR Service Delivery Area will receive the same amount of cash assistance and/or applicable non-cash assistance and supportive service(s) as all other eligible individuals and families.

7. State Agreements to Serve Non-Indian Families

Pursuant to 45 CFR 286.75(d)(2), agreements are established with the States of Arizona, New Mexico and Utah authorizing the DSR to serve Non-Indian families residing in the DSR's Services Delivery Area and provides that the Non-Indian families are subject to Tribal TANF program rules. The State Agreements are attached as Exhibit "D".



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8. Prevention of Duplication Assistance

Pursuant to 45 CFR 286.75(f), a family cannot receive assistance from the DSR while simultaneously receiving similar assistance from another State or Tribal program. The means by which the DSR will assure prevention of duplicative assistance includes:

- The DSR's Application for Assistance includes a question regarding current and prior public assistance received by family members. The Application also includes a section where Customers acknowledge they understand they are responsible for providing complete and accurate information, reporting changes timely and cooperating with DSR staff.
- Conducting thorough eligibility determination interviews to solicit potential applicant and Customer responses which may indicate potential receipt of similar assistance;
- If there is an indication that an applicant may be currently receiving similar assistance, contact will be made with the appropriate State or Tribal program(s) to verify the applicant is currently not receiving assistance from the State or TANF program.
- Staff training will regularly be provided in the areas of interviewing skills, completion of application, potential fraud detection, and DSR policies and procedures relative to prevention of duplication assistance; and
- The DSR established Quality Assurance and Fraud Investigation Sections to detect and investigate potential duplicative assistance and improve DSR policies and procedures to prevent duplicative assistance.

IV. EMPLOYMENT OPPORTUNITIES, COLLABORATION, AND OUTREACH

The DSR will conduct outreach to coordinate and collaborate with various entities to promote the delivery of services and assistance to Customers.

A. Employment Opportunities

The DSR will coordinate and collaborate with employers in and around the Navajo Nation Service Delivery Area (SDA) to identify knowledge, skills, abilities and other preparation necessary for various employment; prepare identified Customers for long-term sustainable employment; identify and create employment for job-ready Customers; establish work experience and on-the-job training opportunities; and to plan and/or implement other activities that will increase the marketability of, and employment opportunities for, DSR Customers. Coordination and collaboration will be carried out with, but not limited to, the following employers in and around the DSR's SDA:



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- Navajo Nation Government
- Indian Health Services
- Bureau of Indians Affairs
- Federal, State, and County Offices
- Schools (K-12)
- Faith-Based Organizations
- Coal Mines
- Power Plants
- Economic Development Projects
- Businesses, both on- and off-reservation
- Colleges, Universities, and technical and vocational schools

The DSR will coordinate and collaborate with elected leaders and public and private sector employers to identify strategies for economic development and job creation so that DSR Customers can access employment opportunities. Examples of coordination and collaboration include:

- Communicate with Navajo Nation programs to identify opportunities for economic development and job creation;
- Educate elected leadership on the hardships encountered by DSR Customers in obtaining employment and advocate for economic development and expansion of employment opportunities on the Navajo Nation; and
- Develop and maintain partnerships with the Navajo Nation government and other entities to advocate for training and education; work experience, and employment opportunities for DSR Customers.

B. Collaboration and Outreach

It is necessary that the DSR collaborates and coordinates with other entities to assist Customers and their families to gain skills, education, opportunities, and employment to become self-reliant. Such collaboration and coordination includes:

- cross-training of staff;
- convening meetings and work sessions to achieve desirable outcomes for Customers and program successes; and
- other activities that will promote, establish, and improve processes for service delivery to Customers and their families.

Currently, Memoranda of Agreement (MOA) and Memoranda of Understanding (MOU), along with procedural protocol where necessary, are established with the Navajo Department of Workforce Development, Navajo Department of Child Support Enforcement and the Navajo Child Care Development Program.



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The DSR will establish MOU/MOAs with additional entities and continue to collaborate, coordinate, and conduct outreach with other tribal and non-tribal entities such as, but not limited to:

- Elected state, tribal, federal, and local officials
- State and other Tribal TANF programs
- Social services including child welfare and family services
- Judicial system
- Youth Programs
- Legal services
- Housing Programs
- Federal, State, tribal, and private programs serving disabled persons
- Counseling programs
- Mental and behavioral health service providers
- Fatherhood organizations and programs promoting stable families
- Child care programs
- Education and training programs
- Public safety programs
- Colleges, universities, and programs offering financial aid for education
- Border towns and their Chambers of Commerce and businesses
- Faith-based organizations
- Thrift stores, food pantries, and charity organizations
- Financial institutions and entities providing financial management
- Schools (K-12)
- Programs for the Elderly/Grandparents
- Philanthropists
- Non-profit organizations
- Programs providing transportation services
- Emergency Management programs
- Livestock and Agricultural Programs
- Intervention and prevention programs
- Domestic violence programs and other emergency shelters programs
- Traditional Practitioners
- Hospitals, clinics and health/wellness programs
- Tribal Gaming Enterprises



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V. SERVICE AREA AND POPULATION

The DSR will provide assistance and services to the following areas and populations:

- A. All eligible federally recognized American Indian and non-Indian families living on the Navajo Nation, including Trust lands, Fee lands and the satellite communities of Alamo, Tohajiilee, and Ramah (See Exhibit "A" for a Navajo Nation map).
- B. Eligible families, including child-only cases, living within the city limits of a federally designated Near Reservation community, where the identified head-of-household has a Navajo Census Number.

The DSR recognizes the existing "near reservation" communities listed at: Federal Register Vol. 44 No.9, Dated Friday, January 12, 1979, pp. 2093-4 as the official "near reservation" communities for the DSR. The list of designated "near reservation" communities within the DSR Services Delivery Area is attached as Exhibit "C".

- C. Approved DSR Customers who are temporarily absent from the DSR Service Delivery Area for the purpose of:
 1. an adult needy family member receiving education, or training; or
 2. receiving medical/non-medical treatment;
 3. an immediate family member receiving medical/non-medical treatment and their presence is required; or
 4. receiving domestic violence related services;

will be considered domiciled at their permanent residence and may continue to receive assistance for the duration of the treatment, education, training, or services based on the following conditions:

- The temporary absence shall not exceed ninety (90) calendar days, unless a justifiable reason exists to extend the temporary relocation for up to an additional ninety (90) calendar days.
- Customers absent from the SDA for the purpose of receiving medical or non-medical treatment must comply with their treatment plan, as prescribed or outlined by a certified and/or licensed physician, counselor or therapist.
- Customers absent from the SDA for the purpose of gaining education, training, or on-the-job training, they must remain enrolled and make satisfactory progress in the educational/training program.
- Customers absent from the SDA for the purpose of receiving domestic violence services must comply with their service plan developed by a person trained in domestic violence.



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VI. ELIGIBILITY FOR DSR ASSISTANCE AND SERVICES

Eligibility for DSR assistance and services is as established in this approved Tribal Family Assistance Plan. Only needy families, as defined in this plan, may receive: (a) any form of federally or State MOE funded “assistance” (as defined in 45 CFR 286.10); or (b) any benefits or services pursuant to TANF purposes 1 or 2. “Needy” means financially deprived based on income and resource criteria established in this plan to receive the particular “assistance,” or service.

