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
108-36 (COR) As amended by the Committee on Air Transportation, Parks, Tourism, Higher Education and the Advancement of Women, Youth, and Senior Citizens.	Mary Camacho Torres Tina Rose Muña Barnes Amanda L. Shelton Telena Cruz Nelson Jose "Pedo" Terlaje Joe S. San Agustin Frank Blas Jr. James C. Moylan V. Anthony Ada Christopher M. Duenas	AN ACT TO *AMEND* §§ 1302, 1308, AND 1310(b)(1)(A), AND TO *ADD* A NEW § 1313 TO ARTICLE 3, ALL OF CHAPTER 1, TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS; AND TO *AMEND* § 4201(c) OF ARTICLE 2, CHAPTER 4, TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO STREAMLINING ADOPTION POLICIES AND PROCEDURES IN GUAM.	4/6/21 5:19 p.m.	4/9/21	Committee on Air Transportation, Parks, Tourism, Higher Education and the Advancement of Women, Youth, and Senior Citizens	4/20/21 9:00 a.m.	5/21/21 5:52 p.m. As amended by the Committee on Air Transportation, Parks, Tourism, Higher Education and the Advancement of Women, Youth, and Senior Citizens.	Waiver: 4/14/21 Request: 4/9/21	
SESSION DATE		**TITLE**	**DATE PASSED**	**TRANSMITTED**	**DUE DATE**	**NOTES**			
6/25/21		AN ACT TO *AMEND* §§ 1302, 1308, AND 1310(b)(1)(A), AND *ADD* A NEW § 1313, ALL OF ARTICLE 3, CHAPTER 1, TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS; AND TO *AMEND* § 4201(c) OF ARTICLE 2, CHAPTER 4, TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO STREAMLINING ADOPTION POLICIES AND PROCEDURES IN GUAM.	7/8/21	7/8/21	7/20/21	36-39	7/20/21	Received: 7/20/21 Mess and Comm. Doc. No. 36GL-21-0838	

LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LT. GOVERNOR

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

July 19, 2021

Doc Type: 36GL-21-0838 + 36GL-21-0839
OFFICE OF THE SPEAKER
THERESE M. TERLAJE
-07- 20 2021
Time: 4:36pm
Received:

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: 108-36 (COR) "AN ACT TO *AMEND* §§ 1302, 1308 AND 1310(b)(1)(A), AND *ADD* A NEW § 1313, ALL OF ARTICLE 3, CHAPTER 1, TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS; AND TO *AMEND* § 4201(c) OF ARTICLE 2, CHAPTER 4, TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO STREAMLINING ADOPTION POLICIES AND PROCEDURES IN GUAM."

RE: Bill No: 109-36 (COR) "AN ACT TO *AMEND* §§ 13502(a) AND 13505 OF ARTICLE 5, CHAPTER 13, TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING THE NEWBORN INFANT SAFE HAVEN ACT TO INCLUDE 911 SERVICE PROVIDERS; TO INCLUDING ADOPTION AGENCIES IN THE CHAIN OF CUSTODY FOR INFANTS RELINQUISHED UNDER THE NEWBORN INFANT SAFE HAVEN ACT; TO REQUIRING THE DISTRIBUTION OF MATERIALS ATTACHED HERETO AS EXHIBITS A THROUGH D; AND TO REQUIRING THE ADOPTION AND TRANSMITTAL OF WRITTEN POLICY AND PROCEDURES IN ACCORDANCE WITH THE NEWBORN INFANT SAFE HAVEN ACT"

Buenas yan Hafa Adai Madame Speaker:

In 2018, our legislature passed the Safe Haven Act, a law that allows women in crisis to surrender a newborn infant to personnel at hospitals, fire stations, birthing centers and community health centers, without fear of arrest for abandoning their infant. The law was intended to protect these infants from neglect or abandonment, and also to protect the mothers, who often surrender their infants because they are in distress themselves. The infants are then placed into foster care indefinitely, for a period of months or longer. Guam's foster care system provides care for over 250 children with approximately 50 licensed foster families.

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COMMITTEE ON RULES
RECEIVED:
July 20, 2021
5:31 P.M.
Vicente P. Flores

Without question, our foster homes provide these children with care and love, but the placement is intended to be temporary, and our foster homes are few.

