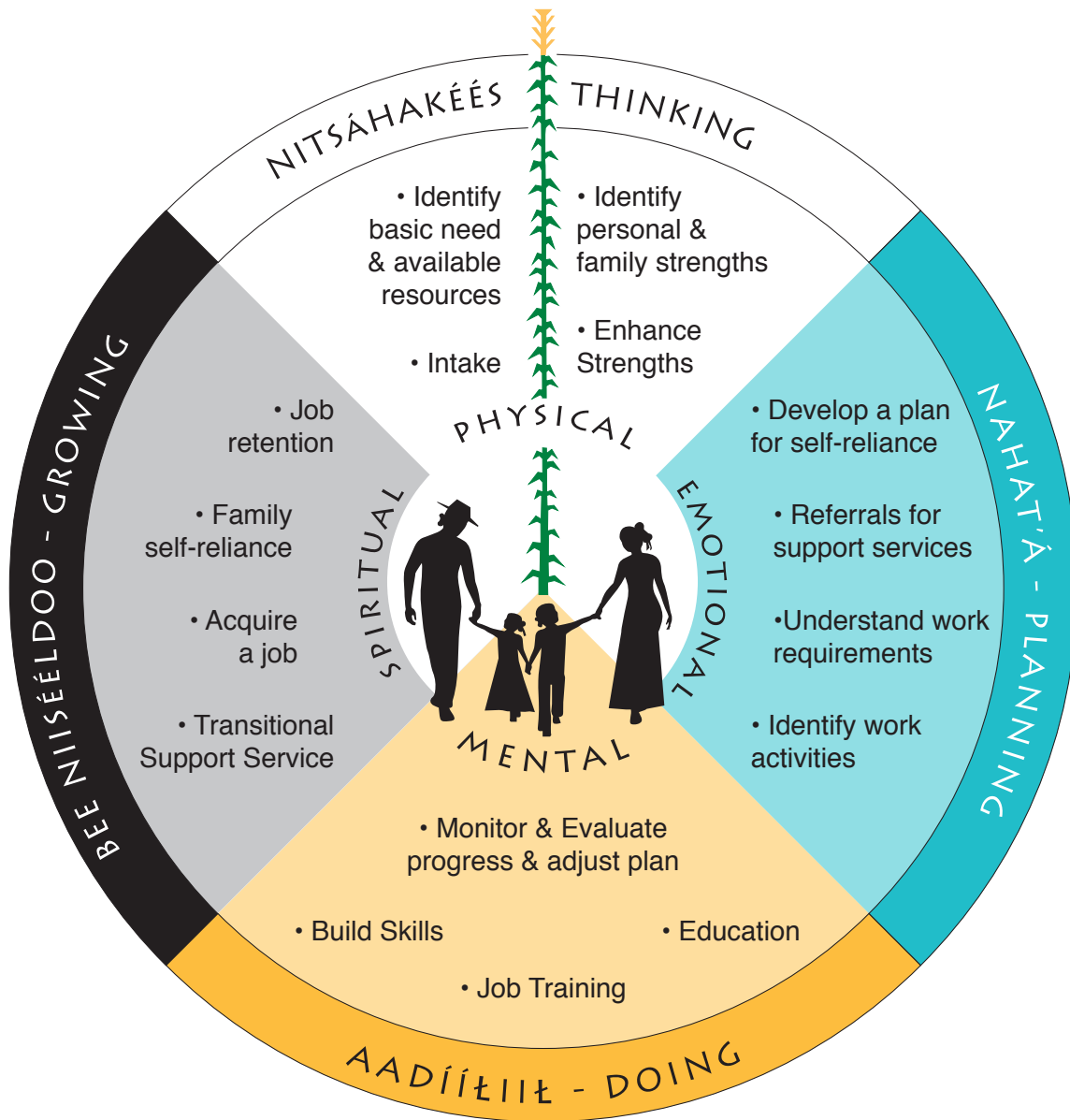




# Pathway to Self Reliance POLICY MANUAL

Effective May 01, 2022



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

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The Department for Self Reliance (DSR) is established under the Navajo Nation Division of Social Services within the Executive Branch of the Navajo Nation government. The DSR is responsible for administering the Tribal Temporary Assistance for Needy Families (TANF) program for eligible families residing on the Navajo Nation and federally recognized near reservation communities within the states of New Mexico, Arizona and Utah.

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## **SECTION 100: GENERAL INFORMATION**

### **101 INTRODUCTION**

Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Action of 1996, provides the Navajo Nation Department for Self Reliance guidance in administering the Tribal Temporary Assistance for Needy Families (TANF) program.

Key principles are:

- A. Welfare programs should help people move from Welfare-to-Work.
- B. Welfare should be short-term and transitional and not a way of life.
- C. Parents should receive the child care and health care services to ensure their children are not at risk as parents move from Welfare-to-Work.
- D. Child support programs should get tougher and more effective in securing support from absent parents.
- E. States, Tribes and localities should develop diverse and creative solutions to the factors contributing to poverty and dependency.

### **102 WELFARE REFORM**

Welfare Reform gave tribes flexibility to design a program that will promote the following TANF purposes:

- A. Provide assistance to needy families so that children may be cared for in their homes or in homes of relatives.
- B. End the dependency of needy parents on government benefits by promoting job preparation, work and marriage.
- C. Prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals to prevent and reduce the incidence of these pregnancies.
- D. Encourage the formation and maintenance of two-parent families.

### **103 NAVAJO NATION DEPARTMENT FOR SELF RELIANCE**

The Navajo Nation Department for Self Reliance (DSR) serves Customers living on the Navajo Nation and Navajo families living in communities designated as “Near Reservation” locations pursuant to the Federal Register Vol. 44 No. 9, January 12, 1979. (Attachment 1).

The DSR is committed to quality and timely services, treating Customers with dignity and respect, maintaining regular contact with Customers, and coordinating and collaborating with other entities to foster positive changes in Customers.

**SECTION 200: T'ÁÁ HWÓ ÁJÍT'ÉEGO (SELF RELIANCE)**

**201 T'ÁÁ HWÓ ÁJÍT'ÉEGO**

The concept of *T'áá hwó ájít'éego* is a powerful teaching that promotes living life with a purpose, making conscious decisions, exercising personal discipline, and taking full responsibility for one's life. By promoting *T'áá hwó ájít'éego*, personal attributes of self-respect, perseverance and conducting one's self with courage and potential are strengthened.

**202 VISION STATEMENT**

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

**203 MISSION STATEMENT**

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

**204 SERVICE DELIVERY MODEL**

The DSR Service Delivery Model has four (4) progressive stages of learning and personal development that result in successful outcomes of DSR families.

NITSÁHÁKEES (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 eligible needy families to meet their basic needs, and addressing social dilemmas by identifying and providing referrals to key resources.

NAHAT'Á (Planning):

To create a Customer-centered environment encouraging personal change by assisting Customers in identifying specific opportunities that foster a positive outcome.

ÁDÍLÍÍL (Doing):

To implement a plan of action based on a Customer's identified strengths and barriers while establishing and providing opportunities for Customers to enhance their knowledge, skills, abilities, and experiences to help them become self-reliant.

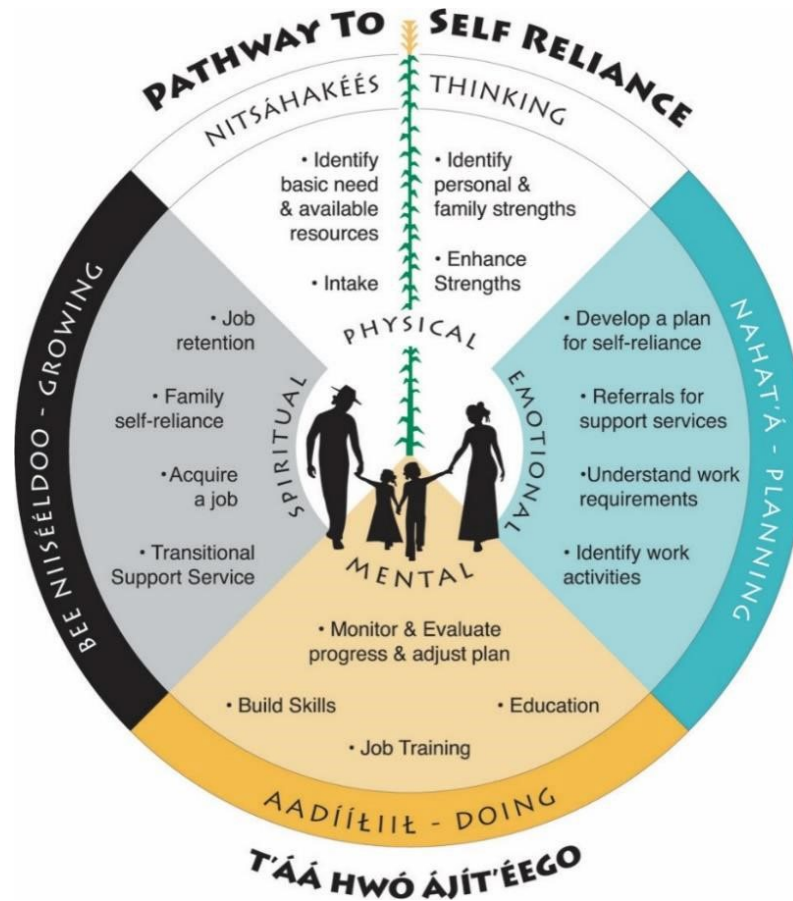
BEE NÍÍSÉELDOO (Growing):

To recognize Customers taking responsibility for themselves and their family members toward self-sufficiency.

These four (4) traditional teachings guide and serve as a model for development of one's well-being and promote value in sustaining Hózhó k'eh iiná.

**Figure 1** depicts the pathway the DSR promotes for Customers to reach self-reliance.

Figure 1.



**205 CUSTOMER RIGHTS**

Each Customer has a right to:

- A. Be treated with respect and dignity.
- B. Have their privacy recognize and respected including protection of any information that identifies the Customer and their family in accordance with the Navajo Nation Privacy and Access to Information Act, (Attachment 2).
- C. Be treated fairly regardless of race, ethnicity, national origin, religion, gender, age, disability, sexual orientation, or source of income.
- D. Apply for and receive assistance and services at any DSR direct service office of their choice.
- E. Receive a copy of the DSR Pathway to Self Reliance Policy Manual and an orientation on these Policies.
- F. Develop a Personal Responsibility Plan based on their interests and chosen career goals.
- G. Receive services provided in an appropriate manner with consideration of their limitations.

- H. Make written or verbal complaints and receive resolution of their issues or concerns.
- I. Due process to appeal an action taken or not taken by the DSR regarding their application, assistance, or case.
- J. Receive copies of documents they submitted and notices the DSR generated.
- K. Withdraw their application before a decision is made by the DSR.
- L. Bring a person of their choice to appointments and/or hearings.
- M. Be fully informed of any decisions or changes affecting the services and assistance they currently receive.
- N. Voluntarily close their case at any time.
- O. Decide which minor child(ren) to be included in their Benefit Group.
- P. Refuse assistance and services offered by the DSR.

## **206 CUSTOMER RESPONSIBILITIES**

Each Customer has a responsibility to:

- A. Treat others with respect and dignity.
- B. Provide accurate and complete information about their present conditions, previous services and other information relating to his or her situation.
- C. Cooperate with DSR in the determination of their eligibility and the monitoring of their on-going eligibility, including investigations.
- D. Comply with all scheduled appointments, including arriving on time, or contacting the DSR direct service staff to reschedule appointments in a timely manner.
- E. Complete a DSR Customer Orientation Session within thirty (30) business days after approval, unless exempted as provided in this Policy Manual.
- F. Complete a Test of Adult Basic Education (TABE) within thirty (30) business days after approval, unless exempted as provided in this Policy Manual.
- G. Participate in the development and completion of their Personal Responsibility Plan within thirty (30) business days after the date on the Approval Decision Notice.
- H. Commit to achieving their Personal Responsibility Plan goals and objectives.
- I. Review and update their Personal Responsibility Plan at least once every four (4) months or as situations change.
- J. Comply with Work Participation Requirements. This applies to adult(s) and emancipated minor parent(s) who are included in a Benefit Group and receiving assistance.
- K. Submit a Monthly Change Report each month to report changes which have occurred in the last 30 days, if any, which may affect eligibility for DSR assistance. A benefit group's monthly assistance payment will not be processed until a complete MCR is submitted and the benefit group's continued eligibility is determined.

- L. Report any changes in their circumstances which may affect their eligibility, benefit amount, and/or their Personal Responsibility Plan, within five (5) business days from the change.
- M. Follow through with all referrals to internal and external resources.
- N. Use monthly assistance payments for its intended purposes.

**207 DSR EMPLOYEE RESPONSIBILITIES**

- A. Each DSR employee is responsible to:
  - 1. Treat each Customer with respect, dignity and in a professional manner.
  - 2. Uphold and protect the confidentiality of DSR Customers in accordance with the Navajo Nation Privacy and Access to Information Act, the DSR Professional and Ethical Standards of Employee Conduct, and this Policy.
  - 3. Abide by the DSR Professional and Ethical Standards of Employee Conduct.
  - 4. Provide Customers with a copy of the DSR Pathway to Self-Reliance Policy Manual, if requested.
  - 5. Explain to the Customer their rights and responsibilities.
  - 6. Provide each Customer an *Application for Assistance* and other necessary forms.
  - 7. Ensure Customers understand DSR requirements and consequences for noncompliance.
  - 8. Ensure all Customers understand that if they do not agree with a decision made regarding their application or assistance, they have the right to appeal the decision.
- B. Each DSR Direct Service Employee is responsible to:
  - 1. Assist Customers with completing the *Application for Assistance* and other necessary forms.
  - 2. Assist Customers to understand and identify their needs, interests, strengths and weaknesses as they begin to pursue self-sufficiency.
  - 3. Document all interactions with Customers in case notes.
  - 4. Assist Customers to pursue all opportunities and resources available to him or her.
  - 5. Make payment adjustments in a timely manner when Customers reports a change in their circumstance.
  - 6. Verify information provided by Customers.
  - 7. Provide accurate and timely determination of eligibility for DSR assistance and services.
  - 8. At a minimum, communicate and follow-up with Customers on a monthly basis, including providing advance notice of decisions or changes affecting Customers' eligibility and assistance.



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9. Provide adequate notice prior to home visits.
10. Provide transportation in accordance with the DSR Customer Transportation Procedures.
11. Prepare for and keep each appointment, regardless of early release or administrative leave.
12. Make every effort to keep an appointment. If for any reason, a staff is not able to keep an appointment, the staff must arrange with their supervisor to contact the Customer to reschedule the appointment or have another staff member meet with the Customer.
13. Participate in the development and monitoring of the Customer's Personal Responsibility Plan.
14. Obtain Tribal Assistance System certification within six (6) months after beginning the Pathway to Quality Services training series.
15. Report a potential Intentional Program Violation committed by a Customer or a member of the Customer's Benefit Group to the Fraud Investigation Unit when a staff suspects or becomes aware of an Intentional Program Violation. A DSR direct service staff who does not report a potential Intentional Program Violation for which they are aware of may be subject to disciplinary action in accordance with the Navajo Nation Personnel Policies Manual.

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## SECTION 300: NITSÁHÁKEES (THINKING)

### 301 PURPOSE

It is the purpose of the DSR to promote personal responsibility by educating Customers on welfare reform, reducing dependency on public assistance by creating educational and career opportunities, assisting eligible needy families to meet their basic needs, and addressing social dilemmas by identifying and providing referrals to key resources.

### 302 PRE-APPLICATION SCREENING

- A. Prior to submitting an application, all individuals interested in applying for DSR assistance and services shall be screened to determine eligibility for DSR assistance and benefits.
- B. Individuals have the right to refuse a pre-application screening. The refusal must be documented manually in their case record, and he/she shall be allowed to proceed with an *Application for Assistance*.
- C. DSR direct service staff must provide information about the application process and basic eligibility criteria, so the individual can make an informed decision on whether they want to proceed with applying for DSR assistance and benefits.

### 303 APPLICATION

The DSR operates with two (2) types of applications: *Request for Diversion Benefits* and *Application for Assistance*.

#### A. *Request for Diversion Benefits*:

An individual, who is potentially eligible for Diversion Benefits, may apply for the Diversion Benefits by submitting a *Request for Diversion Benefits* form.

#### B. *Application for Assistance*:

1. New applicants and current Customers re-applying for continued assistance, must apply for DSR Assistance by submitting a DSR *Application for Assistance* to any DSR direct service office, in person, by mail, fax, or email.
2. The *Application for Assistance* must list all individuals residing in the home with the applicant.
3. A Needy Family (see definition) shall not have more than one (1) active case.
4. A Legal Custodial Parent, who resides with his/her minor child(ren), must be included in the benefit group, either as the Head-of-Household (HOH), Spouse of the HOH, or as the other parent of a minor child in the benefit group, unless excluded for one of the reasons listed at 307(A), 307(B) or 307(C).
5. The effective date of eligibility for DSR assistance must be the date on which an application is received by a DSR direct service office, except for:

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- a. Application(s) received during non-business hours, including a holiday or recognized Navajo Nation official closure, shall be date stamped for the next business day.
  - b. To prevent duplication of assistance, a Benefit Group receiving similar assistance from a State or other Tribal TANF, or Navajo Nation General Assistance during an Intake Month shall have their Effective Date for DSR assistance begin on the day after their assistance with the other program ends. An applicant must provide written verification indicating that the other assistance has ended.
  - c. A Benefit Group that meets all of the following criteria shall be given the option of having their Effective Date begin on the first day of the following month in order to avoid having a partial month of assistance count toward their sixty (60) Countable Month Time Limit:
    - i. resides in a near reservation community;
    - ii. includes an adult member; and
    - iii. applies within the last five (5) business days of an Intake Month.
- C. An Applicant has the right to withdraw his or her application before a decision is rendered by:
1. Submitting the DSR *Voluntary Withdrawal/Closure/Removal Request* form; or
  2. Submitting a written statement which must indicate they are requesting to withdraw their application and are waiving their right to appeal.

### **304 INTERVIEW**

All eligibility determination interviews must be scheduled and conducted timely, preferably within five (5) business days from the date an application is received at a DSR office. In no instance shall an eligibility determination interview be scheduled and/or conducted beyond fifteen (15) business days from the date an application is received at a DSR office, unless the applicant requests an Interview Date beyond the fifteen (15) business days.

#### **A. Application for Diversion Benefits:**

An eligibility interview must be scheduled and conducted on the same day a request is made. For a two-parent application, including those that include stepparent, both parents must be present at the interview. At an applicant's request, a third party may be present.

Refer to Section 705 of this Policy for the eligibility criteria and requirements for Diversion Benefits.

B. Application for DSR Assistance:

1. Eligibility determination interview must be scheduled on the same day an application is received, to be conducted preferably within five (5) business days from the Application Date.
2. The following process must be implemented:
  - a. A direct service staff must interview all applicants to determine their eligibility for DSR assistance.
  - b. Eligibility interviews must be conducted in-person, including home visit, unless a justifiable reason exists to utilize a different method.
  - c. For two-parent applications, including those that include a stepparent, both parents must be present at the interview, unless a justifiable reason exists to utilize a different method.
  - d. An eligibility checklist requesting verification documents must be given to a head-of-household. Verification documents must be submitted within ten (10) business days from the date of interview.
  - e. At an applicant's request, a third party may be present during an interview.

