



THE NAVAJO NATION DIVISION OF SOCIAL SERVICES



P.O. Box 4590, Window Rock, AZ 86515
T: (928) 871-6851 | F: (928) 871-7372 | www.nndss.navajo-nsn.gov | nndss.info@navajo-nsn.gov

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The Alyce Spotted Bear and Walter Soboleff Commission on Native Children Twin Arrows Casino & Resort Testimony of Deannah Neswood-Gishey, Executive Director Navajo Division of Social Services April 21-22, 2022

Yá'át'ééh. Good afternoon, Madam Chair O'Neill, Madam Vice-Chair DeCoteau, and distinguished members of the Commission, I am Deannah Neswood-Gishey. My maternal clans are Táchii'nii (Red Streak People) and Tsé Njikini (Cliff Dweller People), and my paternal clans are Tsi'naajinii (Black Streaked Wood People) and Naaneesht'ézhi Táchii'nii (Charcoal-Streaked Division of Red Running into the Water People).

As the Executive Director for the Navajo Nation Division of Social Services, I would like to thank the Commission on Native Children for inviting me and several members of my team to testify. I have been working with the division in various capacities for nearly thirty (30) years. Over those years, I have gained and witnessed extensive first-hand knowledge and experience about diverse and varying challenges the Navajo people encounter and suffer, including our vulnerable children.

The Navajo Nation Division of Social Services consists of three (3) departments and four (4) programs, including: Department of Child Care and Development, Department of Family Services, Department for Self Reliance, Navajo Indian Child Welfare Act program, Developmental Disability program, Navajo Treatment Center for Children and their Families program, and Navajo Family Assistance Services office with a workforce of 441. These departments and programs are largely funded by the federal government from the U.S. DOI Bureau of Indian Affairs, U.S. DHHS Administration for Children and Families, and the Indian Health Service at 98% combined; state of Arizona at 1%; and the Navajo Nation at 1%.

Our vision is to promote the holistic and cultural values of T'áá hwó ájiit'éego (self-reliance) and K'é (Diné or Navajo kinship system) to individuals and families to have safer and healthier communities for future generations. Our mission is to advocate for changes, empower and strengthen our children, families, and communities by providing high-quality, holistic, culture and value-based services.

Prior to the COVID-19 pandemic, the division held a series of face-to-face strategic planning work sessions with the executive administration team, managers, and mid-level or first-line supervisors on July 25-26, 2019; September 12-13, 2019; and November 19-20, 2019. During those sessions, proposed restructuring and realignment of the departments and programs for enhanced, expanded, and improved direct services were deliberated, examined, and six (6) innovation strategies evolved from those rich dialogue. On September 19-20, 2019, a division-wide general staff meeting was held to unveil the Division's Strategic Plan, which is aimed to realign and streamline service delivery and automate case management system, and to provide an opportunity for the departments



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and programs exchange information and dialogue on the human services and social services it provides.

The division's innovation goals are:

1. **Recruitment and Onboarding:** Attract, recruit, and select applicants to meet the professional needs of each department/program, create onboarding tailored for new and current employees, require Navajo language and teaching in employee training, and employee retention using lean management principles to coach, mentor, and grow professionally throughout employment.
2. **Staff Development:** Develop department/program specific training plan, expand training capacity, provide cross training for all employees, and create career-path training program available for all employees.
3. **Communications:** Develop a “one voice” concept through a consistent brand image, provide consistent internal communications strategy, develop an inexpensive marketing plan to promote the departments and programs, and strengthen employee engagement to support and promote the division's strategic plan.
4. **Streamline Technology:** Access to up-to-date information technology infrastructure and equipment, create user-friendly accessible, continuous technology-related training for all employees, implement an automated case management database system, serve clients more efficiently due to improved technology and communication infrastructure.
5. **Continuous Quality Improvement:** Each department/program develop a culturally responsive evaluation plan with relevant metrics that is integrated within the new database system, conduct customer satisfaction input, and use program data to improve services in all departments/programs.
6. **Trauma Informed Care:** Learn about and create a plan for becoming a trauma-informed organization to provide culturally responsive, effective services to the community, and to better support the professional development growth of employees. The first step needed for our division it to become a trauma-informed workforce.

