UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

HAND DELIVERED

September 4, 2019

35GL-19-0980
Speaker Tina Rose Muña Barnes
SEP 04 2019
Time 4:17 ( )AM (X)PM
Received By: Matt

2019 SEP -4 PM 5:12

HONORABLE TINA MUNA BARNES
Speaker
I Mina'trentai Singko Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96932

Re: **Bill No. 135-35 (COR)** – ***An Act To Add A New Article 9 To Chapter 1, Division 1 of Title 26, Guam Administrative Rules and Regulations, Relative To Permitting More Than Six (6) Children Per Foster Home In The Standards For Family Foster Homes On Guam; And To Add Such Updated Standards To The Guam Administrative Rules And Regulations To Reflect This Allowance.***

and **Bill No. 159-35 (COR)** – ***An Act To Amend § 1101.5(m) And Add A New Subsection (e) to § 1102.8 Of Chapter 1, Article 1, Title 26, Guam Administrative Rules And Regulations, Relative To Increasing Emergency And Temporary Shelter Capacity For Children Placed Under The Protective Custody Of Child Protective Services.***

Dear Madame Speaker:

Over two decades ago, I co-sponsored a bipartisan bill establishing rules and regulations relative to standards for family foster homes. Today, Bill No. 135-35 awaits my signature which supplements the bipartisan efforts that I and then senators Elizabeth Barrett-Anderson and Joanne Brown worked on long ago.

These rules and regulations have remained untouched for years. Perhaps the longevity of our twenty-year old standards is indicative of strong legislation that was born in a time during which the legislative body worked together with great fortitude. More realistically, however,

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it has taken this long for the cries of our foster children to reach the ears of our lawmakers again. It is our foster families that have maintained the resolve these twenty years. They have not only opened their hearts and homes to our island's children, but have also fought to change policy so that they could care for more when the government has not.

I am encouraged with Bill No. 135-35 and Bill No. 159-35, which I have signed into law as **Public Laws 35-34 and 35-35**, respectively. These laws provide our foster children with better opportunity for immediate shelter and care. More importantly, they direct much deserved attention to the broader issues that foster families encounter every day of their lives. We, as lawmakers, should and will do more to help tackle these issues.

Senseremente,

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

Enclosure(s): Bill No. 135-35 nka Public Law 35-34
Bill No. 159-35 nka Public Law 35-35

cc via email: *Sigundo Maga'låhen Guåhan*
Compiler of Laws

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that **Bill No. 135-35 (COR), "AN ACT TO *ADD* A NEW ARTICLE 9 TO CHAPTER 1, DIVISION 1 OF TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO PERMITTING MORE THAN SIX (6) CHILDREN PER FOSTER HOME IN THE STANDARDS FOR FAMILY FOSTER HOMES ON GUAM; AND TO *ADD* SUCH UPDATED STANDARDS TO THE GUAM ADMINISTRATIVE RULES AND REGULATIONS TO REFLECT THIS ALLOWANCE,"** was on the 22nd day of August 2019, duly and regularly passed.

Tina Rose Muña Barnes
Speaker

Attested:

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 23 day of August, 2019, at 9:20 o'clock a .M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 9/4/2019

Public Law No. 35-34

2019.5286
Lillian Kosaka
RCVD AT CENTRAL FILES
AUG 28 '19 AM 9:20

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 135-35 (COR)
As amended on the Floor.

Introduced by: Mary Camacho Torres
William Mendiola Castro
Régine Biscoe Lee
Kelly Marsh (Taitano), PhD
James C. Moylan
Louise B. Muña
Tina Rose Muña Barnes
Telena Cruz Nelson
Sabina Flores Perez
Clynton E. Ridgell
Joe S. San Agustin
Amanda L. Shelton
Telo T. Taitague
Jose "Pedo" Terlaje
Therese M. Terlaje

AN ACT TO *ADD* A NEW ARTICLE 9 TO CHAPTER 1, DIVISION 1 OF TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO PERMITTING MORE THAN SIX (6) CHILDREN PER FOSTER HOME IN THE STANDARDS FOR FAMILY FOSTER HOMES ON GUAM; AND TO *ADD* SUCH UPDATED STANDARDS TO THE GUAM ADMINISTRATIVE RULES AND REGULATIONS TO REFLECT THIS ALLOWANCE.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the rules and regulations governing the Standards for Family Foster Homes

(Standards) on Guam was established pursuant to 10 GCA § 2407, through the enactment of Public Law 23-143 on January 2, 1997.