C. An eligibility interview may be conducted by telephone or virtual platform if a justifiable reason exists including, but is not limited to, the following:

1. Customer is temporarily absent from the Service Delivery Area for employment, educational or training purposes.
2. Customer is in a medical or non-medical treatment facility.
3. Hospitalization of an immediate family member requiring the Customer's continuous presence.
4. Customer is incapacitated preventing him or her from traveling.
5. Severe inclement weather condition that prevents the Customer from traveling.
6. Customer who has to travel one-hundred (100) or more miles, one-way, from the DSR office.
7. DSR office is closed to the public due to safety reasons.

### 305 REQUIRED DOCUMENTS

A. To verify the age and U.S. citizenship of applicants and Customers, to prevent duplication of assistance, and to verify the eligibility of family residing in a federally designated Near Reservation Community, the following documents must be submitted with an *Application for Assistance* or a *Request for Diversion Benefits*:

1. Birth Certificate

An official Birth Certificate must be submitted for the head-of-household and all members of the Benefit Group, to verify their age and U.S. citizenship, except for the following situations:

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- a. A newborn child may be included in a Benefit Group without an official Birth Certificate for a period not to exceed ninety (90) calendar days after birth. If an official Birth Certificate is not submitted by the end of the ninety (90) calendar day period, the newborn child must be removed from the Benefit Group until such time an official Birth Certificate is submitted to the DSR.
- b. An adult, who does not have an official Birth Certificate, must submit an Affidavit of Birth issued by the Navajo Office of Vital Records, in lieu of an official Birth Certificate.

2. Social Security Card

A Social Security Card must be submitted for the head-of-household and all members of the Benefit Group to prevent duplication of DSR assistance, except for the following situation:

- A newborn child may be included in the Benefit Group for a period not to exceed ninety (90) calendar days after birth. If a Social Security Card is not submitted by the end of the ninety (90) calendar day period, the child must be removed from the Benefit Group until such time their Social Security Card is submitted to the DSR.

3. Identification Card

A valid picture Identification Card must be submitted for the head-of-household, adult benefit group members and Minor Parents to verify their identity. An Identification Card with a picture such as a valid driver's license, valid employee identification card, state or tribal issued identification card, passport, military and/or dependent identification card, or school identification card are acceptable forms of identification. Use of library, shopping or warehouse membership cards with a picture are not acceptable.

4. Certificate of Indian Blood

For benefit groups residing within the city limits of a federally designated Near Reservation Community, a Navajo Certificate of Indian Blood or Navajo Nation Tribal ID Card must be submitted for the head-of-household, or a benefit group member, to qualify the benefit group for DSR assistance.

- B. An adult or minor parent's name on their Social Security Card and Identification Card must match. If they do not match, the adult or minor parent shall be provided 180 calendar days, unless an extension is granted, to submit a Social Security Card and Identification Card that have matching names. On a case-by-case basis, the timeline may be extended for up to an additional 180 calendar days beyond the initial 180 calendar days period.
- C. If an adult or minor parent does not submit a Social Security Card and Identification Card that have matching names by the established deadline, including any extensions granted, the adult or minor parent must be removed from the benefit group or, if the adult is the head-of-household, the case must be closed.

**306 NEEDY FAMILY**

The DSR defines a “*needy family*” as a group of individuals, which includes at least one (1) minor child, living together under one (1) head-of-household and whose countable Gross Monthly Income does not exceed 200% of the federal poverty guideline for the applicable family size and meets all other eligibility criteria established for receipt of DSR assistance.

A Needy Family may be comprised of a Minor Child(ren) and:

- A. Their Custodial Legal Parent(s); or
- B. Their Custodial Legal Parent and a stepparent by legal marriage; or
- C. Their related or unrelated adult Caretaker.

**307 INELIGIBILITY FOR ASSISTANCE**

A. Applications for DSR assistance submitted by the following shall not be approved:

- 1. Adults who have met the DSR Time Limit for Assistance, except if they are applying for continued assistance and are granted a Hardship Exemption from the Time Limit requirement; or
- 2. Adults who have received Diversion Benefits or Transitional Support Services and are currently in the three (3) month Disqualification Period.

B. A Custodial Parent(s), who is/are ineligible for DSR assistance due to one (1) of the following reasons, must not be included in the benefit group and their income and assets must be counted in determining the Benefit Group’s eligibility:

- 1. Is not a United States citizen; or
- 2. Is ineligible to receive DSR assistance due to one (1) of the following reasons:
  - a. Felony conviction for fraudulent misrepresentation of residence within the ten (10)-year period preceding the date of application, in order to obtain assistance simultaneously from two (2) or more States or Tribes for the following reasons:
    - i. programs funded under Title IV of the Social Security Act, which includes TANF;
    - ii. programs funded under Title XIX of the Social Security Act;
    - iii. programs funded under the Supplemental Nutrition Assistance Program, formerly the Food Stamp Act of 1977; or
    - iv. receipt of benefits in two (2) or more States under the Supplemental Security Income program under Title XVI.
  - b. Currently fleeing to avoid prosecution, custody, or confinement after conviction for a crime or an attempt to commit a crime, which is a felony under federal or state law; or
  - c. Currently violating a condition of probation or parole imposed by Federal or State law.

- C. An individual, who meets one of the following situations, must not be included in a Benefit Group, and their income and assets shall be disregarded in determining eligibility for DSR assistance:
  - 1. An individual receiving Supplemental Security Income (SSI);
  - 2. A relative or non-relative Caretaker;
  - 3. A dependent child who turns nineteen (19) years of age;
  - 4. A protective payee(s); or
  - 5. An authorized representative(s).
- D. An individual included in a DSR Benefit Group at the time they begin receiving Supplemental Security Income benefits shall be removed from the Benefit Group as of the last day of the month in which they begin receiving Supplemental Security Income benefits.
- E. A Custodial Parent receiving non-SSI disability benefits shall have the option of being excluded from a DSR Benefit Group and have their income and assets disregarded, or be included in the DSR Benefit Group and have their income and assets counted in determining the Benefit Group's eligibility for DSR assistance.

### **308 ELIGIBILITY FOR ASSISTANCE**

Customers must meet non-financial, financial and, if applicable, supplemental eligibility requirements in order to receive DSR assistance.

### **309 NON-FINANCIAL ELIGIBILITY CRITERIA**

#### **A. Minor Child**

All DSR Benefit Groups must include at least one (1) eligible minor child.

- 1. In addition, all school age minor children in the Benefit Group must be enrolled in school as a full-time student with acceptable attendance. During the summer break, submittal of a final report card, or a document on official school letterhead, verifying the minor child completed the previous school year, shall be deemed as meeting this requirement.
- 2. An eighteen (18) year old, who is a full-time student in secondary school, may be included in the Benefit Group, as a minor child, up to the time they obtain their high school diploma or turn nineteen (19) years of age, whichever occurs first, and must be removed from the Benefit Group as of the last day of the month in which they receive a high school diploma or turn 19 years of age, whichever occurs first.
- 3. A minor child, who received a high school diploma before the age of eighteen (18) years must be enrolled in a post-secondary educational institution to remain eligible for continued DSR assistance up to the time they turn eighteen (18) years of age. During the summer months, submittal of an acceptance letter for the summer or fall semester shall be deemed as meeting this requirement until such time they are enrolled in a post-secondary educational institution.

**B. Service Delivery Area**

1. The DSR Service Delivery Area is:
  - a. The territorial boundaries of the Navajo Nation, including trust lands, fee lands, and the satellite communities of Alamo, To'hajiilee, and Ramah.
  - b. The city limits of a Designated Near Reservation community where the identified head-of-household or a Benefit Group member has a Navajo Census Number. The Designated "Near Reservation" communities for the Navajo Nation are listed in the Federal Register Vol. 44 No 9, Friday, January 12, 1979, pp. 2693 (See Appendix, "On or Near Reservation Designation for the Navajo Nation").
2. The head-of-household and all members of the Benefit Group must have resided within the DSR's Service Delivery Area for at least thirty (30) consecutive days at the time of an initial application, or when adding a new member(s) to a benefit group, unless one of the circumstances listed at Section 309.B.(3) applies.
3. Approved DSR Customers, who are temporarily absent from the Service Delivery Area for one (1) of the following reasons, are considered domiciled at their permanent residence and may continue to receive assistance during their temporary absence on the condition they meet and comply with the criteria established at Section 309. B. 4 herein:
  - a. An adult Benefit Group member receiving education or training in accordance with their Personal Responsibility Plan.
  - b. An employed adult Benefit Group member whose worksite is outside of the reasonable daily commuting distance and stays near their worksite on the days they are scheduled to work.
  - c. A Customer receiving medical or non-medical treatment.
  - d. A Customer whose presence is required during an immediate family member's medical or non-medical treatment.
  - e. A Customer receiving services in a domestic violence shelter or facility.
4. Approved DSR Customers who are temporarily absent from the Service Delivery Area for one (1) of the reasons listed at Section 309. B. 3 herein may continue to receive DSR assistance subject to the following conditions:
  - a. The temporary absence from the Service Delivery Area must not exceed ninety (90) calendar days from the date the Customer(s) leaves the Service Delivery Area, unless a justifiable reason exists to extend the temporary absence for up to an additional ninety (90) calendar days. If an extension is granted, the Customer's current Personal Responsibility Plan must be updated to include or extend appropriate work activities. Under no circumstance shall a temporary absence exceed one-hundred eighty (180) calendar days from the date a Customer or Benefit Group member first leaves the Service Delivery Area.



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- b. Customers 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.
  - c. Customers gaining education, training or on-the-job training must remain enrolled and making satisfactory progress in the educational or training program.
  - d. Customers receiving domestic violence services must comply with their service plan as developed by a person trained in domestic violence.
5. A Benefit Group or Benefit Group member who relocates outside the Service Delivery Area shall be ineligible to receive DSR assistance as of the last day of the month in which they relocated.

**C. Service Population**

The DSR Service Population includes:

1. All eligible tribal and non-tribal families, living on the Navajo Nation, including trust lands, fee lands, and the satellite communities of Alamo, To'hajiilee and Ramah; and
2. All eligible families, including child-only cases, living within the city limits of a designated near reservation community where the head-of-household, or a Benefit Group member, has a Navajo Census Number.

**D. Residency**

1. All Benefit Group members must have resided with the head-of-household for at least thirty (30) consecutive days at the time of initial application, or as of the date the individual is being added to a Benefit Group, unless one (1) of the following exceptions applies:
  - a. A Benefit Group member who is temporarily absent from the home for no more than thirty (30) consecutive days, due to receiving medical or non-medical treatment;
  - b. The head-of-household or a Benefit Group member is temporarily absent from the home, for no more than thirty (30) consecutive days, due to employment;
  - c. A Benefit Group Member's presence is required during an immediate family member's medical or non-medical treatment;
  - d. Minor child(ren) residing in a dormitory while attending a school located in the State of Arizona, New Mexico or Utah; or
  - e. Minor child(ren) whose Custodial Parent(s) have deceased and is/are placed in the care of a Caretaker or Stepparent.
2. For approved on-going cases, all Benefit Group members must continue to reside with the head of household, except if one (1) of the criteria under 309. B. (3) herein occurs.

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3. A newborn child may be included in the Benefit Group beginning the month following their date of birth if the new born meets all other eligibility criteria and requirements.

E. Citizenship

The head-of-household and all Benefit Group members must be United States citizens and must be verified by an official birth certificate; affidavit of birth; or certificate of naturalization.

F. Time Limit

1. The DSR Time Limit for an adult or emancipated minor head-of-household to receive DSR assistance must not exceed sixty (60) Countable Months, whether or not consecutive. The time limit does not apply to minor children, including unemancipated Minor Parents in a Benefit Group.
2. Any and all prior months of TANF assistance funded with the TANF Block Grant, including State and other Tribal TANF, shall be counted towards the Time Limit, unless an exemption or disregard criteria is met (45 CFR, Part §286.125).
3. An application submitted by, or which includes, an Adult who has received sixty (60) Countable Months of TANF Assistance shall not be approved, except if it is an application for continued assistance and the adult has been granted a Hardship Exemption.

G. Hardship Exemption

1. A hardship exemption from the DSR Time Limit may be granted to a Customer experiencing a condition that hampers or inhibits his or her ability to maintain work or enter into work related activities. If a hardship exemption is granted, the month is not counted towards their sixty (60) month time limit. A Customer who is granted a hardship exemption is included in the overall work participation rate. (45 CFR §286.120).
2. Examples of a hardship include, but are not limited to, the following:
  - a. Victim of domestic violence whose participation in work activities may cause an immediate threat to his or her own safety or the safety of his or her children;
  - b. Customer who has a medical condition that prevents him or her from participating in work activities and the condition is confirmed, in writing, by a physician;
  - c. Customer with significant cognitive, physical, and/or mental impairment that limit his or her educational and job skills attainment and/or their ability to secure and retain employment due to an impairment, for which a documentation of his or her condition must be submitted;
  - d. Customer responsible for providing full-time care of an elderly person or a disabled dependent, for which a documentation must be submitted;

- e. Families who are homeless due to vandalism, hazardous living conditions, acts of nature, or their home was destroyed by fire and is uninhabitable; or
- f. Families who are homeless due to eviction.

### **310 SUPPLEMENTAL ELIGIBILITY CRITERIA**

In addition to meeting non-financial and financial eligibility criteria, Caretakers, Two Parent Families, Stepparents and Minor Parents must meet applicable Supplemental Eligibility Criteria.

#### **A. Caretakers**

1. Caretakers must have Legal Guardianship/Custody of the minor child(ren) on whose behalf they are applying, unless the following time-limited exception applies:
  - a. A Caretaker, related by blood or marriage to the minor child(ren) on whose behalf he or she is applying or receiving assistance and does not have Legal Guardianship/Custody of the minor child(ren), shall be allowed a one-time opportunity to include the child(ren) in the Benefit Group for up to twelve (12) months, without establishment of Legal Guardianship/Custody, on the condition they agree to comply with the following:
    - i. Provide documentation (birth certificate, family card, etc.) verifying that he or she is related by blood or marriage to the minor child(ren);
    - ii. Provide documentation (e.g., court order, Social Services referral, notarized Power of Attorney, etc.) designating him/her as the primary care provider for the minor child(ren);
    - iii. Initiate the process of obtaining Legal Guardianship/Custody by no later than three (3) months after initial approval for DSR assistance; or, for Caretakers in on-going cases, three (3) months after implementation of this requirement; and
    - iv. At each Personal Responsibility Plan review, provide verification of actively pursuing legal Guardianship/Custody for the minor child(ren).
  - b. If, at any time during the twelve (12)-month period, the Relative Caretaker does not comply with the established conditions, the minor child(ren) shall be deleted from the Benefit Group and cannot be included in the Benefit Group until Legal Guardianship/Custody is obtained.
  - c. If Legal Guardianship/Custody has not been established for the child(ren) by the end of the twelve (12) month period, a review will be conducted to determine if the Caretaker made a “Good Faith” effort to obtain Legal Guardianship/Custody.

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- d. If the review determines that the Caretaker made a “Good Faith” effort, but was unable to obtain Legal Guardianship of the minor child(ren) due to a reason(s) beyond their control, with the approval of the Field Site Manager, the Caretaker may be given up to an additional twelve (12) months to obtain Legal Guardianship/Custody of the minor child(ren).
  - e. If the review determines that the Customer did not make a “Good Faith” effort to obtain Legal Guardianship/Custody, the minor child(ren) will be removed from the benefit group at the end of the month in which the twelve (12)-month period ends and the minor child(ren) will be ineligible to be included in the Benefit Group until Legal Guardianship/Custody is obtained.
  - f. Under no circumstance shall a minor child be included in a Benefit Group for more than twenty-four (24) months after initial approval without the Relative Caretaker obtaining Legal Guardianship/Custody of the minor child.
2. The income and resources of a Caretaker shall not be considered in determining the Benefit Group’s eligibility for DSR assistance.
  3. A Caretaker will not be subject to Work Participation requirements.

**B. Two-Parent Assistance**

1. In situations where two (2) Custodial Parents reside with the minor child(ren) they are applying with, the parents must apply together for Two-Parent Assistance, unless one of the exceptions listed at 307(B) or 307(C)(1) applies, and must meet the following criteria:
  - a. The parents and the minor child(ren) in the benefit group must reside in the same home or in close proximity to one another where they are able to function as a family and have regular physical contact. For the purpose of this section, close proximity is defined as within a two (2) mile radius.
2. In situations where a Custodial Parent and a Stepparent are in a Common-Law Marriage and they do not have a common child they are applying with, the parent(s) must sign an *Affirmation of Common-Law Marriage* form in order for the Stepparent to be eligible to be included in a Two-Parent benefit group.
3. If the parents are Caretakers for an eligible minor child(ren) in their care, the minor child(ren) must be included in the Two-Parent Assistance case.
4. If one or both parents are ineligible to be included in the benefit group due to one of the reasons listed at 307.B., or 307.C.(1), assistance and services will be provided as a one-parent or child-only case until such time the parent(s) regain(s) their eligibility.

**C. Stepparents**

A Stepparent, who is legally married to the Custodial Parent of a minor child(ren), in the benefit group and meets the DSR eligibility criteria and requirements may be included in a Benefit Group.

D. Minor Parents

1. Emancipated Minor Head-of-Household

- a. A Custodial Minor Head-of-Household under the age of eighteen (18) may apply for DSR assistance on their own behalf if they are emancipated, which must be verified by a court order.
- b. An emancipated Minor Head-of-Household receiving monthly assistance shall be subject to Work Participation, Personal Responsibility Plan, and Time Limit requirements.

2. Non-emancipated Minor Parent

A minor parent, who is not emancipated, is considered a minor child and their legal parent or their court appointed guardian remains legally responsible for him or her until they reach the age of eighteen.

- a. A Custodial Minor Parent under the age of eighteen (18) who is not emancipated may receive DSR assistance in accordance with the following requirements:
  - i. If the Minor Parent(s) resides with their Custodial Parent(s), the Custodial Parent(s) must apply on their own, the Minor Parent(s) and the Minor Parent's child(ren). A Custodial Parent, who resides with his/her minor child(ren), must be included in the benefit group, unless excluded for one of the reasons listed at 307(B) or 307(C).
  - ii. For Minor Parents who do not reside with their Custodial Parent, an adult Caretaker must apply on behalf of the Minor Parent(s) and the Minor Parent's child(ren).
  - iii. Minor Parents who have not attained a high school diploma or General Education Diploma must be attending a high school, or an equivalency program.
  - iv. The Custodial Minor Parent(s) must be living in a place of residence maintained by a parent, legal guardian, or an adult Caretaker.
- b. An unemancipated Minor Parent included in a benefit group shall not be subject to Work Participation, Personal Responsibility Plan, and Time Limit requirements.

