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
299-36 (LS) As amended by the Committee on Health, Land, Justice, and Culture; and further amended on the Floor.	Mary Camacho Torres Telena Cruz Nelson Therese M. Terlaje Tina Rose Muña Barnes Sabina F. Perez Amanda L. Shelton Jose "Pedo" Terlaje James C. Moylan Christopher M. Dueñas V. Anthony Ada Joe S. San Agustin Frank Blas Jr. Joanne Brown Telo T. Taitague	AN ACT TO *ADD* A NEW §§ 13301.1 AND § 13301.2, AND AMEND §§ 13320 (a)-(f) AND 13324, ALL OF ARTICLE 3, CHAPTER 13, TITLE 19, GUAM CODE ANNOTATED, AND TO ADD NEW §§ 4303 (b)(6) AND (7), AND 4303 (d) OF ARTICLE 3, CHAPTER 4, TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING REASONABLE EFFORTS TO PRESERVE AND REUNIFY FAMILIES AND TO ESTABLISHING CIRCUMSTANCES NEGATING REQUIREMENT FOR SUCH REASONABLE EFFORTS; UPDATING DISPOSITION HEARING REQUIREMENTS; UPDATING THE TIMELINES FOR THE PERMANENT PLACEMENT OF CHILDREN; AND TERMINATING THE PARENTAL RIGHTS OF A PARENT WHO SUBJECTS A CHILD TO AGGRAVATED CIRCUMSTANCES.	4/26/22 4:43 p.m.	4/29/22	Committee on Health, Land, Justice, and Culture	10/18/22 11:30 a.m.	11/28/22 4:29 p.m. As Amended by the Committee on Health, Land, Justice, and Culture	Request: 4/29/22 5/6/22	

SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES
12/2/22	AN ACT TO *ADD* NEW §§ 13301.1 AND 13301.2, AND *AMEND* §§ 13320(a)-(f) AND 13324, ALL OF ARTICLE 3, CHAPTER 13, TITLE 19, GUAM CODE ANNOTATED; AND TO *ADD* NEW §§ 4303(b)(6) AND (7), AND 4303(d) OF ARTICLE 3, CHAPTER 4, TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING REASONABLE EFFORTS TO PRESERVE AND REUNIFY FAMILIES AND ESTABLISHING CIRCUMSTANCES NEGATING REQUIREMENT FOR SUCH REASONABLE EFFORTS; UPDATING DISPOSITION HEARING REQUIREMENTS; UPDATING THE TIMELINES FOR THE PERMANENT PLACEMENT OF CHILDREN; AND TERMINATING THE PARENTAL RIGHTS OF A PARENT WHO SUBJECTS A CHILD TO AGGRAVATED CIRCUMSTANCES.	12/16/22	12/16/22	12/28/22	36-135	12/28/22	Received: 12/29/22 Mess and Comm. Doc. No. 36GL-22-2938

LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LT. GOVERNOR

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

Transmitted via email to: speaker@guamlegislature.org

Doc Type: 36GL-22-2938
OFFICE OF THE SPEAKER
THERESE M. TERLAJE
-12- 28 2022
Time: 6:04pm
Received:

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. 299-36 (LS) - AN ACT TO *ADD* NEW §§ 13301.1 AND 13301.2, AND *AMEND* §§ 13320(a)-(f) AND 13324, ALL OF ARTICLE 3, CHAPTER 13, TITLE 19, GUAM CODE ANNOTATED; AND TO *ADD* NEW§§ 4303(b)(6) AND (7), AND 4303(d) OF ARTICLE 3, CHAPTER 4, TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING REASONABLE EFFORTS TO PRESERVE AND REUNIFY FAMILIES AND ESTABLISHING CIRCUMSTANCES NEGATING REQUIREMENT FOR SUCH REASONABLE EFFORTS; UPDATING DISPOSITION HEARING REQUIREMENTS; UPDATING THE TIMELINES FOR THE PERMANENT PLACEMENT OF CHILDREN; AND TERMINATING THE PARENTAL RIGHTS OF A PARENT WHO SUBJECTS A CHILD TO AGGRAVATED CIRCUMSTANCES

