



FOR IMMEDIATE RELEASE
May 19, 2014

President Shelly meets on Navajo Adult Guardianship Act of 2014



Navajo Nation President Ben Shelly met with representatives from the Navajo Nation Advisory Council on Disabilities and the Native American Disability Law Center to discuss issues facing disabled Navajos. Discussions focused on the need to pass the Navajo Adult Guardianship Act of 2014. (Photo by Rick Abasta)

FARMINGTON, N.M.—The disabled citizens of the Navajo Nation have rights.

The protection of such rights was the topic of discussion during a recent meeting in Farmington to assist disabled Navajos facing a multitude of issues.

Navajo Nation President Ben Shelly met with the Navajo Nation Advisory Council on Disabilities (Advisory Council) and the Native American Disability Law Center, Inc. (Law Center) to discuss legislation going through the tribal process.

According to the Law Center, 25,500 people, or 29.9 percent of Navajos between the ages of 21 and 54 have a disability. For Navajos 64 or older, 70 percent have a disability.

“We need to do something for the disabled. They are never really filtered into the main society of Navajo,” President Shelly said. “It’s because of the laws that we have.”

He said the number of disabled citizens is increasing, especially with many veterans of the U.S. Armed Forces returning home with medical injuries from the

battlefields.

Meeting the needs of these citizens is a priority for the Navajo Nation Executive Branch, he explained and that plans are underway for an executive order for tribal divisions, departments and programs to carry out accessibility efforts on behalf of the disabled.

“The three branches need to work together to get these laws in place on behalf our disabled Navajos,” President Shelly said.

Hoskie Benally Jr., the president of the Advisory Council, said support is needed

for passage of the Navajo Adult Guardianship Act of 2014.

The act is focused on protecting the rights of the disabled and is the first time amendments have been made to the tribal statutes for the handicapped since 1945.

“Current law really doesn’t have anything about court proceedings. Every judge calls the shots on how they’re going to review the case,” Benally said. “There’s no set procedure.”

The new act was written in accordance with Navajo Fundamental Law, which reflects the Navajo expression,

t'aabi boholniih, which means it is up to the person.

“With this new proposed act we’re saying that according to Fundamental Law, all Navajos have the right for making their own decisions,” Benally said.

Current laws for guardianship of the disabled vary, based on the severity of the disability.

Some individuals require a guardian to make decisions on their behalf. Others can make their own decisions, as their disabilities are physical rather than cognitive.

However, some cases have moved forward through the courts where disabled Navajos had guardianships imposed upon them without the opportunity to address the court on the guardianship.

of the Naabik’iyati’ Committee scheduled for May 30.

The Advisory Council requested President Shelly to assist with developing three resolutions on behalf of the disabled citizens of the Nation.

The first would require an earmark of five to eight percent of the annual chapter allocations to address accessibility deficiencies at each chapter. Such deficiencies include the lack of ramps and the need for wider doorways.

The second resolution would mandate that Navajo divisions and departments pay a rental fee for tribally owned buildings to be used to address site accessibility deficiencies.

The third resolution would require private businesses



President Shelly and First Lady Martha Shelly listened to issues facing the Navajo Nation Advisory Council on Disabilities and the Native American Law Center. Enabling Navajos with disabilities and providing them with proper accessibility is the goal, said President Shelly. (Photo by Rick Abasta)

“The ward loses all their rights, whether it be their finances, where they’re going to live or where they’re going to school. That’s what’s happening now.”

“The ward loses all their rights, whether it be their finances, where they’re going to live or where they’re going to school. That’s what’s happening now,” Benally said.

The act has gone through public review and Department of Justice. It was also posted on the Navajo Nation Council website for public comment.

The Navajo Adult Guardianship Act of 2014 passed the Law and Order Committee on April 14 and the Health, Education and Human Services Committee two days later on April 16.

On May 16, the Naabik’iyati’ Committee reviewed the act during a scheduled work session. The guardianship act will be among legislation scheduled for review during a special session

to draft business leases in compliance with the Navajo Nation Vocational Rehabilitation and Opportunities for the Handicap Act of 1984.

“We will work on your behalf,” President Shelly said. “Your needs have not been forgotten.”

-30-



Hoskie Benally Jr. of the Navajo Nation Advisory Council on Disabilities knows firsthand the challenges disabled Navajos face with their day-to-day activities. Benally went blind within a matter of weeks at the age of 22 after he contracted Retinitis Pigmentosa. (Photo by Rick Abasta)



Alexis De La Cruz, an attorney with the Native American Disability Law Center said the challenges facing the disabled Navajo population are numerous. She has worked hard on the passage of the Navajo Adult Guardianship Act of 2014. (Photo by Rick Abasta)