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### 311 FINANCIAL ELIGIBILITY CRITERIA

A Needy Family must not exceed the Total Countable Assets, Gross Countable Monthly Income, and Net Countable Income eligibility criteria to be eligible to receive DSR assistance payments.

#### A. Total Countable Assets

##### 1. Countable Assets

Funds in a checking and/or savings bank account(s) that holds money for a Benefit Group member shall be verified with a monthly financial statement and counted toward the established asset limit, except if it is disregarded in accordance with Federal, State, or Tribal law, judgement, or settlement.

2. Earned and unearned income deposited into a checking or savings bank account shall be considered countable income, unless disregarded pursuant to Section 311.B.2. (Non-Countable Income), in the month it is received.
3. Any income listed at Section 311. B.2. (Non-Countable Income), that is deposited into a checking and/or savings bank account(s) will not be counted as a Countable Asset.
4. A Needy Family's Total Countable Assets must not exceed three thousand dollars (\$3,000) per month.
5. If a Needy Family's Total Countable Assets exceed \$3,000 per month, the Benefit Group is ineligible for DSR monthly assistance.

#### B. Income Types

##### 1. Countable Income

The following income are counted in determining eligibility for DSR assistance, unless disregarded in accordance with Federal, State or Tribal law, judgement or settlement:

##### a. Earned Income

##### i. Employment Income

Income received as wage, salary or commission, bonus or tips from permanent, temporary, full-time, or part-time employment.

##### ii. Self-Employment Income

Income received from operating one's own business where the usual employment withholdings such as Federal and/or State Taxes, Self-Employed Contributions Act, and Medicare are not deducted from the income.

##### b. Unearned Income

Income derived from sources other than employment, including, but not limited to:

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- i. Child Support Payments;
  - ii. Social Security Benefits - Retirement, Survivors, and Disability Insurance;
  - iii. Retirement Benefits, including Federal, State, Tribal, and railroad;
  - iv. Interest and dividend statement from a financial institution;
  - v. Royalty payments such as oil, gas and other minerals;
  - vi. Rental/lease of properties/land;
  - vii. Per capita payments derived from Tribal owned trust or income producing enterprises, unless excluded by federal statute;
  - viii. Unemployment Insurance Compensation;
  - ix. Vacation/Sick/Severance payments;
  - x. Lottery and Gambling winnings;
  - xi. Insurance Settlements;
  - xii. Worker's Compensation;
  - xiii. Disability payments to individuals included in the Benefit Group, except for military disability compensation;
  - xiv. Foster Care payments received for Minor Children included in the Benefit Group; and
  - xv. After one-year from the date a payment is received from the Land Buy-Back Program, pursuant to the Claims Resolution Act of 2010, Pub. L. No. 111-291, Section 101(f).
- c. Earned and unearned income deposited into a bank account or pre-paid debit card, including through on-line payment systems (e.g. PayPal, Zelle, Apple Pay, Google Pay, etc.), will be considered countable income, unless disregarded, in the month it is received.

2. Non-Countable Income

Income derived from the following source are not counted in the determination of eligibility for DSR assistance:

- a. Workforce Innovation and Opportunity Act and Native Employment Works program payments;
- b. Job Corps payments;
- c. Educational grants, scholarships, student work study, student loans, and other awards from a recognized source to the extent the money is used for educational expenses only;
- d. Low Income Home Energy Assistance Program or any other Emergency Energy Assistance Program;

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- e. Supplemental assistance from public or private agencies to help the Benefit Group meet emergency situations or balance of need not met by the DSR, such as Community Services Block Grant; Emergency Assistance; Title IVB, Subpart 1 of the Social Security Act; Housing and Urban Development; and other utility allowances;
- f. Wages of dependent children eighteen (18) years or younger in the Benefit Group who are enrolled students;
- g. The value of food produced in home farming for the Benefit Group's consumption;
- h. Reimbursements for job related expenses such as travel, lodging, meals, or mileage;
- i. Value of supplemental food assistance received under the Child Nutrition Act, the National School Lunch Act and the United States Department of Agriculture Supplemental Nutrition Assistance Program;
- j. Payments made under the United States Housing Act – Annual Contributions Contract, Housing and Urban Development community development block grant funds and Escrow Accounts in the Family Self Sufficiency Program;
- k. Cash value of the United States Department of Agriculture Commodities Food Assistance;
- l. Relocation assistance or allowances under the Housing Act, including payments made under Title II of the Uniform Relocation and Real Property Acquisition Policy, and the Navajo-Hopi Relocation Act (P.L. 93-531);
- m. Tax-exempt portions of payments made under the Alaska Native Claims Settlement Act;
- n. Agent Orange Settlements or payments made under the Radiation Exposure Compensations Act for injuries or death of nuclear testing or uranium mining;
- o. Benefits received under Title III and VI, Nutrition Program for the Elderly– Older Americans Act;
- p. Payments to public service volunteers, e.g. Foster Grandparent Program, community services programs, AmeriCorps, plasma donation, recycling, etc.;
- q. Terminated Income (Does not apply to on-going cases);
- r. In-Kind Income (Compensation received in non-monetary form, such as room and board, livestock, etc.) for a service(s) performed, that is not converted to cash;
- s. Gifts received in the form of cash or non-cash, given voluntarily without requiring something in return;
- t. Foster Care payments received for minor children not included in the Benefit Group;



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- u. Military service-related Benefits including, but not limited to, the following: education and training, health care, disability, dependency and indemnity, or survivor's compensation;
- v. The first three hundred dollars (\$300) of the Needy Family's Net Monthly Earned Income;
- w. The first one hundred dollars (\$100) of the Needy Family's Net Monthly Unearned Income;
- x. All income earned from participation in the DSR's Subsidized Adult Employment;
- y. Federal and State Income Tax Returns;
- z. Allowances or stipend payments received to cover living expenses while participating in an educational or training program;
- aa. Payments excluded by federal statute or court order; and
- bb. Payment from the Land Buy-Back Program for Tribal Nations is tax exempt, for a one-year period, starting on the date a payment is received, and that payment will not affect benefits received or are eligible to receive under any federal or federally-assisted program, pursuant to the Claims Resolution Act of 2010, Pub. L. No. 111-291, Section 101(f).

**C. Gross Countable Monthly Income**

A Needy Family's Gross Countable Monthly Income is the total amount of earned and unearned income received, before mandatory and allowable deductions are applied.

1. For new applications, a Needy Family's "Prospective" (anticipated) Gross Countable Monthly Income for the Intake Month will be used to determine the Benefit Group's eligibility for DSR assistance.

Income received weekly, bi-weekly or which fluctuates will be converted to a monthly amount resulting in a Gross Countable Monthly Income.

2. For on-going cases (after the first two months of assistance), the Benefit Group's eligibility will be determined using the "Retrospective" concept, in which a Needy Family's actual income received in the income month is used to determine eligibility for the benefit month.
3. If a Needy Family's Gross Countable Monthly Income exceeds the current National Poverty Guidelines adjusted at two hundred percent (200%) for the applicable Benefit Group size, the Benefit Group is **ineligible** to receive DSR Assistance.
4. If a Needy Family's Gross Countable Monthly Income is below the current National Poverty Guidelines adjusted at two hundred percent 200% for the applicable Benefit Group size, proceed to Net Countable Monthly Income provision.

D. Net Countable Monthly Income

A Needy Family's Net Countable Monthly Income is the total amount of earned and unearned income received from non-disregarded income sources after applying mandatory and allowable deductions.

1. For new applications, the Needy Family's "Prospective" (anticipated) Net Countable Monthly Income for the Intake Month will be used to determine the Benefit Group's eligibility for DSR assistance.
2. For on-going cases (after the first two months of assistance), the Benefit Group's eligibility will be determined using the "Retrospective" concept.

The Retrospective concept is where, at the time a Benefit Group's eligibility is being determined, the Net Countable Monthly Income received in the prior month (Income Month) is used to determine eligibility for the next month (Benefit Month).

**EXAMPLE:** During the month of September, a Benefit Group's eligibility for an October (Benefit Month) assistance payment is determined using actual income received in August (Income Month).

3. The Monthly Income Worksheet is used to determine the Needy Family's Eligible Monthly Assistance Amount (see **Chart 1**).
4. Countable Monthly Earned Income

The Needy Family's Countable Monthly Earned Income (Monthly Income Worksheet #8) is determined as follows:

- a. If a Needy Family has income from employment by others, subtract the following verified Mandatory Deductions (Monthly Income Worksheet #4b) from the Gross Monthly Employment Income (Monthly Income Worksheet #4a):
  - i. Federal and/or State Withholding Taxes;
  - ii. Federal Insurance Contributions Act Tax;
  - iii. Medicare;
  - iv. Health and medical insurance premiums;
  - v. Court ordered child support and/or alimony payments; and
  - vi. Court ordered restitution payments.

**NOTE:** If Mandatory Deductions cannot be verified, apply a twenty percent (20%) deduction to the Gross Monthly Employment Income.

- b. If the Needy Family has Self-Employment Income (Monthly Income Worksheet #5a), subtract twenty percent (20%) of the Gross Self-Employment Income (Monthly Income Worksheet #5b) for expenses incurred, including taxes and/or insurance.

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- c. Calculate the Needy Family's Net Monthly Earned Income (Monthly Income Worksheet #6) by:
  - i. Adding Gross Monthly Employment (Monthly Income Worksheet #4a and Gross Self-Employment Income (Monthly Income Worksheet 5a); then
  - ii. Subtracting Mandatory Deductions (Monthly Income Worksheet #4b) and Self-Employment Deductions (Monthly Income Worksheet # 5b).

- d. Employment Allowance

If the Needy Family's Net Monthly Earned Income (Monthly Income Worksheet #6) is greater than zero, the Needy Family is eligible for an Employment Allowance of up to three hundred dollars (\$300) in accordance with the following:

- i. If the Needy Family's Net Earned Income is less than three hundred dollars (\$300), the Employment Allowance will be the Net Earned Income.
  - ii. If the Needy Family's Net Earned Income is three hundred dollars (\$300) or greater, the Employment Allowance will be three hundred dollars (\$300).
- e. The Needy Family's Countable Monthly Earned Income (Monthly Income Worksheet #8) is the Net Countable Earned Income (Monthly Income Worksheet #6) minus, if applicable, the Employment Allowance (Monthly Income Worksheet #7).

- 5. Countable Monthly Unearned Income

A Needy Family's Countable Monthly Unearned Income (Monthly Income Worksheet #13) is calculated as follows:

- a. If a Needy Family member(s) receives Unemployment Insurance Compensation benefit payments:
  - i. Calculate the Gross Unemployment Insurance Compensation amount (Monthly Income Worksheet #9a) by adding the Unemployment Insurance Compensation payments received during the Income Month.
  - ii. Calculate the Unemployment Insurance Compensation Deduction (Monthly Income Worksheet #9b) by multiplying the Gross Unemployment Insurance Compensation amount by thirty-three percent (33%). The Unemployment Insurance Compensation deduction is for work search related expenses and does not apply to any other type of unearned income.
- b. Calculate Other Unearned Income (Monthly Income Worksheet #10) by adding all other sources of Unearned Income.

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- c. Calculate Net Monthly Unearned Income (#11) by adding Gross Unemployment Insurance Compensation amount (Monthly Income Worksheet #9a) and Other Unearned Income (Monthly Income Worksheet #10), then, if applicable, subtracting the Unemployment Insurance Compensation Deduction (Monthly Income Worksheet #9b).
- d. If a Needy Family's Net Monthly Unearned Income (Monthly Income Worksheet #11) is greater than zero, the Needy Family is eligible for an Unearned Income Disregard (Monthly Income Worksheet #12) of up to one-hundred dollars (\$100) in accordance with the following:
  - i. If a Needy Family's Net Unearned Income is less than one hundred dollars (\$100), the Employment Allowance will be the Net Unearned Income Amount (Monthly Income Worksheet #11).
  - ii. If a Needy Family's Net Unearned Income is one-hundred dollars (\$100) or greater, the Employment Allowance will be one-hundred dollars (\$100).
- e. A Needy Family's Countable Monthly Unearned Income (Monthly Income Worksheet #13) is calculated by subtracting the Unearned Income Disregard amount (Monthly Income Worksheet #12), from the Net Monthly Unearned Income (Monthly Income Worksheet #11).

6. Total Countable Monthly Income

Calculate a Needy Family's Total Countable Monthly Income (Monthly Income Worksheet #14) by adding the Countable Monthly Earned Income (Monthly Income Worksheet # 8) and the Countable Monthly Unearned Income (Monthly Income Worksheet # 13).

7. Net Countable Monthly Income

Calculate a Needy Family's Net Countable Monthly Income (Monthly Income Worksheet #16) by subtracting the Dependent Care Deduction (Monthly Income Worksheet #15), if applicable, from the Total Countable Monthly Income (Monthly Income Worksheet #14).

8. Dependent Care Deduction

Expenses incurred by the Custodial Parent(s) for the care of a child(ren) younger than thirteen (13) years of age may be deducted from the Countable Monthly Earned Income in accordance with the following:

- a. The dependent care expense is:
  - i. required to allow the Custodial Parent(s) to participate in work participation activities; and
  - ii. verified by an original bill or receipt.

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- b. The Custodial Parent must have paid or is personally responsible for paying the dependent care expense.
  - c. The dependent care expense can be for a child(ren) who is/are not included in the Benefit Group.
  - d. The maximum Dependent Care Deduction shall be one hundred and fifty dollars (\$150) per month for each eligible child.
9. If a Needy Family's Net Countable Monthly Income (Monthly Income Worksheet #16) is equal to or exceeds the Payment Standard for the applicable Benefit Group Size, the Benefit Group shall be **ineligible** to receive DSR assistance.
10. If a Needy Family's Net Countable Monthly Income (Monthly Income Worksheet #16) is less than the Payment Standard for the applicable Benefit Group size and the Benefit Group meets all other eligibility criteria, proceed to determining the Benefit Group's Eligible Monthly Assistance Amount.

### **312 MONTHLY ASSISTANCE AMOUNT DETERMINATION**

The current DSR Payment Standard shall be used to determine the Monthly Assistance Amount a Benefit Group is eligible to receive.

- A. The Monthly Assistance Amount a Benefit Group is eligible to receive shall be the difference between a Need Family's Total Net Countable Income and the Payment Standard for the applicable Benefit Group size.
- B. For new approvals, the Monthly Assistance Amount a Benefit Group is eligible to receive for the first two (2) months of assistance is determined by subtracting the Needy Family's Total Countable Income for the Intake Month from the Payment Standard for the applicable Benefit Group size.
- C. For ongoing cases, after the first two (2) months of assistance, the Monthly Assistance Amount a Benefit Group is eligible to receive is determined by subtracting a Needy Family's Actual Net Countable Income for the Income Month from the Payment Standard for the applicable Benefit Group size.

**EXAMPLE:** During the month of September, a Benefit Group's eligibility for an October (Benefit Month) assistance payment is determined using the Family's actual Total Countable Income received in August (Income Month).

### **313 MONTHLY ASSISTANCE PAYMENTS**

- A. The DSR Payment Standard for the applicable Benefit Group size is the maximum amount of assistance a Benefit Group may receive each month.
- B. If a Benefit Group has countable income, the monthly assistance amount the Benefit Group receives shall be the difference between the Payment Standard for the applicable Benefit Group size, and a Benefit Group's Net Countable Monthly Income.

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- C. The amount a Benefit Group is eligible to receive may change when:
  - 1. a penalty is imposed;
  - 2. an overpayment is collected;
  - 3. an underpayment is remedied; or
  - 4. a pro-rated monthly payment is issued.
- D. Monthly benefit payments will be issued using the DSR's established payment method.
- E. Subject to the availability of funds, the DSR may establish a Winter Assistance Payment Standard to assist DSR Benefit Groups in meeting the increased costs for basic needs during the winter months, including home heating and additional expenses incurred for food, clothing and utilities (water, electricity, etc.) while children are at home on their winter school break. The DSR Winter Payment Standard for the applicable Benefit Group size will be the maximum amount of assistance a Benefit Group may receive. A Benefit Group that received DSR's Winter Assistance will not be eligible for school clothing assistance, emergency assistance, and low-income heating and energy assistance provided by the Navajo Nation with other funding sources.

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**Chart 1: Eligible Monthly Assistance Amount**

**Monthly Income  
Worksheet**

**MONTHLY EARNED INCOME**

	Gross Monthly Employment Income (GMEI)	4a.
Minus	Mandatory Deductions (Actual or 20% of GMEI)	4b.
Plus	Gross Monthly Self-Employment Income (GMSEI)	5a.
Minus	Self-Employment Deduction (20% of GMSEI)	5b.
=====		
EQUALS	Net Monthly Earned Income (NMEI)	6.
Minus	Employment Allowance (up to \$300 of NMEI, if eligible)	7.
=====		
EQUALS	<b>Countable Monthly Earned Income</b>	8.

**MONTHLY UNEARNED INCOME**

	Unemployment Insurance Compensation (UIC)	9.a.
Minus	UIC Deduction (33%)	9.b.
Plus	Other Unearned Income	10.
=====		
EQUALS	Net Monthly Earned Income	11.
Minus	Unearned Income Disregard (up to \$100.00)	12.
=====		
EQUALS	<b>Countable Monthly Earned Income</b>	13.

**COUNTABLE MONTHLY INCOME**

	Countable Earned Income	8.
Plus	Countable Unearned Income	13.
=====		
EQUALS	Total Countable Monthly Income	14.
Minus	Dependent Care Deduction (if eligible)	15.
=====		
EQUALS	<b>Net Countable Monthly Income</b>	16.

**ELIGIBLE MONTHLY ASSISTANCE AMOUNT**

	Payment Standard for the Applicable Benefit Group Size	17.
Minus	Net Countable Monthly Income	16.
=====		
EQUALS	<b>ELIGIBLE MONTHLY ASSISTANCE AMOUNT</b> (If zero or negative, Benefit Group is ineligible)	18.

**314 ELIGIBILITY DECISION**

A decision shall be rendered on all applications for DSR assistance and written notification provided to the Customer, preferably within five (5) business days after the Interview Date, by no later than fifteen (15) business days after the Interview Date.

**315 CERTIFICATION PERIOD**

Benefit Groups determined eligible for DSR assistance may be certified to receive DSR assistance for a period not to exceed twelve (12) benefit months with the understanding that, if there is a change in their circumstances, their eligibility may be re-determined at any point during the Certification Period.

- A. A Benefit Group may request to continue receiving assistance beyond the end of their Certification Period by submitting a new application, and have their eligibility re-determined prior to the end of their current Certification Period.
- B. A Benefit Group that is not approved for continued assistance by the end of their current Certification Period shall have their case closed effective the last day of their Certification Period.

**316 PROTECTIVE PAYEE**

A Protective Payee may be appointed, voluntarily or involuntarily, to receive Monthly Assistance Payments on behalf of the Benefit Group.