Further, *I Liheslaturan Guåhan* finds that the Standards permit no more than six (6) children in a family foster home, including the foster parents' own children.

I Liheslaturan Guåhan takes due note that the Child Protective Services (CPS) of the Bureau of Social Services Administration (Bureau), Department of Public Health and Social Services, has expressed a growing demand for more foster homes and families on Guam. As of May 2019, the CPS indicates that there are two hundred seventy (270) children currently in foster care placement and thirty-seven (37) licensed foster families on Guam. These figures indicate a substantial rise in the number of children in foster care when compared to previous years.

Therefore, it is the intent of *I Liheslaturan Guåhan* to open more homes to children in need by permitting more than the current standard's limitation of six (6) children, provided the total number of children is approved by the Bureau, and to add such standards to the Guam Administrative Rules and Regulations to reflect this allowance.

Section 2. A new Article 9 is *added* to Chapter 1, Division 1, Title 26, Guam Administrative Rules and Regulations, to read:

"ARTICLE 9

FAMILY FOSTER HOMES

§ 1901. General Provisions.

§ 1901.1. Purpose.

§ 1901.2. Authority.

§ 1901.3. Definitions.

§ 1902. Procedures for Certification of Family Foster Homes.

§ 1902.1. Qualification of Applicants.

§ 1902.2. Social Evaluation.

§ 1902.3. Approval and Issuance of Certificate.
§ 1902.4. Renewal of Certificate.
§ 1902.5. Denial, Suspension, Revocation of Certificate.
§ 1903. Administration of the Family Foster Home.
§ 1904. Rights and Responsibilities of Child, Family, Foster Parents and Caseworker.
§ 1904.1. The Child.
§ 1904.2. The Family.
§ 1904.3. The Foster Parents.
§ 1904.4. The Caseworker.
§ 1905. Care of the Foster Child.
§ 1906. Foster Family and Home Environment.
§ 1907. Housing and Sanitation.

§ 1901. General Provisions.

§ 1901.1. Purpose.

The purpose of these rules and regulations is to formulate standards for family foster homes, and to provide guidelines for certification, issuance and operation of licensing to persons interested in fostering parenting care. These standards are applicable to all family foster homes, and are hereafter referred to as the "Standards for Family Foster Homes."

§ 1901.2. Authority.

The Department of Public Health and Social Services (Department) is responsible for the placement of foster homes pursuant to 10 GCA § 2401 *et seq.*, the *Child Welfare Services Act*, and U.S. Public Law 96-272, the *Adoption Assistance and Child Welfare Act of 1980*, as amended.

§ 1901.3. Definitions.

(a) *Certificate* means a license of approval issued by the Department of Public Health and Social Services authorizing the operation of a family foster home.

(b) *Family foster home* means a home certified by the Department of Public Health and Social Services which provides substitute family care on a twenty-four (24) hour basis. This care shall be for no more than six (6) children in one (1) home, including the number of children of the foster parents, unless otherwise approved by the Department's Bureau of Social Services Administration (Bureau).

§ 1902. Procedures for Certification of Family Foster Homes.

All family foster homes shall be licensed by the Department through issuance of a "Certificate for Family Foster Home" (Certificate), indicating that the standards for the care of foster children under these regulations have been met. All applications for Certification shall be submitted to the Bureau.

§ 1902.1. Qualification of Applicants.

(a) Married couples may apply to become foster parents by filing a joint application with the Bureau. A copy of the couple's marriage license shall be attached to the application form.

(b) Domestic partners may apply to become foster parents by filing a joint application with the Bureau. A domestic partner may apply alone to become a foster parent in the same manner as a single adult.

(c) A single person who is eighteen (18) years or older, may apply to become a foster parent by filing an application with the Bureau. This would also include single parents, eighteen (18) years or older.