Bill 108-36, now known as Public Law No. 36-39, recognizes that every child deserves a lifelong commitment of love, security, and stability and aims to ease the burden on our foster care system by allowing Child Protective Services to identify adoption agencies who can place surrendered infants directly into pre-approved families. This law minimizes the impact that the interim foster placement has on the foster home and the child alike, and enables these children to start their new lives with their forever families immediately. At the same time, this law implements a robust process for selecting appropriate agencies, enabling CPS to work with agencies that have been vetted and who are subject to audits by the Department of Public Health and Social Services. The current requirements for prospective adoptive families remain rigorous as well, as they should be, with the preservation of a home study inspection and report, a submission of the parents' profile to the courts of Guam, and a trial period of up to one year under the guidance and supervision of Public Health.

Bill 109-36, now known as Public Law No. 36-40, enables mothers to surrender infants by contacting emergency services at 911, furthering the interest of ensuring that both child and mother are safe and alleviating the difficulty of complying with the Safe Haven Act for mothers experiencing transportation challenges. Perhaps most importantly, however, the updated law recognizes that there is no need for a voluntarily relinquished infant to go into foster care. Granting physical custody to adoption agencies selected by Child Protective Services will ensure these infants bypass the foster care system and be placed directly with a home approved by the Guam Department of Public Health and Social Services. The adoptive parents must meet all other rigorous requirements under Personal Relations (Chapter 4, Title 19 GCA) as well as the Welfare Division of the Department of Public Health and Social Services (Article 3, Chapter 1, Title 26 GARR) before Child Protective Services transfers legal custody of the infant and the adoption is completed.

It is my hope that these laws help relieve the strain on what can be a difficult and arduous process to find loving, permanent homes for Guam's most vulnerable children.

Senseremente,

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

Enclosure(s): Bill No. 108-36 (COR) *nka P.L. 36-39;* Bill No. 109-36 (COR) *nka. P.L. 36-40*

cc: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*
Compiler of Laws

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

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

This is to certify that **Bill No. 108-36 (COR), "AN ACT TO *AMEND* §§ 1302, 1308, AND 1310(b)(1)(A), AND *ADD* A NEW § 1313, ALL OF ARTICLE 3, CHAPTER 1, TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS; AND TO *AMEND* § 4201(c) OF ARTICLE 2, CHAPTER 4, TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO STREAMLINING ADOPTION POLICIES AND PROCEDURES IN GUAM,"** was on the 8th day of July 2021, duly and regularly passed.

Therese M. Tajalje

Therese M. Terlaje
Speaker

Attested:

Amanda Shelt

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 8th day of July, 2021, at 5:11 o'clock P.M.

Jamica G

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lou dLeon

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 7/20/2021

Public Law No. 36-39

RCVD AT CENTRAL FILES
JUL 8 '21 PM5:11
Elaine Tajalle

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 108-36 (COR)
As amended by the Committee on Air Transportation, Parks, Tourism, Higher Education, and the Advancement of Women, Youth, and Senior Citizens.

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

AN ACT TO *AMEND* §§ 1302, 1308, AND 1310(b)(1)(A), AND *ADD* A NEW § 1313, ALL OF ARTICLE 3, CHAPTER 1, TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS; AND TO *AMEND* § 4201(c) OF ARTICLE 2, CHAPTER 4, TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO STREAMLINING ADOPTION POLICIES AND PROCEDURES IN GUAM.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. § 1302 of Article 3, Chapter 1, Title 26, Guam Administrative Rules and Regulations, is hereby *amended* to read:

"**§ 1302. Intent of the Law.**

(a) According to Section 221.1 of the Civil Code of Guam and Public Law 13-133, the purpose of the adoption law is: "to protect and promote the welfare of children, natural parents and adoptive parents and thereby promote the welfare of the Territory of Guam."

(b) The law, therefore, provides several basic safeguards, including the requirement that:

(1) the child be legally free for adoption; that a natural parent's consent or termination of their parental rights have been secured by judicial decree;

(2) that the child is placed in an adoptive home by Social Services or an adoption agency duly licensed under Guam law, except in relative adoptions;

(3) that social studies be submitted and considered prior to judgment on adoption petitioners; and

(4) that the child live in the adoptive home for a period of up to one (1) year under the guidance and supervision of Social Services or an adoption agency duly licensed under Guam law."

