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
334-36 (COR)	Therese M. Terlaje Telo T. Taitague	AN ACT TO *ADD* A NEW ARTICLE 3A TO CHAPTER 1, DIVISION 1 OF TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO THE ADOPTION OF RULES AND REGULATIONS FOR CHILD PLACEMENT AGENCIES.	9/9/22 5:02 p.m.	9/13/22	Committee on Health, Land, Justice, and Culture	9/20/22 10:00 a.m.	11/29/22 10:08 a.m. As Amended by the Committee on Health, Land, Justice, and Culture	Request: 9/13/22 9/20/22	Exhibit A, B through N

SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	LAPSED	NOTES
12/2/22	AN ACT TO *ADD* A NEW ARTICLE 3A TO CHAPTER 1, DIVISION 1 OF TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO THE ADOPTION OF RULES AND REGULATIONS FOR CHILD PLACEMENT AGENCIES.	12/16/22	12/16/22	12/28/22	36-136	12/28/22	Received: 12/29/22 Mess and Comm. Doc. No. 36GL-22-2939

LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

Doc Type: 36GL-22-2939
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

-12- 28 2022

Time: 6:04pm
Received:

Transmitted via email to: speaker@guamlegislature.org

December 28, 2022

HONORABLE THERESE M. TERLAJE, *Speaker*
I Mina'trentai Sais Na Liheslaturan Guåhan
36th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: **BILL NO. 334-36 (COR) - AN ACT TO *ADD* A NEW ARTICLE 3A TO CHAPTER 1, DIVISION 1 OF TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO THE ADOPTION OF RULES AND REGULATIONS FOR CHILD PLACEMENT AGENCIES**

Hafa Adai Madame Speaker,

For the reasons provided below, Bill No. 334-36 will lapse into law without my signature.

Our Administration supports Bill No. 334-36's goal of regulating child placement agencies for the purposes of adoption. Such regulations are important measures to protect the well-being of children on Guam. Citing to Public Law 36-68 as an "exemption" to Guam's rulemaking laws, Bill No. 334-36 promulgates two sets of rules and regulations, which are attached to the bill as exhibits A and B. The "exemption" provided under Public Law 36-68 Section 2(d), however, applies only to "interim" rules, not regular rules. In the Committee Report, the Speaker of the Guam Legislature indicated her intent that the "interim" rules should serve as "permanent rules" until further amended by the Department of Public Health and Social Services ("DPHSS"). The intention to adopt permanent rules in this bill is further indicated by the absence of language identifying the rules as interim. Unfortunately, the exemption referenced in Public Law 36-68 does not provide a valid source of authority to exempt DPHSS from formal rulemaking.

To validate the rules promulgated through Bill No. 334-36, I direct DPHSS to begin the statutory rulemaking process. Perfecting the rulemaking process will ensure the rules will survive possible challenges to its validity and, ultimately, further the agency's goals of providing adoption services that ensure the best interests of the child.

I thank DPHSS and the Legislature for their efforts in preparing legislation with the intention of promulgating rules for child placement agencies. I acknowledge the work provided by DPHSS and the agency's social workers and nonprofit organizations dedicated to improving the lives of our most vulnerable populations. However, for the reasons noted above, Bill No. 334-36 will ***lapse into law without my signature*** as ***Public Law 36-136***.

Senseremente,

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

RECEIVED
DEC 29 2022
2:53 P.M.
COMMITTEE ON RULES

Enclosure: Bill No. 334-36 (COR) *nka P.L. No. 36-136*

cc via email: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*, Lt. Governor of Guam
Compiler of Laws

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session

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

This is to certify that **Bill No. 334-36 (COR), "AN ACT TO *ADD* A NEW ARTICLE 3A TO CHAPTER 1, DIVISION 1 OF TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO THE ADOPTION OF RULES AND REGULATIONS FOR CHILD PLACEMENT AGENCIES,"** was on the 16th day of December 2022, duly and regularly passed.

Therese M. Terlaje

Therese M. Terlaje
Speaker

Attested:

Amanda L. Shelton

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 16TH day of Dec, 2022, at 10:06 o'clock P.M.

P03 C C Chong 562

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 12/28/2022

Public Law No. 36-136

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session

Bill No. 334-36 (COR)
As amended by the Committee on Health, Land, Justice, and Culture; and further amended on the Floor.

Introduced by: Therese M. Terlaje
Telo T. Taitague
V. Anthony Ada
Frank Blas Jr.
Joanne Brown
Christopher M. Dueñas
James C. Moylan
Tina Rose Muña Barnes
Telena Cruz Nelson
Sabina Flores Perez
Clynton E. Ridgell
Joe S. San Agustin
Amanda L. Shelton
Jose "Pedo" Terlaje
Mary Camacho Torres

AN ACT TO *ADD* A NEW ARTICLE 3A TO CHAPTER 1, DIVISION 1 OF TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO THE ADOPTION OF RULES AND REGULATIONS FOR CHILD PLACEMENT AGENCIES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that pursuant to the mandate set forth in Public Law 36-68, the Department of Public Health and Social Services (DPHSS) promulgated rules and regulations for all child placement agencies, setting the minimum standards governing the granting, revocation, refusal,

and suspension of licenses for a child placement agency and the operation of a child placement agency, within the required one hundred eighty (180) day time frame, in order to require the licensure of any child placement agency operating in Guam. Public Law 36-68 also required DPHSS to transmit the rules and regulations to the legislative committee with subject matter jurisdiction, and that such rules and regulations shall be exempt from the provisions of the Administrative Adjudication Law; provided, that at least one (1) public hearing is held by the legislative committee with subject matter jurisdiction, "to ensure transparency, permit public participation therein, and provide a method of making rules readily accessible to the public." Public Law 36-68 further mandated that "no rule shall be effective until after *I Liheslaturan Guåhan,* by passage of a bill that is enacted into law, approves disapproves, or amends any rule."

Therefore, it is the intent of *I Liheslaturan Guåhan* to adopt the rules and regulations for child placement agencies transmitted to the Legislature through the passage of this Act.

Section 2. *I Liheslaturan Guåhan* does hereby adopt the rules and regulations transmitted to the Legislative Committee on Health, Land, Justice, and Culture by the Department of Public Health and Social Services, entitled, "Department of Public Health and Social Services, Bureau of Social Services Administration, Home Evaluation and Placement Services Section, Guam Child Placement Agency Rules and Regulation for the Purpose of Adoption," attached hereto as EXHIBIT A, and "DPHSS Division of Children's Wellness, Bureau of Social Services Administration, Application for a Child Placement Agency for the Purpose of Adoption," attached hereto as EXHIBIT B, to be codified as a new Article 3A of Chapter 1, Division 1 of Title 26, Guam Administrative Rules and Regulations.

Notwithstanding Public Law 36-68 or any other law, these rules and regulations shall remain in full effect until amended or other rules are adopted by DPHSS pursuant to the Administrative Adjudication Law.

Section 3. Effective Date. This Act shall be effective upon enactment.

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
BUREAU OF SOCIAL SERVICES ADMINISTRATION HOME
EVALUATION AND PLACEMENT SERVICES SECTION

GUAM CHILD PLACING AGENCY RULES AND REGULATIONS FOR THE PURPOSE OF ADOPTION

PREFACE:

The Guam Child Placing Agency for the purpose of adoption Rules and Regulations takes into consideration and is in compliance with Guam Public Law (P.L.) 20-209 title 19 Guam Code Annotate (GCA) personal relations, Chapter 13, Child Protective Act; Title 26 Guam Administrative Rules and Regulations (GARR) Division I- Director of Public Health and Social Services (DPHSS), Article 3, Adoption Policies and Control; Guam Public Law (P.L.) 13-133. Adoption Law – Title 19 Guam Code Annotated (GCA), Personal Relations, Chapter 4, Parent and Child and Public Law (P.L.) 36-68 Section 2, Rule Making Procedure for Child Placement Agencies Requiring Licensure and governing the licensing of adoption agencies in Guam. Questions about these rules and regulations should be directed to the state agency responsible for the promulgation of the rule.

PURPOSE:

The purpose of these rules and regulations is to protect the rights of children in foster care, those in the process of being adopted, and children's birth parents or guardians. These regulations establish minimum standards set by the Department of Public Health and Social Services (DPHSS), Division of Children's Wellness (DCW), Bureau of Social Services Administration (BOSSA) to approve a foster or adoptive parent, foster or adoptive family household members, and a foster or adoptive home. They also ensure effective foster care and adoption services resulting in humane placement for each child.

APPLICABILITY:

These rules and regulations are applicable to Child Placing Agency for the purpose of adoption licensees for the purposes of adoption.

AUTHORITY:

The Government Code of Guam authorizes the Department to adopt rules and regulations for licensing all Child Placing Agency for the purpose of adoption, to issue licenses and to ensure that all provisions of P.L. 36-68 regarding licensing are carried out.

TITLE:

These rules and regulations shall be known and may be cited as the "Guam Child Placing Agency for the purpose of Adoption Rules and Regulations"

CHILD PLACING AGENCIES LICENSING REQUIREMENTS

Section 01 Who Shall Be Licensed

Section 02 Adoption Agency License; Initial Application Package; Fee

Section 03 Department Procedures for Processing License Applications; Licensing Time Frames

Section 04 License: Issuance; Denial

Section 05 License: Term; Non-transferable

Section 06 Application for License Renewal; Fee

Section 07 Renewal License: Issuance

Section 08 Amended License

Section 09 Governing Body

Section 10 Adoption Agency Administrator

Section 11 Social Services Director

Section 12 Social Workers

Section 13 Adoption Agency Employees: Hiring; References; Fingerprinting

Section 14 Adoption Agency Volunteers; Interns

Section 15 Personnel Records

Section 16 Training Requirements

Section 17 Contracted Services

Section 18 Staffing Ratios

Section 19 Operations Manual

Section 20 Adoption Agency Operations Budget; Financial Records

Section 21 Annual Financial Audit

Section 22 Insurance Coverage

Section 23 Physical Space Requirements; Transportation of a Child

Section 24 Protecting Confidentiality of Adoption Records

Section 25 Recordkeeping Requirements: Adoptive Children

Section 26 Recordkeeping Requirements: Adoptive Parents

Section 27 Reporting Requirements: Abuse; Adoption Agency Change; Change of Circumstances of a Child or Family

Section 28 Closure of Adoption Agency: Record Requirements

Section 29 Birth Parent: Service Agreement; Prohibitions.

