

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN

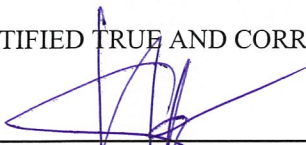
2019 (FIRST) Regular Session

LEGISLATIVE SESSION VOTING RECORD

Bill No. 135-35 (COR) As amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building August 22, 2019					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator William M. CASTRO		II ✓				
Senator Régine Biscoe LEE	✓					
Senator Kelly G. MARSH (TAITANO), PhD	✓					
Senator James C. MOYLAN	✓	II				
Senator Louise B. MUÑA		III ✓				
Speaker Tina Rose MUÑA BARNES	✓					
Vice Speaker Telen Cruz NELSON	✓					
Senator Sabina Flores PEREZ	✓					
Senator Clynton E. RIDGELL					✓	✓
Senator Joe S. SAN AGUSTIN	✓	I				
Senator Amanda L. SHELTON	✓					
Senator Telo T. TAITAGUE		✓				
Senator Jose “Pedro” TERLAJE					✓	✓
Senator Therese M. TERLAJE	✓					
Senator Mary Camacho TORRES	✓					

TOTAL:	10	3			2	2
	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused

CERTIFIED TRUE AND CORRECT:



 RENNAE V. C. MENO
 Clerk of the Legislature

I = Pass

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

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)

1 licensed foster families on Guam. These figures indicate a substantial rise in the
2 number of children in foster care when compared to previous years.

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

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

10 **“ARTICLE 9**

11 **FAMILY FOSTER HOMES**

12 § 1901. General Provisions.

13 § 1901.1. Purpose.

14 § 1901.2. Authority.

15 § 1901.3. Definitions.

16 § 1902. Procedures for Certification of Family Foster Homes.

17 § 1902.1. Qualification of Applicants.

18 § 1902.2. Social Evaluation.

19 § 1902.3. Approval and Issuance of Certificate.

20 § 1902.4. Renewal of Certificate.

21 § 1902.5. Denial, Suspension, Revocation of Certificate.

22 § 1903. Administration of the Family Foster Home.

23 § 1904. Rights and Responsibilities of Child, Family, Foster Parents and
24 Caseworker.

25 § 1904.1. The Child.

26 § 1904.2. The Family.

27 § 1904.3. The Foster Parents.

1 § 1904.4. The Caseworker.

2 § 1905. Care of the Foster Child.

3 § 1906. Foster Family and Home Environment.

4 § 1907. Housing and Sanitation.

5 **§ 1901. General Provisions.**

6 **§ 1901.1. Purpose.**

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

12 **§ 1901.2. Authority.**

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

17 **§ 1901.3. Definitions.**

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

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

25 **§ 1902. Procedures for Certification of Family Foster Homes.**

26 All family foster homes shall be licensed by the Department through issuance
27 of a “Certificate for Family Foster Home” (Certificate), indicating that the standards

1 for the care of foster children under these regulations have been met. All applications
2 for Certification shall be submitted to the Bureau.

3 **§ 1902.1. Qualification of Applicants.**

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

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

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

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

15 (1) police clearance;

16 (2) National Crime Information Center clearance;

17 (3) medical history;

18 (4) employment information;

19 (5) copy of a recent check stub; and

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

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

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

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

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

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

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

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

17 **§ 1902.2. Social Evaluation.**

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

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

23 **§ 1902.3. Approval and Issuance of Certificate.**

24 (a) On the basis of the social evaluation indicating the applicant has
25 satisfactorily met the requirements under these regulations, the Department shall
26 issue a Certificate showing approval for licensing as a family foster home. The

1 Certificate shall provide the name of the applicant, maximum number of foster
2 children permitted, and the period for which the Certificate is issued.

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

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

15 (d) A Provisional Certificate may be issued for a period of sixty (60) days
16 for those unable to meet the requirements under the social evaluation, if it has been
17 reasonably determined that all requirements will be met no later than forty-five (45)
18 days from the date of issuance of the provisional certificate; and provided, that the
19 health and safety of the child is not in jeopardy by such temporary placement.