Section 2. § 1308 of Article 3, Chapter 1, Title 26, Guam Administrative Rules and Regulations, is hereby *amended* to read:

"**§ 1308. Selection of Adoptive Parents-Adoption Screening Committee.**

(a) Purpose: The Adoption Screening Committee (ASC) has the responsibility of reviewing adoption applications and eventually selecting adoptive parents for each child legally available for adoption and/or given up to this agency for placement.

(b) Composition of Committee: The Adoption Screening Committee shall be composed of, but not limited to, the following five (5) on-going members:

(1) the Adoption Supervisor;

(2) the natural parent's caseworker or child(ren)'s caseworker;

(3) an adoption caseworker not involved in the case;

(4) a third social worker or other staff assigned by the Adoption Supervisor; and

(5) a representative from an independent adoption agency.

(c) Chair of the Committee: The Chair of the Committee shall be appointed by the Adoption Supervisor. Said Supervisor may assume the position of Chair and shall have equal voting rights. The duties of the Chair shall include:

(1) making arrangements for the group to meet initially, as soon as possible, but no later than a month prior to the estimated date of delivery (EDD) of the natural mother. If the child is already born and older than one (1) month old, the ASC shall meet as soon as possible. An infant relinquished under the Newborn Infant Safe Haven Act, pursuant to Article 5, Chapter 13, Title 19, Guam Code Annotated, will not require a meeting under the ASC; and

(2) designating assignments or tasks for the members, who shall meet at least weekly until adoptive parents are selected for the child.

(d) Recording of Committee Decisions: The Chair shall designate a secretary to record the step-by-step decisions made by the Committee, including the names of applicants screened and reasons for their acceptance

or rejection in the deliberations. The decision of the Committee regarding the adoptive parents chosen shall be preliminary, pending concurrence by the Social Services Administrator, who shall review the minutes and home studies of the applicants, and provide the Committee with written feedback within five (5) working days thereafter.

(e) Considerations in the Screening Process:

(1) The Committee shall first make reasonable efforts to respect the natural parent(s) wishes regarding the religion, race, and/or age of the prospective adoptive parent(s).

(2) The Committee shall next make reasonable efforts to match each child with an applicant who has requested a child with similar characteristics as to age and sex.

(3) If more than one (1) applicant meets the above criteria, the Committee shall give preference to childless applicant(s). Among childless applicants, those who applied first shall be preferred.

(f) Criteria for Selection of Adoptive Parent(s):

(1) The primary consideration in the selection of adoptive parent(s) should be the special needs and "best interests" of the child.

(2) The capabilities of the potential parents to meet these needs is the next factor in matching the child with adoptive parents.

(3) If at all possible, the child will be matched with characteristics of the potential adoptive parents (e.g., ethnicity, physical characteristics, etc.) to increase the chances of the child "fitting in" with the family.

(4) Disabled children, or those with special needs, may have other specific criteria made applicable—to be determined by the Adoption Screening Committee, as needed.

(5) For all Native American (Indian) children, efforts must be made to place these children with American Indian families, in accordance with the *Indian Child Welfare Act of 1978* (P.L. 95-608).

(6) The Adoption Screening Committee shall compile a list of specific criteria to be used for selection on a case-by-case basis.

(7) Priority consideration will be given to current foster parents, if applicable.

(g) Procedures in Making Selection:

(1) The Committee, when using the above priorities and criteria for selection, shall narrow down the applicants to three (3) names.

(2) The Chair shall assign each applicant to a Committee member to interview individually and to conduct a pre-adoption home study. All applicants must be interviewed.

(3) Upon completion of home studies, the Committee will review each home study and request another interview of all three (3) applicants, if necessary, in order to make the final selection.

(4) Selection of the family at this point, however, must be recognized as preliminary, dependent on adjustment of child and family, and prior concurrence by the Social Services Administrator on the decision of the Committee.