The Tribe may use segregated Federal TANF funds to provide services (and related activities) that do not constitute “assistance” (as defined in 45 CFR 286.10) to individuals and family members who are not financially deprived but who need the kind of services that meet TANF purposes 3 or 4. Objective criteria will be established for participation in these services and activities. Unless the State instructs otherwise, the Tribe may also use MOE funds to pay for non-assistance pro-family activities for individuals or family members, regardless of financial need. Objective criteria will be established for participation in these activities.

A. Needy Family

DSR defines a “*family*” as consisting of at least one (1) minor child who lives with their parent(s) or related/unrelated caretaker(s).

The DSR defines a “*needy family*” as a family, which includes at least one (1) minor child, whose monthly gross income does not exceed 150% of the federal poverty guideline for the applicable family size.

Needy families eligible for assistance may include:

1. Minor child(ren) and their legal parent(s), including teen parent(s) who is/are emancipated;
2. Minor child(ren) and their legal parent and a step-parent by legal marriage;
3. Minor child(ren) who live(s) with a related adult caretaker who has, or agrees to pursue, legal guardianship for the minor child(ren), where only the children receive assistance (child-only).
4. Minor child(ren) who live(s) with an unrelated adult caretaker who has legal guardianship for the minor child(ren), where only the children receive assistance (child-only).

A custodial legal parent must be included as a mandatory member of the needy family unless excluded due to:

- receipt of Supplemental Security Income (SSI);
- receipt of disability benefits;
- disqualified due to an unfavorable background check; or
- disqualified due to one of the reasons listed at Part VII., *Disqualification from Receipt of Assistance and Services*, in this plan.



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B. Eligibility for “Assistance”

The DSR will provide eligible needy families with monthly assistance as defined as 45 CFR 286.10, in the form of cash, checks, vouchers, or other forms of benefits designed to meet a family’s ongoing basic needs such as food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses. This includes child care and transportation assistance for those TANF recipients who are participating in work activities, but are not employed.

In addition to being a needy family, the following eligibility criteria must be met at the time of approval, and for each month of their Approval Period, as verified by a DSR staff.

1. Minor Child

The benefit group must include at least one (1) eligible minor child.

2. Service Delivery Area (SDA)

The head-of-household and all members of the needy family must reside within the DSR’s Service Delivery Area (SDA), as defined in Section V. SERVICE AREA AND POPULATION of this plan. (See Exhibits “A” for a map and “C” for a list of near-reservation communities.)

3. Residency

All members of the needy family must have resided with the head-of-household for at least thirty (30) consecutive days at the time of application or addition to the needy family, with the exception of newborns.

4. Citizenship

The head-of-household and all members of the needy family must be citizens of the United States.

5. Time Limit

The head-of-household and, if applicable, their spouse must not have met the established time limit for receipt of TANF assistance.

6. Deprivation

All minor children in the needy family must be deprived of financial support due to the continued absence, disability, or death of a legal parent(s); or, in Two-Parent Families, the minor child(ren) must be deprived of financial support due to the unemployment or underemployment of both parents. In situations where the absent, deceased or disabled parent is not established as a Legal Parent at the time of initial application, the head-of-household may be given up to twenty-four (24) months to establish paternity and meet this eligibility requirement.



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7. Child Support Requirements

Unless an exemption is granted by the Navajo Department of Child Support Enforcement (NDCSE), or an exclusion applies, the head-of-household must comply with child support requirements as determined by the NDCSE. The DSR is in compliance with the provision at 45 CFR 286.155.

8. Income

All income received by adult members of a DSR Benefit Group shall be counted in determining the needy family's eligibility and TANF assistance amount, with the following exceptions:

- a. If an adult member(s) of the benefit group is/are employed, the first \$200 of the benefit group's Net Monthly Earned Income shall be disregarded in determining eligibility for DSR assistance.
- b. All income earned from participation in a DSR subsidized employment activity will be disregarded, for the duration of the subsidized employment activity, in the calculation of a benefit group's monthly DSR assistance and in the redetermination of a current DSR benefit group's income eligibility status.
- c. All Indian judgement funds and other disbursements excluded under federal law shall be disregarded.

9. Assets

The Total Countable Assets of the members of the needy family must not exceed \$3,000.00. The following shall be excluded: primary residence; one (1) vehicle used as the primary family transportation; vehicles held in lien or pawn; personal items used in day-to-day living; property used to generate income; cash surrender value of insurance policies; funds held in restricted account which cannot be readily liquidated; Individual Development Accounts; and 401K/Individual Retirement Accounts.

10. Background Check

The head-of-household and adult filing unit members shall be required to complete a background check to obtain clearance they:

- a. Have not been convicted of one of the felonies identified in the DSR *Pathway to Self Reliance* Manual which disqualifies them from receiving DSR assistance; or



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- b. Do not currently reside outside of the DSR Service Delivery Area

Background checks disclosing a residence(s) other than, or in addition to, the residence the Customer provided on the application will require verification of the Customer's current residence. Customers found to currently reside outside of the DSR's Service Delivery Area will be ineligible to receive assistance and may be subject to disqualification for DSR assistance due to committing an Intentional Program Violation.

11. Disqualified

An individual applying for, and/or included in the filing unit, must not currently be in a disqualification period due to:

- a. Fourth level penalty;
- b. Intentional Program Violation;
- c. Second consecutive missing MUR
- d. Receipt of Diversion Benefits
- e. Currently receiving Transitional Benefits.
- f. Physically assaulting, or threatening the safety of, a DSR employee(s).

12. Supplemental Criteria

In addition to meeting the ten (10) eligibility criteria above, Third Party Custodians applying on behalf of a minor child(ren), Two Parent families, and Minor Parents must meet the following additional eligibility criteria:

- a. Third Party Custodian

A Third Party Custodian (TPC) must have Legal Guardianship/Custody of the child(ren) on whose behalf they are applying; or, if the TPC does not have Legal Guardianship/Custody and is an Immediate Relative of the child(ren), the child(ren) may be included in the Benefit Group for up to twelve (12) months while the TPC pursues obtaining Legal Guardianship/Custody or Adoption of the child(ren):

- b. Two-Parent Assistance (TPA)

The parents must have a common child(ren) or, if they do not have a common child, the parents must be legally married.

- c. Minor Parents

A minor parent (under the age of 18) must be emancipated in order to receive assistance on their own.



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VII. DISQUALIFICATION FROM RECEIPT OF ASSISTANCE AND SERVICES

The following shall be ineligible to receive DSR assistance:

- A. An individual who is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or an attempt to commit a crime, which is a felony under Federal or State law. *(P.L. 104-193, Title I, Part A, Section 408 Prohibitions; Requirements (a)(9)(A)(i))*
- B. An individual who is violating a condition of probation or parole imposed under Federal or State law. *(P.L. 104-193, Title I, Part A, Section 408 Prohibitions; Requirements (a)(9)(A)(ii))*
- C. An individual who physically assaults, or threatens the safety of, a DSR employee(s) shall be ineligible to receive DSR assistance for a period of six (6) months for the first incident. A second incident shall result in permanent disqualification. The assault(s) and/or threat(s) must be substantiated by a police report(s).
- D. An individual whose Background Check result is Unfavorable.
- E. Individuals who are in a disqualification period as a result of an Intentional Program Violation (IPV) determination.
- F. Adult Customers who are in a disqualification period as a result of the imposition of a fourth level penalty
- G. Individuals in Foster Care or Group Home placement whose basic needs are included in the payments made to the Foster/Group Home.
- H. Individuals in Institutional Care placement.
- I. Individuals receiving Supplemental Security Income (SSI).