Hafa Adai Madame Speaker,

Nothing is more important to a society than protecting its children. When a family is not capable or unwilling to care for a child, the difficult task of caring for that child falls to the government. Here on Guam, the work of protecting these vulnerable children is performed by the dedicated staff of Guam's Child Protective Services ("CPS"). Bill No. 299-36 provides guidelines for both CPS and the courts to apply in determining whether a child in need can remain with their family while receiving services from CPS or if the child must be removed from the home for the protection of the child. This bill requires CPS to make reasonable efforts to preserve or reunify families prior to placing a child into foster care. However, it recognizes circumstances in which the safety and welfare of the child makes family unification impossible. The key to these decisions is the health and safety of the child.

Importantly, Bill No. 299-36 also reduces the time a child remains in foster care before a decision must be made regarding permanent placement. The bill provides for a permanency hearing to be held no later than twelve (12) months after the child is removed from their home. This measure

will give the child more certainty about their future, and, if they are not to be reunited with their family, it will provide them with the opportunity to be adopted into a new, loving home.

For these reasons, I am signing Bill No. 299-36 into Law as ***Public Law 36- 135***.

Senseremente,

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

Enclosure: Bill No. 299-36 (LS) *nka P.L. No. 36-135*

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

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

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. 299-36 (LS), "AN ACT TO *ADD* NEW §§ 13301.1 AND 13301.2, AND *AMEND* §§ 13320(a)-(f) AND 13324, ALL OF ARTICLE 3, CHAPTER 13, TITLE 19, GUAM CODE ANNOTATED; AND TO *ADD* NEW §§ 4303(b)(6) AND (7), AND 4303(d) OF ARTICLE 3, CHAPTER 4, TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING REASONABLE EFFORTS TO PRESERVE AND REUNIFY FAMILIES AND ESTABLISHING CIRCUMSTANCES NEGATING REQUIREMENT FOR SUCH REASONABLE EFFORTS; UPDATING DISPOSITION HEARING REQUIREMENTS; UPDATING THE TIMELINES FOR THE PERMANENT PLACEMENT OF CHILDREN; AND TERMINATING THE PARENTAL RIGHTS OF A PARENT WHO SUBJECTS A CHILD TO AGGRAVATED CIRCUMSTANCES,"** 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.

C. C.

PO3 CC Chong 562

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lou Leon Guerrero

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 12/28/22

Public Law No. 36-135

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

Bill No. 299-36 (LS)
As amended by the Committee on Health, Land, Justice, and Culture; and further amended on the Floor.

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

AN ACT TO *ADD* NEW §§ 13301.1 AND 13301.2, AND *AMEND* §§ 13320(a)-(f) AND 13324, ALL OF ARTICLE 3, CHAPTER 13, TITLE 19, GUAM CODE ANNOTATED; AND TO *ADD* NEW §§ 4303(b)(6) AND (7), AND 4303(d) OF ARTICLE 3, CHAPTER 4, TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING REASONABLE EFFORTS TO PRESERVE AND REUNIFY FAMILIES AND ESTABLISHING CIRCUMSTANCES NEGATING REQUIREMENT FOR SUCH REASONABLE EFFORTS; UPDATING DISPOSITION HEARING REQUIREMENTS; UPDATING THE TIMELINES FOR THE PERMANENT PLACEMENT OF CHILDREN; AND TERMINATING THE PARENTAL RIGHTS OF A PARENT WHO SUBJECTS A CHILD TO AGGRAVATED CIRCUMSTANCES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* declares that the family unit is a fundamental resource of the island which should be

nurtured. Toward the continuance of this principle, *I Liheslatura* declares that the family unit should remain intact unless a child's right to conditions of basic nurture, health, or safety is jeopardized. When the rights of basic nurture, physical and psychological health, and safety of the child and the legal rights of the parents are in conflict, *I Liheslatura* declares that the rights and safety of the child should prevail. Further, in making reasonable efforts to preserve or reunify the family, the child's health and safety should be the paramount concern.