- A. A head-of-household may voluntarily appoint a Protective Payee by completing a *Protective Payee Appointment* form. The designated Protective Payee must sign the form and acknowledge the appointment in the presence of a DSR staff who will sign as a witness.
- B. A head-of-household may appoint a Protective Payee at any time after approval for receipt of DSR assistance.
- C. The head-of-household may withdraw their voluntary appointment of a Protective Payee at any time by submitting written notice to the DSR.
- D. If the appointment of a Protective Payee is court ordered, a copy of the court order must be provided to support the appointment.
- E. The Protective Payee may be required to verify the monthly assistance payments are used for the basic needs of the Benefit Group.

**317 AUTHORIZED REPRESENTATIVE**

An Authorized Representative may be appointed, voluntarily or involuntarily, at any time after a Customer's application for DSR assistance is approved, to represent the Benefit Group, and act on behalf of the head-of-household, until the appointment is revoked.

- A. A head-of-household may voluntarily appoint an Authorized Representative by submitting an *Authorized Representative Appointment* form, completed and signed by the head-of-household and the appointed individual.
- B. The head-of-household may withdraw their voluntary appointment of an Authorized Representative at any time by submitting written notice to the DSR.



- C. The Authorized Representative Appointment must be documented in the Benefit Group's case record.
- D. An individual appointed by court order must provide a copy of the court order to be filed in the Customer's case folder.
- E. The financial resources of the Authorized Representative will not be considered in the determination of the Benefit Group's eligibility.

**318 INCAPACITATED HEAD-OF-HOUSEHOLD**

In situations where the head-of-household is no longer able to make decisions due to loss of mental capacity (e.g. coma, has no brain function, is in a vegetative state, etc.) and is expected to remain in that condition for an extended period, the case must be closed at the end of the month in which a doctor's statement verifying the above is received.

- A. For two-parent cases, the spouse may apply as a one-parent case if they want to continue receiving DSR assistance.
- B. For one-parent cases, the Caretaker for the child(ren) may apply as a child-only case if they want to receive DSR assistance on behalf of the child(ren).
- C. For child-only cases, the new Caretaker for the child(ren) may apply as a child-only case if they want to receive DSR assistance on behalf of the child(ren).

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**SECTION 400: NAHAT'Á (PLANNING)**

**401 PURPOSE**

It is the purpose of the DSR to create a Customer-centered environment that encourages personal change by assisting Customers with identifying specific opportunities that foster a positive outcome.

**402 CASE ASSIGNMENT**

- A. A must assign newly approved and transferred cases within five (5) business days of approval or transfer.
- B. Assigned Senior Caseworkers and Principal Caseworkers must contact the Customer(s) within five (5) business days after assignment to schedule an appointment to develop or review their Personal Responsibility Plan.

**403 CUSTOMER ORIENTATION AND ASSESSMENTS**

A. Customer Orientation

- 1. Adult(s) and emancipated minor heads of households in a newly approved case must attend and complete a DSR Orientation Session by no later than thirty (30) business days after the date of approval for DSR benefits.
- 2. The purpose of the Customer Orientation is to provide Customers with basic information on:
  - a. Welfare Reform;
  - b. Department for Self Reliance;
  - c. Customer's Rights and Responsibilities;
  - d. DSR staff's Rights and Responsibilities;
  - e. Time limit for assistance;
  - f. Personal Responsibility Plan requirement;
  - g. Work participation requirements;
  - h. Penalties for non-cooperation/non-compliance;
  - i. Support services; and
  - j. Other pertinent information.
- 3. Customers, who attended and completed a DSR Orientation Session within the twelve (12) month period prior to their approval date, will be exempted from this requirement, but should be orientated on recent changes by their assigned SCW/PCW.
- 4. A Customer who does not complete a DSR Orientation Session within the thirty (30) business day period shall be subject to penalty in accordance with Section 802.

**B. Assessments**

Assessments are the systematic collection, documentation, analysis, and use of information of a Customer's knowledge, skills, attitudes, benefits, and social and emotional capacities.

1. Assessments are necessary tools in developing a Personal Responsibility Plan to:
  - a. Develop a comprehensive plan for services;
  - b. Establish priorities for service delivery;
  - c. Understand the Customer's current status, desired state and needs;
  - d. Determine the best ways to move the Customer from the current state to the desired state; and
  - e. Justify the actions taken, decisions and referrals made, and services provided.
2. Assessment Tools include, but are not limited to:
  - a. Barriers to Employment Success Inventory: Helps individuals identify their major barriers to obtaining a job or succeeding in their employment.
  - b. Picture Interest Career Survey: A visual vocational interest survey to help individuals identify their career interests.
  - c. Test of Adult Basic Education: Used to measure basic academic skills commonly found in adult education curricula taught in high school and adult instructional programs.
  - d. Informal Assessment Interview: To identify a Customer's priorities, experiences, strengths, and skills.
3. The Test of Adult Basic Education (TABE) must be administered to assess the educational level of Customers who are required to comply with Work Participation requirements.
  - a. All adults and emancipated Minor Heads-of-Household in a newly approved DSR case must complete a Test of Adult Basic Education (TABE) within thirty (30) business days after approval, unless one of the following exceptions applies:
    - i. The Customer, who has been accepted into, or is currently attending, a post-secondary educational institution will not be subject to this requirement.
    - ii. A Customer, who has taken the TABE within the six (6)-month period prior to their approval date, may submit their TABE results in lieu of taking their initial TABE Test.
    - iii. Caretakers are exempted from this requirement.
  - b. To track progress, Customers subject to this requirement must update their TABE result at least annually, unless the Field Site Manager approves an exemption.

- c. A Customer who fails to comply with this requirement shall be subject to penalty in accordance with Section 802.

#### **404 PERSONAL RESPONSIBILITY PLAN DEVELOPMENT**

A Personal Responsibility Plan outlines the Customer's plan to gain the skills, education, training, and services necessary for employment and/or self-sufficiency.

A. A Personal Responsibility Plan is developed using the following criteria:

1. Assessment data;
2. Knowledge of short-term and long-term goal(s);
3. Customer's current status; and
4. Assist Customers with identifying steps to achieve short-term and long-term goals.

B. Initial Personal Responsibility Plan for New Customers

1. An initial Personal Responsibility Plan is required for each adult Benefit Group member, head-of-household in Child-Only cases, and emancipated Minor Parent. An initial Personal Responsibility Plan must be developed and implemented by no later than thirty (30) business days after an initial application is approved. Failure to develop an initial Personal Responsibility Plan by the established due date will result in the Customer being subject to imposition of a penalty in accordance with Section 802 of this Policy.
  2. Adult Benefit Group members shall develop their Personal Responsibility Plan based on their interests and chosen goals.
  3. For Child-Only cases, the head-of-household's Personal Responsibility Plan must focus on the success and well-being of the child(ren).
  4. The Customer's assigned Senior Caseworker or Principal Caseworker will facilitate the Personal Responsibility Plan development and provide necessary support and coaching toward the Customer's chosen goals.
  5. Assessment results, if available, must be used and must focus on the Customer's path to gain the skills, abilities and knowledge for self-reliance.
  6. At a minimum, an initial Personal Responsibility Plan should identify at least one (1) goal and related objectives.
- C. At least one (1) work activity and associated hours must be identified in the initial Personal Responsibility Plan for adult Benefit Group members, including support services, goals and steps to receive incentives. Personal Responsibility Plan for Ongoing Customers.
1. Assessment results must be used and must focus on the Customer's path to gain the skills, abilities and knowledge for self-reliance.

2. At a minimum, a completed Personal Responsibility Plan should contain strategies to address:
    - a. barriers and issues;
    - b. goals and objectives;
    - c. identifying internal and external resources; and
    - d. work activities and hours, if appropriate.
  3. The completed Personal Responsibility Plan must support a Customer's chosen goals, including support services and steps to receive incentives.
  4. A Personal Responsibility Plan must be reviewed and, if necessary, updated at least once every four (4) months. A Customer who fails to update a Personal Responsibility Plan by the established due date will be subject to penalty in accordance with Section 802 of this Policy.
- D. Personal Responsibility Plan for Transferred and Reassigned Cases
1. For active cases that are transferred or reassigned, the Field Site Manager must assign the case to a Senior Caseworker or Principal Caseworker within five (5) business days from receipt of the case.
  2. The Customer's established Personal Responsibility Plan must be reviewed by an assigned Senior Caseworker or Principal Caseworker and updated, as necessary, within five (5) business days after assignment.

#### **405 WORK PARTICIPATION REQUIREMENTS**

- A. Each Adult and emancipated Minor Head-of-Household included in a Benefit Group is required to meet the established Minimum Work Participation Hours requirement for each month of assistance provided to the benefit group.
- B. Work Participation Hours
- Beginning the month after a Customer's initial Personal Responsibility Plan is developed and implemented, an adult or emancipated Minor Head-of-Household included in a Benefit Group must participate in authorized work activities for a minimum of twenty-four (24) hours per week, on average, for each month of assistance provided.
1. Work Participation activities identified in a Customer's Personal Responsibility Plan must support their chosen goal(s) and address identified barriers.
  2. When a Customer is unable to participate in a Work Activity due to an unforeseen circumstance that requires their immediate attention, any supplemental activities the Customer engages in to address the unforeseen circumstance may be counted, provided the activity is listed in the DSR's Work Participation Activities at Section 405.B of this Policy. A Customer's Personal Responsibility Plan must be revised to reflect these circumstances.

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3. Customers subject to Minimum Work Participation Hours requirements must use the DSR *Work Participation Timesheet* form, worksite timecard/timesheet, or other documentation to verify the number of hours they were engaged in authorized Work Participation activities during a Reporting Month.
  4. Customer timesheets/timecards are due by the close of business on the fifth (5<sup>th</sup>) day of the month following the month for which they are reporting hours. If the fifth (5<sup>th</sup>) day of the month falls on a weekend, holiday, or authorized office closure day, timesheets/timecards must be received by the close of business on the first business day following the weekend, holiday, or authorized closure day.
  5. Customer timesheets/timecards or other documentation may be submitted in person, by mail, fax, or email to any DSR direct service office.
  6. When a Customer's Work Participation Activity site is closed due to a Federal, State, or Tribal holiday, or for authorized closures, a Customer will be given credit for the hours they were scheduled to participate in work activities on that day.
- C. Pre-Authorized and Authorized Work Participation Activities

Work Participation Activities expand the Customer's knowledge, skills and abilities through education, training, and employment, and removes barriers to employment and self-reliance.

1. Pre-authorized Work Participation Activities

The following Work Participation Activities are pre-authorized for newly approved Customers up to the time their initial Personal Responsibility Plan is developed and implemented:

- a. Overview sessions such as DSR Orientation, Timesheet, Personal Responsibility Plan;
- b. Participating in assessments such as Test of Adult Basic Education, Inventory Assessment, or Self Identity;
- c. Post-Secondary Education for Customers attending a Post-Secondary institution at the time of application;
- d. Secondary school or course of studies leading to a General Education Diploma certificate for Customers attending high school or enrolled in a General Education Diploma program at the time of application; or
- e. Unsubsidized Employment including self-employment.

2. Work Participation Activities

The following work participation activities, which expand the Customer's knowledge, skills and abilities through education, training, and employment, and removes barriers to employment and self-reliance, may be authorized for Customers in their Personal Responsibility Plan:

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a. Unsubsidized Employment

Full- or part-time employment in the public or private sector that is not subsidized by the DSR or any other public program.

b. Subsidized Private Sector Employment

Employment in the private sector where the employer receives a subsidy from TANF or other public funds to offset some or all of the wages and costs of employing an individual. Subsidized Employment may be approved for a Customer once, for up to six months, in a twelve (12) month period.

c. Subsidized Public Sector Employment

Employment in the public sector where the employer receives a subsidy from TANF or other public funds to offset some or all of the wages and costs of employing an individual. Subsidized Employment may be approved for a Customer once, for up to six months, in a twelve (12) month period.

d. Self-Employment

Engaging in an activity which produces income by working in one's own business, trade or profession (e.g. rug weaving, silversmith, childcare services, itinerant food vendor, etc.) Self-employment should be supplemented by other work activities which assist the Customer in progressing toward self-reliance.

e. Work Experience

An unpaid worksite placement that provides Customers with an opportunity to obtain general skills, training, knowledge, and work habits that improve their employability. The Customer's placement should be short term and not be considered "free labor".

f. Vocational/Technical Educational Training

Participation in vocational-technical education directly related to the preparation of individuals for employment in current or emerging occupations (e.g. health care, computer technology, office management, and skilled trades).

g. On-the-Job Training directly related to employment

On-the-job training provided to an employed Customer to expand and enhance their knowledge and skills in areas that are necessary to fully and adequately perform their job duties and responsibilities.

h. Job Skills Training directly related to employment

Training and education to obtain job skills required by employers so the individual will be able to obtain employment, advance in their current employment, or adapt to the changing demands of the workplace.

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i. Participation in education directly related to employment, where the Customer has not received a high school diploma or General Education Diploma 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 a storyteller, and other cultural education that leads to becoming self-sufficient.

j. Participation in education, other than post-secondary, directly related to employment, where a Customer has a high school diploma or General Education Diploma 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 a storyteller, and other cultural education that leads to becoming self-sufficient.

k. Secondary School

Satisfactory attendance at a secondary school or course of studies leading to a High School Diploma or its equivalent such as a General Education Diploma.

l. Participation in Adult Basic Education, Remedial Education, and English as a Second Language courses.

m. Post-secondary Education at a College or University

Participating in educational courses provided at an institution of higher learning that offers undergraduate or postgraduate degree programs.

n. Job Search

Activities or training that provides skills in identifying a career and searching for a job, including, but not limited to: finding job vacancies; making job contacts; resume preparation; completion of employment applications; and successful participation in interviews. Job search should be supplemented by another work activity. (45 CFR 286.105).

o. Job Readiness

Activities that provide the knowledge and skills necessary to obtain and keep a job, including training related to attendance, punctuality, appropriate appearance, appropriate and positive attitude and behavior skills, building and demonstrating skills in relationships, and completing tasks effectively. Job Readiness should be supplemented by another work activity (45 CFR 286.105).

p. Community Service

A structured program activity or service performed without compensation and the activity or service benefits the community as a whole.



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**NOTE:** Community Service shall not be counted for more than eight (8) hours per week in a reporting month.

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

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

- r. Assessments

Participation in Assessments, as part of case management services, conducted by the DSR or other programs.

- s. Orientations

Participation in Orientation Sessions provided by the DSR or other programs.

- t. Removal of Barriers to Personal Responsibility Plan Goals

Time spent in removing barriers to Personal Responsibility Plan goals and objectives and complying with the Personal Responsibility Plan. Activities such as obtaining or regaining a driver's license; obtaining appropriate and affordable child care; completing steps necessary to enroll in a post-secondary educational/vocational institution.

- u. Substance Abuse and Drug Intervention

Time spent in substance abuse and drug intervention and counseling, behavioral and mental health services, and domestic violence intervention and counseling. This includes being a patient of cultural/traditional ceremonies.

- v. Prevention, Intervention or Treatment of Mental/Physical Health-Related Illnesses

Participation and education in prevention, intervention, or treatment of mental/physical health-related illnesses. This includes being a patient of cultural/traditional ceremonies and ensuring that Benefit Group members receive their routine preventative health and dental care services.

- w. Providing Support and Care to a Dependent Child with a Special Need(s) who requires full-time care, as verified by a licensed medical professional.

Activities performed in accordance with either the Navajo teaching and practice or westernized medical practice of caring for one's own children. This work activity must be monitored and supplemented by other work activities that assist the Customer in progressing toward their career goal and/or expand their knowledge, skills and abilities in provision of home-based care (e.g. CPR, first aide, nutrition, etc.) This activity cannot be the sole work activity authorized for a Customer.

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- x. Providing Care to an Immediate Relative with a Medically Verified Disability who requires full-time care.

Activities performed in accordance with either the Navajo teaching and practice or westernized medical practice of caring for one's own relatives.

This work activity must be monitored and supplemented by other work activities that assist the Customer in progressing toward their career goal and/or expand their knowledge, skills and abilities in provision of home-based care (e.g. CPR, first aide, nutrition, etc.) This activity cannot be the sole work activity authorized for a Customer.

- y. Study/Research Time

Time spent studying and/or conducting research by Customers participating in an education related work activity. Customers may be authorized one (1) hour of study/research time for each hour of class time authorized.

- z. Traditional Support and Mentoring

Participating in activities, conducted in a group setting with a curriculum, which uses 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 may include Fatherhood/Motherhood Curriculum, building self-esteem, self-identity and awareness, talking circles, and learning other languages and traditions.

- aa. Agricultural Subsistence

Performing activities associated with farming, gardening, and ranching that provides for the basic needs of, or provides income for, the Benefit Group.

- bb. Reasonable Transportation Time

Reasonable Transportation Time, up to two (2) hours per day, may be authorized on a case-by-case basis. Authorized transportation time will be in addition to hours authorized for approved work participation activities. Reasonable transportation time is the average amount of time for a person to travel to and from their residence to a work participation site.

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## SECTION 500: ÁDÍLÍÍŁ (DOING)

### 501 PURPOSE

It is the purpose of the DSR to implement plans of action based on a Customer's identified strengths and barriers while establishing and providing opportunities for Customers to enhance their knowledge, skills, abilities, and experiences to help them become self-reliant.

### 502 QUALITY CASE MANAGEMENT

Quality Case Management is the most essential direct service provided to Customers; it helps Customers increase their knowledge, competency, skills, and abilities to enhance problem solving, coping abilities and obtain resources. The DSR provides guidance for interaction between organizations and resources.

#### A. Customer Contact

1. A good faith effort must be made to have regular monthly follow-up contacts with Customers. The complexity of a case determines how often DSR direct service staff are in contact with a Customer. At least half of the monitoring contacts must be in-person such as, but not limited to, the following: office visit, home visit, Skype meeting or interview, telephone call, or email.
2. A good faith effort is making at least three (3) separate attempts at different times, preferably on different days, to contact and meet with a Customer by letter, telephone calls, home visits, virtual meeting, fax, or email. Each attempt and method by which a Customer was contacted must be narrated in the Customer's case file.
3. Customer contacts include discussing the following:
  - a. Customer Responsibilities;
  - b. Personal Responsibility Plan Development;
  - c. Objectives in the Personal Responsibility Plan;
  - d. Barriers to completing the objectives;
  - e. Completion of objectives;
  - f. Objectives yet to be completed;
  - g. Customer's comfort with the timelines;
  - h. Work Participation Requirements;
  - i. Due dates, deadlines, approval period, etc.;
  - j. Next contact or appointment;
  - k. Penalties; and
  - l. Appeals and Customer Due Process.

**B. Review of Customer's Personal Responsibility Plan**

1. All Personal Responsibility Plans must be reviewed with the Customer at least once every four (4) months to ensure realistic Customer progression toward their goals and self-reliance.
2. The Personal Responsibility Plan review shall include:
  - a. Assessing progress toward established goals and objectives;
  - b. Updating goals and objectives as necessary and appropriate; and
  - c. Reviewing Customer's work participation activities to ensure they support the goals and objectives identified in their Personal Responsibility Plan. As necessary, Customer's work participation activities shall be updated.
3. A new Personal Responsibility Plan shall be developed if there is a significant change in a Customer's circumstances, such as change in residence, medical or physical condition, family composition, career goals, etc.
4. A Customer's Personal Responsibility Plan shall be reviewed more frequently if it is in the best interest of a Customer's progress toward self-reliance, such as monitoring challenges and successes.