VIII. WORK PARTICIPATION

All adults receiving assistance and minor parents receiving assistance as the spouse of an adult head of household will be subject to the Minimum Weekly Work Participation Hours requirement.

A. Minimum Work Participation Rates

The Navajo Nation's Minimum Work Participation Rate for each year is:

- Fiscal Year 2016 30%
- Fiscal Year 2017 31%
- Fiscal Year 2018.....32%



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B. Minimum Weekly Work Participation (WP) Hours

All adults in the Needy Family: An average of twenty-four (24) hours per week for each month of assistance.

The Navajo Nation determined the minimum work participation hours based upon remoteness, limited economic and employment opportunities, limited number of day care centers, low educational levels of DSR Customers, and lack of public transportation.

Customers who are subject to the Work Participation requirement shall not be required to meet the Minimum Weekly WP Hours requirement until the month following the completion and implementation of their Personal Responsibility Plan.

1. A Customer will be deemed as meeting the Minimum Weekly WP Hours requirement if they are:
 - a. A single custodial parent with a child under age 6 who is the only caretaker in the family, and participated in an authorized work activity for at least an average of 20 hours per week during the reporting month; or
 - b. A single teen head of household, or a married teen parent, who maintains satisfactory school attendance.
 - c. A single teen head of household, or a married teen parent, who participates in education directly related to employment for an average of at least twenty (20) hours per week during the reporting month.
2. When a Customer's worksite is closed due to a federal, state, or tribal holiday, or for authorized closures, the Customer will be given credit for the hours they were scheduled to participate in authorized work activities on that day.

C. Authorized Work Participation Activities

Work Participation Activities authorized for Customers must move them and their family toward managing or removing barriers, attaining education, employment, and/or economic self-sufficiency.

Authorized Work Participation Activities are as follows:

1. Work Experience
2. On-the-job training leading to employment
3. Job skills training directly related to employment.
4. Participation in educational courses directly related to the preparation of individuals for employment in current or emerging occupations requiring other than a baccalaureate or advanced degree (e.g. health care, computer technology, office management and skilled trades).



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5. Participation in education directly related to employment, where the participant has not received a high school diploma or GED certificate.

This includes cultural education as a Navajo Medicine Man apprentice; assisting with cultural ceremonies; learning to speak other languages for the purpose of job readiness; learning traditional stories to become storytellers; and other cultural education that leads to becoming self-sufficient, productive and contributing members of the community.

6. Participation in education, other than post-secondary, directly related to employment, where the participant has a high school diploma or GED certificate.

This includes cultural education as a Navajo Medicine Man apprentice; assisting with cultural ceremonies; learning to speak other languages for the purpose of job readiness; learning traditional stories to become storytellers; and other cultural education that leads to becoming self-sufficient, productive and contributing members of the community.

7. Satisfactory attendance at a secondary school or course of studies leading to a General Educational Development (GED) certificate.
8. Satisfactory attendance at a secondary school or course of studies leading to a High School Diploma.
9. Participation in adult basic education, pre-GED or remedial courses.

10. Post-secondary education at a college or university.

Participating in educational courses provided at an institution of higher learning that offers undergraduate (bachelor's degree in the arts or sciences) or postgraduate programs.

11. Unsubsidized employment

12. Subsidized Private Sector Employment

DSR will offer Subsidized Private Sector Employment for adult members of a DSR benefit group. The Subsidized Adult Employment (SAE), which will be offered for up to six (6) months, will provide job skills, job readiness and work experience to prepare adults for employment. The SAE participants will be hired by a third party employer, using their application and selection process, and DSR will reimburse the employer for up to 100% of wages, benefits, and training costs and an administrative cost of up to 10% for supervision and other related expenses.



NAVAJO NATION DEPARTMENT FOR SELF RELIANCE TRIBAL FAMILY ASSISTANCE PLAN



13. Subsidized Public Sector Employment

DSR will offer Subsidized Public Sector Employment for adult members of a DSR benefit group. The Subsidized Adult Employment (SAE), which will be offered for up to six (6) months, will provide job skills, job readiness and work experience to prepare adults for employment. The SAE participants will be hired by a third party employer, using their application and selection process, and DSR will reimburse the employer for up to 100% of wages, benefits, and training costs and an administrative cost of up to 10% for supervision and other related expenses.

14. Job Search

Activities or training that provides one with skills in identifying a career and searching for a job, including, but not limited to, finding job vacancies; making job contacts; understanding the labor market; resume preparation; marketing your strengths and talents; completion of employment applications; and successful participation in interviews.

The DSR will adhere to the limitation on the number of countable weeks for Job Search/Job Readiness, as stated at 45 CFR 286.105(b) and (c).

15. Job Readiness

Activities or training that provide the knowledge and skills necessary to obtain and keep a job, including, but not limited to, attendance; punctuality; appropriate appearance; appropriate and positive attitude and behavior skills; building and demonstrating skills in relationships; and completing tasks effectively. The DSR will adhere to the limitation on the number of countable weeks for Job Search/Job Readiness, as stated at 45 CFR 286.75(b) and (c).

16. Community Service

An activity or service which is performed without compensation and the activity/service benefits the community as a whole.

17. Provision of childcare services to another DSR Customer who is participating in authorized work activities.

This activity cannot be authorized for a Customer to care for their own child(ren) and must be supplemented by other work activities which assist the DSR Customer in progressing toward their career goal or expand their knowledge in child development.

18. Self-employment (e.g., rug weaving, silversmith, childcare services, etc.)

19. Participation in an Assessment, as part of case management services, which is conducted by the DSR or other program.



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20. Participation in an Orientation Session provided by the DSR or other programs.
21. Time spent in substance abuse and drug intervention counseling; behavioral and mental health services; domestic violence intervention and counseling; including being a patient of cultural traditional ceremonies.
22. Participation and education in prevention, intervention, or treatment of physical health-related illnesses.
23. Providing care to an immediate relative with a verified disability.
This activity may be authorized in accordance with limitations and criteria specified in applicable DSR Procedures Manuals.
24. Study Time for Customers participating in an authorized education related work activity.
25. Traditional Support and Mentoring
Participating in activities, conducted in a group setting, which utilize traditional teachings and methods to support and encourage the mental, physical, and emotional development and wellness of DSR Customers and their children, thereby improving their probability of future self-reliance. Activities will include: Fatherhood/Motherhood Curriculum; Building Self Esteem; Self Identity/Awareness; Talking Circles; and Learning the Navajo Language/Traditions.
26. Agricultural Subsistence
An activity associated with farming and ranching which provides for the basic needs of, or provides income for, the Needy Family.
27. Reasonable Transportation Time
Due to the remoteness and isolated conditions of the Navajo reservation; many miles of unpaved roads; and lack of, or limited, public transportation; "reasonable" transportation time to, and from, an approved work participation activity site may be authorized for Customers. Transportation time shall be authorized in addition to hours authorized for approved work participation activities. Reasonable transportation time is defined as the average amount of time for a person to drive to a destination and return.
Transportation time is not a Customer entitlement and will be authorized on a case-by case basis. The number of hours authorized shall be reduced over time is to dissuade the Customer from continual use of transportation time toward the minimum work hours and more time can be authorized for education and employment preparation.