(h) Procedures Involving the Adoptive Child:

(1) Prior to birth, after the natural parent(s) has signed initial "Relinquishment of Parental Rights" papers, the caseworker shall make arrangements with the hospital involved to take custody of the child and immediately contact an adoption agency to take guardianship upon

discharge from the hospital. The following guidelines should be adhered to:

(A) A copy of the Relinquishment papers shall be given to hospital officials, particularly the Obstetrics department.

(B) The Obstetric (OB) Nurse shall be given instructions that the mother shall not see the newborn, if that decision has been made, and that the mother has chosen not to take part in the childbirth-child care classes.

(C) The adoption worker shall request that the agency be informed of the discharge date of the mother and child. The adoption worker shall make arrangements with the hospital personnel to have the mother discharged sooner than the child's discharge.

(2) The newborn child shall be taken by an adoption agency representative to a pre-approved adoptive home or temporary shelter care home until permanent placement occurs.

(3) The caseworker shall immediately afterwards, or prior to placement, if possible, secure an ex parte order from the court, granting the Division of Social Services the temporary legal custody of said child, pending the Termination of Parental Rights and subsequent adoption.

(4) A Power of Attorney should also be prepared, signed by the caseworker and the Administrator of Social Services, and provided to the prospective adoptive parents or foster family so that they can arrange for medical treatment of the child or any of the child's routine legal affairs which require a parent's consent.

(5) For older children, follow the guidelines stipulated in numbers (3) and (4)."

Section 3. § 1310(b)(1)(A) of Article 3, Chapter 1, Title 26, Guam Administrative Rules and Regulations, is hereby *amended* to read:

"**§ 1310. Preparation for Placement.**

(a) Placement of a child in an adoptive home shall be made only after the child and the adoptive parents are prepared for it.

(b) The social worker shall prepare the following persons for placement:

(1) The Child: Except for infants, preparation should be consistent with the child's age, emotional maturity and understanding. Preparation shall include:

(A) Worker shall help the child understand why he or she is being placed, why his or her family and/or foster family cannot take care of him or her, when he or she is going, what adoption is like, and what adoption means."

Section 4. § 4201(c) of Article 2, Chapter 4, Title 19, Guam Code Annotated, is hereby *amended* to read:

"(c) that the child is placed in a proposed adoptive home by the Division of Social Services or an adoption agency duly licensed under Guam law, except in adoptions by close relatives;"

Section 5. A new § 1313 is hereby *added* to Article 3 of Chapter 1, Title 26, Guam Administrative Rules and Regulations, to read:

"**§ 1313. Annual Audit of Records of Adoption Agency.**

(a) Within one hundred eighty (180) days of the enactment of this Section, and annually thereafter, the Guam Department of Public Health and Social Services shall audit the records of an agency which provides adoption

services in Guam to determine compliance with the provisions of this Chapter, 19 GCA Chapter 4, any other applicable local, state, or federal law, and any written agreements entered into with the Guam Bureau of Social Services and Administration or the Guam Department of Public Health and Social Services. The records that are subject to such an audit include, without limitation, information contained in the files of the agency relating to:

(1) any complaint concerning the agency, including, without limitation, the investigation of such a complaint; and

(2) adoption services provided by the agency.

(b) Within thirty (30) days after the completion of an audit performed pursuant to § 1313(a), the Department will issue a written notice to the adoption agency if the Department determines as a result of the audit that the agency is not in compliance with the provisions of this Chapter, 19 GCA Chapter 4, any other applicable local, state, or federal law, and any written agreements entered into with the Guam Bureau of Social Services and Administration or the Guam Department of Public Health and Social Services. The notice must set forth the nature of the noncompliance.

(c) Within thirty (30) days after receipt of a notice issued pursuant to § 1313(b), the agency shall submit a plan of action for the areas of noncompliance to the Department. Upon request by an agency, the Department will provide assistance to the agency relating to carrying out its plan of action.

(d) The Department will reevaluate the areas of noncompliance within six (6) months after the completion of the audit. Within six (6) months after completion of the audit, the agency that provides adoption services shall complete the plan of action or demonstrate that it has made significant progress, as determined by the Department, toward completing the plan of

action. If the Department determines that the agency has demonstrated that it has made significant progress toward completing the plan of action, the Department may grant the agency an additional three (3) months to complete the plan."

Section 6. 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.