**C. Case Review**

Case Reviews ensure accurate and timely services and identify necessary and appropriate corrections to reduce potential violations. Case Reviews may include peer reviews and supervisor reviews.

1. Review Customer assessment information.
2. Verify and narrate a Customer's Months of Assistance and the number of Months of Assistance that are countable toward the Time Limit (Countable Months).
3. Verify Customer's continued eligibility for assistance prior to posting a monthly payment or prior to issuing a support service or incentive.
4. When a case is assigned or re-assigned, a case review must be conducted within five (5) business days to ensure compliance with applicable work participation and eligibility requirements.
5. If a DSR direct service staff determines an error or incorrect decision was made on a Customer's case, the staff who made the error must be responsible to correct the error within five (5) business days from the date of discovery, unless that staff member is no longer employed with the DSR. The Field Site Manager must ensure that corrective action is taken.
6. Prior to initiating an adverse action, the proposed action shall be reviewed to ensure that action is appropriate and supported.

**D. Case Staffing**

1. Case Staffing is an opportunity to exchange information about a Customer and to gain consultation from other DSR direct service staff. It is a group process to help identify issues, suggest problem resolution strategies and recommend service options.
2. Customers who may need Case Staffing include those who are not making progress or who need to address significant issues.
3. As necessary, Case Staffing must ensure Customers receive appropriate and effective services to provide them the opportunities and support they need to progress towards self-reliance.
4. Prior to initiating an adverse action, the proposed action must be case staffed to ensure the action is appropriate and necessary.

**E. Case Conferencing**

1. Case Conferencing is an opportunity to exchange information with a Customer and with their consent consult with other service providers. It is a time to bring together a multidisciplinary team of experts to review cases, identify resolution strategies and recommend solutions. Bringing the group together increases understanding of the services and expertise available in the community and provides an opportunity for creative problem solving and resource development.
2. Case conferencing is mandatory for Customers who do not have a justifiable reason for not meeting the Minimum Work Participation Hours requirement. The goal is to prevent a penalty being imposed by engaging the Customer in appropriate Work Participation Activities.

**F. Turning-the-Curve Milestones**

DSR direct service staff must continue to support Customers in achieving their established goals and objectives through periodic assessments, consistent monitoring and providing adequate resources. Progression monitoring will apply the Results Based Accountability concept. The DSR will use strength-based management for creating objectives that mark Customers' progression toward their desired outcome.

1. DSR direct service staff will assess Customer progression towards their established goals at a minimum of every four (4) months or sooner, as necessary. This may consist of reviewing Customer case files, contacting Customers, scheduling home visits, etc.
2. The purpose of each assessment is to evaluate the effectiveness of a Customer's Personal Responsibility Plan and their progress. The following questions are guidelines in completing the assessment:
  - a. Are the steps in a Customer's Personal Responsibility Plan delivering results as planned?
  - b. Have there been outside referrals provided to the Customer? If so, is the feedback positive?

- c. Are the steps in the Personal Responsibility Plan still supporting the goal? If so, what evidence supports there is progress?
- d. How have the Personal Responsibility Plan steps influenced the Benefit Group and what skills have been developed?
- e. Is service and case management provided to the Customer reasonable? What other resources could help increase the effectiveness of services?
- f. Is the Personal Responsibility Plan a positive influence on the Benefit Group?
- g. Is there evidence the Personal Responsibility Plan is likely to change? If so, what additional case management services are necessary?

### **503 MONTHLY CHANGE REPORT**

All DSR benefit groups must submit a completed Monthly Change Report (MCR) form each month to report any changes in their circumstances which may affect their eligibility for DSR assistance or their monthly assistance amount.

- A. A benefit group's monthly assistance payment shall not be processed until the Customer submits a completed MCR, with all required verification documents attached, and the benefit group's continued eligibility is determined.
- B. Customers must submit their MCR in person, by mail, by e-mail, or by fax, unless authorized to provide the required information by phone.
- C. An MCR is considered complete when questions 1-7 are answered and is signed by the head-of-household or, if applicable, their appointed Authorized Representative.
- D. Customers shall be advised to submit a completed MCR prior to the fifth (5<sup>th</sup>) day of each month, so their eligibility can be determined and, if eligible, their monthly assistance payment can be processed timely. Otherwise, if they do not submit their MCR timely, the benefit group's Monthly Assistance payment may be delayed or not processed.
- E. If a change reported on the MCR may affect the Benefit Group's continued eligibility or monthly assistance amount, the Customer shall be informed to submit required verification documents within five (5) business days after submittal of a Customer's completed MCR. Otherwise, if they do not submit the required verification documents timely, the benefit group's Monthly Assistance payment may be delayed or not processed.
- F. Customers must be provided written notification and informed of their appeal rights if their monthly assistance payment will not be processed.
- G. Customers who do not submit a completed MCR for two (2) consecutive months, will be subject to the following:
  - 1. Non-payment; and
  - 2. Case closure

- H. Customers must be provided formal written notification and informed of their appeal rights prior to a case closure being imposed. Once the established deadline for requesting an appeal hearing has expired, or the Customer submits a completed and signed *Waiver of Appeal Rights* form, the case closure shall be imposed.

#### **504 REPORTING CHANGES**

- A. Customers are required to report all changes in their circumstances that may affect their eligibility for DSR assistance no later than five (5) business days after a change occurs.
- B. The Customers must be provided a Checklist that identifies the required documents to be submitted.
- C. Customers will be provided up to five (5) business days, from the date of the reported change, to submit the required verification documents to DSR.
- D. Upon receipt of the required verification documents, an assigned DSR direct service staff will determine if the reported change will affect the Benefit Group's eligibility, Benefit Group size, or monthly assistance amount.
- E. A decision must be made and a written notification provided to a Customer on all reported changes, preferably within five (5) business days, but by no later than ten (10) business days from the date the change was requested or reported.
- F. Customers must be informed of their due process and appeal rights if they disagree with a decision resulting from the reported change.

#### **505 SUPPORTIVE SERVICES, ACHIEVEMENT AWARDS AND INCENTIVES**

The DSR may provide supportive services, achievement awards and incentives to Customers who meet established criteria.

##### **A. Supportive Services for Approved Work Participation Activities**

Supportive Services may be provided to assist members of a Needy Family in addressing a barrier(s) to their successful participation in a work participation activity and to transition toward gaining and maintaining employment.

1. The Employment Development Specialists are responsible for preparing a Support Service Request for Customers participating in an Education and Career Services (ECS) sponsored activity and submitting the request for approval to the ECS Senior Program and Projects Specialist. For non-ECS sponsored activities, the assigned Senior Caseworker or Principal Caseworker is responsible for preparing and submitting a Support Service request to the Field Site Manager for approval.
2. The following Supportive Services are available to Customers participating in authorized Work Participation activities in accordance with their Personal Responsibility Plan:
  - a. Worksite related expenses (e.g. uniforms, tools, safety equipment, etc.).
  - b. Fee related expenses (e.g. testing, background check, physical exams, etc.).

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- c. Transportation related expenses (e.g. minor vehicle repair, mileage/fuel, tires, bus passes, etc.).
  - d. Childcare related expenses (e.g. co-payments, fees, etc.).
  - e. Training related expenses (e.g. uniforms. Tools, safety equipment, housing, meals, etc.).
  - f. Education related expenses (e.g. books, tuition, registration, school supplies, etc.).
3. Advance payment for support services shall be considered on a case-by-case basis.
  4. Payments issued to Customers shall require submittal of original receipts for the full amount of the payment issued, with the exception of mileage/fuel. If the total amount of the original receipts submitted does not equal the total amount of the payment issued, the Customer will be responsible for reimbursing the DSR the difference.
  5. Support Services requests are subject to approval by the Field Site Manager or the ECS Senior Programs and Projects Specialist and may not be appealed.
- B. Educational and Employment Achievement Awards**
1. The following monetary Achievement Awards may be provided to reward Benefit Group members who achieve an established educational or employment goal:
    - a. High Academic Achievement - Minor Child:

Offered twice per school year to minor children in the Benefit Group who achieve a 3.5 Grade Point Average, on a 4.0 scale; or all “Excellent” grades; for a grading period.
    - b. Academic Improvement – Minor Child and Adult:

Offered twice per school year to minor children and adults included in a Benefit Group who made a significant improvement in their overall academic performance from one grading period to the next.
    - c. Post-Secondary High Academic Achievement - Adult:

Offered twice per school year to adult DSR Benefit Group members attending a Post-Secondary educational institution and attaining a 3.5 or better Grade Point Average (on a 4.0 scale) during a semester.
    - d. Perfect Attendance – Minor Child:

Offered twice per current school year for minor children in the Benefit Group who achieve Perfect Attendance and have a Grade Point Average of 2.0 or better, on a 4.0 scale; or all “Excellent and Satisfactory” grades; for the semester.



e. Graduation - Minor Child and Adult:

Offered to Benefit Group members graduating from a secondary or post-secondary educational institution.

f. Employment Related Achievement Award:

Offered to Benefit Group members, who achieve an employment related criterion, such as: Subsidized Employment completion; recognition by employer; remaining employed for a specified time (e.g. ninety days); etc.

2. Achievement awards must be requested by the assigned Senior Caseworker or Principal Caseworker and are subject to approval by the Field Site Manager and may not be appealed.

C. Educational and Employment Incentives

Monetary incentives may be provided to encourage and motivate Benefit Group members to succeed in their education and employment.

The following Educational and Employment incentives may be provided:

1. Educational Related Incentive

- Enrichment (e.g. Completion of a series of life skills trainings/workshops such as Substance Abuse, Domestic Violence, budgeting, financial management, etc.).

2. Employment Related Incentive (e.g. Work Experience Stipend, etc.)

3. Incentive awards must be requested by the assigned Senior Caseworker or Principal Caseworker and are subject to approval by the Field Site Manager and may not be appealed.

D. Education Related Support Services

Monetary support services may be provided to encourage and motivate children in a Benefit Group to succeed in their education.

1. The following Educational and Employment incentive may be provided:

- a. Educational Learning (e.g. school clothing, uniforms, school supplies and material, etc.)
- b. Youth Extended Training (e.g. completion of training, uniforms, supplies, etc.)

2. Education Related Support Services must be requested by the assigned Senior Caseworker or Principal Caseworker and are subject to approval by the Field Site Manager and may not be appealed.

3. Payments issued to Customers to purchase clothing, supplies and materials shall require submittal of original receipts for the full amount of the payment issued. If the total amount of the original receipts submitted does not equal the total amount of the payment issued, the Customer will be responsible for reimbursing the DSR the difference.

## **SECTION 600: BEE NÍ SÉEL DOO (GROWING)**

### **601 PURPOSE**

It is the purpose of the DSR to recognize Customers who take responsibility for themselves and their family members toward self-sufficiency.

### **602 EDUCATION AND CAREER SERVICES**

The Education and Career Services enhances and increases employment opportunities for Customers through the Adult Basic Education, Computer Basic Training, Subsidized Adult Employment, Subsidized Youth Employment, Extended Training, and Work Experience placement with employers. The Education and Career Services provides case management services for Customers by establishing goals and steps, monitoring progress in Education and Career Services activities, evaluating employability, assessing Customer strengths and barriers, and following-up with Customers after they obtain employment:

- A. Principal Caseworker and Senior Caseworker shall refer Customers to the Education and Career Services by completing an Education and Career Services referral form and emailing or routing the referral form to the respective Employment Development Specialist, with a courtesy copy to the Education and Career Services Senior Programs and Projects Specialist.
- B. Customers may attend an Education and Career Services overview without a referral from the assigned Senior Caseworker or Principal Caseworker. However, the assigned Senior Caseworker or Principal Caseworker must submit an Education and Career Services referral within five (5) business days after the overview.
- C. Upon completing the Education and Career Services overview, Customers, who are interested in participating in an Education and Career Services Initiative, must complete an Education and Career Services registration packet and assessment.
- D. If a referred Customer has an existing Education and Career Services case record, the assigned Employment Development Specialist shall complete a case transfer request in accordance with the Case Record Management Procedures.
- E. During a Customer's participation in the Education and Career Services initiatives, the assigned Senior Caseworker or Principal Caseworker must continue with ongoing Quality Case Management services in accordance with Section 502 of this Policy.
- F. The Training Instructor and Employment Development Specialist shall work together to prepare Customers for the Education and Career Services Initiatives.
- G. Referred Adult Customers shall develop an Education and/or Career Goal for the Education and Career Services initiative.
- H. The assigned Employment Development Specialist shall regularly monitor and/or evaluate the Customer's progression in the Education and Career Services initiative. This includes requesting for incentives and support services, reviewing and if necessary, updating the Education and/or Career Goal, and contacting the various partners in the initiative (e.g. instructors, employer, etc.).

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- I. During the course of a Customer's participation in the Education and Career Services initiative, the assigned Senior Caseworker or Principal Caseworker and assigned Employment Development Specialist shall maintain regular contact with the Customer to ensure that Customers receives full support as needed.
- J. As necessary, the Senior Caseworker or Principal Caseworker shall arrange for Customer's transportation to the training site.
- K. At the conclusion of the Education and Career Services initiative, the assigned Employment Development Specialist and Training Instructor must meet with the assigned Senior Caseworker or Principal Caseworker to complete an Education and Career Services exit report.

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## SECTION 700: HÓZHÓ K'EH IINÁ (WALK IN BEAUTY)

### 701 PURPOSE

The foundation of the DSR is based on the Navajo values and teachings of living life in harmony and balance, or *Hózhó k'eh iiná*. These Navajo values and teachings have been passed down from one generation to the next, and have helped the Navajo people endure and overcome challenges. With these teachings, the purpose of the DSR is taking on the challenge of “turning the curve” from the cycle of dependence by providing assistance and services that will make a difference in the lives of individuals and families so they can progress toward *Hózhó k'eh iiná*.

### 702 TRANSITIONAL SUPPORT SERVICES

Transitional support may be provided to Customers who are no longer eligible for DSR monthly financial assistance due to obtaining sustainable employment, yet require support to meet necessary and appropriate costs as they transition to self-reliance.

A. When a Customer successfully gains sustainable employment, the assigned DSR caseworker shall determine if the Customer meets eligibility requirements for receipt of Transitional Support Services.

B. Customers must meet the following eligibility criteria to receive Transitional Support Services:

1. At the time of the request, the Benefit Group's DSR monthly assistance case must be closed, or is in the process of being closed, due to employment income exceeding the DSR Payment Standard.

**NOTE:** Employees returning to work after furlough period are ineligible.

2. The adult who obtained employment was a Benefit Group member at the time of case closure.
3. The adult obtaining employment must not have previously received Transitional Support Services.
4. An adult's employment may be verified by one (1) of the following:
  - a. Personnel Action Form or similar employment form from their employer;
  - b. Employment Offer Letter;
  - c. Employment Verification;
  - d. Worksite visit by DSR direct service staff; or
  - e. Contact with the Employer.

5. The employed Benefit Group member's Gross Monthly Income must exceed 100% of the National Poverty Guideline (NPG) for the Benefit Group size, unless justification is provided that the Benefit Group's Gross Monthly Income is sufficient to sustain (meet the basic needs of) the family. For Two-Parent cases, where both parents obtain employment, their combined Gross Monthly Income must exceed 100% of the NPG for the Benefit Group size.

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6. The Family's Gross Monthly Income must not exceed two hundred percent (200%) of the current NPG for the applicable Benefit Group size.
- C. Customers who meet the eligibility criteria may receive a one-time series of Transitional Support Service benefits, for up to three (3) months following closure of their DSR assistance case.
- D. The total amount of the Transitional Support Services benefit shall not exceed three (3) times the Payment Standard for the applicable Benefit Group size.
- E. All members of a Benefit Group approved for Transitional Support Services will be ineligible to receive DSR Monthly Assistance for three (3) months from the date of case closure.

**703 NON-RECURRING, SHORT-TERM, BENEFITS**

- A. Subject to the availability of funds, a Non-Recurring, Short-Term Benefit (NRSTB) may be provided to assist eligible families receiving DSR assistance in addressing a specific crisis or episode of need that will not extend beyond four (4) consecutive months.
- B. Non-Recurring, Short-Term Benefits shall not be provided to meet recurring or ongoing needs.
- C. The amount of Non-Recurring, Short-Term Benefits provided to an eligible benefit group shall not exceed \$1000 in a twelve (12) month period.
- D. Eligibility Criteria to receive Non-Recurring, Short-Term Benefits are:
  1. A Benefit Group must be currently receiving DSR assistance;
  2. A crisis or episode of need must be verified, in writing, and concern one of the following:
    - a. Expenses to temporarily relocate the family, if the family is, or might become homeless due to an unforeseen circumstance such as domestic violence, vandalism, hazardous living conditions, acts of nature, or their home is destroyed by fire.
    - b. Minor repairs to the Benefit Group's primary residence not including major construction activities.
    - c. Housing rental costs to prevent eviction.

**NOTE:** Before a rental payment is authorized, verification must be obtained from the landlord that payment will cancel the eviction.
    - d. Costs to heat or cool the home or for restoring utilities.

**NOTE:** Before a utility payment is authorized, verification must be obtained from the utility company that payment will cancel the disconnection.
    - e. Food, clothing, personal hygiene items, diapers, infant formula, water, bedding, and other basic needs.
    - f. Temporary transportation costs such as a bus pass.

- g. Necessary repairs to a vehicle owned by a Customer.  
**NOTE:** Three (3) estimates for costs of repair and proof of vehicle ownership must be provided prior to any repairs.
  - h. Necessary travel expenses when an immediate family member is hospitalized for an extended period and a Customer's presence is required or necessary.
  - i. Costs to care for a child(ren) who is/are placed with the family by a social services agency or by a Court.
- 3. Other available resources must have been explored and exhausted; and
  - 4. A Benefit Group must not have received a total of \$1000 in Non-Recurring, Short-Term Benefits in the twelve (12) month period preceding the date of request.
- E. The receipt of Non-Recurring, Short-Term Benefits shall not count as a month of assistance toward the time limit and is non-countable income.
  - F. A Customer must submit original receipts for the full amount of the Non-Recurring, Short-Term Benefit provided. If original receipts are not submitted for the full amount of the Non-Recurring, Short-Term Benefit provided, an improper payment packet must be completed and the Customer shall be responsible for repaying the difference.
  - G. Denial of Non-Recurring, Short-Term Benefits is not subject to an appeal.

#### **704 EMERGENCY NON-RECURRING, SHORT-TERM, BENEFITS**

Subject to the availability of funds, an Emergency Non-Recurring, Short-Term Benefit (ENRSTB) may be provided to assist eligible families during a government (federal, state, county or Navajo Nation) declared natural disaster, emergency or pandemic.