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IX. PENALTIES

- A. The needy family will be subject to penalty for non-compliance with the following DSR Requirements:
1. Minimum Work Participation Hours Requirement (if applicable); and/or
 2. Developing a Personal Responsibility Plan within the established timeline; and/or.
 3. Complying with the provisions of a Personal Responsibility Plan which has been properly developed and implemented; and/or.
 4. Review and, if necessary, updating a Personal Responsibility Plan.
- B. Prior to imposing a penalty, a written warning shall be provided to inform the Customer that continuing to not comply with the DSR Requirement will result in a penalty. Staff shall provide necessary assistance in addressing the reason for the non-compliance. Assistance provided to the Customer shall be narrated and documented in the case file.
- C. After issuing a written warning, subsequent non-compliance with a DSR Requirement will result in imposing a penalty to reduce the needy family's calculated monthly benefit amount in part, or in full, in accordance with the following:
- First Level:** Twenty-five percent (25%) Reduction.
- Second Level:** Fifty percent (50%) Reduction.
- Third Level:** Seventy-five (75%) Reduction.
- Fourth Level:** One hundred percent (100%) Reduction and ineligibility of the head of household and, if applicable, their spouse, for DSR assistance for the next twelve (12) months.
- D. Exemption from Penalty
1. A Needy Family will not be subject to penalty for not meeting the Minimum Weekly Work Participation Hours requirement until the month after their Personal Responsibility Plan (PRP) has been developed and implemented.
 2. A Needy Family will not be penalized for refusing to engage in work participation activities if they are a single custodial parent caring for a child under age six (6) and demonstrates an inability to obtain needed child care for one or more of the following reasons:
 - a. Appropriate child care is not available within a reasonable distance from the Customer's home or work site;
 - b. Informal child care by a relative or under other arrangements is unavailable or unsuitable; or
 - c. Appropriate and affordable formal child care arrangements are unavailable.



NAVAJO NATION DEPARTMENT FOR SELF RELIANCE TRIBAL FAMILY ASSISTANCE PLAN



The key terms related to child care are defined as follows:

- **Appropriate child care**

Child care where the provider is licensed/certified or registered by a State or Tribal child care agency; or child care provided in the child's home or home of a relative of the child, provided the home is a clean, safe, and supervised environment where the child will have playtime, adequate nutrition, protection from any and all kinds of harm, and is acceptable to the parent(s) or caretaker(s) of the child.

- **Reasonable distance**

Total distance from a DSR customer's home, to the child care provider site, can't exceed 30 miles.

- **Unsuitability of informal child care**

Child care deemed as inappropriate and/or unacceptable by a Customer, and is put in writing, due to concerns that the health, safety, and well-being of a child would be, or is, at risk.

- **Affordable child care arrangements**

Formal child care that is available at a cost that is equal to or less than the amount the Navajo Nation CCDF will pay; or informal child care at a cost which is acceptable to parents without causing undue financial hardship upon the NNPSR customer's family.

Refusal to engage in work participation activities when acceptable, appropriate and affordable child care is available shall not be protected from penalty.

3. A Good-Cause exemption from penalty may be granted, on a limited and case-by-case basis, under circumstances including, but not limited to:
 - a. Death of an immediate family member.
 - b. Hospitalization of self.
 - c. Hospitalization of an immediate family member which requires the Customer's continuous presence.
 - d. Unforeseen short-term disability.
 - e. Natural disaster.
 - f. The above is not an exhaustive list of possible circumstances for a Good Cause Exemption.
4. Exemption of a Customer from penalties will be re-evaluated on a monthly basis.



NAVAJO NATION DEPARTMENT FOR SELF RELIANCE TRIBAL FAMILY ASSISTANCE PLAN



X. TIME LIMITS

A. Rationale for Time Limits

The Navajo Nation elects to utilize the maximum number of months allowed to work with Customers to prepare them for self-sufficiency because the majority of needy families are typically “hard to serve”, reside in remote areas of the reservation with limited economic and employment opportunities; and most families are single parents who require a longer time period to gain the education or skills necessary to become self-reliant.

- B. The Time Limit for an adult to receive DSR assistance is sixty (60) countable months, whether or not consecutive.
- C. The months of TANF assistance received by a minor parent who is the spouse of an adult head of the household will be counted toward the established time limit. The time limit does not apply to minor children.
- D. Any and all prior months of TANF assistance received from a State or other Tribal TANF Program will count towards the Navajo Nation’s time limit, except for any month that was exempt or disregarded by statute or regulation (*45 CFR Part 286, Section 125*).
- E. Exemptions to Time Limit.

A month of TANF assistance will not be counted toward the sixty (60)-month time limit if the adult, or minor parent who is the spouse of an adult head of household:

1. Is not included in the needy family, due to receipt of disability benefits or being a Third Party Custodian, and the needy family only includes minor children; or
2. Received assistance while residing in Indian Country where the official not-employed rate, for the month they received assistance, is greater than 50 percent (50%). The exterior boundaries of the Navajo Nation, including Trust/Fee lands, and the satellite communities of Alamo, Ramah, and Tohajiilee, are considered Indian Country.

The DSR does not currently exempt individuals from the established time limit due to Hardship.



NAVAJO NATION DEPARTMENT FOR SELF RELIANCE TRIBAL FAMILY ASSISTANCE PLAN



XI. SUPPORTIVE SERVICES

Supportive Services may be provided to eligible families to assist them in achieving and/or maintaining self-reliance, subject to availability of funds.

A. Case Management

Of the many services the DSR provides to its Customers, case management is the most essential. Case management will be applied to all cases to help Customers increase their knowledge, competence, skills and abilities; enhance problem solving and coping abilities; help Customers obtain resources; and influence interactions between organizations and resources.

1. Intake/Eligibility Determination Screening

Customers applying for DSR assistance will be interviewed to determine their eligibility for DSR assistance and need for services. Based on the initial assessment, if a non-recurring barrier is preventing the Customer from attaining or maintaining employment, the Customer may be diverted toward immediate employment (see B. Diversion, under this section). Customers determined to be ineligible for DSR assistance will be provided information and, if necessary and appropriate, referred to other available resources.

2. Assessment

All approved cases shall be assessed by DSR staff to obtain information about the Customer's current status and to identify pertinent issues. The information gathered includes, but it not limited to: household members; employment and educational history; the future educational and career interests and expectations; family strengths, resources, and opportunities; identification of barriers or threats, including domestic violence that may impede family progress; and other information that may benefit the progress of the family. When necessary, Customers will be referred to other resources for further screening and assessment.