(d) All applicants must provide the Bureau with a consent for a background check to include the following:

(1) police clearance;

(2) National Crime Information Center clearance;

(3) medical history;

(4) employment information;

(5) copy of a recent check stub; and

(6) any additional information from whatever source the Bureau deems necessary to complete the required background check.

Active duty military applicants, or their dependents, must obtain clearance from their respective investigative agency (Navy Criminal Investigative Services; Office of Special Investigation).

(e) All applicants must be residents of Guam, unless they qualify as active duty military or their dependents; United States citizens, or resident aliens.

(f) All applicants are required to submit three (3) letters of reference, preferably within Guam, from persons who have adequate personal knowledge of the applicant(s) within the past twelve (12) months prior to application, and who can attest to the good moral character of the applicant(s), members of the applicant(s) immediate family, and ability of the applicant(s) to provide for a good healthy family environment for children.

(g) Any person desiring to become a foster parent is not eligible to apply for adoption proceedings during the initial placement of foster children in their home.

(h) Relative applicants (persons who are not related to the foster child by blood or through marriage) will be required to apply for foster parent certification. Relative applicants will be referred to the Bureau of Economic Security (BES) for Aid to Families with Dependent Children (AFDC).

(1) AFDC compensation is retroactive to the day of application.

(2) Foster care supplemental payments will be made to eligible applicants.

§ 1902.2. Social Evaluation.

(a) The Bureau will conduct a social evaluation of the applicant(s), as well as the home environment, to determine qualifications under these regulations. The social evaluation shall be maintained in the applicant(s)' file.

(b) The social evaluation will take into account the applicant's personal character, fitness, and factors which show competency for the care of foster children.

§ 1902.3. Approval and Issuance of Certificate.

(a) On the basis of the social evaluation indicating the applicant has satisfactorily met the requirements under these regulations, the Department shall issue a Certificate showing approval for licensing as a family foster home. The Certificate shall provide the name of the applicant, maximum number of foster children permitted, and the period for which the Certificate is issued.

(b) If the foster home under evaluation will accept only a specific child, or a child for whom service is requested, who is already living in the foster home, the Department may issue a Certificate for a specific child if the home meets the requirements under these regulations. Studies on foster homes for a specific child already living in the home shall be completed no later than two (2) months from the date the Bureau became aware of the placement.

(c) The Certificate shall be effective for a period of two (2) years from the date of issuance. The Certificate is non-transferable or assignable, and any attempt to transfer or assign the Certificate is void. The Certificate may be terminated sooner either by revocation, decision of the foster parent to no longer engage in the services as a foster parent, displacement of the child by order of the Court, or a change of residency.

(d) A Provisional Certificate may be issued for a period of sixty (60) days for those unable to meet the requirements under the social evaluation, if it has been reasonably determined that all requirements will be met no later than forty-five (45)

days from the date of issuance of the provisional certificate; and provided, that the health and safety of the child is not in jeopardy by such temporary placement.

(e) The Certificate shall be available for inspection by the Bureau upon request.

§ 1902.4. Renewal of Certificate.

A Certificate may be renewed by the Bureau every two (2) years upon submittal of a satisfactory re-evaluation report indicating that the home continues to provide the standard of care which meets the requirements of these regulations. A Provisional Certificate cannot be renewed.

§ 1902.5. Denial, Suspension, Revocation of Certificate.

(a) The Department may deny a Certificate when an applicant fails to meet the standards for issuance of a Certificate under these regulations, has been convicted of a felony, or a crime involving violence, alcohol or drug abuse, sex offenses, crimes involving moral turpitude, or any other offense which indicates that the applicant may pose a threat to the welfare of the foster child.

The Bureau must provide to the Director of Public Health and Social Services (Director), in writing, the basis for its recommendation and reasons for denial of the Certificate. The applicant is entitled to a written explanation of the Bureau's recommendation for denial. The applicant may request to meet with the Director after denial to discuss the basis for the denial. No hearing is required or mandated. The decision of the Director is final.