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

22 **§ 1902.4. Renewal of Certificate.**

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

27 **§ 1902.5. Denial, Suspension, Revocation of Certificate.**

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

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

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

20 (c) A Certificate will be revoked if it is determined by the Bureau that the
21 foster parent is in violation of any of the provisions of 10 GCA § 2408, or has been
22 convicted of a crime involving violence, alcohol, drug abuse, sex offense, moral
23 turpitude, or any offense which would indicate the foster parent presented a threat to
24 the welfare of the foster child. The Bureau shall provide the foster parent with a
25 notice of intent to revoke the Certificate, and allow the foster parent ten (10) days to
26 respond to the notice. The foster parent may request to meet informally with the
27 Bureau to discuss the basis for the notice to revoke the Certificate. After the ten (10)

1 days has elapsed, whether or not response is made by the foster parent, the Bureau
2 may forward its recommendation to revoke the Certificate to the Director. The foster
3 parent is entitled to a hearing before a decision is made by the Director. The Director
4 shall make a final determination no later than thirty (30) days after the hearing. The
5 final decision shall be provided to the foster parent, in writing, in the same manner
6 as the service of all notices.

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

9 **§ 1903. Administration of the Family Foster Home.**

10 (a) Number of Children to be Cared.

11 (1) There shall be no more than six (6) children in a foster home,
12 including the foster parents' own children, unless approved by the Bureau. In
13 the event the foster family is interested in providing day care to children, in
14 addition to caring for foster children, the total number of children shall not
15 exceed six (6) unless approved by the Bureau. This does not prevent older
16 foster children from providing day care for younger children; provided, it is
17 not detrimental to the children in the home. The foster home, however, must
18 meet the requirements under both the standards herein and those under family
19 daycare homes.

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

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

27 (b) Records.

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

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

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

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

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

17 **§ 1904. Rights and Responsibilities of Child, Family, Foster Parents,**
18 **and Caseworker.**

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

21 **§ 1904.1. The Child.**

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

1 **§ 1904.2. The Family.**

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

- 3 (1) cooperating and planning with the Bureau for their child(ren);
4 (2) retaining their parental role as much as possible;
5 (3) maintaining contact with their child(ren); and
6 (4) maintaining contact with the Bureau.

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

- 9 (1) the right to be informed about major decisions regarding their
10 child(ren);
11 (2) the right to consent to adoption, surgery, enlistment in the armed
12 forces, and marriage of their child(ren);
13 (3) to receive notification of hearings and other reviews concerning
14 the welfare of their child(ren); and
15 (4) to receive current information on the child's health, status, and
16 placement adjustment.

17 **§ 1904.3. The Foster Parents.** The foster parents' rights and
18 responsibilities include:

- 19 (a) the evaluation of their capacity to work with a particular foster
20 child and the problems involved in the child's situation; and
21 (b) being informed of decisions regarding the foster child, including
22 placement decisions.

23 **§ 1904.4. The Caseworker.**

24 (a) The caseworker's responsibilities with the foster child include openly
25 dealing with the separation and loss from the child's family. The trauma is lessened
26 if the caseworker helps the child face such feelings before removal by explaining the
27 reason for removal and the service plan. The child, depending on their age, should

1 understand the purpose of the placement and the rules thereof, and participate in the
2 development of the case plan.

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

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

7 (2) making clear the reasons for separation;

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

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

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

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

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

18 (d) The caseworker's other responsibilities include:

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

21 (2) conducting visitations for the child;

22 (3) arranging for all counseling services;

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

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

27 (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.

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

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

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

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

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

25 **§ 1906. Foster Family and Home Environment.**

26 (a) Health of Foster Family.

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

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

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

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

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

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

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

18 (b) Income.

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

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

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

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

5 **§ 1907. Housing and Sanitation.**

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

8 (1) Sleeping Arrangements.

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

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

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

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

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

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

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

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

1 (3) The home shall have sanitary flush toilets.

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

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

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

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

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

11 (9) Adequate laundering facilities shall be available.

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

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

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

20 (b) Equipment and Furnishings.

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

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

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

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

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