3. Referral Services

As a result of an assessment and a case plan, referrals to appropriate resources may be necessary for services to address barriers and to begin implementation of educational, employment, and career goals. In addition, adult Customers may be referred to those resources which the Customer will use to complete work requirements and obtain education. Referrals will be continuous throughout the entire case management process.

4. Case Planning/Personal Responsibility Plan:

DSR staff shall develop a Personal Responsibility Plan (PRP) for all needy families receiving DSR assistance. The PRP shall be developed using assessment results and shall address the adult recipients' goals and the steps for career development and the family's progress toward self-sufficiency.



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The PRP shall: include the specific tasks and timelines within which a Customer and their family should progress toward self-sufficiency; include other resources which are available to promote their progression toward self-sufficiency; identify the approved work activities for each Adult needy family member and the weekly hours authorized for each approved work activity; include actions for compliance with requirements of other programs and agencies; and actions to remove or manage barriers to education and employment. A specific training plan and/or employment plan shall be developed for Customers who are ready or approaching being ready for training and/or employment

5. Monitoring, Evaluation, and Re-assessment

The DSR staff shall monitor Personal Responsibility Plans by meeting with Customers to review their progress and achievement of established tasks, goals, and timelines; evaluate whether the types of assistance, services, and resources the family was referred for are still necessary and if they have been beneficial; and reassess the family and, as necessary and appropriate, revise the Customer's PRP to address new findings and to support the Customer's progress and accomplishments of goals.

6. Closure and Follow-up

A Customer's case may close as a result of, but not limited to: income and/or resources exceeding established limits; disqualification due to penalties for non-compliance with DSR requirements or IPV determination; no eligible minor child in the needy family; meeting the time limit; or no longer meeting certain eligibility criteria.

When a Customer's assistance case is closed due to obtaining employment, DSR shall will follow-up with Customers at regular intervals during the first year of employment to monitor the Customer's progress toward self-sufficiency. Support services may be provided to assist Customers in transitioning to work and maintaining their employment.

B. Diversion

Subject to availability of funds, the DSR may provide a one-time Diversion benefit as an alternative to monthly assistance, to families who are not "needy" (as defined in this plan), but are at risk of becoming dependent on public assistance due to a barrier which is prohibiting an adult family member from accepting a bon fide offer of long-term, sustainable employment; or a barrier which is putting an adult family member's continued employment at risk. The family's Gross Income shall not exceed 200% of the National Poverty Guidelines for the applicable family size. The benefit amount shall be the actual amount needed to remove the barrier; or \$3,000; whichever is less. A family that receives Diversion benefits shall be ineligible to receive DSR assistance for a six (6) month period from the date the Diversion benefit is issued.



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C. Support Services

Subject to availability of funds, support services may be provided to assist members of a Needy Family in addressing a barrier(s) to their successful participation in an authorized work participation activity and to transition toward gaining and maintaining employment.

The types of support services that may be provided are:

- Worksite Expenses, such as Uniforms, Tools, Safety Equipment, etc.
- Fee, such as Testing, Background Check, Physical Exams, etc.
- Transportation - Minor vehicle repair and tires
- Expenses associated with attending trainings which prepare Customers for employment.
- Education, such as Tuition, Text Books, Supplies, etc.
- Transportation – Reimbursement for Fuel Expenses.
- Transportation – Bus Pass

D. Educational and Employment Incentives

Subject to availability of funds, incentives in the form of cash may be provided to Needy Families to motivate and encourage adults and minor children to move toward self-reliance.

The types of incentives that may be provided are:

- High Academic Achievement – Child
- Perfect Attendance
- High School/GED Graduation
- School Clothing
- High Academic Achievement – Adult

E. Transitional Support

Transitional services are employment related support services provided to DSR Customers who have become employed and are no longer receiving DSR assistance. Subject to availability of funds, Customers who meet eligibility criteria may receive a one-time Transitional Support Service benefit for up to twelve (12) months following closure of their DSR assistance case, or until the Needy Family's income reaches 200% of the National Poverty Guideline for the applicable family size, whichever occurs first.

To be eligible to receive Transitional Support Services, the Customer must remain employed.



NAVAJO NATION DEPARTMENT FOR SELF RELIANCE TRIBAL FAMILY ASSISTANCE PLAN



F. Short-Term, Non-Recurring Benefits

Subject to funds availability, the DSR may provide Short-Term, Non-Recurring (STNR) benefits to assist eligible needy families in addressing a specific crisis or episode of need. STNR benefits will be provided in addition to receipt of monthly assistance payments and will not be provided to meet recurring or ongoing needs. A needy family shall have a lifetime limit of \$5,000.

G. Services to Target Populations

Services provided to target populations may vary dependent upon the availability of resources at each DSR office and the local communities.

1. Two Parent Families:

The DSR will promote and support the formation and maintenance of two-parent families and healthy marriages by providing assistance, training and other services to needy two parent families.

Examples of support include, but are not limited to, assisting parents and step-parents to fulfill their traditional parental role in rearing and educating their children; strengthening of interpersonal relationships; and providing information and referrals to adults who are interested in pursuing legal adoption of children.

2. Grandparents and Caretakers:

The DSR is aware that an increasing number of children are raised by non-needy relative caretakers, typically grandparents, in a child-only case. Non-needy relative caretakers in a child-only needy family are not required to participate in work activities, but may participate in trainings and activities to assist them in fulfilling their responsibilities as a caretaker, including promoting and encouraging the self-reliance of the children in their care.

3. Youth:

a. Summer Youth Employment Program

DSR will offer a subsidized summer work experience program for youth who are members of a DSR Needy Family and 14-18 years of age. The summer youth employment program, which will be offered for 4-6 weeks, will provide job preparation, work experience, and exposure to various career fields for the youth. The youth participants will be hired by a third party employer and will be paid at least minimum wage. DSR will reimburse the employer for 100% of wages, benefits, and training costs and an administrative cost of up to 10% for supervision and other related expenses.



NAVAJO NATION DEPARTMENT FOR SELF RELIANCE TRIBAL FAMILY ASSISTANCE PLAN



b. Youth Development Activities

The DSR will promote the education of children by requiring all school-aged children to be enrolled in and attending school; assisting DSR children, based on availability of funds and on a case-by-case basis, with educational expenses which are not covered or provided by other resources; promoting and rewarding academic accomplishments through incentives.

In addition, based on availability of funds, the DSR shall promote:

- i. Career exploration by providing youth with an opportunity to obtain information on the types of professions and post-secondary opportunities which are available; and
- ii. Health and wellness of youth by collaborating with local resources to promote and support involvement in physical activities; improve and maintain healthy eating habits; and encouraging positive thinking and mental wellness.

XII. DATA COLLECTION AND REPORTING

The Navajo Nation will comply with all applicable statutory and regulatory reporting requirements pertaining to the TANF program.

XIII. RETROCESSION

If the Navajo Nation chooses to retrocede the TANF program, it will comply with all the applicable statutory and regulatory requirements pertaining to retrocession.