The public health pandemic brought tremendous hardship on an already distressed population and communities, and it has changed our lives and the way we conduct business. The pandemic required the Navajo Nation President to close tribal government offices, order shelter-in-place, and mandate numerous precautionary measures to mitigate the COVID-19 disease. The division is a first responder and its workforce are frontline workers to deliver essential direct service during any tribal emergency declaration; therefore, at the onset of the COVID-19 pandemic, the division had to modify its operation by transitioning to alternate work schedule and telework mode—it has made direct service delivery more challenging because we are unable to engage “in-person” with customers, clients, and members we serve—as has been communicated by the division's team members who testified before me.



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Since March 2019, when the Navajo Nation Council confirmed my appointment to this position, I took the opportunity to change and focus the efforts of my office to streamline and automate case management service division-wide, which will result in efficient eligibility determination processes, automated payment process as opposed to continue using a manual process, preclude duplication of service to prevent waste, expedite data reporting for compliance, and cross-reference opportunities to coordinate service delivery with other divisions, programs, and agencies.

With my ten-years working at the Department for Self Reliance (DSR), I have had the opportunity to fully utilize the Tribal Assistance System (TAS), an electronic case management database, which Mrs. Roxanne Gorman, Department Manager III of DSR eloquently described. I continue to use TAS as I help one of our programs with processing Navajo School Clothing and Supplies assistance for many Navajo children attending school on and off the Navajo Nation.

In advancing the division to operate with a cross-system model that will support automation and paperless operation, we consulted with the Eaglesun Company to conduct a complete information technology assessment which identified major areas of the existing hardware, software, and network infrastructure needing improvement to be brought to industry standards. The division also partnered with the Navajo Tribal Utility Authority to install fiber optics in facilities our departments and programs operate from, the division purchased new and upgraded equipment, and the Eaglesun Company is installing new and upgraded information technology equipment. While the information technology infrastructure work is progressing, the Eaglesun Company developed case management modules tailored to the unique needs of each department and program. The division onboarded a TAS administrator in March 2022 who has developed a TAS User Policy for the division and users consistent with the Navajo Nation Privacy Act. The TAS administrator will provide TAS training and other technical assistance, and support the division leadership with data collection, analysis, interpretation, planning, and advise for effective and efficient use of funds and provision of direct services.

The usage of TAS will accommodate our team, including case workers, social workers, victim advocates, and other essential employees to transition seamlessly to serve over 14,500 clients monthly without putting themselves, clients, or others at risk. Additionally, TAS will ensure that vulnerable Navajo children, adults, elderly individuals, and needy families have access to and receive continuous quality social services, human services, protective services, burial assistance, domestic violence shelter, assisting living, financial assistance, supportive services, and emergency assistance on a timely, adequate, and appropriate manner.

The division aims to connect all its departments and programs with one server, to operate with the same case management database—TAS—and to store data at one secured datacenter located on the Navajo Nation in Shiprock, New Mexico. TAS has proven to serve multiple departments. Over sixty (60) tribes are using TAS for their case management activities. TAS will provide a centralized



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database of secured program and client information for departments and programs with defined module tailored to the unique needs of eligibility determination; tracking referrals, cases, financial assistance, and payments; reporting; and meeting all requirements aimed at an effective and efficient paperless service delivery. This will be extremely beneficial to clients, especially during the public health pandemic. The division’s undertaking is consistent with the Selected Service Integration Tactics, including develop a single service plan, collocate services, realign governance structures, set common outcome measures, consolidate intake, consolidate job functions, and blend/braid separate funding streams.¹

The division’s best practices with the use of TAS are:

- Launching an online WebPortal Application for the CARES Act Low Income Home Energy Assistance Program and the Navajo School Clothing and Supplies, which garnered thousands of applications for financial assistance. Through this method, we served over 6,000 Navajo children with school clothing and supplies for the 2021/2022 academic year.
- The DSR has a proven and successful track record using TAS for thirteen (13) years.
- The division will operate seamlessly with one server, one case management database, and store client information at one secured location. To that end, provide a “one-stop-shop” direct services.

Navajo Treatment Center for Children and their Families (NTCCF) Program:

The NTCCF program provides outpatient counseling, including individual therapy, family therapy, group sessions, traditional services, prevention services, and aftercare services. The Navajo traditional cultural teachings are provided by Traditional Practitioner and Family Therapist. The teachings are provided to youth and families on the fundamental values and the principles of the Diné Way of life. The teaching increase awareness of social issues and how it impacts the lives of children and families. Additionally, live radio forums provide prevention information in the Navajo language to reach people in the remote and rural areas of the Navajo Nation.