Section 30 Adoption Fees; Reasonableness

Section 31 Adoption Fee Agreement

Section 32 Monitoring: Inspections and Interviews; Compliance Audit

Section 33 Complaints; Investigations

Section 34 Noncompliance Status: Corrective Action Plan.

Section 35 Suspension

Section 36 Revocation

Section 37 Adverse Action: Procedures

Section 38 Appeals

DEFINITIONS:

1. **Child Placing Agency for the purpose of adoption applicant** means for the purpose of adoption the individual completing an application for a license to operate a Child Placing Agency for the purpose of adoption in Guam on behalf of the individual or on behalf of the Child Placing Agency for the purpose of adoption. "Adoption agency applicant" also includes the Child Placing Agency for the purpose of adoption for which the individual is applying.
2. **Guam Child Protective Act Public law 20-209** – Created procedures to safeguard, treat and provide permanent planning for children who have been harmed or threatened with harm.
3. **Client** means a prospective adoptive parent and the child who is or would be the subject of an adoption performed by the Child Placing Agency for the purpose of adoption for the purpose of adoption.
4. **Human services field** means any area of study that moves the human experience forward, including, psychology, sociology, social work, medicine, and education.
5. **Home Evaluation and Placement Service (HEPS) Section** Adoption Unit or its designee means the administration within BOSSA that is responsible for reviewing and evaluating applications for licensure; supervising and monitoring licensees; and completing all official licensing actions, including issuing, denying, amending, suspending, and revoking a license.
6. **Person** means a human being regarded as an individual.
7. **Adoption** means termination of previously held parental rights over a child and the creation and finalization of a new legal parent-child relationship.
8. **Adoption home** means a private residence where an adoptive parent lives and meets the requirements of these regulations to accept a child for adoption.
9. **Adoptive parent** means a person approved by an agency to adopt a child and create a new legal parent-child relationship.
10. **Adult** means a person eighteen (18) years of age or older
11. **Agency** means a Child Placing Agency for the purpose of adoption.
12. **Applicant** means a person, agency, corporation, partnership, or entity, applying for a license through the Department of Public Health and Social Services (DPHSS), Division of Children's Wellness (DCW), Bureau of Social Services Administration (BOSSA), Home Evaluation and Placement Services (HEPS - ADOPTION UNIT) Section to provide adoption services.
13. **Background Check** means a report of a person's entire criminal history. On the Territory of Guam: Child Abuse and Neglect (CAN) Registry Check, Police Clearance, Court Clearance and FBI Fingerprint.
14. **Birth Parent** means the child biological mother or father.

CHILD PLACING AGENCY FOR THE PURPOSE OF ADOPTION LICENSING REQUIREMENTS

Section 01. Who Shall Be Licensed

A. Only the following may perform the adoption services as listed in subsection (B):

1. A person licensed as a Child Placing Agency for the purpose of adoption by the Guam Department of Public Health & Social Services.

2. An employee of or an independent contractor for an adoption agency licensed by the Guam Department of Public Health & Social Services.

3. A person acting under the direct supervision and control of a Child Placing Agency for the purpose of adoption licensed by the Guam Department of Public Health & Social Services.

B. Only the persons or entities listed in subsection (A) may perform the following adoption services:

1. Recruiting a birth parent to place a child through a particular Child Placing Agency for the purpose of adoption;

2. Accepting a birth parent's relinquishment of parental rights and consent to adoption;

3. Accepting physical custody of a child for placement into an adoption placement;

4. Placing a child in an adoptive home;

5. Monitoring, supervising, or finalizing an adoption placement; and

6. Providing networking or matching services for a birth parent, an adoptive parent, or a child.

C. Notwithstanding subsections Section 1(A) and (B), attorneys licensed to practice law in the Territory of Guam may participate in direct placement adoptions to the extent allowed by P.L. 13-133.

Section 02. Child Placing Agency for the purpose of adoption License; Application Package

A. A person who wants to operate a Child Placing Agency for the purpose of adoption for the purpose of adoption shall initiate the licensing process by completing an application package.

B. A complete application package for licensure of Child Placing Agency for the purpose of adoption shall contain the information and the supporting documentation listed in this subsection:

1. Identification and background information, including the following information for the Child Placing Agency for the purpose of adoption, facility, and administrators:

a. Name, address, telephone, and fax numbers for the Child Placing Agency for the purpose of adoption and all offices operated by the Child Placing Agency for the purpose of adoption;

b. Name, title, business address, telephone and fax numbers, and email address of:

i. The person who serves as the adoption agency administrator as outlined in Section 10;

ii. The person who serves as the Social Services Director as outlined in Section 11;
iii. The person with delegated authority to act when the Child Placing Agency for the purpose of adoption administrator is absent;
iv. The person in charge of each separate office;
v. The registered agent, if applicable; and

c. The educational qualifications and work history for each person identified in Section 13, with that person's attached resume or employment application;
d. A list of the members of the Child Placing Agency for the purpose of adoption's governing body required by Section 9, including name, address, position in the Child Placing Agency for the purpose of adoption, term of membership, and any relationship to the Child Placing Agency for the purpose of adoption applicant;
e. If applicable, a written description of any proceedings pending or filed, brought against the Child Placing Agency for the purpose of adoption applicant or a person listed in Section 9 through Section 13, Child Placing Agency for the purpose of adoption employees, partners, or independent contractors, including those held in this state or another state or country; for denial, suspension, or revocation of a license or certificate for provision of:
i. Adoption services; or
ii. Social services, including child welfare, childcare, or any other programs or services to children, elderly, or vulnerable adults; and
f. If applicable, a written description of any litigation in which the Child Placing Agency for the purpose of adoption applicant or a person listed in Section 9 through Section 13 is or has been a party, including, collection matters and bankruptcy proceedings, during the 10 years preceding the date of application for the Child Placing Agency for the purpose of adoption license.

2. Business organization.
a. An organizational chart for the Child Placing Agency for the purpose of adoption and each separate office, showing administrative structure, lines of authority, and staff;
b. Business organization documents appropriate to the Child Placing Agency for the purpose of adoption applicant, including:
i. Articles of incorporation,
ii. By-laws,
iii. Articles of organization, or
iv. Partnership documents, such as the Partnership Agreement;
c. Annual reports for the preceding three years if the Child Placing Agency for the purpose of adoption has been in existence for three or more years;
d. For corporations, or limited liability companies, a certificate of good standing from the Guam Department of Revenue and Taxation;

3. Staff.
a. A list of the paid or unpaid staff within the Child Placing Agency for the purpose of adoption shall include:
i. Name,
ii. Position or title,
iii. Degrees,
iv. Certificates,

v. Licenses held,
vi. Business address,
vii. Date of hire,
viii. Date of submission for fingerprinting and criminal background clearance, to include the Child Abuse and Neglect Registry check and all other applicable clearances.

b. Obtain and provide to the Department evidence that all staff, interns, and volunteers have submitted fingerprints and criminal background Section 13, and Section 14.

4. Financial Stability.
   a. A written, proposed operating budget for startup and a projected or annual budget for the first year of operation;
   b. Verifiable documentation of funds available to pay start-up costs; the funds shall be in the form of cash or written authorization for a line of credit;
   c. Verifiable documentation of funds available to pay operating expenses for the first three months of operations; the funds shall be in the form of cash or written authorization for a line of credit;
   d. Verifiable documentation of financial resources to operate in accordance with the proposed operating budget for the remaining nine months of the licensing year; the resources may include:
      i. Cash,
      ii. Contracts for placement,
      iii. Donations,
      iv. Letters of commitment from financial backers or investors,
      v. Grants, and
      vi. Authorization for a line of credit;
   e. If the Child Placing Agency for the purpose of adoption applicant, the Child Placing Agency for the purpose of adoption administrator, a Board Member, or any Child Placing Agency for the purpose of adoption employee or partner has operated any Child Placing Agency for the purpose of adoption in the United States Territory of Guam or any other state during the past 10 years, the most recent financial statement and financial audit for that Child Placing Agency, unless the most recent statement or audit is more than 10 years old; and
   f. A certificate of insurance, or letter of commitment from an insurer, showing that the Child Placing Agency for the purpose of adoption applicant has insurance coverage as outlined in Section 22.

5. Program.
   a. Informational, marketing, or advertising material about the Child Placing Agency for the purpose of adoption;
   b. Program description, including:
      i. All adoption services the Child Placing Agency for the purpose of adoption applicant intends to provide;
      ii. The fee the Child Placing Agency for the purpose of adoption applicant will charge for each service;
      iii. The cost to the Child Placing Agency for the purpose of adoption applicant of providing each service;

iv. The time in the adoption process when the Child Placing Agency for the purpose of adoption applicant will require a client to pay the fee described in Section 30;
v. The anticipated number of clients the Child Placing Agency for the purpose of adoption applicant will serve; and
vi. The methods the Child Placing Agency for the purpose of adoption applicant will use to recruit birth parents and prospective adoptive parents; and

c. A written explanation of how the Child Placing Agency for the purpose of adoption applicant will provide adoption services, including:
i. The number and description of staff who will provide the service, and
ii. Staff training requirements.