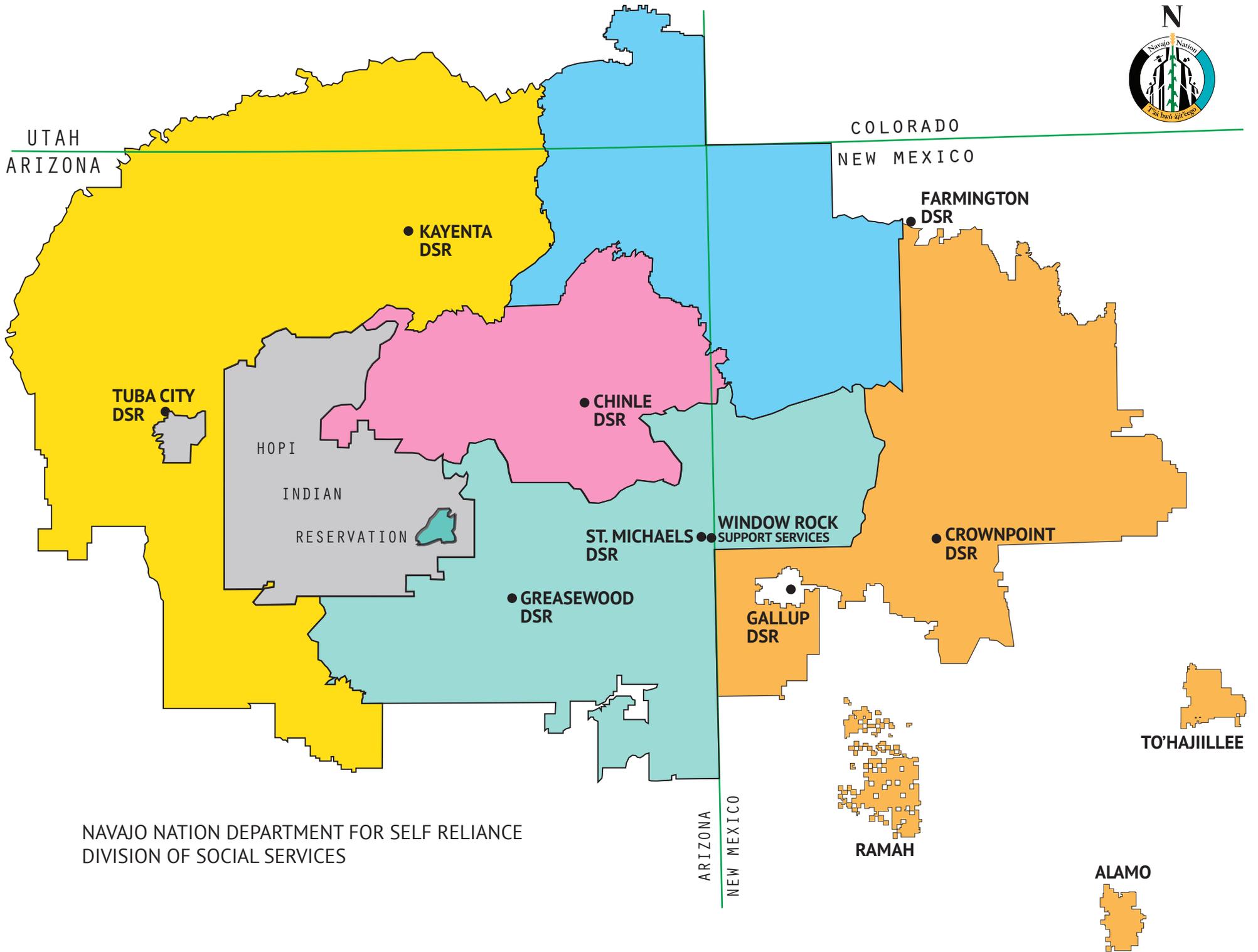
XIV. APPENDIX

Exhibits:

- A. Navajo Nation Map
- B. Organizational Charts:
 1. Navajo Nation Government Executive Branch
 2. Navajo Division of Social Services
 3. Department for Self Reliance
- C. List of Designated Near Reservation Communities for the Department for Self Reliance
- D. State Agreements to Serve Non-Indian Families
- E. Required Certifications

EXHIBIT “A”:

Navajo Nation Map

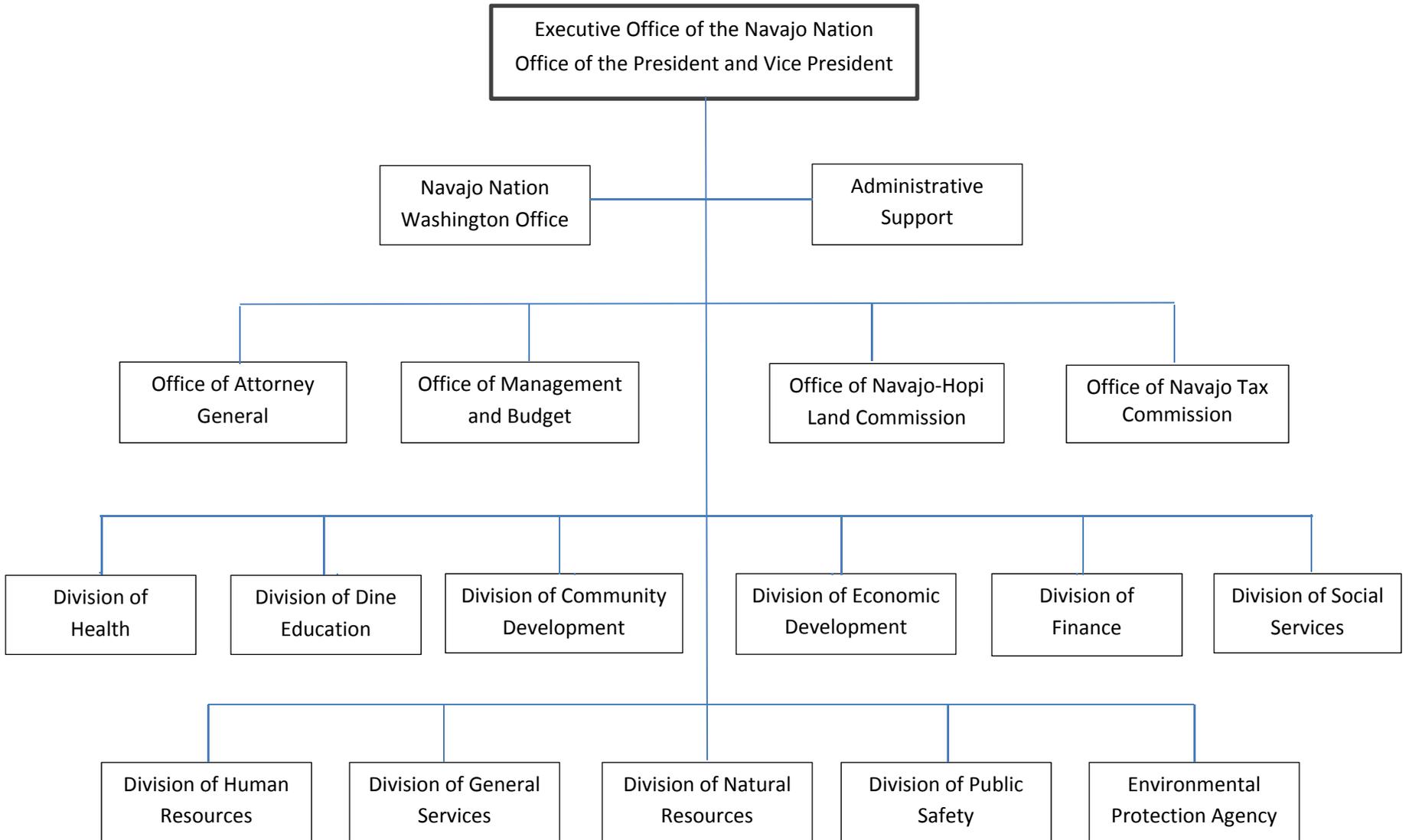


NAVAJO NATION DEPARTMENT FOR SELF RELIANCE
DIVISION OF SOCIAL SERVICES

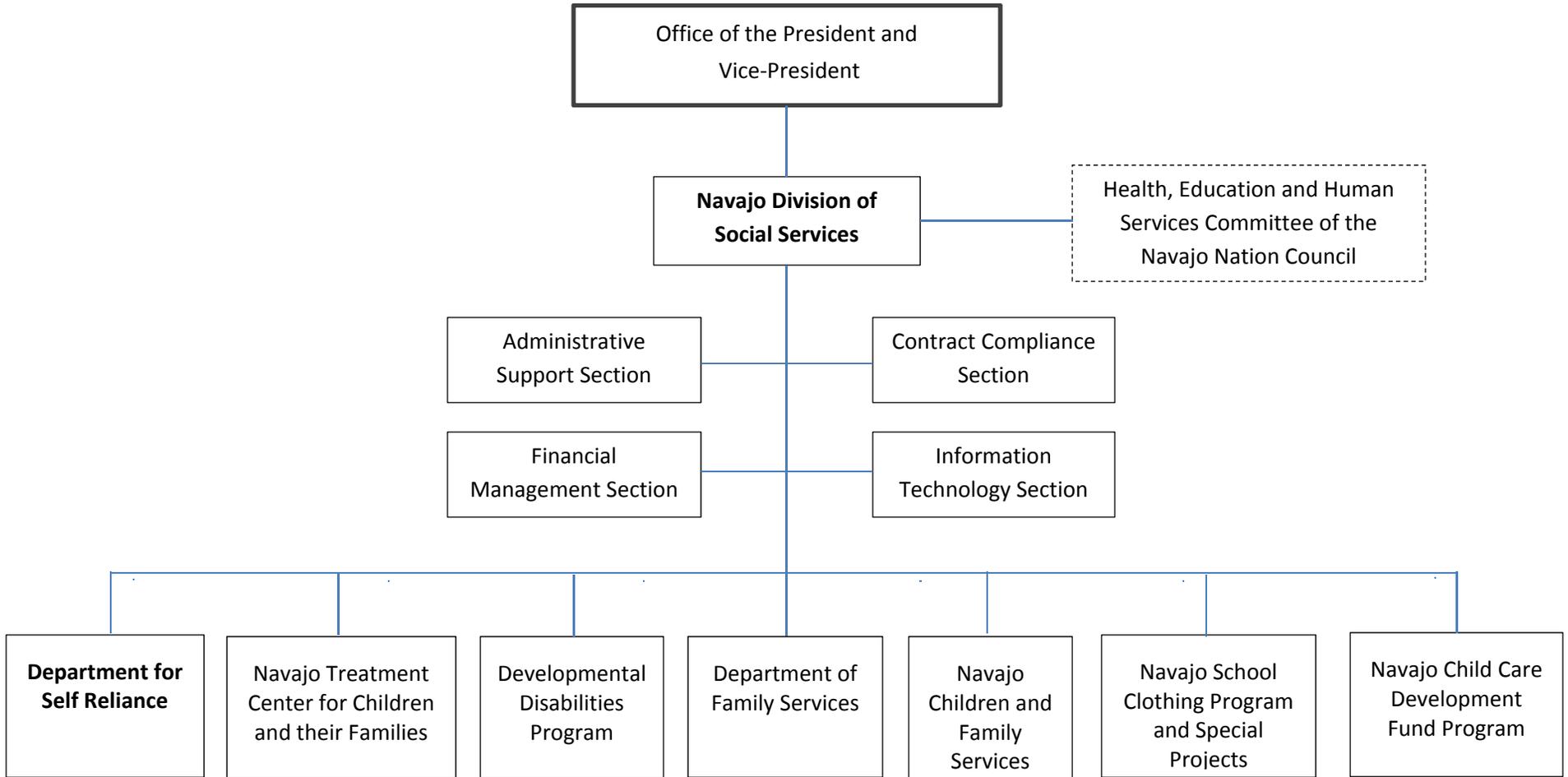
EXHIBIT “B”:

Organizational Charts

NAVAJO NATION GOVERNMENT
EXECUTIVE BRANCH
Organizational Chart



THE NAVAJO NATION
DIVISION OF SOCIAL SERVICES
Organizational Chart



**NAVAJO NATION DIVISION OF SOCIAL SERVICES
DEPARTMENT FOR SELF RELIANCE**

Organizational Chart

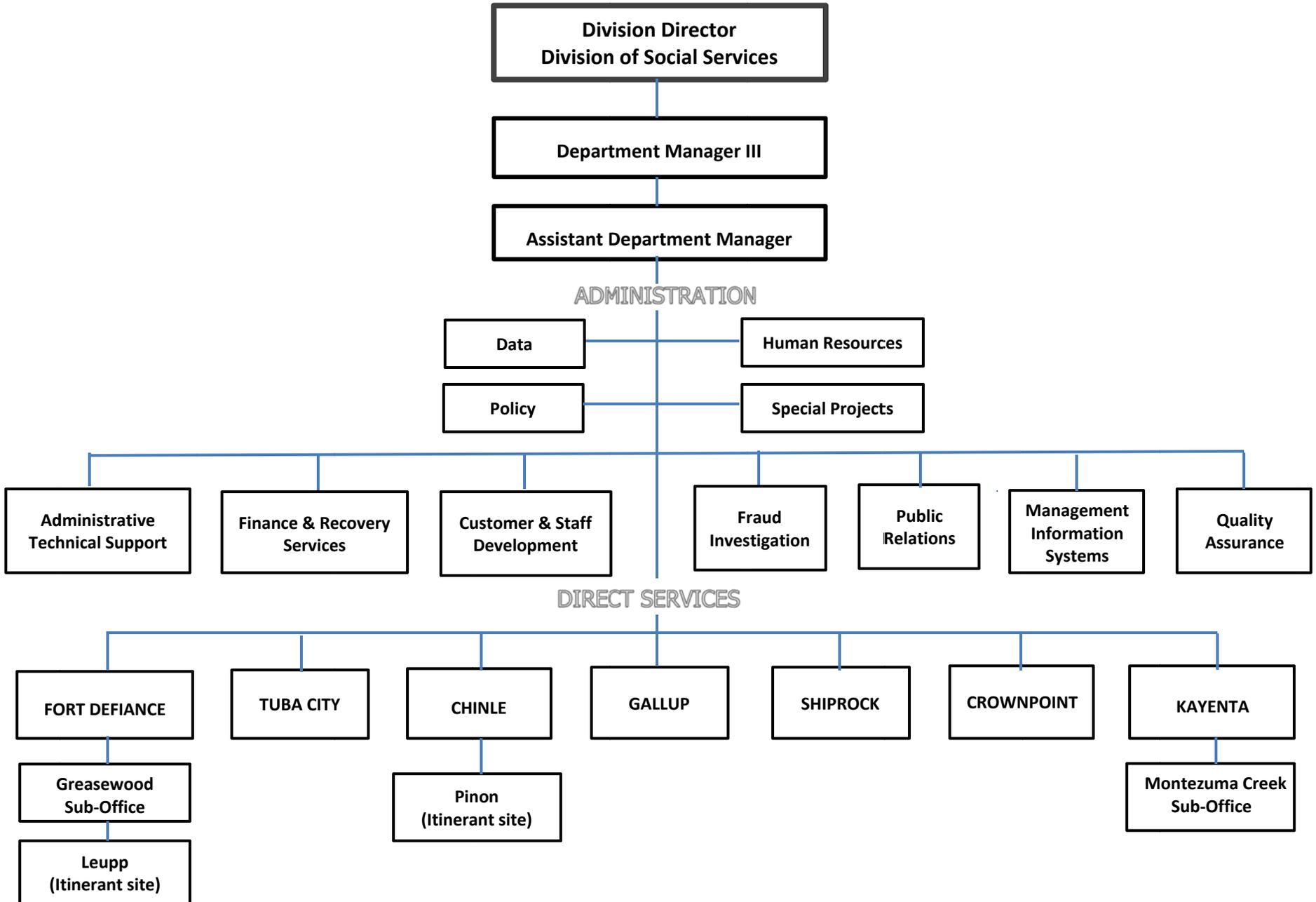


EXHIBIT “C”:

List of Designated Near Reservation
Communities for the Navajo Nation
Department for Self Reliance

ON OR NEAR RESERVATION DESIGNATION FOR THE NAVAJO NATION:
Federal Register Vol. 44 No. 9, Friday, January 12, 1979, pp. 20934

**Designated Near Reservation Communities for the Navajo Nation
Department for Self Reliance:**

ARIZONA
Flagstaff
Grand Canyon
Holbrook
Joseph City
Marble Canyon
Page
Snowflake
Winslow
Wupatki

NEW MEXICO
Aztec
Bloomfield
Cuba
Gallup
Grants
Farmington
Kirtland
Magdalena
Milan
Socorro

EXHIBIT “D”:

State Agreements to Serve
Non-Indian Families



DEPARTMENT OF ECONOMIC SECURITY

Your Partner For A Stronger Arizona

Douglas A. Ducey
Governor

Timothy Jeffries
Director

September 28, 2015

Ms. Roxanne Gorman, Department Manager III
Navajo Nation Department for Self Reliance
P. O. Box 2279
Window Rock, Arizona 86515

Dear Ms. Gorman:

Timothy Jeffries, Director of the Arizona Department of Economic Security (DES), on behalf of Governor Douglas Ducey, has asked our office to respond to your letter dated July 27, 2015.

The Navajo Nation Program for Self Reliance (NNPSR) has been serving both Indian and non-Indian clients under their Tribal Family Assistance Plan and has the explicit authorization of DES to continue to do so within the NNPSR Service Delivery Area.

Furthermore, we understand and acknowledge that non-Indian families served by NNDSR are subject to Tribal TANF program rules.

Should you require any assistance, please feel free to contact Roberta Blyth, Business Operations Administrator, at (602) 542-8266.

Sincerely,

Michael Wisehart
Assistant Director,
Division of Benefits
and Medical Eligibility



Susana Martinez, Governor
Brent Earnest, Secretary
Marilyn Martinez, Director

September 22, 2015

Roxanne Gorman, Department Manager III
Navajo Nation Department for Self Reliance
P.O. Box 2279
Window Rock, AZ 86515

Dear Ms. Gorman:

This letter is in response to the Navajo Nation Department for Self Reliance's (NNDSR) request to serve non-Indians who reside in the New Mexico Human Services Department (NMHSD) portion of the NNDSR's Service Delivery Area.

NMHSD does authorize, pursuant to 45 CFR 286.75(d)(2), the NNDSR to serve non-Indians who reside in the NNDSR's Service Delivery Area. All non-Indian families who reside within the portion of the NNDSR Service Delivery area must be subject to NNDSR program rules.

Sincerely,

Brent Earnest, Secretary
New Mexico Human Services Department

Cc: Kelly K. Zunie, Cabinet Secretary, NM Indian Affairs Department
Marilyn Martinez, Director, New Mexico Human Services Department, Income Support Division
Priscilla Caverly, Native American Liaison, New Mexico Human Services Department



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

**Department of
Workforce Services**

JON S. PIERPONT
Executive Director

CASEY R. CAMERON
Deputy Director

GREG PARAS
Deputy Director

Roxanne Gorman
Department Manager III
Navajo Nation Department for Self Reliance
P.O. Box 2279
Window Rock, AZ 86515

Ms. Gorman,

In response to your request in a letter dated July 27, 2015, the Utah Department of Workforce Services hereby authorizes the Navajo Nation Department for Self Reliance (NNDSR) to serve non-Indian families who reside in the Utah portion of the DSR's Service Delivery Area.

Further, we understand and acknowledge that non-Indian families served by the NNDSR are subject to Tribal TANF program rules.

Sincerely,

Jon S. Pierpont
Executive Director

EXHIBIT “E”:

Required Certifications

CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart, F. Sections 76.630(c) and (d)(2) and 76.645(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, SW Washington, DC 20201.

Certification Regarding Drug-Free Workplace Requirements (Instructions for Certification)

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.
2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. For grantees other than individuals, Alternate I applies.
4. For grantees who are individuals, Alternate II applies.
5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).
7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).
8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Certification Regarding Drug-Free Workplace Requirements

Alternate I. (Grantees Other Than Individuals)

The grantee certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS

Certification Regarding Debarment, Suspension, and Other Responsibility Matters--Primary Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters--Primary Covered Transactions

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared I ineligible, or voluntarily excluded by any Federal department or agency;
 - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, [[Page 33043]] should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled ``Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility an Voluntary Exclusion--Lower Tier Covered Transactions

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

DATE:

9-11-15

SIGNATURE:

Paul Byrd

TITLE:

President

ORGANIZATION:

Navajo Nation

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

SIGNATURE: _____

TITLE: _____

ORGANIZATION: _____

CERTIFICATION REGARDING ENVIRONMENTAL TOBACCO SMOKE

Public Law 103227, Part C Environmental Tobacco Smoke, also known as the Pro Children Act of 1994, requires that smoking not be permitted in any portion of any indoor routinely owned or leased or contracted for by an entity and used routinely or regularly for provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1000 per day and/or the imposition of an administrative compliance order on the responsible entity. By signing and submitting this application the applicant/grantee certifies that it will comply with the requirements of the Act.

The applicant/grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for the children's services and that all subgrantees shall certify accordingly.

DATE: 9-11-15

SIGNATURE: Russell Byrne TITLE: President