In fiscal year 2022, the NTCCF program served 2,122 children and family members on the Navajo Nation, including psychotherapy, child advocacy, and therapeutic treatment services to children for abuse, neglect, and trauma. The NTCCF program also works with children and families with other mental health disorders and at-risk children who are in the Navajo Child Welfare System. Services are provided to children and families in their homes, school setting, or in the office.

Some obstacles experienced by the NTCCF Program:

- The COVID-19 pandemic required the NTCCF program to find alternative means to provide services, including cell phones and other electronic means to contact clients.

¹ Jennifer L. Noyes and Thomas Corbett; Cross-systems innovations: The *line-of-sight* exercise or getting from where you are to where you want to be, *Focus* Vol. 24, No. 1, Fall 2005, pg 36-41.



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- Many Navajo families lack telecommunication services to maintain contact with their therapist and to attend online learning.
- The NTCCF program lacks office infrastructure to provide confidential services for clients and families.
- The NTCCF program does not receive funding from the Administration for Children and Families. The NTCCF’s primary funding sources are very restrictive and do not allow for the expansion of services such as integrating Western treatment modalities with the Diné traditional services.

Navajo Department of Child Care and Development

The Navajo Department of Child Care and Development (DCCD) operates twenty-seven (27) childcare centers in Arizona, New Mexico, and Utah with a workforce of 147 serving 104 children, coordinates with 50 independent home-based providers that serve 125 children ranging from 6 months to 12.11 years old. Prior to the COVID-19 pandemic, DCCD served 629 children. The childcare centers re-opened in phases starting August 2, 2021, but some remain closed.

The childcare centers have a positive impact on children in terms of educational accomplishments because the childcare centers believe that learning starts in infancy and the centers practice this. Learning is accomplished through cultural learning where everything is taught in Navajo and English is considered a second language. Additionally, the centers believe in literacy where every child is encouraged to read as often as they can. Literacy has long-term consequences. There are several “childcare” graduates who are pursuing higher education in various universities near Navajo.

The DCCD will be implementing the Tribal Assistance System (TAS) to streamline various processes, including supporting an efficient eligibility determination, enrollment processes, and data management; automate check-in and out process; expedite referrals to other services for which children may be potentially eligible; generate reports such as the ACF 700 Data Report; automate payment to vendors and private providers; and issue co-pay billing statements. The electronic case management system will greatly benefit direct services to our vulnerable children.

The DCCD’s best practices are:

- Collaboration with First Things First/Other partners
- Success Story: Karigan participant – now working on his third college degree.
- Success Story: Karigan participant – worked at DCCD and now working at the division administration
- Literacy has long-term consequences and impacts learning



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What does not work or are obstacles:

- A primary obstacle is the shortage of trained personnel in behavioral and mental health to work with children and personnel to deal with the after-effects of COVID-19 disease.
- Lack of personnel with learning methodologies and curriculum development.

Navajo Indian Child Welfare Act Program:

The Navajo Indian Child Welfare Act (ICWA) Program is a small program consisting of fifteen (15) team members with open cases in twenty-four (24) states. The states with the highest caseload are:

Arizona	196 cases	involving 380 Navajo children
California	193 cases	involving 319 Navajo children
Colorado	120 cases	involving 234 Navajo children
Oregon	104 cases	involving 206 Navajo children
New Mexico	99 cases	involving 95 Navajo children
Washington	96 cases	involving 154 Navajo children

Our Navajo children have the right to: grow up learning their Navajo language, culture, and traditional practices; grow up with their biological relatives; and grow up within their matrilineal society. Our Navajo children are the carrier of our clans, language, and traditions, and Navajo children are our precious resources and are the future leaders of the Navajo Nation; therefore, it is vital that they grow up within their tribe.

The Navajo ICWA Program’s biggest challenges include: the lack of Navajo Foster and Adoptive Homes available for placement of Navajo children. There is an extreme need for Navajo foster homes throughout the United States. In addition, the Navajo ICWA Program continues rigorously advocating for our Navajo children be placed in an ICWA preferred placement. The longer a Navajo child is placed in a non-relative, non-Native American foster home the more likely parties (state, guardian ad litem, or foster placement) will argue that there is good cause to deviate from an ICWA Compliant Placement Preference, and to keep the minor child in their current placement.