I Liheslaturan Guåhan finds that in all fifty (50) states, the District of Columbia, Puerto Rico, and the Virgin Islands, reasonable efforts to preserve or reunify the family are *not* required when the state's welfare agency or the court has determined the existence of *specific* circumstances. These circumstances include that the parent subjected the child to abandonment, torture, chronic abuse, and sexual abuse; that the parent committed murder of another child of the parent; that the parent committed voluntary manslaughter of another child of the parent; that the parent aided or abetted, attempted, conspired, or solicited to commit such a murder or voluntary manslaughter; that the parent committed a felony assault that resulted in serious bodily injury to the child or another child of the parent; or that the parental rights of the parent to a sibling of the child were terminated involuntarily.

I Liheslaturan Guåhan duly notes that Guam's Child Protective Act does not specify when reasonable efforts to reunite the family are no longer required nor does the law clearly state when a petition for the termination of parental rights must be filed by Child Protective Services. The federal *Adoption and Safe Families Act* (U.S. Public Law 105-89) currently requires state welfare agencies to file a petition to terminate parental rights, with certain exceptions, when a child has been in foster care for fifteen (15) of the most recent twenty-two (22) months in order to be eligible for Title IV-E funding. Title IV-E provides reimbursement to states and territories for provision of foster care, adoption assistance, and kinship guardianship assistance

to eligible children. Guam's Child Protective Act does not have these requirements. As a result, Guam is currently ineligible for this federal funding despite being considered a state under Title IV-E of the Social Security Act. Guam law also permits a child to remain in foster care beyond two (2) years at the court's discretion. While this judicial discretion allows the court to determine the arrangement that best suits the child's needs based on a number of factors, *I Liheslaturan Guåhan* finds there is legitimate government interest in strengthening protections for children in cases of severe abuse, sexual assault, or violence.

In 2020, *I Liheslatura* required the court to presume that termination of parental rights is in the best interest of a child conceived as a result of criminal sexual conduct (Guam Public Law 35-91). The law was predicated on Guam's high number of sexual assaults per capita, the disproportionately low number of sexual assaults resulting in convictions, and the presence of rape-related pregnancies on island, most notably the reporting of a thirty-eight (38) year old man charged in the Superior Court of Guam for raping and impregnating an eleven (11) year old girl (*People of Guam v. Rinext Riosen*). These factors, coupled with peer-reviewed research indicating the re-traumatizing experience of raising one's child alongside her attacker, compelled *I Liheslatura* to explicitly recognize an act of criminal sexual conduct resulting in the conception of a child as grounds for the termination of parental rights.

I Liheslaturan Guåhan finds that family violence and child abuse are similarly enduring issues within the community, remaining high on the list of crimes charged in Guam's family court every year (2020 Judiciary of Guam Annual Report). The demand for more foster homes has also grown with the five hundred (500) children currently in Guam's foster care system. While Child Protective Services works tirelessly to place Guam's children who are in need in safe homes, *I Liheslatura* recognizes the traumatizing impact and potential consequences of placement

instability and disruption in long-term foster care. According to the American Academy of Pediatrics, children with multiple placements experience a sixty-three percent (63%) greater risk of developing behavioral challenges than children in stable placements.

Thus, while family life should be strengthened and preserved, *I Liheslatura* maintains that the right of a child to basic nurturing includes the right to a safe, stable, and permanent home. It is, therefore, the intent of *I Liheslaturan Guåhan* to explicitly define when reasonable efforts to preserve the family are no longer required, to explicitly define the circumstances under which a petition to terminate the parental rights must be filed, and to revise the deadlines for court hearings on children's permanent placement; and, in doing so, *I Liheslatura* intends to uphold the child's health and safety as the paramount concern.

