



January 4, 2011

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## **The 21<sup>st</sup> Navajo Nation Council**

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## **Judiciary, Public Safety Committees pass legislation calling for the enactment of the Alchini Bi Beehaz'aanii Act of 2010**

**WINDOW ROCK, Ariz.** – Yesterday, the Navajo Nation Council's Judiciary and Public Safety Committees passed legislation that would repeal the 26 year old Children's Code and enact the Navajo Nation Alchini Bi Beehaz'aanii Act of 2010. With committee approval, the legislation now advances to the Ethics and Rules Committee and then to the Council during a special session tentatively scheduled for Jan. 7.

Sponsor Harry Claw, a member of the Health and Human Services Committee, said the adoption of the legislation would better address the needs of Navajo children.

"The adoption of the proposed legislation would revamp the entire system with culturally appropriate laws, which will help restore harmony and balance to the Navajo homestead, particularly providing much-needed services to protect our children. The current law has flaws that do not fully allow us do that."

Various Navajo Nation governmental entities, including the Division of Public Safety, Division of Social Services, Department of Justice, Council Standing Committees, Judicial Branch, Office of the Prosecutor and the Office of the Public Defender, among others, worked collectively over the last two years to draft the proposed law.

Thomas Cody, legislative analyst for the Division of Social Services, said the Alchini Bi Beehaz'aanii Act of 2010 preserves and restores harmony and protects children using measures consistent with Navajo Nation statutes and Diné bi beenahaz'aanii.

"The reason for changing the current law is to incorporate our traditional teachings – the teachings of K'é and philosophy," said Mr. Cody, one of the expert agents to the legislation. "Our current system does not work. Right now, our system is a revolving door. The proposed law allows for family conferencing, which will help in creating family harmony."

The proposed legislation, if enacted, would comprise of six categories: General Provisions, Dependency Proceedings, Children in Need of Provision Proceedings, Delinquency Proceedings, Termination of Parent-Child Relationship Proceedings and Indian Child Welfare Act Provisions.

Critics such as Honorable Leonard Tsosie, however, have said the proposed legislation runs counter to k'é and the Navajo perspective of who's a child.

"The code amendments categorize children into specific age categories and even encourages teen pregnancy," said Tsosie, who voted against the legislation. "With 18 being the cut off age for being a child, our children are looking to break away from Navajo society. If the legislation is really Navajo, you would not adopt the age requirement."

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Mr. Tsosie also said the adoption of the legislation would eliminate the children's rules of procedures, which could create chaos between jurisdictions because there would be confusion as to which children's rules of procedures to utilize.

At the Public Safety Committee meeting, the PSC passed the same resolution on a unanimous vote, with one amendment. Honorable Raymond Joe, chairman for the PSC, offered an amendment in an effort to create a special unit that would specifically address the welfare and protection of Navajo children.

"The only way this law will work is if a special unit is created," said Mr. Joe. "In police districts, police officers respond to the child abuse cases on many levels and once law enforcement is involved there never is any sort of follow-up. If this law is going to be successful, we need people who specialize in this area."

The Judiciary Committee also approved legislation that would enact the Vulnerable Adult Protection Act of 2010. Honorable Danny Simpson, a co-sponsor to the legislation, said the proposed law protects vulnerable adults, including the elderly Navajo population.

Doris Dennison, a physically disabled woman and proponent of the legislation, testified before the committee. Mrs. Dennison informed committee members of her story of being abused by her husband, and how there is no specific law in place that addresses the abuse of vulnerable adults.

"I gave my ex-husband all the control and when our marriage began to go on the way-side it became abusive. There was one time when I was home alone for three days and there was no food," said Dennison. "I had no phone and I could not get out of the house. In the end, my ex-husband was verbally abusive and said no one would want to take care of me. He would also drive recklessly on purpose to scare me."

"Based on my experiences, I want you to pass this legislation. I have been following this legislation since it started," added Dennison, who has witnessed similar measures fail before the Council in the past. "When you have completed all the necessary steps for help and receive no help, this is the legislation that many of us could rely on. This legislation spells it all out for what can be done for restitution."

According to research, about 50 percent of vulnerable adults are perpetrated by family or community members and the other 50 percent by professionals who render services. The legislation is said to impact 25,000 Navajos and at least 30 percent of those ranging in age from 21-64.

Honorable Thomas Walker, co-sponsor to both pieces of legislation, said the proposed laws will serve as shields to protect the most vulnerable populations on the Navajo Nation.

"When we pray we ask for the Holy Ones to protect us with shield, and this is what these laws will do," said Walker, who chairs the HSSC. "The HSSC has provided guidance in the development of these much-needed laws. With the excellent coordination and contribution from the various tribal governmental entities, the law is thorough and adequate and encourages community members to become more responsible in addressing pressing issues affecting both populations."

The Ethics and Rules Committee is tentatively scheduled to convene tomorrow for a special meeting to consider approving the agenda for the Jan. 7 special session, where both items could be added to the agenda.