What is working and assisting the Navajo ICWA Program include:

- Implementation of State ICWA Law which assures protection for our Navajo children and parents despite what happens at the federal level and increases the knowledge base of individuals involved in ICWA cases such as mandatory training for state child welfare workers, attorneys, and judges.
- Collaboration and coordination with State Child Welfare Agencies on reoccurring case staffing/case consultation, allows for mutual accountability and transparency, and Inter-Governmental Agreements (IGA) with Arizona, New Mexico, and Utah provides our Navajo children and families an extra layer of protection through the guidelines established within the IGA.



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- Cultural Compact Agreements. We have seen success in implementing a Cultural Compact Agreement to preserve the cultural connection for children placed in non-ICWA Preferred Placements.
- Tribal definition of “Kinship” which are defined through the Navajo clanship and extended family.

The obstacles the Navajo ICWA Program encounter include:

- Inconsistency in understanding the federal ICWA law
Lack of knowledge of the federal ICWA Law. This applies to judges, attorneys, and state workers. There is no consistency in following the Federal ICWA law from county to county, and state to state.
- Untimely Notification to Tribe
Notification to the tribe is made until after a dependency has been filed.
Failure to notify the tribe through certified mail with a returned receipt and states are notifying the tribe through electronic mail or fax, which is not in compliance with the federal ICWA law. The Navajo ICWA Program is receiving untimely notice of disclosures and court hearings.
- Lack of support and understanding to the importance of a child’s cultural connection:
Failure to obtain family’s input on cultural practices and referring families to culturally appropriate services.
- Non-compliance with federal ICWA Placement Preference:
Inconsistency in conducting a thorough relative search and failing to assist families with challenges to become a placement.
- Bonding and Attachment Studies conducted to deviate from ICWA Placement Preference:
The federal ICWA law states that ordinary bonding and attachment will not be used to deviate from ICWA Placement Preference. However, studies continue to be conducted by licensed clinicians with minimal to no knowledge of the federal ICWA law.
- Need for further analysis of recruitment efforts for ICWA Compliant Foster Homes and Adoptive Homes:
- Elimination of AI/AN data elements in the Adoption and Foster Care Analysis and Reporting System (AFCARS):
The AFCARS data allows the Navajo ICWA Program to track our Navajo children in foster care system and ensure the states are following the federal ICWA law.

The Navajo ICWA Program’s best practices are:

- Consistent collaboration between the state of New Mexico and Navajo Nation. The monthly case staffing on Out of Preferred Placements allows for mutual accountability, transparency, and addressing the next steps.
- State of New Mexico’s Early Notification of Investigation to Tribe allows the Navajo Nation to be involved at the onset of investigation.



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- State of Arizona's kinship placement allows for expedited placement of minor child(ren) upon an approved home assessment. This allows the family to bypass the lengthy foster care license processes.
- Establishment of an ICWA Court exists in several states: New Mexico, Colorado, Oregon, and Minnesota. However, there are room for improvement in these courts.
- The Navajo ICWA Program will be transitioning to an electronic case management database. The Tribal Assistance System (TAS) will support the operation with an effective and efficient paperless case management.

Navajo Department for Self Reliance:

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) states that, "*the best welfare solutions come from those closest to the problems, not the federal government*" and gave tribes the flexibility to design their own Temporary Assistance for Needy Families (TANF) program.

The Department for Self Reliance (DSR), the Navajo Nation TANF program was established in 2000. It provides financial assistance and supportive services to 2,600 families, including 6,838 children each month through seven (7) field offices located on and near the Navajo Nation.

In 2007, the DSR selected the Tribal Assistance System (TAS) case management software owned by the Eaglesun Company. The TAS software has 37 modules that can be tailored to meet the needs of federal funded programs. In 2009, DSR began using TAS for its case management services.

The benefits of using TAS:

- DSR has improved its case management services to families and children.
- DSR provides services to children through the School Clothing & Supply Incentives; Subsidized Youth Employment; Perfect Attendance, Honor Roll, Academic Improvement, and Graduation Incentives.
- DSR provides accurate data reports to the Navajo Nation, State, and Federal partners as needed, including Navajo Head Start, First Things First, Office of Diné Youth, and Navajo Workforce Development.
- DSR submits the mandatory 196-T Financial Report and Federal Data Report each quarter timely.
- DSR direct services enters and makes all eligibility and case management decisions locally, and a batch is uploaded every two weeks for monthly assistance to families.
- DSR has had a clean Single Audit for the past ten (10) years.



