

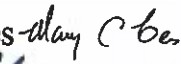
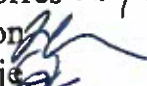



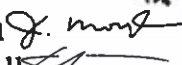




I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
206-36 (LS)	Mary Camacho Torres Telena Cruz Nelson Jose "Pedo" Terlaje Amanda L. Shelton Tina Rose Muña Barnes James C. Moylan Clynton E. Ridgell Joe S. San Agustin V. Anthony Ada Frank Blas Jr.	AN ACT TO REQUIRE THE PROMULGATION AND PUBLICATION OF INTERIM RULES FOR ALL CHILD PLACEMENT AGENCIES BY THE DEPARMENT OF PUBLIC HEALTH AND SOCIAL SERVICES; AND TO ENSURE TRANSPARENCY, PERMIT PUBLIC PARTICIPATION, AND PROVIDE A METHOD OF MAKING SUCH RULES READILY ACCESSIBLE TO THE PUBLIC; AND TO FURTHER APPROPRIATE ONE THOUSAND DOLLARS (\$1,000) FROM THE UNEXPENDED FUNDS OF THE OFFICE OF SENATOR MARY CAMACHO TORRES OF <i>I LIHESLATURAN GUÅHAN</i> TO THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES FOR THIS PURPOSE.	10/1/21 2:03 p.m.						

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 206-36 (LS)

Introduced by:

Mary Camacho Torres 
Telena Cruz Nelson 
Jose "Pedro" Terlaje 
Amanda L. Shelton 
Tina Rose Muña Barnes 
James C. Moylan 
Clynton E. Ridgell 
Joe S. San Agustin 
V. Anthony Ada 
Frank F. Blas Jr. 

AN ACT TO REQUIRE THE PROMULGATION AND PUBLICATION OF INTERIM RULES FOR ALL CHILD PLACEMENT AGENCIES BY THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES; AND TO ENSURE TRANSPARENCY, PERMIT PUBLIC PARTICIPATION, AND PROVIDE A METHOD OF MAKING SUCH RULES READILY ACCESSIBLE TO THE PUBLIC; AND TO FURTHER APPROPRIATE ONE THOUSAND DOLLARS (\$1,000) FROM THE UNEXPENDED FUNDS OF THE OFFICE OF SENATOR MARY CAMACHO TORRES OF *I LIHESLATURAN GUÅHAN* TO THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES FOR THIS PURPOSE.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the Child Protective Services (CPS) of the Department of Public Health and

1 Social Services has expressed a growing demand for more foster homes and families
2 on Guam. As of September 2021, the CPS indicates that there are five hundred (500)
3 children in Guam’s foster care system. This figure indicates a substantial rise when
4 compared to the two hundred and seventy (270) children in the system in May of
5 2019.

6 Given the high rate of children entering Guam’s foster care system, *I*
7 *Liheslaturan Guåhan* finds it in the best interests of child welfare and safety that
8 any individual or entity that places or assists in the placement of any unrelated minor
9 is held to a minimum standard, whether it is in a foster home, therapeutic foster
10 home, or adoptive home.

11 *I Liheslaturan Guåhan* further finds that that the Department of Public Health
12 and Social Services is currently imbued with the power to make regulations that
13 implement any law enforced, or administered by it, under Guam’s Administrative
14 Adjudication Law (Chapter 9 of Title 5, Guam Code Annotated).

15 *I Liheslaturan Guåhan* further declares, given the significant impact of agency
16 rules and regulations on child welfare and safety, it is imperative that if a waiver of
17 the Administrative Adjudication Law is made, the general public is not marginalized
18 from the rule-making process.

19 *I Liheslaturan Guåhan* further finds that if it is to create an exception to the
20 Administrative Adjudication Law, while balancing the need for transparency, it must
21 also clearly define the method by which such hearing shall be funded.

22 It is therefore the intent of *I Liheslaturan Guåhan* to require and appropriate
23 funds for a public hearing of interim rules produced by the Department of Public
24 Health and Social Services in order to ensure transparency, permit public
25 participation therein, and provide a method of making rules readily accessible to the
26 public.

1 **Section 2. Rule-Making Procedure for Child Placement Agencies**
2 **Requiring Licensure.**

3 (a) Notwithstanding any other provision of law, rule, or regulation, any child
4 placement agency operating in Guam requires a license issued by the Guam
5 Department of Public Health and Social Services following the Department's
6 promulgation of interim rules pursuant to this Act. Child placement agencies shall
7 mean any person that is not licensed to practice law in Guam, corporation,
8 partnership, voluntary association, or other entity or identifiable group of entities,
9 whether established for profit or otherwise, aside from Child Protective Services,
10 that places, plans for, or assists in the placement of any unrelated minor for care in
11 a foster home, therapeutic foster home, or adoptive home.

12 (b) Within One Hundred and Eighty (180) Days from the date of enactment
13 of Act, the Department of Public Health and Social Services shall promulgate and
14 publish interim rules setting minimum standards governing the granting, revocation,
15 refusal, and suspension of licenses for a child placement agency and the operation
16 of a child placement agency.

17 (c) Such minimum standards shall include but not be limited to rules that:

18 (1) Promote the health, safety, and welfare of children in the care of a
19 child placement agency;

20 (2) Promote safe and healthy physical facilities;

21 (3) Include procedures for the receipt, recordation, and disposition of
22 complaints regarding allegations of violations of the Guam Child Protective
23 Act;

24 (4) Ensure that federal and local criminal record checks are completed
25 on owners, operators, employees, volunteers, foster parents, adoptive parents,
26 and other persons in the homes;

1 (5) Establish rules governing retention of licensing records maintained
2 by the Department.

3 (d) The Department of Public Health and Social Services' interim rules shall
4 be exempt from the provisions of the Administrative Adjudication Act, provided that
5 such rules shall receive at least one (1) Public Hearing by *I Liheslaturan Guåhan*,
6 pursuant to Open Government Law, to ensure transparency, permit public
7 participation therein, and provide a method of making rules readily accessible to the
8 public. No rule shall be effective until after *I Liheslaturan Guåhan* by the passage
9 of a bill into law, approves, disapproves, or amends any rule.

10 (e) The Department of Public Health and Social Services' interim rules shall
11 remain in effect for one (1) year or until the promulgation of rules pursuant to the
12 Administrative Adjudication Act, whichever is sooner.

13 **Section 3. Appropriation.** The sum of One Thousand Dollars (\$1,000) is
14 hereby appropriated from the unexpended funds of the Office of Senator Mary
15 Camacho Torres of *I Liheslaturan Guåhan* to the Department of Public Health and
16 Social Services for the sole purpose of preparing, promulgating, and publishing rules
17 and regulations pursuant to this Act.

18 **Section 4. Severability.** If any provision of this Act or its application to any
19 person or circumstance is found to be invalid or contrary to law, such invalidity shall
20 not affect other provisions or applications of this Act that can be given effect without
21 the invalid provision or application, and to this end the provisions of this Act are
22 severable.