6. Documentation, Forms, and Notices. Samples of all documents, forms, and notices, which the adoption agency applicant will use with or provide to a client, including:
a. Child Placing Agency for the purpose of adoption application for services;
b. Adoptive parent certification application;
c. Fee policy and schedule as outlined by Section 30;
d. Sample birth parent relinquishment and consent form;
e. Informational or advertising brochures;
f. Sample fee agreement;
g. Sample birth parent agreement letter;
h. Intake form;
i. Sample case file;
j. Court report format; and
k. Statistical report.
7. Sample Files. A sample of the type of filing format the Child Placing Agency for the purpose of adoption applicant will utilize for personnel files as outlined in Section 15, and client files as outlined in Section 25 and Section 26.
8. Policies and Procedures. Copies of the Child Placing Agency for the purpose of adoption applicant's internal policies and operations manual.
9. Physical site and environment.
a. The floor plan for each office or location designated for conducting private discussions, interviews, and meetings;
b. A description of the Child Placing Agency for the purpose of adoption applicant's computer security system and the Child Placing Agency for the purpose of adoption applicant's confidentiality safeguards; and
c. Registration and inspection certificates for all vehicles used to transport a client or children.
10. Miscellaneous.
a. A signed, written statement authorizing BOSSA to investigate the Child Placing Agency for the purpose of adoption applicant;
b. The signature, under penalty of perjury, of the Child Placing Agency for the purpose of adoption administrator or authorized person submitting the application, attesting to the truthfulness of the information contained in the application;
c. The date of application; and

d. Board or partnership meeting minutes for the past three years if the Child Placing Agency for the purpose of adoption has been in existence for three or more years.

11. Fee. Pay a non-refundable, initial application fee of $400 and renewals will be every two years at the fee of $225 (fees may be increased at annual rate of 5%)

C. A Child Placing Agency for the purpose of adoption that does not have or maintain all or part of the supporting documentation listed in this Section shall so indicate in a written statement filed with the application.

Section 03. Department Procedures for Processing License Applications; Licensing Time Frames

A. In this Section, a complete application package means:
   1. For an initial license, the items listed in Section 1 and Section 2.
   2. For a renewal license, the items listed in Section 6.

B. Within 15 days of receiving an initial or renewal license application package, DPHSS/BOSSA/ HEPS – Adoption Unit (HEPS - ADOPTION UNIT) shall conduct an administrative review to determine whether all required documentation and information has been submitted. Within the 15-day administrative review timeframe:
   1. If the application is complete, HEPS - ADOPTION UNIT shall immediately move the application forward for a substantive review; or
   2. If the application is incomplete, HEPS - ADOPTION UNIT shall issue a Notice of Incomplete Application to the Child Placing Agency for the purpose of adoption applicant containing a list of items and information needed to complete the application.
      a. The Child Placing Agency for the purpose of adoption applicant shall have 60 days to supply the missing items or information to HEPS - ADOPTION UNIT.
      b. The timeframe for the administrative completeness review shall be suspended from the date HEPS - ADOPTION UNIT issues the Notice of Incomplete Application to the date that HEPS - ADOPTION UNIT receives the missing item or information.
      c. If the Child Placing Agency for the purpose of adoption applicant does not supply the requested items or information within 60 days of the date of the Notice of Incomplete Application, HEPS - ADOPTION UNIT shall close the file. Once closed, the Child Placing Agency for the purpose of adoption applicant may reapply for licensure.
      d. If the Child Placing Agency for the purpose of adoption applicant supplies the required items and information to HEPS - ADOPTION UNIT within 60 days, HEPS - ADOPTION UNIT shall conduct a substantive review of the application.

C. A Child Placing Agency for the purpose of adoption applicant whose file has been closed under subsection (B)(2)(c) and who reapplies no later than 90 days after the date of the notice closing the application, may reopen the application provided:
   1. The Child Placing Agency for the purpose of adoption applicant schedules a conference with HEPS - ADOPTION UNIT and
   2. The Child Placing Agency for the purpose of adoption applicant provides to HEPS - ADOPTION UNIT the missing information or items identified in the Notice of Incomplete Application.

D. Within the 90 days following the administrative completeness review of an application, and if the application is complete, HEPS - ADOPTION UNIT shall complete a substantive review to evaluate the Child Placing Agency for the purpose of adoption applicant's fitness for licensure. Within the 90-day substantive review timeframe, HEPS - ADOPTION UNIT:
    1. May request that the Child Placing Agency for the purpose of adoption applicant provide additional information if needed to evaluate the suitability of the Child Placing Agency for the purpose of adoption applicant for licensure.
        a. The Child Placing Agency for the purpose of adoption applicant shall have an additional 15 days to provide the information to HEPS - ADOPTION UNIT
        b. The timeframe for the substantive review shall be suspended from the date HEPS - ADOPTION UNIT requests additional information to the date HEPS - ADOPTION UNIT receives the information.
    2. Shall make the licensing decision under Section 4
E. Within an overall timeframe of 105 days upon receipt of a complete application, HEPS - ADOPTION UNIT shall:
    1. Complete an administrative review of an application,
    2. Complete a substantive review of a Child Placing Agency for the purpose of adoption applicant's fitness, and
    3. Notify the Child Placing Agency for the purpose of adoption issue or deny a license.
F. For the purpose of P.L. 36-68 HEPS - ADOPTION UNIT establishes the following licensing timeframes for both an initial and renewal license:
    1. Administrative completeness review timeframe: 15 days.
    2. Substantive review timeframe: 90 days; and
    3. Overall time-frame: 105 days.

Section 04. License: Issuance; Denial

A. Prior to issuing a license to a Child Placing Agency for the purpose of adoption applicant, HEPS - ADOPTION UNIT shall:
    1. Review the application package;
    2. Inspect the Child Placing Agency for the purpose of adoption applicant's place of business, records, accounting records, and system for client files; and
    3. Interview the Child Placing Agency for the purpose of adoption applicant's staff, as necessary to familiarize HEPS - ADOPTION UNIT representative with the Child Placing Agency for the purpose of adoption applicant's operations;
B. Prior to issuing a license, HEPS - ADOPTION UNIT may submit the Child Placing Agency for the purpose of adoption applicant's start-up, operating, or annual budget required in Section 2 for audit verification.
C. HEPS - ADOPTION UNIT shall issue a license to a Child Placing Agency for the purpose of adoption applicant who:
    1. Has complied with all application and inspection requirements and
    2. Demonstrates that it:
        a. Has sufficient capital to pay all start-up costs;
        b. Has sufficient capital, personnel, expertise, facilities, and equipment to provide the services it plans to offer; and
        c. Does not intend to charge unreasonable fees;

D. HEPS - Adoption Unit shall deny a license to:
    1. A Child Placing Agency for the purpose of adoption applicant that had a license revoked by any state or foreign country;
    2. A Child Placing Agency for the purpose of adoption applicant that employs personnel whose fingerprint background check shows that the employee has been convicted of or is awaiting trial on an offense.
    3. A Child Placing Agency for the purpose of adoption applicant that does not comply with one or more of the standards listed in subsection (C);
    4. A Child Placing Agency for the purpose of adoption applicant that has intentionally or recklessly jeopardized the well-being of its client;
    5. A Child Placing Agency for the purpose of adoption applicant that has a history or pattern of violations of applicable adoption statutes or rules; or
E. When HEPS - ADOPTION UNIT denies a license, HEPS - ADOPTION UNIT shall send the Child Placing Agency for the purpose of adoption applicant written notice explaining the reason for denial, and the Child Placing Agency for the purpose of adoption applicant's right to seek a fair hearing.

Section 05. License: Term; Non-transferability

A. HEPS - ADOPTION UNIT shall issue a license only to the Child Placing Agency for the purpose of adoption for which application is made and for the location shown on the application.
B. A license expires two years from the date of issuance.
C. A license shall not be transferred or assigned and shall expire upon a change in Child Placing Agency for the purpose of adoption ownership.
D. For the purpose of this Section, a change in ownership shall include the following events:
    a. Sale or transfer of the Child Placing Agency for the purpose of adoption,
    b. Bulk sale or transfer of the Child Placing Agency for the purpose of adoption's assets or liabilities,
    c. Placement of the Child Placing Agency for the purpose of adoption in the control of a court appointed receiver or trustee,
    d. Bankruptcy of the child placement agency,
    e. Change in the composition of the partners of a Child Placing Agency for the purpose of adoption
    f. Loss of a Child Placing Agency for the purpose of adoption's nonprofit status

Section 06. Application for License Renewal; Fee

A. No earlier than 90 days and no later than 45 days prior to the expiration date of a license, a Child Placing Agency for the purpose of adoption may apply to HEPS - ADOPTION UNIT for license renewal.

B. The renewal application shall be on a DPHSS form containing the information listed in Section

C. The Child Placing Agency for the purpose of adoption shall submit evidence that each current employee has obtained a new fingerprint clearance card every six years following original clearance.

D. A Child Placing Agency for the purpose of adoption shall submit copies of the supporting documents listed in Section 2 if the Child Placing Agency for the purpose of adoption has changed, amended, or updated such documents since the Child Placing Agency for the purpose of adoption last renewed its license.

E. With a renewal application, the Child Placing Agency for the purpose of adoption shall also submit a non-refundable renewal fee of $225 and the following documentation:

1. A current financial statement;

2. A copy of the Child Placing Agency for the purpose of adoption's current operating budget and a recent audit report required by Section 21 or if applicable, the documentation required by Section 21 subsection (C);

3. Copies of any written complaints the Child Placing Agency for the purpose of adoption has received about its performance during the expiring license year; and

4. A written description of any changes in program services or locations, or the population served by the Child Placing Agency for the purpose of adoption.

Section 07. Renewal License: Issuance

A. HEPS - ADOPTION UNIT shall process a renewal application package pursuant to the procedures described in Section 3 and Section 4.

B. In addition to investigating as outlined in Section 4, HEPS - ADOPTION UNIT shall:

1. Interview Child Placing Agency for the purpose of adoption clients and references,

2. Observe the Child Placing Agency for the purpose of adoption staffing, and

3. Conduct field visits to the Child Placing Agency for the purpose of adoption offices.

C. In determining whether to renew a license, HEPS - ADOPTION UNIT shall consider the licensee's past history from other licensing periods and shall consider a repetitive pattern of violations of applicable adoption statutes or rules as evidence that the Child Placing Agency for the purpose of adoption is unable to meet the standards for obtaining a license.