##### **A. Eligibility Criteria to receive ENRSTB are:**

- 1. A government (federal, state, county or Navajo Nation) declared natural disaster, emergency or pandemic must be in effect at the time of the request;
- 2. The family must be experiencing an emergency need as a result of the declared natural disaster, emergency or pandemic including, but not limited to, the following:
  - a. Expenses to temporarily relocate the family, if the family is, or might become homeless due to the government declared natural disaster, emergency or pandemic.
  - b. Food, clothing, personal hygiene items, basic household items, water, and other basic needs.
  - c. Minor home repairs.
- 3. The family's Monthly Countable Gross Income must not exceed 250% of the Federal Poverty Guideline for the applicable family size;
- 4. The ENRSTB amount provided to an eligible family shall not exceed \$1000 for each event;

5. Other available resources must have been explored and exhausted; and
6. The family must not have previously received an Emergency Non-Recurring, Short-Term Benefits from the DSR for the same event.

## **705 DIVERSION**

Subject to the availability of funds, the DSR may provide a Diversion Benefits to divert individuals from on-going monthly assistance by removing a barrier(s) that puts their current sustainable employment at risk, or prevents them from accepting a full-time employment offer.

- A. The Eligibility Criteria for receipt of Diversion benefits are:
  1. Must be a Custodial Parent;
  2. Must have at least one (1) minor child;
  3. Must reside in the Service Delivery Area;
  4. Must be part of the Service Population;
  5. Must meet the Residency requirement;
  6. Must be a United States citizen;
  7. Must not have met the DSR Time Limit;
  8. Must not be in a Disqualification period for DSR assistance; and
  9. The Benefit Group's Monthly Countable Gross Income must not exceed 250% of the National Poverty Guideline for the applicable family size.
- B. Written verification must be obtained from the employer that the Applicant will be employed, re-employed or remain employed.
- C. An assessment must be conducted to determine if the Diversion Benefits will remove the barrier(s) putting the family at risk of becoming dependent on governmental benefits.
- D. The amount of the Diversion Benefit shall be the actual amount to remove the barrier or \$2,000, whichever is less.
- E. Eligible families may receive a Diversion Benefit once in a twelve (12) month period.
- F. Customers are exempt from developing a Personal Responsibility Plan and meeting Work Participation Requirements.
- G. Receipt of Diversion Benefits will not count toward an adult's TANF time limit.
- H. All members of a Benefit Group receiving a Diversion Benefits payment will be ineligible to receive DSR Monthly Assistance for a period of three (3) months, beginning on the date the Diversion Benefits payment is issued.
- I. Denials of Diversion Benefits are not subject to appeal.

## SECTION 800: COMPLIANCE

### 801 PURPOSE

It is the purpose of the DSR to establish policies related to compliance with established DSR monthly assistance eligibility criteria, Minimum Work Participation Hours requirement, Personal Responsibility Plan requirements and Customer Due Process as defined in the Tribal Family Assistance Plan.

### 802 PENALTIES

- A. Customers who fail to comply with the following DSR requirements be subject to penalties in accordance with this Section, unless exempted.
1. Develop an initial Personal Responsibility Plan within thirty (30) business days from the date of approval.
  2. Meet the Minimum Work Participation Hours requirement, for a month of assistance they received.
  3. Review and, if necessary, update their Personal Responsibility Plan at least once every four (4) months.
  4. Attend and complete a DSR Customer Orientation within thirty (30) business days from the date of approval.
  5. Complete a TABE within thirty (30) business days from the date of approval.
- B. A Customer shall not be subject to penalty for not meeting the Minimum Work Participation Hours requirement until the month after their Personal Responsibility Plan is developed and implemented.
- C. A penalty will be imposed by reducing a Benefit Group's monthly benefit amount in accordance with 802.E.
- D. Prior to imposing a First Level penalty, a "Written Warning" shall be issued to a Customer. In addition, the assigned Senior Caseworker or Principal Caseworker must make a good faith effort to meet with the Customer to discuss and address the reason(s) for not complying with the applicable DSR requirement.
- A good faith effort is making at least three (3) separate attempts to contact and meet with a Customer by letter, telephone calls, home visits, virtual meeting, fax, or email. Each attempt and method by which a Customer was contacted must be narrated in the Customer's case file.
- E. After issuing a Written Warning, subsequent non-compliance with the applicable DSR requirement will result in imposing a penalty to reduce a Benefit Group's calculated monthly benefit amount in accordance with the following:
1. **1<sup>st</sup> Level:** Reduction of a Benefit Group's eligible monthly assistance amount by 20%;
  2. **2<sup>nd</sup> Level:** Reduction of a Benefit Group's eligible monthly assistance amount by 40%;



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3. **3<sup>rd</sup> Level:** Reduction of a Benefit Group's eligible monthly assistance amount by 60%; and
  4. **4<sup>th</sup> Level:** Reduction of a Benefit Group's eligible monthly assistance amount by 80% until such time the Customer returns to compliance.
- F. Penalties shall be imposed in one (1) month increments until such time a Customer returns to compliance with the applicable DSR requirement.
- G. Customers who return to compliance with the applicable DSR requirement shall have their benefit amount restored to 100% of their approved monthly benefit amount for the next benefit month.
- H. Non-compliance by a Customer who was previously penalized shall be subject to subsequent penalty as follows:
1. If the current non-compliance occurred less than twelve (12) months from the reporting month for which they were previously penalized, the next penalty level must be imposed. For Customers who reached the 4<sup>th</sup> Penalty Level, any subsequent non-compliance with a DSR requirement within twelve (12) months after returning to compliance, will result in reinstatement of the 4<sup>th</sup> Penalty Level.
  2. If the current non-compliance occurred twelve (12) or more months after the reporting month for which they were previously penalized, the enforcement of penalties starts over beginning with a new Written Warning.
- I. Customers must be provided written notification and informed of their appeal rights prior to imposing a penalty. Once the established deadline for requesting an Appeal Review has expired, or a Customer submits a completed and signed *Waiver of Appeal Rights* form or a written confirmation that they have waived their appeal rights, the penalty shall be imposed.
- J. If a Customer's Approval Period expires, or their case is closed, prior to imposing a penalty and a Customer reapplies and is approved to receive DSR assistance less than twenty-four (24) consecutive months after their Approval Period expires, or their case is closed, the imposition of the penalty shall resume at the point it was at the time of case closure or when their Approval Period ended.
- K. If a Customer's Approval Period expires, or their case is closed, prior to imposing a penalty and a Customer's case remains closed for at least twenty-four (24) consecutive months, the penalty shall not be imposed when they reapply and enforcement of penalties starts over beginning with a Written Warning.
- L. Exemptions from penalties must be documented in the Customer's case file:
1. Customers shall not be penalized if they are a single custodial parent caring for a child who is under six (6) years of age and can provide verification of inability (as determined by the DSR) to obtain needed childcare due to one (1) of the following reasons (45 CFR, Part 286, §286.150):

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- a. Appropriate child care is not available within a reasonable commuting distance from the home;
- b. Informal child care by a relative or other arrangements are unavailable or unsuitable; or
- c. Appropriate and affordable formal child care arrangements are unavailable.

**Customers who refuse to engage in work participation activities when acceptable, appropriate and affordable child care is available shall not be protected from a penalty (45 CFR 286.150(b)).**

2. Additional exemptions from penalties must be evaluated and may be granted on a limited and case-by-case basis, including but not limited to, the following:
  - a. Death of an immediate family member;
  - b. Hospitalization of self;
  - c. Hospitalization of an immediate family member requiring the Customer's continuous presence;
  - d. Unforeseen short-term disability; or
  - e. Natural disaster.

The above reasons are not an exhaustive list of possible circumstances for an exemption from penalty.

### **803 INTENTIONAL PROGRAM VIOLATION**

- A. An Intentional Program Violation (Intentional Program Violation) occurs when a Customer intentionally commits one (1) of the following acts for the purpose of becoming eligible for assistance, remaining eligible for assistance, or increasing the amount of financial assistance:
  1. Making a false or misleading statement related to eligibility;
  2. Misrepresenting, concealing or withholding facts;
  3. Failing to report income;
  4. Disposing of assets for the sole purpose of becoming or remaining eligible for assistance; or
  5. Depositing a DSR monthly assistance payment via mobile banking app or device, then depositing or cashing the same check at another venue.
- B. DSR staff must report any potential Intentional Program Violation they suspect, or become aware of, to the DSR Fraud Investigation Unit.
- C. The DSR Fraud Investigation Unit determines if the referral will be accepted for investigation and, if accepted, an investigation will be conducted.
- D. Upon completion of an investigation, DSR Fraud Investigation Unit shall submit written results of a bona fide or non-bona fide investigation to the Field Site Manager whose direct service office served the Customer who was investigated.

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- E. In the event that the DSR Fraud Investigation Unit determines that a Customer may have committed a criminal violation, it will collaborate and coordinate with the appropriate Navajo Nation authorities regarding the matter.
- F. If the DSR Fraud Investigation Unit determines a referral is non-bona fide, no further action will be taken.
- G. A determination by the DSR Fraud Investigation Unit that an Intentional Program Violation was committed by a Customer shall result in all benefit group members being disqualified to receive DSR assistance for a length of time in accordance with the following:
  - 1. Six (6) months for the first offense.
  - 2. Twelve (12) months for the second offense.
  - 3. Permanently for the third offense.
- H. The DSR Fraud Investigation Unit shall provide a written Determination Notice to the head-of-household, by no later than five (5) business days after making the Intentional Program Violation determination, which informs him or her of the Intentional Program Violation determination, the length of disqualification for DSR assistance and their right to appeal the determination.
- I. An Intentional Program Violation Disqualifications shall not be imposed until a Customer's appeal rights have been exhausted.
- J. If a Customer submits a *Request for Appeal Hearing* to appeal the Intentional Program Violation determination, the request will be immediately forwarded to the DSR Hearing Officer who will schedule an Appeal Hearing by no later than ten (10) business days from the date the request is received.

**804 ADVERSE ACTION REVIEW**

- A. Adverse Action Reviews shall be conducted prior to taking the following proposed adverse actions:
  - 1. Denial
  - 2. Case Closure
  - 3. Decrease
  - 4. No Payment
  - 5. Penalty.
- B. Proposed actions subject to Adverse Action Review must be thoroughly reviewed by a Field Site Manager or Principal Caseworker prior to initiating the action, with the exception of Certified Overpayments and Intentional Program Violation closures and disqualifications.
- C. An adverse action proposed by a Principal Caseworker must be reviewed by a Field Site Manager.

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- D. An adverse action proposed by a Field Site Manager must be reviewed by a Field Site Manager from another DSR direct service office.
- E. If a Field Site Manager and all Principal Caseworkers at a local direct service office have a direct or apparent conflict of interest, a Field Site Manager or Principal Caseworker from another DSR direct service office must conduct the proposed adverse action review.
- F. Adverse Action Reviews must be conducted within three (3) business days from the date of receiving a Customer's case record to determine if the proposed adverse action is correct and justified.
- G. If a Field Site Manager or Principal Caseworker determines a proposed adverse action is correct and justified, the staff, who initiated the proposed action, must provide a written decision notice, which includes appeal rights, to the Customer within three (3) business days from the review date.
- H. If a Field Site Manager or a Principal Caseworker determines the proposed action is incorrect and/or not justified, the case record will be returned to the direct service staff who made the decision immediately with recommendations to bring the case record into compliance in accordance with Sections 809 and 815 of this Policy.
- I. A Customer has the right to appeal the adverse action decision and request for an Appeal Hearing pursuant to Sections 807, and 808 of this Policy.

**805 ADVANCE WRITTEN NOTIFICATION**

- A. Customers must be provided written notification for any of the following decisions:
  - 1. Approval or Denial of an *Application for Assistance*;
  - 2. Case Closure;
  - 3. Monthly Assistance Payment Increase;
  - 4. Monthly Assistance Payment Decrease;
  - 5. No Payment for the next benefit month;
  - 6. Disqualification;
  - 7. Imposing a Penalty;
  - 8. Underpayment or Overpayment; or
  - 9. Changes or Requests Affecting Benefit Group Size.
- B. Customers have twenty (20) business days to dispute a decision before it is implemented, unless one (1) of the following exceptions applies, then the action may be implemented prior to the end of the appeal period:
  - 1. A favorable decision to approve a Customer's application or increase a Benefit Group's monthly assistance amount;

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2. The head-of-household submits a completed and signed *Waiver of Appeal Rights* form, or a written confirmation that they have waived their appeal rights;
  3. The head-of-household voluntarily closes their case or voluntarily removes a Benefit Group member from their case, using the *Voluntary Withdrawal/Closure/Removal* form, waiving their appeal rights;
  4. The head-of-household submits a *Withdrawal of Request for Appeal Hearing* waiving their appeal rights prior to a decision being made on the Appeal;
  5. An overturned decision;
  6. A Benefit Group or Benefit Group member who relocates outside the Service Delivery Area (Section 309. B. of this Policy). The case shall close effective on the last day of the month in which the Benefit Group or a Benefit Group member relocated;
  7. Upon verification of the death of the head-of-household, the designated next-of-kin shall be informed of the case closure and given an opportunity to apply on behalf of the minor child(ren), if applicable; or
  8. A Needy Family's income type and income amount are the same as the previous month.
- C. If a Customer does not submit a *Request for Appeal Hearing* by the close of business on the last day of the twenty (20) business day appeal period, the decision shall be implemented.

**806 CASE CLOSURE**

- A. Pursuant to Section 804 of this Policy, all proposed case closures, with the exception of Intentional Program Violation disqualifications, shall be reviewed by a respective Field Site Manager or Principal Caseworker prior to being initiated.
- B. A Benefit Group's case may be closed for one (1) of the following reasons:
  1. Disqualification
    - a. Intentional Program Violation.
    - b. Fleeing to avoid prosecution, custody or confinement after conviction for a crime or an attempt to commit a crime that is a felony under Federal or State law, which must be verified by the DSR Fraud Investigation Unit.
    - d. Violating a condition of probation or parole imposed under Federal or State law, which must be verified by the DSR Fraud Investigation Unit.
    - e. Double Presentment of a DSR assistance payment.
  2. A Benefit Group no longer meets all of the eligibility criteria (Non-Financial, Financial, and if applicable, Supplemental) for receipt of DSR assistance.

3. Voluntary Closure

A Customer's request for voluntary closure must be submitted in writing using the *Voluntary Withdrawal/Closure/Removal Request* form or a signed written request which includes a statement they are waiving their appeal rights.

4. Failure to submit a Monthly Change Report for two (2) consecutive months.

5. Failure to cooperate with a Fraud Investigation Unit Investigator who is conducting an investigation of a potential Intentional Program Violation.

6. Death of the head-of-household.

7. Change in the head-of-household consistent with Section 306 of this Policy.

8. Expiration of Certification Period and no submittal of re-application.

C. Customers must be provided written notice and provided twenty (20) business days to appeal a decision to close their case or a Customer must submit a completed and signed *Waiver of Appeal Rights* form before a case closure is implemented.

## 807 APPEALS AND CUSTOMER DUE PROCESS

The DSR respects and advocates for Customers to exercise their appeal rights to dispute a decision or adverse action made on their application or case. The following due process must be followed:

A. A head-of-household may appeal a decision made regarding their application or case by submitting a *Request for Appeal Hearing* form to any DSR office within twenty (20) business days from the postmark date on their decision notice.

B. If a head-of-household is appealing more than one (1) decision, he or she must submit separate requests for each decision he or she is appealing, and separate Appeal Hearings must be scheduled.

C. A head-of-household may withdraw his or her appeal request by submitting a *Withdrawal of Appeal Hearing Request* form to any DSR office at any time prior to the Appeal Hearing decision being rendered.

D. If a head-of-household is withdrawing more than one (1) appeal, he or she must submit a separate *Withdrawal of Appeal Hearing Request* forms for each appeal he or she is withdrawing.

E. By submitting a *Withdrawal of Appeal Hearing Request* form, a head-of-household acknowledges the original decision will be implemented immediately, and they have waived their right to an appeal.

## 808 APPEAL HEARING

A. Appeal Hearings shall be conducted by the DSR Hearing Officer to provide an opportunity for Customers who disagree with a decision made regarding their application or case to provide information and documents to support their appeal.

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- B. The DSR office receiving a Customer's *Request for Appeal Hearing* form must forward the request to the DSR Hearing Officer within one (1) business day from the date it is received.
- C. The DSR Hearing Officer must contact the head-of-household within two (2) business days after receiving the *Request for Appeal Hearing* form to schedule the date, time and location of the appeal hearing, and notify the applicable Field Site Manager of the scheduled appeal hearing.
- D. The DSR Hearing Officer must conduct an Appeal Hearing, render a decision and provide written notification to the Customer, by no later than ten (10) business days from the date the *Request for Appeal Hearing* form is received from the local DSR office.
- E. If a head-of-household fails to appear for their scheduled appeal hearing and they do not reschedule before the close of business on the day of the scheduled hearing, the decision being appealed will be final.
- F. A head-of-household may reschedule their appeal hearing only one-time by contacting the DSR Hearing Officer, in person, by phone, by e-mail, or by fax, before the close of business on the day of the scheduled hearing.
- G. If the DSR Hearing Officer overturns the decision:
  - 1. The DSR Hearing Officer must notify the Field Site Manager, in writing, within three (3) business days from the appeal hearing decision;
  - 2. The Field Site Manager must work with the applicable Caseworker, Senior Caseworker or Principal Caseworker to self-correct the case management error and notify the head-of-household, in writing, of the correction within three (3) business days from the date the appeal hearing decision notice is received from the DSR Hearing Officer; and
  - 3. In addition to the self-correction, the Field Site Manager must develop an Individual Performance Improvement Plan with the applicable staff within three (3) business days from the date the appeal hearing decision is received.
- H. If the DSR Hearing Officer upholds the decision, the DSR Hearing Officer must notify:
  - 1. The respective Field Site Manager within one (1) business day from the appeal hearing decision; and
  - 2. The head-of-household, in writing, within three (3) business days from the date of the decision; and
  - 3. The respective Field Site Manager, Caseworker, Senior Caseworker or Principal Caseworker whose decision or action is being appealed.
- I. The decision of the DSR Hearing Officer shall be final, with no further appeals.

**809 INTERNAL REVIEWS**

Case reviews shall be conducted to ensure accuracy and compliance with the requirements of Public Law 104-193, 45 CFR Part 286, the Navajo Nation Tribal Family Assistance Plan, and DSR Pathway to Self-Reliance Policy Manual. Errors discovered during an Internal Review shall be remedied to prevent future errors. If an error or incorrect decision was made, the staff who made the error shall be responsible to correct the error immediately, unless that staff is no longer employed with the DSR. The Field Site Manager shall ensure that corrective action is taken.

**810 DATA COLLECTION AND REPORTING**

Complete and accurate information shall be collected and reported by the established due date to comply with 45 CFR Part 286, Subpart E – Data Collection and Reporting Requirements.

**811 PROGRAM INTEGRITY**

To protect the DSR’s integrity, all potential internal and external fraudulent activities shall be investigated. In addition, all DSR staff are subject to a background check and must obtain a favorable result for continued employment.

**812 RECORDS MANAGEMENT**

All case records shall be maintained in accordance with applicable Federal and Navajo Nation laws, regulations, and internal records management procedures, including scanning and paperless efforts.