Section 2. New §§ 13301.1 and 13301.2 are hereby *added* to Article 3, Chapter 13, Title 19, Guam Code Annotated, to read:

"**§ 13301.1. Reasonable Efforts to Preserve and Reunify Families.**

Except as provided in §13301.2 of this Chapter, Child Protective Services shall make reasonable efforts to preserve and reunify families prior to the placement of a child in foster care, to prevent or eliminate the need for removing the child from the home of the child, and to make it possible for a child to return safely to the home of the child. In determining the reasonable efforts to be made with respect to a child, and in making these reasonable efforts, the health and safety of the child shall be the paramount concern. Reasonable efforts to finalize an alternate permanency plan may be made concurrently with reasonable efforts to reunify the child and family.

Concurrent planning shall mean the simultaneous preparation of plans to (1) assist members of the child's family in completing a Service Plan pursuant to 19 GCA § 13304 that, when completed successfully will allow the

child to return home safely; and (2) to place the child in a setting that will become the child's permanent home if such members of the child's family are unable to successfully complete the Service Plan.

§ 13301.2. Circumstances Negating Requirement for Reasonable Efforts.

(a) Reasonable efforts to reunify a parent or guardian with the child shall not be required or shall cease if one (1) or more of the following circumstances exist:

(1) the parent or guardian, upon a finding of clear and convincing evidence, has subjected the child to aggravated circumstances, such as abandonment, torture, sexual abuse, chronic or severe abuse, or chronic or severe neglect. For the purposes of this Chapter, aggravated circumstances shall include the failure to protect such a child from such conduct, when failure to protect evinces a wanton or depraved indifference to human life or has resulted in the death of such a child or in serious bodily injury to such a child;

(2) the parent or guardian has been convicted of murder or voluntary manslaughter of another child of the parent; aiding, abetting, attempting, conspiring, or soliciting to commit such crimes; or a felony assault that resulted in serious bodily injury to the child or to another child of the parent;

(3) the parental rights of the parent with respect to a sibling of the child have been involuntarily terminated, unless the court determines that providing reasonable efforts would be in the best interests of the child, would not be contrary to the health and safety of the child, and would likely result in the reunification of the parent and the child in the foreseeable future; or

(4) the child has subsequently been found to be abused or neglected within one (1) year after returning home following placement in foster care.

(b) Once a child is in the custody of Child Protective Services, Child Protective Services may petition the court for a judicial determination that efforts to reunify the parent and child are not required under the circumstances specified in Subsection (a) of this Section.

(c) If the court finds by clear and convincing evidence that any of the circumstances specified in Subsection (a) of this Section exists, the court shall waive the requirement that reasonable efforts be made to reunify the child with the child's parent or guardian.

(1) A court determination addressing reasonable efforts to prevent removal must be made within sixty (60) days of removal of the child from his or her home.

(2) If the court finds that reasonable efforts are not required, it shall document that determination by written findings of fact.

(d) A Permanency Plan Hearing, as provided in § 13324 of this Article, shall be held for the child within thirty (30) days after the determination."

Section 3. §§ 13320(a)-(f) of Article 3, Chapter 13, Title 19, Guam Code Annotated, are hereby *amended* to read:

"**§ 13320. Disposition Hearing.**

(a) The court may consider any information relevant to disposition which is in the best interests of the child; provided, that the court shall determine initially whether the child's family home is a safe family home. The court shall consider fully all relevant prior and current information, including any of the circumstances under § 13301.2 of this Article, for determining

whether the child's family is willing and able to provide the child with a safe family home, and the report or reports submitted pursuant to § 13309 of this Article, in rendering such a determination. Notwithstanding any other provision under this Section, if the court finds by clear and convincing evidence that any of the circumstances specified in § 13301.2(a) of this Article exists, the court shall render a determination pursuant to § 13301.2(c) of this Article, and hold a Permanency Plan Hearing as provided in § 13324 of this Article within thirty (30) days after the determination.