D. HEPS - ADOPTION UNIT shall renew a Child Placing Agency for the purpose of adoption's license when the Child Placing Agency for the purpose of adoption:

1. Demonstrates that it meets the standards described,

2. Has complied with the requirements during the expiring period of licensure, and

3. Has corrected any prior circumstances that resulted in non-compliance status.

Section 08. Amended License

A. A Child Placing Agency for the purpose of adoption that seeks to change its name, address, or offices, without a change in ownership, shall apply to the HEPS - ADOPTION UNIT for an amended license at least 14 days prior to the effective date of the change.

B. The application shall be in writing and shall specify the information to be changed.

C. So long as the change does not cause the Child Placing Agency for the purpose of adoption to fall out of compliance with the standards listed HEPS - ADOPTION UNIT shall issue an amended license.

D. The amended license shall expire at the end of the child placement agency's current licensing year.

Section 09. Governing Body

A. The Child Placing Agency for the purpose of adoption shall have a governing body to oversee the operations, policies, and practices of the child placement agency and its facilities.

B. The governing body shall be:

1. The board of directors for any child placement agency formed as a corporation;
2. The individual owner of any child placement agency that is a sole-proprietorship;
3. The members of a limited liability company; or
4. The partners in a partnership.

C. The governing body shall:

1. Establish the Child Placing Agency for the purpose of adoption's policies and oversee the implementation of those policies;
2. Ensure that the Child Placing Agency for the purpose of adoption has the capital, physical facilities, staff, and equipment to effectively implement the child placement agency's policies and adoption program;
3. Ensure that the child placement agency complies with:
   a. All legal agreements to which the child placement agency is a party; and
   b. All relevant federal, state, and local laws;
4. Review and approve the child placement agency's annual operating budget required by Section 20 and the annual audit required by Section 21, or, if applicable, the documentation required by Section 21 subsection (C); and
5. Notify HEPS - ADOPTION UNIT before making any substantial changes to the adoptions program set out in the child placement agency's operations manual.

D. The child placement agency shall advise HEPS - ADOPTION UNIT in writing of any changes in composition of the governing body within 30 days of the change.

Section 10. Child Placing Agency for the purpose of adoption Administrator

A. The child placement agency shall have an administrator who is responsible for the child placement agency's business operations.

B. Administrator Qualification Requirements

1. Three (3) years of experience in human service administration work, two (2) years of supervisory experience, and graduation from a recognized college or university with a master's degree in the field of human services; or

2. Any equivalent combination of experience and training beyond the bachelor's degree which provides the minimum knowledge, abilities, and skills.

C. The Administrator shall:

1. Oversee development and implementation of the child placement agency's policy and procedures for program and fiscal operations;

2. Ensure that the child placement agency achieves and maintains compliance;

3. Oversee hiring, evaluation, and discharge of child placement agency personnel in accordance with the child placement agency's established personnel policies; and

4. Establish and supervise working relationships with other social service agencies within the community.

D. An Administrator who directly supervises adoption activities shall also meet the requirements for a social services director outlined in Section 11.

Section 11. Social Services Director

A. The child placement agency shall have a social services director who is responsible for the child placement agency's casework and family services.

B. The social services director shall have the following education and experience:

1. Four (4) years of progressively responsible professional social work experience and graduation from a recognized college or university with a Bachelor's degree in social or behavioral sciences; or
2. Three (3) years of progressively responsible professional social work experience and graduation from a recognized college or university with a Bachelor's degree in social work or;
3. Two (2) years of progressively responsible social work experience, and graduation from a recognized college or university with a Master's degree in social work; or
4. Any equivalent combination of experience and training beyond the 'Bachelor's degree which provides the minimum knowledge, abilities and skills.

C. If the social services director delegates responsibility under subsection (C), the social services director shall personally supervise the designee and shall oversee the performance of the duties described in subsection (C).
D. If the social services director performs the duties of a child placement agency administrator, the director shall also meet the requirements for a child placement agency administrator outlined in Section 10.

Section 12. Social Workers

A. The child placement agency shall have social workers sufficient to meet the ratio requirements outlined in Section 18.

B. A social worker shall have the following qualifications:

1. Three (3) years of professional social work experience and graduation from a recognized college or university with a Bachelor's degree in social or behavioral sciences; or
2. Two (2) years of professional social work experience and graduation from a recognized college or university with a Bachelor's degree in social work; or
3. One (1) year of professional social work experience and graduation from a recognized college or university with a Master's degree in social work; or
4. Any equivalent combination of experience and training beyond the Bachelor's degree which provides the minimum knowledge, abilities, and skills.

C. A social worker shall:

1. Maintain or supervise the maintenance of up-to-date case records on cases assigned to the worker;

2. Prepare certification and placement reports and home studies for adoptive applicants and parents, and such other reports as the court may require; and

3. Provide pre-placement, placement, post-placement, or post-adoption services to a client.

Section 13. Child Placing Agency for the purpose of adoption Employees: Hiring; References; Fingerprinting

A. A child placement agency shall obtain an application for employment or a resume from each employee, or contracted employee. The application or resume shall contain, at a minimum, the following information on the applicant:

1. Name and current address and telephone number;

2. Educational history;

3. Degrees or certifications held;

4. Work history for five years prior to the date of the application, and the reasons for leaving each prior job;

5. A summary of all prior experience the applicant has had in the area for which the applicant is seeking employment;

6. A minimum of three professional references, preferably of prior or current supervisors;

7. A minimum of three personal references; and

8. A list of any criminal convictions, excluding minor traffic violations.

B. A Child Placement Agency shall not hire an applicant for employment until:

1. The child placement agency has personally contacted at least two of the applicant's professional references and one of the applicant's personal references;

2. The child placement agency has verified that the applicant has the skills and training necessary to perform the task for which the adoption agency is hiring the applicant;

3. The applicant has submitted to a fingerprint and criminal records check and

4. If contracted with the Department, the applicant has passed a Child Abuse and Neglect (CAN) Registry check.

C. The Child Placing Agency for the purpose of adoption shall not knowingly hire or retain any staff, member, including a volunteer or intern, who is awaiting trial on, or has been charged with, been convicted of, pled guilty to, or entered into a plea agreement regarding an offense listed in G.R.S. § 46-141.

D. The adoption agency shall ensure that any staff required to have a fingerprint clearance card shall obtain a new card every six years after initial issuance.

E. The adoption agency shall have written job descriptions for all employee and volunteer positions in the adoption agency. The job descriptions shall include the essential functions of the job and any minimum qualifications or training required for the position.

Section 14. Child Placing Agency for the purpose of adoption Volunteers; Interns

A Child Placing Agency for the purpose of adoption that uses volunteers or student interns shall follow the requirements of this Section.

1. An appropriate employee shall directly supervise each volunteer or intern. As used in this subsection, the term "appropriate" shall mean Child Placing Agency for the purpose of adoption personnel with skills and training to guide the volunteer or intern in the performance of the designated tasks.

2. The Child Placing Agency for the purpose of adoption shall subject each volunteer or intern who renders direct services to a client, to the same fingerprint clearance card requirements and reference checks the Child Placing Agency for the purpose of adoption performs on Child Placing Agency for the purpose of adoption employees under Section 13.

3. For each volunteer or intern, the Child Placing Agency for the purpose of adoption shall maintain a record of fingerprint clearance, reference check information, and any training provided. The Child Placing Agency for the purpose of adoption shall retain the record for three years following

the volunteer's or intern's termination with the Child Placing Agency for the purpose of adoption.

Section 15. Personnel Records

A. The Child Placing Agency for the purpose of adoption shall maintain a personnel file for each Child Placing Agency for the purpose of adoption employee. The file shall contain:

1. The employee's resume or written application for employment;
2. Documentation of the reference checks required by Section 13 and Section 14;
3. Evidence of a fingerprint clearance card and criminal records clearance;
4. Results of a Chile Abuse and Neglect (CAN) Registry check;
5. A record of the expiration date and number of the employee's driver's or chauffeur's license, if the employee transports a client;
6. Copies of the employee's professional credentials or certifications, if relevant to the employee's job functions;
7. Documentation of initial and ongoing training the employee has received;
8. Periodic job performance evaluations; and
9. Dates of employment and separation, and reasons for separation.

B. The Child Placing Agency for the purpose of adoption shall maintain employee personnel records for at least three years following the employee's separation from the Child Placing Agency for the purpose of adoption.

Section 16. Training Requirements

A. A Child Placing Agency for the purpose of adoption shall provide initial and ongoing training for professional employees.

1. Initial training shall include orientation to the Child Placing Agency for the purpose of adoption and any of the Child Placing Agency for the purpose of adoption and the Department policies and procedures that are relevant to the employee's job.
2. Ongoing training shall include a minimum of 14 hours of annual training in the following, or related, subject areas:
    a. Adoption statutes and rules,
    b. Child Placing Agency for the purpose of adoption and Department policies and procedures,
    c. Confidentiality, and
    d. The specific subject matter of the employee's job.

B. The Child Placing Agency for the purpose of adoption shall document all training in the employee's personnel file.

C. As used in this Section, "professional employee" shall mean any person who renders services directly to a client.

Section 17. Contracted Services

A. When a Child Placing Agency for the purpose of adoption provides adoption services through persons who are not Child Placing Agency for the purpose of adoption employees, volunteers, or interns, the Child Placing Agency for the purpose of adoption shall retain only external professionals or consultants who are certified, licensed, or other- wise meet the qualifications.

B. The Child Placing Agency for the purpose of adoption shall not require a client to use medical, legal, psychological, psychiatric, or other professionals or consultants used or recommended by the Child Placing Agency for the purpose of adoption. The Child Placing Agency for the purpose of adoption may use consultants or persons selected by the Child Placing Agency for the purpose of adoption's client, so long as the consultant designated by the client has the education, experience, or certification required to render the service.