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What works: The DSR uses the flexibility to meet the needs of children and families:

- The DSR incorporates Navajo traditional values and teachings into the program using the traditional concept of T’áá hwó ájít’ éego, which is a powerful Navajo teaching that promotes living with a purpose, making conscious decisions, exercising personal discipline, and taking responsibility for one’s life.
- The DSR integrated the Navajo Service Delivery Model (Thinking, Planning, Doing and Growing), called the Pathway to Self Reliance, into the western case management process.
 - The DSR offers parenting support that includes Fatherhood is Sacred/Motherhood is Sacred Curriculum; Family and Child Education Program; Head Start Parent Classes; Financial Literacy; TABE testing; and other resources.
- DSR provides Youth Support/Resources such as referrals to summer programs, STEM/AISES camps, Upward bound, and offers Subsidized Youth Employment.
- DSR established the Pathway to Quality Service for DSR staff training, development, and retention.
- DSR established the Education and Career Services to provide Extended Certificate Training programs and Subsidized Adult Employment.

What does not work:

- DSR is the only department within the division using TAS which limits cross coordination, collaboration, and communication between departments and programs.
- DSR makes referrals for parents and children to other Navajo Nation programs, but no response is provided on the status of the assistance and services provided.
- The lack of data sharing and coordination with other state, tribal, and federal programs to assist eligible families.
- Different case management software that does not communicate and hinder sharing data and eligibility on DSR applicants across the Nation.
- Other federal programs lack the flexibility that is provided to state and Tribal TANF programs.
- The Navajo Nation does not have readily available the expertise of trained and qualified information technology professional staff to help programs to improve and maintain their overall information technology infrastructure.
- Lack of coordination and collaboration between programs to support families and children with appropriate services.

Navajo Nation Division of Social Services Recommendations:

1. To adequately and fully roll-out the TAS implementation division-wide, the division needs funding to support an information technology infrastructure and technical support, for a training facility with a computer lab and equipment to train the TAS users, and adequate broadband infrastructure.



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2. The NTCCF program needs funding for additional field offices and staff to meet the increased need. Funding is also needed to support the integration of Western treatment modalities with Diné traditional services for children, youth, and families on the Navajo Nation.
3. The NTCCF program requests increased funding to hire additional therapist to cover the remote areas.
4. The NTCCF program would like to provide support group sessions for clients to allow learning from their peers. Peer support is an important aspect in the recovery process.
5. Amend 45 CFR §98.83 to increase tribal Child Care and Develop Fund from 15% limitation on administrative cost to 25% like the tribal TANF Block grant.
6. Amend 45 CFR §98.60 (e) to allow Tribes that do not obligate all funds by the end of the fiscal year and do not liquidate within the next fiscal year to place those funds in reserve to provide uninterrupted childcare services like the tribal TANF Block Grant.
7. Release the Notice of Award (NOA) to the Navajo DCCD covering the entire fiscal year for which funding allocation is made to reduce administrative cost.
8. Establishment of State ICWA Court. Although certain states have ICWA courts. Improving the transfer of ICWA cases statewide to an ICWA court would be best. Currently, counties that have an ICWA court only preside over ICWA cases within that county.
9. Establish an Office of Tribal Affairs at the state levels that have ICWA expertise
The state of New Mexico's Children, Youth and Families Department has an Office of Tribal Affairs that provides support and guidance on ICWA cases.
10. Establish court orders that implement the "Promise to Preserve" a child's cultural connection at the onset of dependency. The benefits of implementing court orders to preserve the cultural connection between the child and the tribe at the onset of a case would highlight the child's lifelong process in learning their Navajo language, culture, and tradition. Preserving a child's connection to their Navajo culture is beyond reading a book and watching videos, it is the in-person interactions with their Navajo family, relatives, and community.
11. Conduct a culturally competent analysis of recruitment efforts for ICWA Compliant Foster Homes and Adoptive Homes. The benefits of ongoing training on culturally competent analysis of barriers Navajo families face to become a foster placement.
12. Provide additional funding for programs to use a case management software program that can be tailored to automate the case management services to improve the application process, provision of coordinated quality case management services, and timely benefits to families and children.
13. Authorization for TANF funds be used for the construction of permanent TANF office(s) due to the lack of facilities on the Navajo Nation.

On behalf of the Navajo Nation Division of Social Services, I am honored to submit the division's written testimony to the Commission on Native Children. Ahéhee' (Thank you).