(b) A Certificate may be suspended for a period of ninety (90) days by the Bureau if it has been determined that the foster parent has fallen into noncompliance with the Standards for Family Foster Homes. The foster parent will be informed of the specific violations of the standards, in writing, and will be allowed to correct the failures within a given period of time not to exceed the period of suspension. If the foster parent continues to violate the standards without effort for corrective action

for the period of the suspension, the Bureau may recommend that the Certificate be revoked.

(c) A Certificate will be revoked if it is determined by the Bureau that the foster parent is in violation of any of the provisions of 10 GCA § 2408, or has been convicted of a crime involving violence, alcohol, drug abuse, sex offense, moral turpitude, or any offense which would indicate the foster parent presented a threat to the welfare of the foster child. The Bureau shall provide the foster parent with a notice of intent to revoke the Certificate, and allow the foster parent ten (10) days to respond to the notice. The foster parent may request to meet informally with the Bureau to discuss the basis for the notice to revoke the Certificate. After the ten (10) days has elapsed, whether or not response is made by the foster parent, the Bureau may forward its recommendation to revoke the Certificate to the Director. The foster parent is entitled to a hearing before a decision is made by the Director. The Director shall make a final determination no later than thirty (30) days after the hearing. The final decision shall be provided to the foster parent, in writing, in the same manner as the service of all notices.

(d) All notices required to be provided under this Section shall be made by registered mail, electronic mail with confirmed receipt, or personal service.

§ 1903. Administration of the Family Foster Home.

(a) Number of Children to be Cared.

(1) There shall be no more than six (6) children in a foster home, including the foster parents' own children, unless approved by the Bureau. In the event the foster family is interested in providing day care to children, in addition to caring for foster children, the total number of children shall not exceed six (6) unless approved by the Bureau. This does not prevent older foster children from providing day care for younger children; provided, it is not detrimental to the children in the home. The foster home, however, must

meet the requirements under both the standards herein and those under family daycare homes.

(2) No more than two (2) children under the age of two (2) shall be cared for in a home by one (1) foster parent, unless there is additional help approved by the Bureau. At no time shall there be more than four (4) children under the age of two (2), including the foster parent's children, unless approved by the Bureau.

(3) A home which accepts Bureau placements shall not accept children from any source without the Bureau's permission.

(b) Records.

(1) A current register of all children admitted shall be kept by the family foster home, and shall be open to inspection by the Bureau upon request. The register shall include:

(A) a listing of children accepted for placement by name, age, date placed and date removed, power of attorney, foster child's attorney name, and contact person from the Bureau; and

(B) a health record including proof of medical/dental insurance coverage, on each foster child with a record of immunization dates, name of physician and the physician's address, telephone number, and the information of how and when to contact the Bureau;

(2) All records concerning the foster child shall be kept confidential and available only to duly authorized persons of the Department.

(c) Contacts with the Family Foster Home. The family foster home shall be visited by the Bureau staff once a month, or as frequently as needed, to assure the continued well-being of the foster child and that the family foster home continues to meet the requirements for certification.

§ 1904. Rights and Responsibilities of Child, Family, Foster Parents, and Caseworker.

The Department recognizes that the child, family, foster parents, and caseworker have certain rights and responsibilities as set forth herein:

§ 1904.1. The Child.

It is important for the child to have a voice and participate in decisions, consistent with his age and ability. The child has the right to receive honest information, have regular visitation with family and significant others, as per the service plan agreement, and to have and contact a guardian ad litem or attorney appointed by the Court. The child has a right to participate in permanency planning at the earliest possible time.

§ 1904.2. The Family.

(a) Responsibilities of the parent(s) include:

(1) cooperating and planning with the Bureau for their child(ren);

(2) retaining their parental role as much as possible;

(3) maintaining contact with their child(ren); and

(4) maintaining contact with the Bureau.

(b) Parent(s) have certain basic rights as it relates to their child(ren), these include:

(1) the right to be informed about major decisions regarding their child(ren);

(2) the right to consent to adoption, surgery, enlistment in the armed forces, and marriage of their child(ren);

(3) to receive notification of hearings and other reviews concerning the welfare of their child(ren); and

(4) to receive current information on the child's health, status, and placement adjustment.