Section 18. Staffing Ratios

A. A Child Placing Agency for the purpose of adoption shall have sufficient staff to satisfy:

1. All statutory requirements for provision of adoption services;
2. All applicable requirements and
3. All requirements included in the Child Placing Agency for the purpose of adoption's own operating and procedural manuals, policies, or guidance documents.

B. To determine sufficiency under subsection (A), HEPS - ADOPTION UNIT shall consider:

1. Complaints made against the Child Placing Agency for the purpose of adoption;
2. The complexity of the individual needs of the clients served by the Child Placing Agency for the purpose of adoption;
3. The professional training and experience of the Child Placing Agency for the purpose of adoption's staff;
4. The specific functions assigned to individual Child Placing Agency for the purpose of adoption staff;
5. The respective amounts of time staff devote to various functions and responsibilities, including provision of services, court appearances, case documentation, professional training and development, and administrative tasks; and
6. Other similar factors bearing on caseload distribution.

C. Notwithstanding any other provision of this Article, a social worker whose caseload is predominantly a caseload of children with special needs shall not have a caseload in excess of 20 children.

Section 19. Operations Manual

A. A Child Placing Agency for the purpose of adoption shall have a written operations manual, which shall include:

1. A statement of the Child Placing Agency for the purpose of adoption's purpose, philosophy, and program;
2. A list of any eligibility requirements for a client;
3. A description of services provided to clients and the name of any person or entity providing the service, if different from the Child Placing Agency for the purpose of adoption and its employees;
4. An organizational chart explaining the Child Placing Agency for the purpose of adoption's lines of authority;
5. Intake policies and procedures;
6. The operational procedures the Child Placing Agency for the purpose of adoption follows for delivery of services;
7. Confidentiality policies and procedures;
8. Staff training policy;
9. Policy for use of volunteers;
10. Policy on student and intern placement;
11. Policy and procedures to be followed in the event of adoptive placement disruption;
12. Policy for recruitment and selection of adoptive families; and
13. Policy for transferring files if the Child Placing Agency for the purpose of adoption goes out of business, including designated personnel or positions to handle the transfer.

B. The Child Placing Agency for the purpose of adoption shall make the operations manual available to all Child Placing Agency for the purpose of adoption personnel and shall ensure that personnel are familiar with and trained in those policies and procedures relevant to their job functions.

C. The Child Placing Agency for the purpose of adoption shall make the operations manual available for review by a client, upon request.

Section 20. Child Placing Agency for the purpose of adoption Operations Budget; Financial Records

A. Before the start of the Child Placing Agency for the purpose of adoption's fiscal year, the Governing Body shall adopt a budget that shall reflect sufficient funds to pay the costs of the Child Placing Agency for the purpose of adoption's program and shall be based on the audit report prepared in compliance with Section 21, or, if applicable, the documentation required by Section 21 subsection (C).

B. The Child Placing Agency for the purpose of adoption shall operate within the budget adopted by the Governing Body.

C. The Child Placing Agency for the purpose of adoption shall maintain financial records of receipts, disbursements, assets, and liabilities. The Child Placing Agency for the purpose of adoption shall maintain its financial records in accordance with generally accepted accounting principles; the records shall accurately reflect the Child Placing Agency for the purpose of adoption's financial position.

D. The Child Placing Agency for the purpose of adoption shall maintain records showing the following information:

   1. Each adoptive parent's original contract date with the Child Placing Agency for the purpose of adoption;

   2. Fees that each adoptive parent has paid to the Child Placing Agency for the purpose of adoption and the date of such payments; and

   3. Fees that the Child Placing Agency for the purpose of adoption has charged to the adoptive parent.

E. The Child Placing Agency for the purpose of adoption shall make all records described in this Section available for inspection by HEPS - ADOPTION UNIT at periodic inspections, or at other reasonable times upon Department request.

F. The Child Placing Agency for the purpose of adoption shall retain financial records for ten years, including the records involved in an audit, following completion of the audit.

Section 21. Annual Financial Audit

A. A Child Placing Agency for the purpose of adoption shall obtain an annual, fiscal year-end, financial audit by an independent certified public accountant. The accountant shall conduct the audit in accordance with generally accepted auditing standards.

B. The Child Placing Agency for the purpose of adoption shall obtain from the auditor a written audit report that shall include the following financial information:

   1. Income statement,

   2. Balance sheet,

   3. Statement of cash flows,

4. Statement of monies or other benefits the adoption agency has paid or transferred to other business entities or individuals affiliated with the Child Placing Agency for the purpose of adoption, and

5. A record of any financial transactions between the Child Placing Agency for the purpose of adoption and any other Child Placing Agency for the purpose of adoption.

C. Notwithstanding subsections (A) and (B), for a child placing agencies with an annual income of less than $250,000, rather than submit the financial audit required in subsections (A) and (B), the Child Placing Agency for the purpose of adoption shall:

1. Provide verifiable information that allows HEPS - ADOPTION UNIT to evaluate the Child Placing Agency for the purpose of adoption's financial stability.

2. Maintain acceptable documentation that includes:

a. Annual fiscal audit;

b. Six month current bank statement;

c. Statements from lines of credit; and

d. The' previous year's tax return.

D. HEPS - ADOPTION UNIT may request additional information that would allow HEPS - ADOPTION UNIT to evaluate the adoption agency's financial stability.

Section 22. Insurance Coverage

A. A Child Placing Agency for the purpose of adoption shall have insurance coverage that provides protection against financial loss as required by this Section, including insurance coverage with the minimum scope and limits of liability not less than those stated below.

1. Commercial General Liability – Occurrence Form Coverage including bodily injury, property damage, personal injury, and broad form contractual liability:

2. Worker's Compensation and Employers' Liability.

a. Workers' Compensation coverage shall comply with state statutory requirements. b. Employers' Liability.

Section 23. Physical Space Requirements; Transportation of a Child

A. A Child Placing Agency for the purpose of adoption shall not discuss confidential information with a client in a public setting.

B. A Child Placing Agency for the purpose of adoption shall have available a physical space in Guam that provides privacy and security.

C. Meeting Space.

1. Available space. The Child Placing Agency for the purpose of adoption shall maintain at its offices in Guam or have available a local meeting space for interviewing children and families and for supervisory conferences.

2. Confidentiality. The Child Placing Agency for the purpose of adoption meeting space shall provide privacy for interviews and discussion of confidential information.

3. Safety. The Child Placing Agency for the purpose of adoption meeting space shall comply with any building, health, fire or other codes in effect in the jurisdiction where it is located.

4. Telephone. The Child Placing Agency for the purpose of adoption meeting space shall have telephone service.

D. Records Storage Space.

1. The Child Placing Agency for the purpose of adoption shall maintain or have available a physical space for records storage that protects confidentiality and provides security.

2. The records storage space shall be a space for hard copy records or a secure server with encryption capabilities for digital records.

3. The Child Placing Agency for the purpose of adoption storage space shall provide security against theft, unauthorized release, security breech, damage, and loss of records.

4. The Child Placing Agency for the purpose of adoption storage space shall allow for immediate protection of confidential information.

5. If the Child Placing Agency for the purpose of adoption contracts for storage space, the contract shall include:

   a. A provision that all records are owned solely by the Child Placing Agency for the purpose of adoption and shall not be used or disseminated by the contractor in any way;

   b. A provision that the contractor shall return all records immediately upon cessation of the contract; and

   c. A provision requiring security against theft, unauthorized release, security breech, damage, and loss of records.

E. Transportation. When a Child Placing Agency for the purpose of adoption transports a child or directs the transportation of a child, the adoption agency shall ensure that the vehicle, at a minimum:

1. Is maintained in safe operating condition;

2. Is properly licensed, registered, and has liability insurance; and

3. Has passenger safety restraints available and:

   a. Each child less than the age of five years or weighing less than 40 pounds is properly secured in a child car seat and child restraint system that is appropriate to the height, weight, and physical condition of the child;

b. Each child five to eight years of age who weighs more than 40 pounds, but is less than four feet nine inches in height is properly secured in a child restraint system that is appropriate to the height, weight, and physical condition of the child;

c. Each child not covered by subsections (a) and (b) is properly secured with a seat belt;

d. Each child with a disability that prevents the child from maintaining head and torso control while sitting is secured in a car bed, harness, or other device designed to protect the child during transportation; and

e. If a child is transported in a wheelchair, the child is properly secured with a floor-mounted seat belt, and the wheelchair is properly immobilized using lockdown devices.

F. A Child Placing Agency for the purpose of adoption shall not leave a child unattended during transportation if the child:

1. Is less than seven years of age;
2. Has a developmental disability; and
3. Is more than seven years of age if the Child Placing Agency for the purpose of adoption has determined, and documented in the child's record, that the child is physically and emotionally incapable of traveling alone.

G. The Child Placing Agency for the purpose of adoption shall ensure that the adoptive parent has all of the equipment in place and properly installed to meet the requirements of subsection (E) prior to placement.

H. A Child Placing Agency for the purpose of adoption shall ensure the following safety requirements for drivers selected by the adoption agency to transport a child:

1. The driver has a valid driver license; and

2. The driver practices safe, defensive driving and obeys all traffic laws.

I. A child shall not be transported in a truck bed, cargo area, camper, or in a trailer attached to a motor vehicle.

Section 24 Protecting Confidentiality of Adoption Records

The Child Placing Agency for the purpose of adoption shall have and follow a written policy for the maintenance and security of adoption records.

1. The personnel responsible for supervision and maintenance of records;

2. The persons who shall and may have access to the records;

3. The procedures for immediately securing confidential information;

4. The procedures for authorizing release of records;

5. The procedures for release of records;

6. The procedures for security breach or loss of adoption records; and

7. The procedures for transferring records.

Section 25. Recordkeeping Requirements: Adoptive Children

The Child Placing Agency for the purpose of adoption shall maintain a case record for each adoptive child. The record shall be divided into two sections as follows:

1. Non-identifying information as required and
2. Identifying information which shall include:
   a. Tapes, videos, or photos of the adoptive child or birth parent;
   b. Legal documents and reports required for adoption;
   c. Social, physical, mental, and educational history of the child's birth family;
   d. Social, physical, mental, and educational history of the adoptive child; and
   e. A summary of all action taken to prepare the child for placement in the adoptive home.

