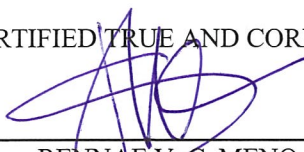


I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session
LEGISLATIVE SESSION VOTING RECORD

Bill No. 159-35 (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	✓					
Senator Régine Biscoe LEE	✓					
Senator Kelly G. MARSH (TAITANO), PhD	✓					
Senator James C. MOYLAN	✓					
Senator Louise B. MUÑA	✓					
Speaker Tina Rose MUÑA BARNES	✓					
Vice Speaker Telen Cruz NELSON	✓					
Senator Sabina Flores PEREZ	✓					
Senator Clynton E. RIDGELL					✓	✓
Senator Joe S. SAN AGUSTIN	✓					
Senator Amanda L. SHELTON	✓					
Senator Telo T. TAITAGUE	✓					
Senator Jose "Pedro" TERLAJE					✓	✓
Senator Therese M. TERLAJE	✓					
Senator Mary Camacho TORRES	✓					

TOTAL:	13	2	2	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. 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.**

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

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

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

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

17 *I Liheslaturan Guåhan* finds that the Department of Public Health and Social
18 Services (DPHSS) will soon complete construction of the Fourteen Million Dollars
19 (\$14,000,000) federally-funded, *I Guma Mina'ase*, "House of Mercy," a seven
20 thousand (7,000) square foot temporary facility planned by DPHSS and the *Rigålu*
21 Foundation, as a temporary home for children waiting to be placed in foster care.

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

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

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

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

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

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

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