**813 PROFESSIONAL ETHICS AND STANDARDS**

Each DSR staff shall strictly adhere to the DSR’s Professional and Ethical Standards of Employee Conduct and the Navajo Nation Access to Information and Privacy Act to uphold the integrity of the DSR and protect the confidentiality of DSR Customers.

**814 IMPROPER PAYMENTS**

All Potential Improper Payments, including a payment that should not have been made or that was made in an incorrect amount, shall be handled in accordance with the DSR Improper Payment Procedures.

**815 CASE MANAGEMENT VIOLATIONS**

If a DSR staff determines an error or incorrect decision was made, the staff who made the error is responsible to correct the error immediately, unless the staff is no longer employed with the DSR. The Supervisor shall ensure corrective action is taken.



**SECTION 900: GLOSSARY**

**901 PURPOSE**

This section defines the words, terms and acronyms used in this Policy Manual may differ from the terms or words as used by the general public.

**902 DEFINITIONS**

Acceptable

Attendance: An attendance rate of at least 80% during a grading period.

Achievement Award: An incentive that is provided as a monetary award to a Benefit Group member who has achieved an established educational or employment goal.

Adoptive Parent: A person, who legally adopts a child, and has legal documentations, such as a court order, to display such adoption.

Adult: An individual who is eighteen (18) years of age or older, or a child under eighteen (18) years of age emancipated by a court of competent jurisdiction.

Appeal: A written request made by the head-of-household of a DSR benefit group to request a review of a decision made on their DSR application or assistance case.

Appeal Hearing: An informal proceeding where a Customer, who is appealing a decision or adverse action made on their application or case, has an opportunity to provide information and documents to support their position that the decision made was wrong or unfair.

Applicant: An individual who submits an application requesting DSR assistance or services, whether they are included in the request or not.

Application: The form, *Application for Assistance*, which is completed and submitted to apply for DSR assistance. The application must include, at minimum, the Applicant's name, Social Security Number, Date of Birth, Mailing Address, Physical Residential Address, and signature.

Asset: Funds in a checking or savings account.

Benefit Group: Members of a Needy Family who meet eligibility requirements for receipt of DSR assistance, who are included in the benefit payment amount, and whose income and resources are considered in determining eligibility for DSR assistance.

Benefit Month: A month for which a Customer is approved to receive a monthly assistance payment.

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Biological Parent:	A parent, who has conceived (biological mother) or sired (biological father), a child and whose genes are therefore transmitted to the child.
Business Day:	A day the Navajo Nation offices are open for regular business, Monday to Friday, 8:00 a.m. to 5:00 p.m.
Caretaker:	An adult, other than the biological or adoptive Parent(s) of a minor child, who has Legal Guardianship/Custody of the minor child(ren) on whose behalf they are applying, unless a time-limited exception applies as provided in Section 310.
Case Staffing:	A meeting, involving two (2) or more SR staff, to develop and enhance case management and services provided to Customers. Case staffing may include, but is not limited, to reviewing formal and informal assessments, developing strategies to address barriers and issues, identifying appropriate Customer work activities and resources, reviewing and updating Customer goals and objectives, and reviewing Customer progression.
Certification Period:	The number of months for which a household is certified to receive benefits.
Common-Law Marriage:	A marriage as defined by 9 N.N.C. § 4(E) that meets the following four (4) necessary elements: 1) a present intention of the parties to be husband and wife; 2) a present consent between the parties to be husband and wife; 3) actual cohabitation; and 4) an actual holding out of the parties within their community to be married. This does not include marriage through 9 N.N.C. § 4(A)-(D).
Custodial Parent:	A biological or adoptive parent who has physical custody of, and is responsible for the care of, their minor child(ren).
Customer:	An eligible individual receiving DSR assistance and services.
Decision Notice:	Written notification provided to a Customer explaining a decision made on their DSR application or assistance.
Double Presentment:	Cashing or depositing the same check twice, where the check is deposited via mobile device, then the paper check is cashed or is deposited in a different bank as well.
Due Process:	A Customer's right to be provided written notification of a decision made on their DSR application for assistance or case; be provided twenty (20) business days to appeal the decision before the decision is implemented; and an opportunity to be heard.

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Emancipation:	The legal court process that allows a minor under the age of 18 years to assume responsibility for their own welfare. When a minor becomes emancipated, their parent(s) is/are no longer legally obligated to support the minor.
Employee:	A person employed for wages or salary at a non-executive level, which includes blue collar, white collar, artisan, hired-hand, hired man, hired help, or personnel workforce.
Employer:	A person or organization that employs and compensates individuals.
Employment Income:	Income, excluding in-kind service, received as wages, salaries or commission from employment by another.
Exclusion:	An individual who is not included in a Benefit Group.
Exemption:	Release or excused from having to comply with a DSR requirement for a specified period, due to a justifiable reason or special circumstance.
Federally Designated Near Reservation Community:	A community designated as a “Near Reservation” location pursuant to Federal Register Vol. 44 No. 9, Friday January 12, 1979, page 2693.
Financial Assistance:	A monthly payment provided to meet a benefit group’s on-going basic needs; non-assistance benefit payments provided to eligible families; and supportive services provided to benefit group members participating in authorized work participation activities.
Fraud:	Intentional false representation of facts through deceit or omission that results in the approval of benefits the Customer was not entitled to receive.
Full-Time Employment:	Employment for an average of 32 or more hours per week during a month.
Full-Time Student:	An individual enrolled in an institution of learning and enrolled in the appropriate number of hours of instruction deemed as full time by the individual institution.
Gift:	A donation in the form of cash, other financial instruments, or goods that are given voluntarily without requiring something in return.

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Good Faith Effort:	Making a reasonable effort to comply with a provision(s) of this policy. For Quality Case Management purposes, making at least three (3) separate attempts at different times, preferably on different days, to contact and meet with a Customer by letter, telephone calls, home visits, virtual meeting, fax or e-mail.
Gross Income:	The total amount of countable earned or unearned income a person receives from all sources before any deductions.
Head-of-Household:	The individual designated to apply on behalf of the Needy Family who shall represent, and is responsible for, the Benefit Group.
Household:	Individuals living together and functioning as a unit, with a head of household who may or may not be related to the members of the household.
Incentive:	A monetary award to encourage and motivate Benefit Group members to succeed in their education and employment and/or completion of their Personal Responsibility Plan education goals, which is dependent on the availability of funds.
Immediate Relative:	An individual who is related by <b>blood, legal marriage, or adoption</b> , as: father; mother; son; daughter; brother; sister; grandmother; grandfather; uncle; aunt; husband; wife; stepfather; stepmother; stepson; stepdaughter; stepsister; stepbrother; half-brother; or half-sister.
Income:	Money received from employment, benefit, property, winnings from gaming, in-kind goods or services, gifts, contributions, or other sources available to meet basic needs and expenses.
In-Kind Income:	Compensation received in non-monetary form (e.g. room and board, jewelry, food, household goods, livestock, wood/propane, or vehicle maintenance, etc.) for a service(s) performed that is not converted to cash.
Intake Month:	The calendar month in which a <i>DSR Application for Assistance</i> is received and accepted.
Legal Custody:	An individual, other than the legal parent, who has been appointed by a court of competent jurisdiction as having custody of a minor child.
Legal Marriage:	The matrimonial union of two (2) individuals through a legal commitment; religious ceremony; or a traditional ceremony; or a Common-Law Marriage; and all such marriages meet the requirements of 9 N.N.C. §§ 4 and 5.

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Legal Parent:	A parent listed on a child's birth certificate; or a parent for whom paternity has been established by a court, paternity test or by a signed and notarized Acknowledgement of Paternity; or a legal adoptive parent. An individual whose Parental Rights have been terminated by a court is not considered a Legal Parent.
Long-Term:	Continuous for at least six (6) months.
Mandatory Deductions:	Deductions from income that are required by law, Court Order or Garnishment, such as: Federal and State Withholding Taxes; Federal Insurance Contributions Act Tax; Medicare; health and medical Insurance Premiums; Child Support; alimony payments; and court ordered restitution payments.
Minor Child:	An individual under the age of eighteen (18) years of age; or an individual who has not attained nineteen (19) years of age and is a full-time student in secondary school.
Minor Parent:	An individual who has not attained eighteen (18) years of age, is not emancipated, and is the custodial parent of a minor child.
National Poverty Guideline:	The federal poverty measure, issued annually by the U.S. Department of Health and Human Services, which is used to determine financial eligibility for certain federal programs.
Needy Family:	A group of individuals, which includes at least one (1) minor child living together under one (1) head of household, and whose countable Gross Monthly Income does not exceed 200% of the federal poverty guideline for the applicable family size and meets all other eligibility criteria established for receipt of DSR assistance.
Net Income:	The total amount of income that is available after mandatory deductions are made from gross income.
Overpayment:	A payment made to a Benefit Group that is certified as exceeding the amount the Benefit Group was eligible to receive.
Overturn Decision:	The act or process made by an authorized DSR employee by reversing any decision that is incorrect, improper, or not justified regarding a Customer's application and/or benefits.
Payment Standard:	The DSR Benefit Group's monthly assistance amount based on the Benefit Group size.
Penalty:	A reduction of a Benefit Group's monthly assistance amount imposed due to failure to comply with a DSR requirement.

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Per Capita Payment:	A distribution of Tribal funds or royalties per individual tribal member as established by individual tribes.
Post-Secondary:	Education and/or training after high school.
Prospective-Prospective-Retrospective:	The concept used to determine an eligible Benefit Group's assistance amount. The countable income the Benefit Group anticipates (Prospective) or receives (Retrospective) in the Income Month is used to determine their monthly assistance amount.
Reporting Month:	The month for which a Customer is required to meet the Minimum Work Participation Hours requirement due to receiving DSR assistance for that month.
New Application:	An application submitted by a head-of-household who is applying for DSR assistance for the first time or an application submitted by a head-of-household who previously received DSR assistance but has had a break in assistance of more than two (2) months of assistance.
Prospective:	For new applications, using the amount of income the Benefit Group anticipates or expects during the Intake Month to determine the Benefit Group's eligibility and, if eligible, to determine the Benefit Group's monthly assistance payment amount for the first two months of assistance.
Retrospective:	After the first two (2) months of assistance is provided, a Benefit Group's eligibility and monthly assistance amount is determined using the actual income the Needy Family received two (2) months before the Benefit Month (e.g. the monthly assistance amount for the Benefit Month of October is determined using the actual income received in August).
Resources:	Monetary or non-monetary types which may include but not limited to: income, revenues, assets, properties, other services, other benefits and valuables that are or could be available to a DSR Customer.
Residence:	A physical location where a Customer currently resides which may include, but not limited to, a hogan, mobile home, house, apartment, vehicle, or shelter.
Secondary School:	High school (Grades 9 through 12) or an educational institution where an individual can pursue obtaining a High School Equivalency Diploma.
Self-Employment:	Operating one's own business.

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**Self-Employment**

**Income:** Income received from operating one's own business where the usual employment withholdings (e.g. Federal/State Taxes, Self Employed Contributions Act Tax and Medicare) are not deducted from the income.

**School Age:** A minor child between five (5) and eighteen (18) years of age.

**Self-Reliance:** A state or goal a family pursues to prepare the adults for employment and/or prevent the future dependence of the minor children on governmental benefits.

**Service Delivery**

**Area:** The geographic area served by the DSR, as defined in the Navajo Nation's approved Tribal Family Assistance Plan.

**Service Population:** All families living on the Navajo Nation, including trust lands. Additionally, families living within the city limits of a designated near-reservation community where a head-of-household or a Benefit Group member has a Navajo Census Number.

**Stepparent:** A Custodial Parent's spouse who is not the biological or adoptive parent of the Custodial Parent's child(ren).

**Stipend:** A payment provided to reimburse Customers for out-of-pocket expenses (e.g. transportation/fuel, meals, etc.) incurred while participating in a Work Experience placement to gain knowledge, skills and experience in their chosen career goal.

**Subsidized Private**

**Employment:** Employment in the private sector for which the employer receives a subsidy from TANF or other public funds to offset some or all of the wages and costs of employing an individual.

**Subsidized Public**

**Employment:** Employment in the public sector for which the employer receives a subsidy from TANF or other public funds to offset some or all of the wages and costs of employing an individual.

**Support Service:** A service that removes a barrier to employment or education/training, provided to a Benefit Group member engaged in an approved work participation activity.

**Sustainable**

**Employment:** Employment at a wage which meets or exceeds the National Poverty Guideline amount for the applicable Benefit Group size, unless justification is provided that the Benefit Group's Gross Monthly Income is sufficient to sustain (meet the basic needs of) the family.

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- Terminated Income:** Income that was received regularly (daily, weekly, bi-weekly, or monthly) that is no longer received. If the last pay check was received prior to the date a new application is submitted, it is considered non-countable. If a check is received after the date of application, then the income is considered countable in the Income Month. Termination Income does not apply to on-going cases.
- Termination of Parental Rights:** An individual whose Parental Rights have been severed by a court of a competent jurisdiction. The individual is not considered a Custodial Parent.
- Time Limit:** The maximum number of Countable Months of DSR assistance (whether or not consecutive) that can be provided to an adult, unless a Hardship Exemption is granted.
- Underpayment:** A payment made to a benefit group that is certified as being less than the amount the benefit group was eligible to receive.
- Upheld Decision:** The act or process made by an authorized DSR employee by supporting any decision that is correct, proper and justified regarding a customer's application and/or benefit assistance.
- Unsubsidized Employment:** Employment whether the employer is responsible for all employment related expenses, including salary, wages, insurance, and benefits.
- Welfare Reform:** The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) which eliminated Aid to Families with Dependent Children's open-ended entitlement and created a block grant for states and tribes to provide time-limited assistance for needy families, with work requirements for most recipients.

**ATTACHMENTS:**

- A. Designated Near Reservation Communities
- B. Navajo Nation Privacy and Access to Information Act



## **EXHIBIT A:**

**Federally Recognized Near Reservation Communities**

## **FEDERALLY RECOGNIZED NEAR RESERVATION COMMUNITIES**

Pursuant to Federal Register Vol. 44 No. 9, Friday January 12, 1979, pp. 20934, the Recognized Near Reservation Communities for the Navajo Nation are:

### Within the State of Arizona

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

### Within the State of New Mexico

- Farmington
- Aztec
- Bloomfield
- Magdalena
- Cuba
- Kirtland
- Grants
- Milan
- Socorro
- Gallup

## **EXHIBIT B:**

**Navajo Nation Privacy and Access to Information Act**

RESOLUTION OF THE  
NAVAJO NATION COUNCILAdopting the Navajo Nation Privacy and Access to Information Act

## WHEREAS:

1. Pursuant to 2 N.N.C. §102 (A) and (B), the Navajo Nation Council is the governing body of the Navajo Nation and all powers not delegated are reserved to the Navajo Nation Council; and

2. Pursuant to 2 N.N.C. §341, the Government Services Committee of the Navajo Nation Council is established and continued as a standing committee of the Navajo Nation Council with the authority to monitor and coordinate the activities of all divisions and departments of the Executive Branch. In addition, pursuant to 2 N.N.C. §343 (B) (5), the Committee is authorized to recommend legislation to the Navajo Nation Council on matters within the Committee's jurisdiction; and

3. The Government Services Committee of the Navajo Nation Council, by Resolution GSCAP-27-99, attached hereto and incorporated herein as Exhibit "B", has recommended that the Navajo Nation Council adopt the Navajo Nation Privacy and Access to Information Act, set forth at 2 N.N.C. Subchapter 4, §§81-91; and

4. Pursuant to 2 N.N.C. §571, the Judiciary Committee of the Navajo Nation Council is established and continued as a standing committee of the Navajo Nation Council with oversight responsibilities for the operation of the Judicial Branch. In addition, pursuant to 2 N.N.C. §574 (E) (2), the Committee is authorized to review legislation and make recommendations regarding any proposed or current laws, procedures and regulations affecting or creating any impact on the Judicial Branch; and

5. The Judiciary Committee of the Navajo Nation Council, by Resolution JCAP-4-99, attached hereto and incorporated herein as Exhibit "C", has recommended that the Navajo Nation Council adopt the Navajo Nation Privacy and Access to Information Act, set forth at 2 N.N.C. Subchapter 4, §§81-91; and

6. The Navajo Nation Council recognizes that a democratic form of government requires that information related to government operations be accessible to the public, while respecting individuals right to privacy. As such, a generally applicable Navajo Nation Privacy and Access to Information Act is necessary to provide the general public with a means to access records and information relating to the operation of the Navajo Nation while preserving the privacy interests of individuals and entities.

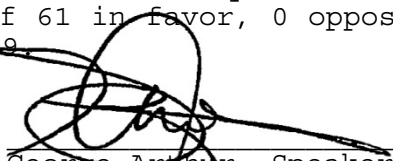
## NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Nation Council hereby amends Title 2 of the Navajo Nation Code by adopting the Navajo Nation Privacy and Access to Information Act, as provided in Exhibit "A", attached hereto and incorporated herein.

2. The amendments contained in this resolution shall become effective upon the certification of this resolution by the Speaker of the Navajo Nation Council.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 61 in favor, 0 opposed and 0 abstained, this 23rd day of April 1999.

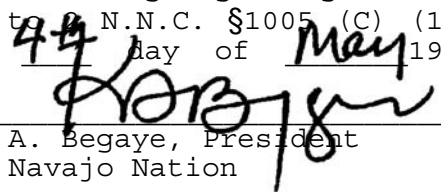
  
George Arthur, Speaker Pro Tem  
Navajo Nation Council

APR 26 1999  
Date Signed

Motion: Ralph Bennett  
Second: Nelson Gorman, Jr.

ACTION BY THE NAVAJO NATION PRESIDENT:

I hereby give notice that I will not veto the foregoing legislation, pursuant to N.N.C. §1005 (C) (10), on this 24 day of May 1999.

  
Kelsey A. Begaye, President  
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10), this \_\_\_ day of \_\_\_\_\_, 1998 for the reason(s) expressed in the attached letter to the Speaker.

\_\_\_\_\_  
Kelsey A. Begaye, President  
Navajo Nation

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## Title 2. Navajo Nation Government

### Chapter 1. Establishment

#### Subchapter 4. Privacy and Access to Information

##### §81. Short Title

This Act shall be referred to as the "Navajo Nation Privacy Act."

##### §82. Declaration of Public Policy

The Navajo Nation Council finds and declares it the policy of the Navajo Nation that a democratic form of government requires that information related to government operations be accessible to the public, while recognizing that individuals have a right to privacy. It is the intent of the law that the general public be provided a means to access records and information relating to the operation of the Navajo Nation while preserving the privacy interests of individuals and entities.