(b) If the court determines that the child's family is presently willing and able to provide the child with a safe family home without the supervision of Child Protective Services, the court shall terminate jurisdiction.

(c) If the court determines that the child's family home is a safe family home with the supervision of Child Protective Services, the court shall place the child and the child's family members who are parties under the supervision of an authorized agency, return the child to the child's family home and enter further orders, including, but not limited to, restrictions upon the rights and duties of the authorized agency, as the court deems to be in the best interests of the child.

(d) If the court determines that the child's family home is not a safe family home, even with the supervision of Child Protective Services the court shall vest foster custody of the child in an authorized agency and enter such further orders as the court deems to be in the best interests of the child.

(e) If the child's family home is determined not to be safe, even with the supervision of Child Protective Services pursuant to Subsection (d) of this Section, the court may, and if the child has been residing outside the family home for a period of one (1) year, the court shall, set the case for a Permanency

Plan Hearing and order that the authorized agency submit a report pursuant to § 13309 of this Article.

(f) At the disposition hearing, the court may order such terms, conditions and consequences as the court deems to be in the best interests of the child consistent with the requirements under § 13301.2 of this Article, if applicable."

Section 4. § 13324 of Article 3, Chapter 13, Title 19, Guam Code Annotated, is hereby *amended* to read:

"**§ 13324. Permanency Plan Hearing.**

(a) The court shall hold a Permanency Plan Hearing to determine the future permanent legal status of the child:

(1) within thirty (30) days after the court finds that reasonable efforts are not required pursuant to § 13301.2 of this Article; or

(2) in all other cases, within twelve (12) months after the child is removed from the child's home.

(b) At the Permanency Plan Hearing, the court shall consider fully all relevant prior and current information for determining whether the child's family is willing and able to provide the child with a safe family home, including, but not limited to, the report or reports submitted pursuant to § 13309 of this Article, or any of the circumstances under § 13301.2 of this Article, and determine whether there exists clear and convincing evidence that:

(1) the child's family is not presently willing and able to provide the child with a safe family home, even with the supervision of Child Protective Services;

(2) it is not reasonably foreseeable that the child's family will become willing and able to provide the child with a safe family home,

even with the supervision of Child Protective Services, within a reasonable period of time, which shall not exceed fifteen (15) of the most recent twenty-two (22) months from the date upon which the child was first placed under foster custody by the court;

(3) the proposed permanency plan is in the best interests of the child; provided, that the court shall presume that:

(A) it is in the best interests of a child to be promptly and permanently placed with responsible and competent substitute caretakers and family in a safe and secure home; and

(B) such presumption increases in importance proportionate to the youth of the child upon foster custody by the court; and

(4) if the child has reached the age of fourteen (14), the child is supportive of the permanency plan.

(c) If the court determines that the criteria set forth in Subsection (b) of this Section are established by clear and convincing evidence, the court shall order:

(1) that the existing order of disposition be terminated and that the prior award of foster custody be revoked;

(2) that permanent custody be awarded to an appropriate authorized agency;

(3) that an appropriate permanency plan be implemented concerning the child whereby the child will:

(A) be adopted pursuant to §§ 4201 et seq. of Title 19 GCA; provided, that the court shall presume that it is in the best interests of the child to be adopted, unless the child is in the permanent custody of family or persons who have become as

family and who for good cause are unwilling or unable to adopt the child but are committed to and are capable of being the child's permanent custodians; or

(B) remain in permanent custody until the child is subsequently adopted or reaches the age of eighteen (18), and that such status shall not be subject to modification or revocation except upon a showing of extraordinary circumstances to the court.