§ 1904.3. The Foster Parents. The foster parents' rights and responsibilities include:

(a) the evaluation of their capacity to work with a particular foster child and the problems involved in the child's situation; and

(b) being informed of decisions regarding the foster child, including placement decisions.

§ 1904.4. The Caseworker.

(a) The caseworker's responsibilities with the foster child include openly dealing with the separation and loss from the child's family. The trauma is lessened if the caseworker helps the child face such feelings before removal by explaining the reason for removal and the service plan. The child, depending on their age, should understand the purpose of the placement and the rules thereof, and participate in the development of the case plan.

(b) The caseworker's responsibilities with the parents of the foster child include:

(1) understanding the parents' feelings regarding the placement, and proceeding accordingly;

(2) making clear the reasons for separation;

(3) maintaining frequent contact, if possible, with the parents; and

(4) having the parents understand the rules and expectations of placement, their expected role, the type of care offered, and anticipated duration.

(c) The caseworker's responsibilities with the foster family include:

(1) sharing information about the child they are to care for, and the child's feelings and ensuing behaviors regarding the separation; and

(2) helping the foster parents in coping with the child's reactive behavior until the child can understand separation, process feelings, and adjust to the new situation.

(d) The caseworker's other responsibilities include:

(1) assessing clothing and personal needs prior to placement of the child;

(2) conducting visitations for the child;

(3) arranging for all counseling services;

(4) ensuring that the educational and medical needs of the child are met;

(5) supporting the role of the foster parents by maintaining monthly contacts with the foster parents, or more often if indicated;

(6) assisting in respite arrangements when needed; and

(7) keeping the foster parents abreast of the child's permanency plans.

§ 1905. Care of the Foster Child.

(a) Member of Foster Family. A foster child shall be cared for as a family member and shall share in the family's pleasures and responsibilities. The foster parents shall report to the Bureau any change which adversely affects the child under foster care.

(b) Health. A foster child shall have a complete physical examination by a licensed physician on initial placement or as soon as appointments can be secured, and at least once a year thereafter. The examinations shall indicate:

(1) the presence of any communicable condition;

(2) known allergies;

(3) physical and/or mental handicaps or limitations; and

(4) other specific health needs.

The foster parents shall be provided pertinent information on the health of each child placed in their home.

(c) Emergencies. Foster parents shall obtain instructions from the Bureau regarding procedures to follow in case of natural disasters, and if the foster child experiences sudden illness or accidents. Severe illness, serious injuries, accidents, runaway, or death of the child shall be reported immediately to the Bureau.

(d) Nutrition. Food provided for the foster child must be age-appropriate, sufficient in quantity, and adequate for good nutrition. Special care must be given to the child's nutritional needs, i.e. age factors, special health concerns, allergies, etc.

(e) Clothing and Personal Supplies. A foster child's clothing shall be kept clean and in proper condition of repair, and shall be of appropriate size. Each foster child shall be provided with individual combs, toothbrushes, and other necessary toiletries.

(f) Recreation and Social Activities. A well-balanced daily program including time for rest appropriate to the child's age, regular meal hours, and recreation shall be provided for the foster child. The foster parents shall cooperate with the Bureau for the child to participate in appropriate social and recreational activities in the community. Foster parents shall cooperate with the Bureau to make it possible for the child to visit with parents and relatives.

(g) Training and Discipline. Child training and discipline shall be carried out with kindness and understanding. No child shall be subjected to any form of punishment or action which would endanger the child's physical or emotional well-being. As a member of the family, a foster child shall participate in home duties commensurate with the child's age, which do not interfere with school, health, and necessary recreation, and which are shared with any other children in the foster home.

(h) Education. Regular school attendance shall be expected of all children in accordance with state laws. Attention shall be given to the special educational needs of the foster child.

(i) Religion. The religious faith of each child shall be respected and the child shall be afforded the opportunity to attend the church, Sunday school, or both, of the child's parent, or legal guardian or, in their absence, of the child's choice.

(j) Absence from Family Foster Home. When a child is to be absent from the family foster home overnight or longer, the foster parents shall secure permission from the Bureau. Absence of a child without permission of the foster parents shall be reported immediately by the foster parents to the Bureau. After working hours, runaways shall be reported to the Bureau as soon as possible.