Section 26. Recordkeeping Requirements: Adoptive Parents

The Child Placing Agency for the purpose of adoption shall maintain a case record for each adoptive parent. If the adoptive parent is a member of the same family as another adoptive parent, the adoption agency can maintain one file for the adoptive family. The file shall include:

1. Documentation showing that the adoptive parent received the orientation described in Title 26 Guam administrative Rules and Regulation (GARR) Adoption Policies and Control
2. The adoptive parent's application for certification,
3. The adoptive parent's certification report and any recertification reports,
4. A copy or description of the non-identifying information the adoption agency has provided to the adoptive parent pursuant to G.R.S. § 8-129(A), and
5. A summary of the adoptive placement decision and the pre-placement and post-placement contacts with the adoptive family and the adoptive child.

Section 27. Reporting Requirements: Abuse; Child Placing Agency for the purpose of adoption Change; Change of Circumstances of a Child or Family

A. During the period of time that a Child Placing Agency for the purpose of adoption is providing services to an adoptive child or family, the Child Placing Agency for the purpose of adoption shall:
   1. Immediately report any suspected or alleged incident of abuse or neglect of an adoptive child to Child Protective Services.

2. Immediately notify a Child Placing Agency for the purpose of adoption licensing representative in HEPS - ADOPTION UNIT if an adoptive child dies or suffers a serious illness, bodily injury, or psychiatric episode.

B. A Child Placing Agency for the purpose of adoption shall notify HEPS - ADOPTION UNIT orally of any of the following changes or events within 24 hours after the adoption agency learns of their occurrence and shall submit written notification to HEPS - ADOPTION UNIT within seven days:

1. Permanent or temporary closure of the Child Placing Agency for the purpose of adoption or any part thereof.

2. A criminal conviction or plea agreement involving any adoption agency staff member, including a volunteer and intern, excluding minor traffic violations;

3. Filing of a lawsuit against the Child Placing Agency for the purpose of adoption;

4. Filing of a lawsuit against the Child Placing Agency for the purpose of adoption personnel when the lawsuit relates to or is likely to adversely affect the provision of adoption services;

5. Damage to the Child Placing Agency for the purpose of adoption facilities that substantially disrupts the program or the Child Placing Agency for the purpose of adoption's accessibility to a client; and

6. Knowledge of any child placement that the Child Placing Agency for the purpose of adoption reasonably believes is not permitted by law.

C. The Child Placing Agency for the purpose of adoption shall notify HEPS - ADOPTION UNIT in writing at least 30 calendar days prior to any of the following proposed changes and events, if known:

1. Any plans to reorganize the adoption program that would involve changes in target population, geographic area, services, or eligibility, and the reasons for the changes;

2. Any change in the identity of the Child Placing Agency for the purpose of adoption administrator or social services director; or

3. Any change in ownership as described in Section 5 (D).

D. Change of Circumstances of a Child or Family.

1. When there is a change in the adoptive circumstances of a child or family listed on the Adoption, the Child Placing Agency for the purpose of adoption shall notify the Department of the change within five workdays of receipt of information about the changed circumstances.

2. For the purpose of this subsection, a change in adoptive circumstances include the following events:

a. Placement of a child,

b. Loss or renewal of certification, and

c. Disruption or failure of a placement.

Section 28. Closure of Child Placing Agency for the purpose of adoption: Record Requirements

A. A Child Placing Agency for the purpose of adoption shall not destroy any files, records, reports, and other papers not filed in or in the possession of the court for 99 years;

B. If a Child Placing Agency for the purpose of adoption ceases operations, the Child Placing Agency for the purpose of adoption shall do all the following:

1. Transfer the documents described in subsection (A) of this section to the Department (HEPS) or to another Child Placing Agency for the purpose of adoption in the Territory if the documents concern a matter that is closed;

2. Transfer the documents described in subsection (A) of this section to another Child Placing Agency for the purpose of adoption in this Territory if the documents concern a matter that is open;

3. Notify the Department of the transfer of any documents to another Child Placing Agency for the purpose of adoption in this Territory; and

4. Notify all adoptive parents whose files the Child Placing Agency for the purpose of adoption is transferring to the Department or another Child Placing Agency for the purpose of adoption in this territory of the transfer.

Section 29. Birth Parent: Service Agreement; Prohibitions

A. Before providing services to a birth parent, a Child Placing Agency for the purpose of adoption shall enter into a signed written agreement with the birth parent. The agreement shall:

1. Describe all services the Child Placing Agency for the purpose of adoption shall provide to the birth parent;

3. Contain an itemized statement describing the nature, purpose, and amount of any payments the birth parent shall receive through the adoption agency or any entity affiliated with the Child Placing Agency for the purpose of adoption;

a. If the actual amount under subsection (3) is not known, the adoption agency shall describe how the amount shall be calculated, and

b. Include amounts only for reasonable and necessary expenses incurred in connection with the adoption

B. Before or at the time of entering into a birth parent agreement with a birth mother, the Child Placing Agency for the purpose of adoption shall advise the birth mother of her obligations to ensure that she receives pre-natal care.

C. Before providing services to a birth parent, the child placing agency shall advise the birth parent of HEPS responsibility for licensing and monitoring a Child Placing Agency, and the public's right to register a complaint about a Child Placing Agency.

Section 30 Adoption Fees; Reasonableness

A. A Child Placing Agency for the purpose of adoption shall not charge a client more than $3,000.00 for any applicable fees or services.

B. A Child Placing Agency for the purpose of adoption shall establish, maintain, and follow a written policy on the fees it charges a client for adoption services. The fee policy shall be made accessible to the public and published on the Child Placing Agency's website, and shall include all the adoption agency's practices and procedures regarding fees, including the following:

1. A schedule of fees the Child Placing Agency for the purpose of adoption charges for each specific service the Child Placing Agency for the purpose of adoption offers, and the time in the adoption process when the client is required to pay the fee, broken down, at a minimum, as follows:

   a. Preregistration and registration fees,

   b. Application and orientation fees,

   c. Certification application fee,

   d. Certification investigation,

   e. Certification report,

   f. Certification renewal fees,

   g. Placement services,

   h. Placement investigation and report,

   i. Foreign adoption services,

   j. Post-placement services,

   k. Fees incurred when a child has special needs, and

   l. Twins or sibling placements;

2. An explanation of any practice the Child Placing Agency for the purpose of adoption may have for assessing fees based on pooled or averaged costs;

3. An explanation of the circumstances or conditions that would cause the Child Placing Agency for the purpose of adoption to reduce, waive, suspend, or refund a fee, which circumstances may include:

   a. Adjustment made for the well-being of an adoptive child, and

   b. Adjustments made to accommodate an adoptive parent's limited ability to pay;

4. An explanation of the circumstances that would cause the Child Placing Agency for the purpose of adoption to increase its fees; and

5. The procedures the Child Placing Agency for the purpose of adoption follows to collect its fees.

C. A Child Placing Agency for the purpose of adoption shall advise prospective and existing clients of its fee policy and shall make a copy of the policy available to clients upon request.

D. A Child Placing Agency for the purpose of adoption shall not:

1. Condition a client's eligibility for, or receipt of, adoption services on the client's donation or agreement to donate money, goods, services, or other things of value, other than the regular scheduled adoption fees, to the adoption agency or to an adoption agency affiliate;

2. Obstruct or withhold finalization of a placement or adoption solely for nonpayment of fees;

3. Charge a client for any fee, which the adoption agency has not listed in the fee schedule, included in its fee policy, and disclosed to the client in the client's fee agreement letter;

4. Charge a prospective adoptive parent advance fee(s) contrary; or

5. Charge a prospective adoptive parent for a service not rendered.

E. THE DPHSS BOSSA HEPS - ADOPTION UNIT may audit, or designate a certified public accountant to audit, an adoption agency's fee structure.

F. The Child Placing Agency for the purpose of adoption shall provide HEPS - ADOPTION UNIT and the Child Placing Agency for the purpose of adoption's current adult clients with a copy of any changes made to the adoption agency's fee policy, no less than 14 days prior to the effective date of the change.

G. A Child Placing Agency for the purpose of adoption shall refund to a client any fees the client paid for services the adoption agency failed to perform. Against any such refund, the adoption agency may offset any amount due from the client for services the adoption agency has performed and for which the client agreed to pay but has not paid.

Section 31. Adoption Fee Agreement

A. Before providing services to an adoptive parent, the adoption agency shall enter into a written fee agreement with the adoptive parent. Both the adoptive parent and an authorized representative of the adoption agency shall sign and date the agreement. The adoption agency shall retain the original agreement in the adoptive parent's file and provide a copy to the adoptive parent.

B. The fee agreement shall include the following terms:

1. A description of all services the adoption agency will provide to the adoptive parent and the fee for each service; the agreement shall specify how much of the fee is being allocated to cover medical expenses, including the cost of prenatal care and delivery;

2. A general description of any adoption services the adoption agency is not providing but that are required to finalize the adoption, with an estimate of the costs of such services;

3. The terms of payment, including payment due dates and amounts; and

4. A statement advising the client of the client's right to receive a copy of the adoption agency's fee policy.

C. An adoption agency shall not charge a fee, other than a certification application fee, or enter into an adoption fee agreement until after the potential client has received the orientation explaining the following:

1. Adoption process including all legal mandated procedures and estimated timeframes for completion of such procedures.
2. Adoption entity's policies and procedures that directly affect services to adoptive parents.
3. The adoption entity's fee structure and written fee agreement.
4. The types and number of children the agency has had and reasonably expects to have available for adoption placement and the average length of time between certification and placement.
5. The department's responsibility for licensing and monitoring agencies and the public's right to register a complaint about an agency as found in section 33.