##### §83. Definitions

As used in this subchapter:

- A. "*Governmental entity*" means any administrative, advisory, executive judicial or legislative office or body of the Navajo Nation or its political subdivisions, including without limitation all commissions, corporations and other instrumentalities whose boards of directors are appointed or elected by the Navajo Nation or its political subdivisions. Governmental entity includes all quasi-judicial bodies and all standing, special or advisory committees or subcommittees of, or appointed by, the Navajo Nation to carry out the public's business.
- B. "*Person*" means any individual, nonprofit or profit corporation, partnership, sole proprietorship or other type of business organization.
- C. "*Protected record*" means any record containing data on persons or governmental entities that is private or otherwise protected as provided by 2 N.N.C. § 85.
- D. "*Public record*" means any record that is not private or otherwise protected and that is not exempt from disclosure as provided in 2 N.N.C. § 84.
- E. "*Record*" means all books, letters, documents, papers, maps, plans, photographs, films, cards, tapes, recordings, electronic data or other documentary materials regardless of physical form or characteristics which are prepared, owned, received or retained by a governmental entity and where all of the information in the original is reproducible by photocopy or other mechanical or electronic means. "Record" does not mean:
  1. Materials that are legally owned by an individual in his private capacity;
  2. Materials to which access is limited by the laws of copyright or patent unless the copyright or patent is owned by a governmental entity;
  3. Junk mail or commercial publications received by a governmental entity or an official or employee of a governmental entity;
  4. Books and other materials that are cataloged, indexed or inventoried and contained in the collections of libraries open to the public;
  5. Daily calendars and other personal notes prepared by the originator for the originator's personal use or for the personal use of an individual for whom he is working;
  6. Computer programs that are developed or purchased by or for any governmental entity for its own use; or
  7. Notes or internal memoranda prepared as part of the deliberative process by a member of the judiciary or any other body charged by law with performing a quasi-judicial function.
- F. "*Right to Privacy*" means the right of a person to be free from unwarranted intrusion by a governmental entity.

##### §84. Records that must be disclosed:

- A. The following records are public except to the extent they contain information expressly permitted to be treated as protected as provided for 2 N.N.C. § 85:
  1. Laws;
  2. Names, gender, job titles, job description, business addresses, business telephone numbers, number of hours worked per pay period, dates of employment, relevant

education, previous employment and similar job qualifications of the governmental entity's current and former employees and officers excluding:

- a. Undercover law enforcement personnel; and
  - b. Investigative personnel if disclosure could reasonably be expected to impair the effectiveness of investigations or endanger any individual's safety.
3. Inter-office memoranda;
  4. Final opinions, including concurring and dissenting opinions, and orders that are made by a governmental entity in an administrative, adjudicative or judicial proceeding except that if the proceedings were properly closed to the public, the opinion and order may be withheld to the extent that they contain information that is protected;
  5. Final interpretations of statutes or rules by a governmental entity;
  6. Information contained in or compiled from a transcript, minutes or report of the open portions of a meeting, excluding executive sessions, of a governmental entity, including the records of all votes of each member of the governmental entity;
  7. Judicial records unless a court orders the record to be restricted under the rules of civil or criminal procedure or unless the records are protected under this subchapter;
  8. Records filed with or maintained by governmental entities that give public notice of:
    - a. Titles or encumbrances to real property, including homesite permits, land use permits and grazing permits; or
    - b. Restrictions on the use of real property.
  9. Records filed with or maintained by governmental entities that evidence incorporations, name changes and uniform commercial code filings;
  10. Documentation of the compensation that a governmental entity pays to a contractor or private provider; and
  11. Data on individuals that would otherwise be protected under this subchapter if the individual who is the subject of the record has given the governmental entity written permission to make the records available to the public.
- B. The following records are normally public, but to the extent that a record is expressly exempt from disclosure, access may be restricted under 2 N.N.C. § 85:
1. Administrative staff manuals, instructions to staff and statements of policy;
  2. Records documenting a contractor's or private provider's compliance with the terms of a contract with a governmental entity;
  3. Contracts entered into by a governmental entity;
  4. Any account, voucher or contract that deals with the receipt or expenditure of funds by a governmental entity;
  5. Correspondence by and with a governmental entity in which the governmental entity determines or states an opinion upon the rights of the Nation, a political subdivision, the public or any person;
  6. Empirical data if contained in drafts if:
    - a. The data is not reasonably available to the requester elsewhere in similar form; and
    - b. The governmental entity is given a reasonable opportunity to correct any errors or make non-substantive changes before release.
  7. Drafts that are circulated to anyone other than a governmental entity, a federal agency if the governmental entity and the federal agency are jointly responsible for implementation of a program or a contractor or private provider;
  8. Drafts that have never been finalized but were relied upon by the governmental entity in carrying out action or policy;
  9. Arrest warrants after issuance, except that, for good cause, a court may order restricted access to arrest warrants prior to service;
  10. Search warrants after execution and filing of the return, except that, for good cause, a court may order restricted access to search warrants prior to trial;
  11. Records that would disclose information relating to formal charges or disciplinary action against a past or present governmental entity employee if:
    - a. The disciplinary action has been completed and all time periods for administrative appeal have expired; and
    - b. The formal charges were sustained.



- C. The list of public records in this section is not exhaustive and should not be used to limit access to records.

**§85. Protected records**

- A. The following records are private or otherwise protected and shall not be considered public for purposes of required disclosure:
1. Records concerning an individual's eligibility for social services, welfare benefits or the determination of benefit levels;
  2. Records containing data on individuals describing medical history, diagnosis, condition, treatment, evaluation or similar medical data, including psychiatric or psychological data;
  3. Records concerning a current or former employee of, or applicant for employment with, a governmental entity that would disclose that individual's home address, home telephone number, social security number, insurance coverage, marital status or payroll deductions;
  4. Records concerning a current or former employee of, or applicant for employment with, a governmental entity, including performance evaluations and personal status information such as race, religion or disabilities, but not including records that are public under 2 N.N.C. § 84(A)(2) or (B)(11);
  5. Records describing an individual's finances, except that the following are public:
    - a. Records described in 2 N.N.C. § 84(A);
    - b. Navajo Nation Economic Disclosure Statements filed with the Ethics and Rules Office by elected public officials and candidates for elected public office, pursuant to 2 N.N.C. § 3762;
    - c. Loan applications for Navajo Nation loans to elected public officials and appointed public officials submitted to the Government Services Committee for approval, pursuant to Section 7(c) of the Personal Loan Operating Policies and Guidelines, approved by Resolution CLO-19-88; or
    - d. Records that must be disclosed in accordance with another statute or duly adopted rules and regulations of a governmental entity.
  6. Attorney-client privileged information, materials and work-products, including the mental impressions or legal theories of an attorney or other representative of a governmental entity;
  7. The negotiating position of the Navajo Nation before a contract, lease or other agreement is entered into;
  8. Records prepared by or on behalf of a governmental entity solely in anticipation of litigation that are not available under the rules of discovery;
  9. Information, research and discussions conducted by the public bodies of the Navajo Nation during executive sessions;
  10. Memoranda prepared by staff and used in the decision-making process by a judge or a member of any other body charged by law with performing a Quasi-judicial function;
  11. Information received in response to an invitation for bids or request for proposals before a contract is awarded. Such information will also remain unavailable to the general public after a contract is entered into provided that the information contained in the bid or proposals is proprietary in nature or otherwise to remain confidential at the request of the person submitting the bid or proposal;
  12. Information contained within or related to a contract, lease or other agreement which is proprietary in nature or otherwise to remain confidential at the request of any party to the contract, lease or other agreement;
  13. Records of a governmental audit agency relating to an ongoing or planned audit until the final audit is released;
  14. Records which are sealed or otherwise protected by court order due to the sensitive nature of the record in which the privacy interest of the person outweighs the public interest in the information;
  15. Records to which access is restricted pursuant to court rule or as a condition of participation in a state or federal program or for receiving state or federal funds;
  16. Drafts, unless otherwise classified as public;
  17. Information related to the location of an individual member of any threatened or endangered species, such that that individual member could be placed further at risk;

18. Information which cannot be released without interfering with an individual's right to exercise or practice his chosen religion;
  19. Information otherwise protected by applicable laws;
  20. Other records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy.
- B. Upon request, a governmental entity shall disclose a private or otherwise protected record as provided for in 2 N.N.C. § 86.

#### **§86. Access to protected documents**

Upon request, protected records will be available for disclosure as follows:

- A. Information shall be available for criminal and civil law enforcement for prosecution purposes, internal audit, as a result of a court order, to further an individual's medical treatment and to address public health needs.
- B. Information relating to an individual shall be available to the individual who is the subject of the record, or if a minor, shall be available to the parent or guardian subject to any applicable court order.
- C. Individual records may be released to third parties with the written permission, by means of a notarized release, of the individual who is the subject of those records, or his or her parent or legal guardian if a minor.
- D. Individual records may be used for statistical and other purposes provided that any information which could be used to identify the individual specifically is removed or withheld.
- E. Information about an individual will always be available to other Navajo Nation governmental entities subject to the general restrictions above.
- F. Before releasing a protected record, the governmental entity shall obtain evidence of the requester's identity.
- G. Before releasing a protected record, the governmental entity shall inform the requester that he or she is prohibited from disclosing or providing a copy of the protected record to any other person and shall obtain the requester's written acknowledgment of this prohibition.

#### **§87. Segregation of records**

- A. Notwithstanding any other provision in this subchapter, if a governmental entity receives a request for access to a record that contains both information that the requester is entitled to inspect and information that the requester is not entitled to inspect, and, if the information the requester is entitled to inspect is intelligible and able to be segregated, the governmental entity:
  1. Shall allow access to information in the record that the requester is entitled to inspect under this subchapter; and
  2. May deny access to information in the record if the information is exempt from disclosure to the requester, issuing a notice of denial as provided in 2 N.N. C. § 89.
- B. If there is more than one subject of a protected record, the portion of the record that pertains to another subject shall be segregated from the portion that the requester is entitled to inspect.

#### **§88. Procedures**

- A. Every person has the right to inspect a public record free of charge, and the right to take a copy of a public record during normal working hours, subject to subsection (H).
- B. All records are public unless otherwise expressly provided by statute.
- C. A person making a request for a record shall furnish the governmental entity with a written request containing his name, mailing address, daytime telephone number, if available, and a description of the records requested that identifies the record with reasonable specificity. The request for information shall be addressed to the governmental entity primarily responsible for compiling such records.
- D. A governmental entity is not required to create a record in response to a request. However, upon request, a governmental entity shall provide a record in a particular format if:
  1. The governmental entity is able to do so without unreasonably interfering with the governmental entity's duties and responsibilities; and
  2. The requester agrees to pay the governmental entity for its additional costs actually incurred in providing the record in the requested format.

- E. Nothing in this section requires a governmental entity to fulfill a person's records request if the request unreasonably duplicates prior records requests from that person.
- F. Within 90 days, the governmental entity shall respond to the request by:
  - 1. Approving the request and providing the record;
  - 2. Denying the request by providing a written explanation of why the record is protected from disclosure. In making such determinations, the governmental entity shall consult with the Department of Justice; or
  - 3. Notifying the requester that it does not maintain the record and providing, if known, the name and address of the governmental entity that does maintain the record.
- G. In the event that the governmental entity determines that the requested record is protected from disclosure, or fails to respond to the request within the 90 day period, the requesting party may make application to the District Court, as defined at 7 N.N.C. § 253, in accordance with the proper processes of the Court for an order compelling the release of the record.
  - 1. This application must meet the notice and filing requirements of the Navajo Nation Sovereign Immunity Act, 1 N.N.C. § 551 et seq.
  - 2. Any person who may have an interest in maintaining the confidentiality of the record may appear and demonstrate the need for maintaining the confidentiality of such record.
  - 3. In determining the availability of any record requested, the District Court shall apply the standards set forth in 2 N.N.C. §§ 84 and 85.
- H. The Navajo Nation may assess the reasonable costs for photocopying and other activities associated with providing the record against the person requesting the record.
- I. The implementation of the Navajo Nation Privacy and Access to Information Act shall be subject to rules and regulations duly adopted by the Government Services Committee. Records released may be subject to reasonable restrictions on use, pursuant to such rules and regulations of the Government Services Committee.

#### **§89. Denials**

- A. If the governmental entity denies the request in whole or in part, it shall provide a notice of denial to the requester either in person or by sending the notice to the requester's address.
- B. The notice of denial shall contain the following information:
  - 1. A description of the record or portions of the record to which access was denied, provided that the description does not disclose protected information;
  - 2. Citations to the provisions of this subchapter, court rule or order, state or federal statute or regulation that exempt the record or portions of the record from disclosure, provided that the citations do not disclose protected information;
  - 3. A statement that the requester has the right to make application to the District Court for an order releasing the record and the time limits for filing the application.
- C. Unless otherwise required by a court of competent jurisdiction, a governmental entity may not destroy or give up custody of any record to which access was denied until the period for an appeal has expired or the end of the appeals process.

#### **§90. Ordinances Adopted in Compliance with Subchapter**

- A. Each governmental entity may adopt an ordinance or a policy applicable throughout its jurisdiction relating to information practices including access, denials, segregation and appeals.
- B. If any governmental entity does not adopt and maintain an ordinance or policy, then that governmental entity is subject to this subchapter.
- C. Notwithstanding the adoption of an ordinance or policy, each governmental entity is subject to 2 N.N.C. §§ 83, 84 and 85.
- D. Each ordinance or policy shall establish access criteria, procedures and response times for requests to inspect or obtain records of the governmental entity and time limits for appeals.
- E. Each ordinance or policy shall establish an appeals process for persons aggrieved by the access decisions, allowing petition for judicial review to the District Court as set forth at 2 N.N.C. § 88(G).

#### **§91. Criminal Penalties**

- A. A public employee or other person who has lawful access to any protected record under this subchapter, who intentionally discloses or provides a copy of a protected record to any other

person is guilty of an offense and upon conviction thereof shall be punished by a fine of not less than \$1000 nor more than \$5000.

- B. It is a defense to prosecution under subsection (A) that the actor released protected information in the reasonable belief that the disclosure of the information was necessary to expose a violation of law involving government corruption, abuse of office or misappropriation of public funds or property.
- C. A person who, by false pretenses, bribery or theft, gains access to or obtains a copy of any protected record to which he is not legally entitled is guilty of an offense and upon conviction thereof shall be punished by a fine of not less than \$1000 nor more than \$5000. No person shall be guilty who receives the record, information or copy after the fact and without prior knowledge of or participation in the false pretenses, bribery or theft.
- D. A public employee who intentionally refuses to release a record the disclosure of which the employee knows is required by law or by final un-appealed order from a governmental entity or a court is guilty of an offense and upon conviction thereof shall be punished by a fine of not less than \$1000 nor more than \$5000.

#### **§92. Civil Penalties**

- A. A non-Indian who has lawful access to any protected record under this subchapter, who intentionally discloses or provides a copy of a protected record to any other person is subject to civil penalties of not less than \$1000 nor more than \$5000.
- B. It is a defense to a civil action under subsection (A) that the non-Indian actor released protected information in the reasonable belief that the disclosure of the information was necessary to expose a violation of law involving government corruption, abuse of office or misappropriation of public funds or property.
- C. A non-Indian person who by false pretenses, bribery or theft, gains access to or obtains a copy of any protected record to which he is not legally entitled is subject to civil penalties of not less than \$1000 nor more than \$5000. No person shall be subject to civil penalties who receives the record, information or copy after the fact and without prior knowledge of or participation in the false pretenses, bribery or theft.
- D. A non-Indian public employee who intentionally refuses to release a record the disclosure of which the employee knows is required by law or by final unappealed order from a governmental entity or a court is subject to civil penalties of not less than \$1000 nor more than \$5000.
- E. Any non-Navajo person within the Navajo Nation's jurisdiction, as defined at 7 N.N.C. § 254, having been found to be in repeated violation of this subchapter may be subject to the exclusionary provisions of the Navajo Nation, as provided at 17 N.N.C. § 1901 et seq.

**RESOLUTION OF THE  
GOVERNMENT SERVICES COMMITTEE  
OF THE NAVAJO NATION COUNCIL**

**Recommending That the Navajo Nation Council Adopt  
the Navajo Nation Privacy and Access To Information Act**

**WHEREAS:**

1. Pursuant to 2 N.N.C. §341, the Government Services Committee is established and continued as a standing committee of the Navajo Nation Council with the authority, to monitor and coordinate the activities of all divisions and department of the Executive Branch; and

2. Pursuant to 2 N.N.C. §343(B)(5), the Committee is authorized to recommend legislation to the Navajo Nation Council on matters within the Committee's jurisdiction; and

3. The Government Services Committee of the Navajo Nation Council recognizes that a democratic form of government requires that information related to government operations be accessible to the public, while respecting individuals right to privacy. As such, a generally applicable Navajo Nation Privacy and Access to Information Act is necessary to provide the general public with a means to access records and information relating to the operation of the Navajo Nation while preserving the privacy interests of individuals and entities.


**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Government Services Committee of the Navajo Nation Council hereby recommends that the Navajo Nation Council amend Title II of the Navajo Nation Code by adopting the Navajo Nation Privacy Act and Access to Information Act as provided in Exhibit "A", attached hereto and incorporated herein.

2. The Government Services Committee of the Navajo Nation Council further recommends that inclusive training sessions be provided to all Navajo Nation governmental entities and political subdivisions regarding the implementation of the Navajo Nation Privacy and Access to Information Act.

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the Government Services Committee of the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same as passed by a vote of 6 in favor, 0 opposed and 0 abstained, this 13th day of April 1999.



Ervin M. Keeswood, Sr., Chairperson  
Government Services Committee

Motion: Johnny Naize  
Second: Orlanda S. Hodge

**RESOLUTION OF THE  
JUDICIARY COMMITTEE OF THE  
NAVAJO NATION COUNCIL**

Recommending That the Navajo Nation Council Adopt  
the Navajo Nation Privacy and Access to Information Act

**WHEREAS :**

1. Pursuant to 2 N.N.C. §571 (A)(B), the Judiciary Committee is established and continued as a standing committee of the Navajo Nation Council with oversight responsibilities for operation of the Judicial Branch; and

2. Pursuant to 2 N.N.C. §574 (E)(2), the Committee is authorized to review legislation and make recommendations regarding any proposed or current laws, procedures and regulations affecting or creating any impact on the Judicial Branch; and

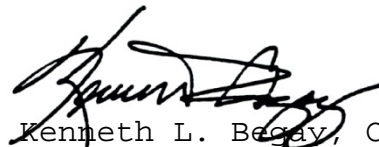
3. The Judiciary Committee of the Navajo Nation Council recognizes that a democratic form of government requires that information related to government operations be accessible to the public, while respecting individuals right to privacy. As such, a generally applicable Navajo Nation Privacy and Access to Information Act is necessary to provide the general public with a means to access records and information relating to the operation of the Navajo Nation while preserving the privacy interests of individuals and entities.

**NOW THEREFORE BE IT RESOLVED THAT:**

The Judiciary Committee of the Navajo Nation Council hereby recommends that the Navajo Nation Council amend Title II of the Navajo Nation Code, by adopting the Navajo Nation privacy and Access to Information Act, as provided in Exhibit "A", I attached hereto and incorporated herein.

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the Judiciary Committee of the Navajo Nation Council at a duly called meeting at the Fort Defiance Chapter House, Fort Defiance, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 5 in favor, 0 opposed and 0 abstained, this 13th day of April, 1999.



Kenneth L. Begay, Chairperson  
Judiciary Committee

Motion: Lee C. Begay  
Second: Leo Gishie