

The Legislature
of the
State of New Mexico

48th Legislature, Second Session

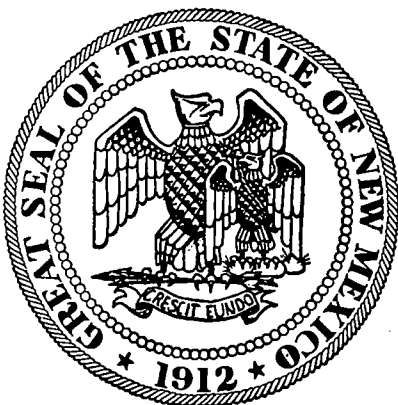
LAWS 2008

CHAPTER _____

SENATE MEMORIAL 12

Introduced by

SENATOR JOHN PINTO



1 A MEMORIAL

2 EXPRESSING THE SUPPORT OF THE NEW MEXICO SENATE FOR FEDERAL
3 CHANGES TO IMPROVE THE NAVAJO NATION'S ABILITY TO COLLECT AND
4 TRACK CHILD SUPPORT PAYMENTS.

5
6 WHEREAS, the Navajo Nation is the largest Native
7 American tribe within the boundaries of the United States and
8 is larger than ten of the fifty states; and

9 WHEREAS, Navajo children under the age of eighteen
10 comprise almost half the total population, and some sixty-one
11 percent of Navajo grandparents are responsible for
12 grandchildren under the age of eighteen; and

13 WHEREAS, over half the population of the Navajo Nation
14 lives below the poverty level, and over forty percent of
15 persons on the Navajo Nation are unemployed; and

16 WHEREAS, collecting child support for children whose
17 parents are able to pay child support may be critical in the
18 health and education of a good portion of Navajo children;
19 and

20 WHEREAS, the federal government granted the Navajo
21 Nation and thirty-nine other tribes the ability to collect
22 child support, establish paternity and enforce child and
23 medical support obligations, but did not grant the Navajo
24 Nation access to information essential for investigation and
25 enforcement; and

1 WHEREAS, the federal government has suggested that
2 states charge the Navajo Nation for access to important
3 personal files of potential payers of child support; and

4 WHEREAS, the Navajo Nation has suggested five changes
5 the United States congress can make to improve the ability to
6 collect child support for Navajo Nation members; and

7 WHEREAS, the Navajo Nation has collected almost three
8 million dollars (\$3,000,000) in past-due child support and
9 received more than ten thousand acknowledgments of paternity
10 for Navajo children; and

11 WHEREAS, the Navajo Nation department of child support
12 enforcement has collected a total of seven million two
13 hundred forty-eight thousand two hundred thirty-seven dollars
14 (\$7,248,237) in child support during fiscal year 2007;

15 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE
16 STATE OF NEW MEXICO that the New Mexico congressional
17 delegation be encouraged to take appropriate steps on behalf
18 of the Navajo Nation to increase its effectiveness in child
19 support collection and enforcement; and

20 BE IT FURTHER RESOLVED that New Mexico's congressional
21 delegation be urged to take the following steps to improve
22 child support collection on the Navajo Nation:

23 A. eliminate the federal prohibition on the Navajo
24 Nation's ability to purchase and develop its own tribal child
25 support computer system and, therefore, remove the need for

1 the Navajo Nation to pay another government, such as the
2 state of New Mexico, in order to get case information on
3 Navajo residents living in New Mexico;

4 B. allow the Navajo Nation to access "locate and
5 enforcement tools" directly, removing the need to contract
6 with other governments to provide passport denial or
7 revocation, multistate financial institution data matching,
8 the parent locator service, tax offset data and demonstration
9 grants made available by the federal government;

10 C. encourage the federal government to complete
11 its design of a model tribal child support system to increase
12 efficiency and effectiveness;

13 D. reduce the percentage of funds required from
14 the Navajo Nation in order to match federal funds so that the
15 Navajo Nation can receive federal funds to help collect child
16 support even during times of declining employment; and

17 E. provide the Navajo Nation an appeal of the
18 federal determinations of whether a hardship is severe enough
19 to permit a waiver of strict rules governing required tribal
20 matching funds, and add a possible waiver into federal
21 language for extreme economic problems instead of allowing a
22 waiver only for natural disasters, including extreme weather
23 and calamities such as hurricanes and earthquakes; and

24 BE IT FURTHER RESOLVED that copies of this memorial be
25 transmitted to all members of the state's congressional

1 delegation; and

2 BE IT FURTHER RESOLVED that copies of this memorial be
3 transmitted to the president of the Navajo Nation and to the
4 speaker of the house of the Navajo Nation as well as to the
5 secretary of human services. _____

SM 12
Page 4

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s/Diane D. Denish

Diane D. Denish, President
Senate

s/Lenore M. Naranjo

Lenore M. Naranjo, Chief Clerk
Senate