D. When a Child Placing Agency for the purpose of adoption charges adoptive parents for birth parent counseling, the Child Placing Agency for the purpose of adoption will monitor birth parent attendance at scheduled counseling at least monthly. When a birth parent does not schedule counseling services or misses scheduled counseling services for a month, the adoption agency shall refund to the adoptive parents the portion of the fee covering the remainder of the counseling services.

Section 32. Monitoring: Inspections and Interviews; Compliance Audit

A. HEPS - ADOPTION UNIT shall monitor the ongoing operations of each adoption agency.

B. Monitoring activities shall include the following:

1. At least one announced and one unannounced onsite inspection of each Child Placing Agency for the purpose of adoption during the licensing year;

2. Interviews of adoption agency personnel and clients;

3. A review of the Child Placing Agency for the purpose of adoption's books, records, and sample client files; and

4. A compliance audit of the Child Placing Agency for the purpose of adoption, as described in subsection (C).

C. Upon receipt of a complaint against a Child Placing Agency for the purpose of adoption or in response to observed deficiencies, HEPS - ADOPTION UNIT shall conduct a compliance audit of the Child Placing Agency for the purpose of adoption to assess the Child Placing Agency for the purpose of adoption's compliance with applicable adoption licensing and adoption services statutes and rules.

D. A Child Placing Agency for the purpose of adoption shall facilitate with HEPS - ADOPTION UNIT in monitoring functions or compliance audit by:

1. Making the Child Placing Agency for the purpose of adoption's books, files, records, manuals, premises, and facilities available to HEPS - ADOPTION UNIT staff for inspection;

2. Allowing HEPS - ADOPTION UNIT to interview Child Placing Agency for the purpose of adoption staff; and

3. Enabling HEPS - ADOPTION UNIT to conduct interviews with Child Placing Agency for the purpose of adoption clients.

Section 33. Complaints; Investigations

A. Any person may register a complaint about a Child Placing Agency for the purpose of adoption with HEPS - ADOPTION UNIT. HEPS - ADOPTION UNIT shall ask persons making oral complaints to put the complaint in writing.

B. Upon receipt of a complaint, or in response to deficiencies observed by Department staff, HEPS - ADOPTION UNIT shall investigate the allegations of the complaint or the deficiencies.

C. HEPS - ADOPTION UNIT 's investigation may include:

1. Interviews with the complaining party, Child Placing Agency for the purpose of adoption staff, including volunteers and interns, and Child Placing Agency for the purpose of adoption clients;

2. Inspections of child placing agency records, files, or other documents related to the issues raised in the complaint; and

3. Any other activities necessary to determine the truth of the allegations.

D. Upon completion of its investigation, HEPS - ADOPTION UNIT shall:

1. Find that the complaint is not valid and close the investigation;

2. Find that the complaint is valid and take appropriate disciplinary action against the Child Placing Agency for the purpose of adoption, or

3. Find that the complaint cannot be validated or refuted based on the available evidence.

E. HEPS - ADOPTION UNIT shall maintain a file on all complaints against an adoption agency and shall make information on validated complaints available to the general public, upon request, and to the extent permitted by confidentiality laws.

F. A complainant's identity is confidential unless HEPS - ADOPTION UNIT takes a licensing action based on the testimony of the complainant.

Section 34. Non-Compliance Status: Corrective Action Plan

A. HEPS - ADOPTION UNIT shall place a Child Placing Agency for the purpose of adoption in noncompliance status when HEPS - ADOPTION UNIT representative observes or receives and validates a complaint in an area that does not endanger the health, safety, or well-being of a client.

B. HEPS - ADOPTION UNIT shall mail the Child Placing Agency for the purpose of adoption written notice of the noncompliance status, the reason for that status, and recommendations for changes the adoption agency can make to cure the identified problem.

C. No later than 14 days following the date of the noncompliance notice, the adoption agency shall provide HEPS - ADOPTION UNIT with a written plan showing how the Child Placing Agency for the purpose of adoption shall correct the problem that resulted in the noncompliance status, with an estimated timeframe in that the Child Placing Agency for the purpose of adoption shall implement the corrective action. HEPS - ADOPTION UNIT may extend the 14-day timeframe when the adoption agency has demonstrated a good faith effort to address and resolve the identified problem.

D. Imposition of a corrective action plan is not appealable.

E. Failure to comply with the requirements of a corrective action plan may result in an adverse licensing action.

Section 35. SUSPENSION

A. HEPS - ADOPTION UNIT may suspend a Child Placing Agency for the purpose of adoption's license for violations of the statutes or rules governing adoptions, or for any activity that may threaten the health, safety, or welfare of any adoption agency client, including the following:

1. When the Department receives a report of abuse or neglect alleged to have been committed by adoption agency staff, including a volunteer of intern against a child, and the adoption agency fails to take protective measures pending an investigative finding;

2. Conduct that causes disruption of a placement or adoption.

3. When a Child Placing Agency for the purpose of adoption permits an employee who has failed to comply with fingerprinting requirements or who has been denied fingerprint clearance to continue providing services to children.

4. When an adoption agency refuses to cooperate with HEPS - ADOPTION UNIT requests for information that HEPS - ADOPTION UNIT requires for determining compliance with the statutes and rules governing provision of adoption services.

5. When a Child Placing Agency for the purpose of adoption refuses to provide HEPS - ADOPTION UNIT with information HEPS - ADOPTION UNIT has requested during the course of a complaint investigation; or

6. When a Child Placing Agency for the purpose of adoption fails to correct a problem that resulted in imposition of noncompliance status, within the time provided in the Child Placing Agency for the purpose of adoption's corrective action plan.

B. HEPS - ADOPTION UNIT shall mail the adoption agency written notice of the suspension, the reason for the suspension, and an explanation of the adoption agency's right to appeal the suspension.

C. Except as otherwise provided in subsection (D), a Child Placing Agency for the purpose of adoption may continue to place adoptable children who become available for placement and to

finalize adoptions of placed children and adoptees during a period of suspension, but the adoption agency shall not recruit, accept, or register any new birth or adoptive parent.

D. When the Department finds that the physical or emotional health or safety of a client is in imminent danger, the Department may take immediate action to eliminate the danger. For the purpose of this subsection,

   1. A situation involving imminent danger are those situations identified in G.R.S. § 8-821(B) that would justify removal of a child;

   2. Immediate action may include:

      a. Removal of a child,

      b. Transfer of a client to another adoption agency, or

      c. Other protective action designed to eliminate the danger or risk of harm.

E. If the Child Placing Agency for the purpose of adoption does not correct the situation that led to suspension of its license, THE HEPS - ADOPTION UNIT shall initiate license revocation proceedings against the Child Placing Agency for the purpose of adoption.

Section 36. Revocation

A. HEPS - ADOPTION UNIT may revoke a license for any of the following reasons:

   1. When the Child Placing Agency for the purpose of adoption refuses or fails to comply with licensing requirements, Guam or federal laws, local codes or ordinances, or violates a statute or rule governing provision of adoption services.

   2. When the Child Placing Agency for the purpose of adoption commits any activity that may threaten the health, safety, or welfare of any adoption agency client, including, but not limited to the circumstances justifying license suspension, as outlined in Section 35;

   3. When the Child Placing Agency for the purpose of adoption commits fraud or intentional misrepresentation in obtaining or renewing its license;

   4. When the Child Placing Agency for the purpose of adoption commits fraud or intentional misrepresentation in dealing with its clients;

   5. When the adoption agency has obtained a birth parent's relinquishment and consent to adoption through duress, coercion, extortion, or intimidation;

   6. When the Child Placing Agency for the purpose of adoption knowingly fails to advise an adoptive parent that the adoptive child has been abused while in the Child Placing Agency for the purpose of adoption's care or control; or

   7. When the adoption agency violates its agreement with a client for provision of services.

B. HEPS - ADOPTION UNIT shall mail the Child Placing Agency for the purpose of adoption written notice of the revocation, the reason for the revocation, and an explanation of the Child Placing Agency for the purpose of adoption's right to appeal the revocation.

C. A revocation is effective:

1. Twenty-one days after receipt of the notice or letter advising the person of the revocation; or

2. In cases where the Child Placing Agency for the purpose of adoption appeals the revocation, the revocation remains until an administrative hearing is conducted and the director or his or her designee certifies and final administrative decision.

D. A Child Placing Agency for the purpose of adoption that has had its license revoked shall not perform adoption services after the effective date of the revocation and shall surrender its license to HEPS - ADOPTION UNIT.

E. A Child Placing Agency for the purpose of adoption that has had its license revoked shall cooperate with HEPS - ADOPTION UNIT to transfer all its clients to another adoption agency.

Section 37. Adverse Action: Procedures

A. When HEPS - ADOPTION UNIT takes adverse action against a Child Placing Agency for the purpose of adoption applicant or Child Placing Agency for the purpose of adoption, HEPS - ADOPTION UNIT shall give the affected party written notice of such adverse action by first-class or registered mail.

B. For the purpose of this Section, the following are adverse actions:

1. Denial of an initial or renewal license, and

2. Suspension or revocation of a license.

C. The adverse action notice shall specify:

1. The action taken,

2. All reasons supporting such action,

3. The procedures by which the adoption agency may contest the action taken, and

4. Where the adoption agency may file an appeal.

Section 38. Appeals

A. A Child Placing Agency for the purpose of adoption applicant or Child Placing Agency for the purpose of adoption may appeal an adverse action other than imposition of a corrective action plan due to noncompliance status, by filing a written notice of

B. Appeal with HEPS - ADOPTION UNIT must be submitted no later than 20 days after receipt of the notice or letter advising the Child Placing Agency for the purpose of adoption of the adverse action.

C. The HEPS - ADOPTION UNIT may entertain an appeal from a Child Placing Agency for the purpose of adoption applicant or Child Placing Agency for the purpose of adoption in response to an adverse action via an administrative hearing with a final administrative decision made by the Director or his or her designee.