§ 1906. Foster Family and Home Environment.

(a) Health of Foster Family.

(1) All members of the household shall be free from communicable disease(s) and from physical and emotional conditions which may adversely affect the foster parents' ability to care for the children.

(2) The following written medical reports shall be submitted by the foster parents to the Bureau prior to the initial approval of a family foster home:

(A) physical examination of the foster parent by a licensed physician;

(B) tuberculosis clearance in accordance with current Department regulations;

(C) annual tuberculosis clearance shall be required of all household members with known positive tuberculin reactions;

(D) any person who moves into the family foster home after a Certificate has been issued shall have a tuberculosis clearance and a physical examination certification;

(E) failure to comply with this Section may result in revocation of the Family Foster Home Certificate.

(b) Income.

(1) Income of the foster family shall be reasonably steady and sufficient to maintain an adequate standard of living. The foster family shall have an income adequate to meet their needs from a source other than Bureau payments for the care of foster children.

(2) No business shall be conducted on the premises which would adversely affect the welfare of the children under the foster parents' care.

(c) Employed Foster Parents. The employment of the foster parents shall not interfere with the care of the children. Child care arrangements must have prior approval by the Bureau.

(d) Absence from the Home. When the foster parents are absent from the home because of emergencies, planned vacations, or other reasons, the arrangements for the supervision of the foster child(ren) must be approved by the Bureau prior to the implementation of such arrangement.

§ 1907. Housing and Sanitation.

(a) Requirements. The home shall comply with acceptable state standards on housing and sanitation as follows:

(1) Sleeping Arrangements.

(A) The sleeping arrangements for a foster child shall include suitable light, ventilation, and provision for proper rest.

(B) The foster parents' own child(ren) shall not be displaced because of the presence of a foster child(ren).

(C) Sleeping arrangements should be such that a separate bed can be provided for each child.

(D) There should be sufficient sleeping space for the foster family and foster child(ren).

(E) Sleeping rooms should not be shared by children of opposite sexes over the age of five (5), or with other adults, unless approved by the Bureau.

(F) Except for infants, sleeping arrangements should be such that a space is provided within the sleeping room for the child's personal possessions and for a reasonable degree of privacy.

(G) No foster child shall sleep in a detached building without supervision, or in an unfurnished attic, basement, hallway, or stairwell.

(2) Running water shall be available for bathing facilities and the waste from the running water shall be connected to a public sewage system or other approved method.

(3) The home shall have sanitary flush toilets.

(4) There shall be adequate artificial and natural light and ventilation available where the foster home is located.

(5) Storage of food in the home shall be free from vermin infestation and perishable food shall be stored in a refrigerator.

(6) Preparation of food shall be in a kitchen properly screened with adequate sink facilities.

(7) All eating and drinking utensils shall be thoroughly cleaned after each usage.

(8) The home shall have an approved source of potable water.

(9) Adequate laundering facilities shall be available.

(10) The home shall have adequate facilities for the proper disposal of sewage with all plumbing connected to a public sewage system or other approved method.

(11) The home shall have proper facilities for the disposal of garbage and refuse.

(12) The premises shall be kept in a sanitary and safe condition. There shall be protection from fire hazards, medications, poisons, household cleaning supplies, dangerous tools, and weapons.

(b) Equipment and Furnishings.

(1) Each child shall be provided adequate space for clothing and belongings.

(2) Each child shall be provided with an individual bed, except that two (2) brothers or two (2) sisters may share a double bed, preferably for a temporary period only. Bunk beds with no more than two (2) tiers shall be used only on a selected basis as appropriate to the child's age and situation. Proper ladders and guards must be provided for upper bunks.

(3) Each bed or crib shall be of a size as to ensure comfort of the child, shall have good level springs and mattress, clean, comfortable bedding and linen, and waterproof covering, if needed."

Section 3. Effective Date. The Department of Public Health and Social Services shall have thirty (30) days from the enactment of this Act to amend the Standards for Family Foster Homes in compliance with the rules promulgated in Section 2 of this Act.