(d) If the court determines that the criteria set forth in Subsection (b) of this Section are not established by clear and convincing evidence, the court shall order that:

(1) the permanency plan hearing be continued for a reasonable period of time not to exceed six (6) months from the date of the continuance;

(2) the authorized agency submits a written report pursuant to § 13309 of this Article; and

(3) such further orders as the court deems to be in the best interests of the child be entered.

(e) At the continued Permanency Plan Hearing, the court shall proceed pursuant to Subsections (b), (c) and (d) of this Section, until such date as the court determines that:

(1) there is sufficient evidence to proceed pursuant to Subsection (c) of this Section; or

(2) the child's family is willing and able to provide the child with a safe family home, even with the supervision of Child Protective Services, upon which determination the court may:

(A) revoke the prior award of foster custody to the authorized agency and return the child to the family home; and

(B) terminate jurisdiction; or

(C) award supervision to an authorized agency;

(D) order such revisions to the order of disposition as the court, upon such hearing as the court deems to be appropriate, determines to be in the best interests of the child;

(E) set the case for a progress hearing; and

(F) enter such further orders as the court deems to be in the best interests of the child."

Section 5. New Subsections (6) and (7) are hereby *added* to § 4303(b) of Article 3, Chapter 4, Title 19, Guam Code Annotated, to read:

"(6) that the parent has been convicted of one (1) or more of the following offenses:

(A) murder, pursuant to 9 GCA Chapter 16, of another child of the parent, a sibling or step-sibling of the child, the child's other parent, or other persons related by consanguinity or affinity, including a minor child who resided with the defendant;

(B) manslaughter, pursuant to 9 GCA Chapter 16, of another child of the parent, a sibling or step-sibling of the child, the child's other parent, or other persons related by consanguinity or affinity, including a minor child who resided with the defendant;

(C) an attempt, solicitation, or conspiracy to commit any of the offenses specified in Subsections (A) and (B);

(D) a felony assault, pursuant to 9 GCA Chapter 19, which resulted in injury to the child, a sibling or step-sibling of the child, the

child's other parent, or other persons related by consanguinity or affinity, including a minor child who resided with the defendant;

(E) a criminal charge relating to the physical or sexual abuse or neglect of any child and that physical or sexual abuse, neglect, or emotional injury to the child named in the present termination action is likely to occur if the parental rights are not terminated;

(7) that the child has been in foster care under the responsibility of Child Protective Services for fifteen (15) of the most recent twenty-two (22) months."

Section 6. A new § 4303(d) is hereby *added* to Article 3 of Chapter 4, Title 19, Guam Code Annotated, to read:

"(d) Under any of the conditions specified in Subsections (b)(1), (6), and (7) of this Section, Child Protective Services shall file a petition to terminate the parental rights of the child's parent (or, if such a petition has been filed by another party, seek to be joined as a party to the petition), and concurrently identify, recruit, process, and approve a qualified family for an adoption. Child Protective Services may elect not to terminate the parental rights of the child's parent if:

(1) the child is being cared for by a relative approved by Child Protective Services;

(2) Child Protective Services has documented a compelling reason, available for court review, for determining that filing a petition to terminate parental rights would not be in the best interests of the child. Compelling reasons for not filing a petition to terminate parental rights include, but are not limited to, the following:

(A) there are insufficient grounds for filing a petition;

(B) the parent of the child is actively engaged in services to address the reasons the child entered care (including treatment for substance abuse disorder, mental health concerns, or parenting skills);

(C) there is adequate documentation that termination of parental rights is not the appropriate plan and not in the best interests of the child; or

(3) the family of the child has not been provided, consistent with the time period in the Service Plan under § 13304 of Article 3, Chapter 13, Title 19 GCA, services or treatment that Child Protective Services deemed necessary for the safe return of the child to the child's home, when reasonable efforts to reunify the family are required."

Section 7. Effective Date. This Act shall be effective ninety (90) days after its enactment.

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