EXHIBIT B

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES DIVISION
OF CHILDREN'S WELLNESS
BUREAU OF SOCIAL SERVCIES ADMINISTRATION

HOME EVALUATION AND PLACEMENT SERVICES (HEPS) SECTION
194 HERNAN CORTEZ AVE., SUITE 309, HAGATNA, GUAM 96910 • TERLAJE PROFESSIONAL BLDG.
(671) 475-2653 / (671) 475-2672

APPLICATION FOR A CHILD PLACEMENT AGENCY FOR THE PURPOSE OF ADOPTION
ENGAGING IN THE PLACEMENT OF CHILDREN IN ADOPTIVE HOMES

Each Child Placement Agency shall comply with all local and state laws relating to the licensing of a child Placement agency.

To ensure the timely processing of your Application for a Child Placement Agency, please complete all fields as indicated and provide appropriate attachments as required. Any missing items or lack of appropriate information may cause a processing delay or the denial of your application.

A-1. APPLICANT

Applicant I, (Name, please type or print in black or blue ink) _____

(Title) _____, hereby make application to operate (establish and operate) a Child Placement Agency (for the purpose of adoption) to provide services in the Territory of Guahan.

Identification & Background Information

Agency Name: _____

Dept. of Revenue and Tax Business License No: _____

Agency Physical Address (Main office): _____

Agency Mailing Address (if different than Physical Address): _____

Agency Telephone Number: (671) _____ Fax Number: (671) _____ E-mail Address: _____

Satellite Offices (if applicable)

- Facility Name and Address: _____

Facility Telephone Numbers: ( ) _____ ( ) _____Fax Number: ( ) _____

E-mail Address _____Webb Page: _____

- Facility Name and Address: _____

Facility Telephone Numbers: ( ) _____ ( ) _____Fax Number: ( ) _____

E-mail Address _____Webb Page: _____

If needed, please submit a separate attachment including the name, address, telephone, and fax numbers for any additional satellite facilities operated by the agency)

B-2. **AGENCY STAFF**

Minimum requirements for the staff of a Child Placement Agency

1. **Executive Director. The Agency Board shall select an Executive Director.**
2. **Casework supervisor. The casework supervisor shall possess above average ability in casework practice and have knowledge of and skills applicable to casework supervision.**
3. **Caseworker. A caseworker shall have a bachelor's degree from a university or college and have training and/or experience in the field of behavioral science.**
4. **Office Staff. The agency shall have sufficient clerical services to keep correspondence, records, bookkeeping, and files current and in good order.**

Last Name, First & Middle initial and Maiden Name / DOB	Position/Title	Business Address and Contact Phone Number	Email Address	Degrees, Certificates or License Held	Date of Hire

C-3. **STAFF BACKGROUND CLEARNACE REQUIREMENTS FOR CHILD PLACEMENT AGENCIES**

All child Placement agency staff having contact with foster children or any other children eligible for adoption that the child Placement agency is working with, must be fingerprinted at the Superior Court of Guam, cleared with the Child Abuse and Neglect Registry, submit local police and court clearances and other applicable clearances as warranted.

Using the table below, please provide the following information for all staff that have undergone recent fingerprinting.

No.	Last Name First Name & Middle Initial Alias / DOB	Position / Title	Date Fingerprinted	Date Results Provided	National Crime Information Center (NCIC) Background Check	Local Police Clearance	Local Court Clearance	Child Abuse & Neglect Background Check	Adam Walsh Background Check - If not lived on Guam in the last 5 years
1									
2									
3									
4									
5									
6									
7									

D-4. **CONSULTANTS**

Using the table below, please provide the name, address, and phone number(s) of the individual(s) or agency(s) that the applicant has available to provide consultation and/or services in the following areas:

Name of person Name of agency	Address	Phone number Phone number	Nature of Consulting license pls. include Medical, Psychiatric, Psychological and Legal	Date issued Date expired

E-5. **AGENCY'S GOVERNING BODY**

Using the table below, please provide the requested information regarding your perspective agency's Governing Body (Board of Directors).

Last Name, First & Middle initial and Maiden Name	Residential Physical Address	Office held Position title	Term of Membership	Relationship to Applicant

Are any of the Board Members listed above employed by or receive compensation from a group care agency? If yes, please provide his/her name:	Are any of the Board Members listed above employed by or receive compensation from a child Placement agency If yes, please provide his/her name	Are any of the Board members listed above employed by the agency as Paid Staff? If yes, please provide his/her name:

F-6. BUSINESS ORGANIZATION

Please provide an organizational chart of the agency and each separate facility showing:

- Administrative structure,
- Staffing pattern
- Lines of authority

G-7. OPERATIONS MANUAL

Each agency shall compile an operations manual. It shall be available to all agency staff members, and all staff members shall be familiar with the contents. It shall contain but is not limited to:

- The overall philosophy, which guides the agency's services
- A statement of the primary purpose, services, and goals of the agency
- A chart of the organizational structure which supports F-6
- The agency's intake policies and procedures
- The agency's governing board (body) which aligns with E-5
- The operational procedures, which guide the delivery of the agency's services
- Copies of the agency's forms.

For additional guidance, refer to section G-7 of the Guam Administrative Guidance.

H-8. BUSINESS / CORPORATION

Please provide the appropriate documents that support your business organization to include the following:

- A complete copy of the Articles of incorporation;
- A complete copy of the by-laws
- A complete copy of the certificate of Incorporation

Application renewals will require these additional documents:

- Annual reports for the preceding three (3) years
- Partnership or joint venture agreements.

For corporations, please provide a certificate of good standing from the Department of Revenue and Taxation

- Please provide a statement as to whether the applicant is for-profit or not-for-profit if it is not already included in the documents provided.

I-9. FINANCING

Financial Stability

A. Please submit a written, proposed operating budget for start-up and the first year of operation to include total revenues and expenses:

- Revenues – Volume and price per unit
- Expenses - Direct labor, Marketing /advertisement
- Fixed cost – Rent, head office, insurance, telecommunication, utilities, etc.

B. Please provide verifiable documentation of funds available to pay start-up costs and operating expenses for the first year of operation.

C. If the applicant has operated a child welfare agency in the territory of Guahan (Guam) or any other jurisdiction to include the U.S. mainland, during the past 10 years, please submit a copy of the most recent financial statement and financial audit for that agency, unless the most recent statement or audit is more than 10 years old.

D. Please submit a certificate of insurance, or letter of commitment from an insurer showing that the applicant has adequate liability insurance coverage:

- To cover the acts of children or staff, and protection against damages to, or loss of, buildings and other valuable properties.
- Any vehicle used to transport children.

Requirement for Sufficient Funding.

- The agency must furnish evidence that it has sufficient funds to pay all start-up and operating costs through the first year of operation for which a license may be issued.

FINANCIAL STABILITY	WORTH / VALUE	FINANCIAL LIABILITY	EXPENSES COST
Cash-on-Hand		Start Up Inventory	
Short Term Assets		Permits and Licenses	
Savings Account		Employee Payroll	
Income		Legal	
Long Term Assets		Consulting	
Life Insurance		Bank Loans	
Line of Credit		Utilities / Other Bills	
Furniture, Fixtures & Equipment		Marketing / Advertisement	
Line of Credit		Utilities / Other Bills	
Work Force Development		Lease Deposits	
External Investments		Leasehold Improvements	
		Owner Investment	
		Miscellaneous	
		Other	
TOTAL WORTH / VALUE		**TOTAL FINANCING**	

J-10. BUDGET AND FINANCIAL RECORDS

- The Child Placement Agency shall operate on a budget which has been approved by its governing board.
- The Child Placement Agency must maintain financial records of all receipts, disbursements, assets, and liabilities for at least three years.
- These records shall be available for inspection by the Department upon request.

ANNUAL PROJECTED BUSINESS START-UP COST	EXPENSE AMOUNT	OTHER EXPENSES	EXPENSE AMOUNT

K-11. PROGRAM

- Please submit any informational or advertising material about the agency.
- Please provide a written description of:

1. All services the applicant intends to provide;
2. The number and type of children the applicant will serve, including: age, gender, special needs, or particular behavior problems;
3. The anticipated sources of placement and referral;
4. Number and qualifications of paid staff who will provide services

L-12. DOCUMENTATION, FORMS, AND NOTICES

Requirements for the organization of a Child Placement Agency:

- Please provide samples of all documents, forms, and notices which the applicant will use in providing services to children in care, including all personnel forms
- Each Agency shall maintain and report accurate statistics on children receiving services, and staff employed.
- All Child Placement Agency shall report to the Department any planned change of address, change in program, or other changes which significantly affect the services provided. The Department shall be notified 30 days prior to any planned changes.

M-13. POLICIES AND PROCEDURES

- Please submit the applicant's internal policies, procedures, and operations manual including personnel policies and the manual of the agency's Governing Board.

If the applicant does not have or is unable to obtain all or part of the information or submit the documentation required in this application, applicant shall so indicate in a written statement explaining why the information or documentation is

I hereby swear and affirm, under penalty of perjury, that the foregoing information is true and correct.

I hereby agree that any false information supplied by me in this application or in support of this application shall be sufficient grounds to deny this application.

I hereby authorize the Guam Department of Public Health and Social Services, Bureau of Social Services Administration to investigate this applicant, and I agree to cooperate in good faith with the Department in allowing an authorized Department representative to visit this agency or facility at any reasonable time, announced or unannounced, to interview such staff, employees, volunteers or other personnel as may be determined necessary by the Department in conducting its licensing study/investigation.

I agree that the Department may conduct collateral interviews with any source of information regarding this applicant/agency/facility in the course of the licensing investigations/study, and that refusal by this applicant/agency/facility to allow interviews with any child, employee or staff member shall be grounds to deny this application.

I further understand and agree that the burden and responsibility to supply all required information and documents rest with the applicant and failure or refusal to supply such information and/or documents shall be grounds to deny this application.

Applicant's Name (Print)	Applicant's Title (Print)
Signature	Date

(Revised 06/24/22)