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

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that **Bill No. 159-35 (COR), "AN ACT TO *AMEND* § 1101.5(m) AND *ADD* A NEW SUBSECTION (e) TO § 1102.8 OF CHAPTER 1, ARTICLE 1, TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO INCREASING EMERGENCY AND TEMPORARY SHELTER CAPACITY FOR CHILDREN PLACED UNDER THE PROTECTIVE CUSTODY OF CHILD PROTECTIVE SERVICES,"** was on the 22nd day of August 2019, duly and regularly passed.

Tina Rose Muña Barnes
Speaker

Attested:

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 23 day of August, 2019, at 9:17 o'clock a.M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 9/4/2019

Public Law No. 35-35

2019-5287
RCVD AT CENTRAL FILES
AUG 23 '19 AM9:18
Lillian Kosaka

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 159-35 (COR)
As amended on the Floor.

Introduced by: Therese M. Terlaje
Mary Camacho Torres
Régine Biscoe Lee
Telena Cruz Nelson
Telo T. Taitague
Louise B. Muña
Tina Rose Muña Barnes
James C. Moylan
Joe S. San Agustin
William M. Castro
Kelly Marsh (Taitano), PhD
Sabina Flores Perez
Clynton E. Ridgell
Amanda L. Shelton
Jose "Pedo" Terlaje

AN ACT TO *AMEND* § 1101.5(m) AND *ADD* A NEW SUBSECTION (e) TO § 1102.8 OF CHAPTER 1, ARTICLE 1, TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO INCREASING EMERGENCY AND TEMPORARY SHELTER CAPACITY FOR CHILDREN PLACED UNDER THE PROTECTIVE CUSTODY OF CHILD PROTECTIVE SERVICES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that pursuant to § 13302 of Article 3, Chapter 13, Title 19, Guam Code Annotated,

a police officer, Child Protective Services (CPS) social worker, or physician *shall* assume protective custody of a child without a court order and without consent of the child's family regardless of whether the child's family is absent if, in the discretion of such police officer, Child Protective Services social worker, or physician, the child is in such circumstances or condition that the child's continuing in the custody or care of the person responsible for the child's welfare presents a situation of harm or threatened harm to the child.

I Liheslaturan Guåhan further finds that the rising number of children placed in the protective custody of CPS and a limited number of licensed foster care homes to provide emergency or temporary shelter presents a challenge to the protective placement of children. CPS has recently reported that there were two hundred seventy (270) children in foster care, twelve (12) children in emergency children shelters, and thirty-five (35) children waiting for foster placement. Furthermore, a Group Child Care Home or facility is limited in occupancy and capacity to at least seven (7) children, and not more than twelve (12) children, during all or part of a twenty-four (24)-hour period.

I Liheslaturan Guåhan finds that the Department of Public Health and Social Services (DPHSS) will soon complete construction of the Fourteen Million Dollars ($14,000,000) federally-funded, *I Guma Mina'ase*, "House of Mercy," a seven thousand (7,000) square foot temporary facility planned by DPHSS and the *Rigålu* Foundation, as a temporary home for children waiting to be placed in foster care.

It is the intent of *I Liheslaturan Guåhan* to support the increasing need for shelter for children placed in the protective custody of CPS by authorizing the Director of Public Health and Social Services to grant a waiver allowing Group Child Care Homes to exceed the maximum capacity of twelve (12) children for the protective placement of a child determined to be in a situation of harm or threatened

harm. Nothing in this Act is intended to lessen federal mandates or child-to-caretaker ratios.

Section 2. § 1101.5(m) of Chapter 1, Article 1, Title 26, Guam Administrative Rules and Regulations, is *amended* to read:

"(m) Group Child Care Home means a home or facility which provides child care for at least seven (7), and not more than twelve (12) children, during all or part of a twenty-four (24) hour day. The Director may waive the maximum capacity of twelve (12) children for a Group Child Care Home for the emergency or temporary placement of children in the protective custody of Child Protective Services."

Section 3. A new Subsection (e) is hereby *added* to § 1102.8 of Chapter 1, Article 1, Title 26, Guam Administrative Rules and Regulations, to read:

"(e) The Director may waive the maximum capacity of twelve (12) children for a Group Child Care Home for the emergency or temporary placement of children in the protective custody of Child Protective Services."

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