

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
206-36 (LS)	Mary Camacho Torres Telena Cruz Nelson Jose "Pedro" Terlaje Amanda L. Shelton Tina Rose Muña Barnes James C. Moylan Clynton E. Ridgell Joe S. San Agustin V. Anthony Ada Frank Blas Jr.	AN ACT TO REQUIRE THE PROMULGATION AND PUBLICATION OF INTERIM RULES FOR ALL CHILD PLACEMENT AGENCIES BY THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES; AND TO ENSURE TRANSPARENCY, PERMIT PUBLIC PARTICIPATION, AND PROVIDE A METHOD OF MAKING SUCH RULES READILY ACCESSIBLE TO THE PUBLIC; AND TO FURTHER APPROPRIATE ONE THOUSAND DOLLARS (\$1,000) FROM THE UNEXPENDED FUNDS OF THE OFFICE OF SENATOR MARY CAMACHO TORRES OF I LIHESLATURAN GUÅHAN TO THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES FOR THIS PURPOSE.	10/1/21 2:03 p.m.	10/1/21	Committee on General Government Operations, Appropriations, and Housing	10/11/21 3:30 p.m.	10/20/21 11:56 a.m. As amended by the Committee on General Government Operations, Appropriations, and Housing	Request: 10/5/21 10/11/21	



SENATOR JOE S. SAN AGUSTIN

COMMITTEE ON GENERAL GOVERNMENT OPERATIONS, APPROPRIATIONS & HOUSING
I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN

October 12, 2021

The Honorable Therese M. Terlaje
Speaker
I Mina'trentai Sais Na Liheslaturan Guåhan
163 Chalan Santo Papa
Hagåtña, Guam 96910

VIA: The Honorable Amanda L. Shelton 
Acting Chairperson, Committee on Rules

RE: Committee Report on Bill No. 206-36 (LS) As Amended

Dear Speaker Terlaje:

Transmitted herewith is the Committee Report on **BILL NO. 206-36 (LS)** - As Introduced by Mary Camacho Torres / Telen Cruz Nelson / Jose "Pedro" Terlaje / Amanda L. Shelton / Tina Rose Muña Barnes / James C. Moylan / Clynton E. Ridgell / Joe S. San Agustin / V. Anthony Ada / Frank Blas Jr.. As Amended by the Committee on General Government Operations, Appropriations and Housing. "AN ACT TO REQUIRE THE PROMULGATION AND PUBLICATION OF INTERIM RULES FOR ALL CHILD PLACEMENT AGENCIES BY THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES; AND TO ENSURE TRANSPARENCY, PERMIT PUBLIC PARTICIPATION, AND PROVIDE A METHOD OF MAKING SUCH RULES READILY ACCESSIBLE TO THE PUBLIC; AND TO FURTHER APPROPRIATE ONE THOUSAND DOLLARS (\$1,000) FROM THE UNEXPENDED FUNDS OF THE OFFICE OF SENATOR MARY CAMACHO TORRES OF I LIHESLATURAN GUÅHAN TO THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES FOR THIS PURPOSE."

Committee votes are as follows:

5 TO DO PASS
0 TO NOT PASS
0 TO REPORT OUT ONLY
0 TO ABSTAIN
0 TO PLACE IN INACTIVE FILE

Respectfully,

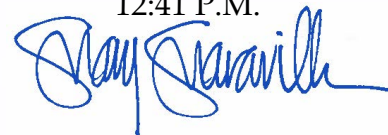

Senator Joe S. San Agustin
Chairperson, Committee on Appropriations

COMMITTEE ON RULES

RECEIVED:

October 12, 2021

12:41 P.M.



Additional document received:
October 13, 2021 @ 8:41 A.M.



SENATOR JOE S. SAN AGUSTIN

COMMITTEE ON GENERAL GOVERNMENT OPERATIONS, APPROPRIATIONS & HOUSING
I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN

COMMITTEE REPORT

BILL NO. 206-36 (LS)

As amended by the Committee on General Government
Operations, Appropriations, and Housing

As Introduced by Mary Camacho Torres / Telenia Cruz
Nelson / Jose "Pedro" Terlaje / Amanda L. Shelton / Tina
Rose Muña Barnes / James C. Moylan / Clynton E. Ridgell
/ Joe S. San Agustin / V. Anthony Ada / Frank Blas Jr

“AN ACT TO REQUIRE THE PROMULGATION AND PUBLICATION OF INTERIM RULES FOR ALL CHILD PLACEMENT AGENCIES BY THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES; AND TO ENSURE TRANSPARENCY, PERMIT PUBLIC PARTICIPATION, AND PROVIDE A METHOD OF MAKING SUCH RULES READILY ACCESSIBLE TO THE PUBLIC; AND TO FURTHER APPROPRIATE ONE THOUSAND DOLLARS (\$1,000) FROM THE UNEXPENDED FUNDS OF THE OFFICE OF SENATOR MARY CAMACHO TORRES OF *LIHESLATURAN GUÅHAN* TO THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES FOR THIS PURPOSE.”



SENATOR JOE S. SAN AGUSTIN

COMMITTEE ON GENERAL GOVERNMENT OPERATIONS, APPROPRIATIONS & HOUSING
I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN

October 12, 2021

MEMORANDUM

TO: ALL MEMBERS

Committee on General Government Operations, Appropriations, and Housing

From: Senator Joe S. San Agustin
Committee Chairperson

Subject: Committee Report on Bill No. 206-36 (LS) As Amended

Transmitted herewith is the Committee Report on **BILL NO. 206-36 (LS)** - As Introduced by Mary Camacho Torres / Telen Cruz Nelson / Jose "Pedro" Terlaje / Amanda L. Shelton / Tina Rose Muña Barnes / James C. Moylan / Clynton E. Ridgell / Joe S. San Agustin / V. Anthony Ada / Frank Blas Jr.. **As Amended by the Committee on General Government Operations, Appropriations and Housing. "AN ACT TO REQUIRE THE PROMULGATION AND PUBLICATION OF INTERIM RULES FOR ALL CHILD PLACEMENT AGENCIES BY THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES; AND TO ENSURE TRANSPARENCY, PERMIT PUBLIC PARTICIPATION, AND PROVIDE A METHOD OF MAKING SUCH RULES READILY ACCESSIBLE TO THE PUBLIC; AND TO FURTHER APPROPRIATE ONE THOUSAND DOLLARS (\$1,000) FROM THE UNEXPENDED FUNDS OF THE OFFICE OF SENATOR MARY CAMACHO TORRES OF I LIHESLATURAN GUÅHAN TO THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES FOR THIS PURPOSE."**

This report includes the following:

- Copy of COR Referral of Bill No. 206-36 (LS)
- Notices of Public Hearing and Other Correspondence
- Copy of Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Submitted Written Testimony and Supporting Documents
- Committee Report Digest
- Copy of Bill No. 206-36 (LS) As Introduced
- Copy of Bill No. 206-36 (LS) As Amended
- Copy of Fiscal Note from Bureau of Budget and Management Research
- Copy of Funding Availability Note from Office of Finance and Budget
- Committee Vote Sheet

Please take the appropriate action on the attached vote sheet, Your Attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os Ma'åse'.



Vice Speaker

TINA ROSE MUÑA BARNES

CHAIRPERSON, COMMITTEE ON RULES

I Mina'trentai Sais Na Liheslaturan Guåhan

GUAM CONGRESS BUILDING
163 CHALAN SANTO PAPA
HAGĀTÑA, GUAM 96910
TEL 671-472-2461
COR@GUAMLEGISLATURE.ORG

October 1, 2021

MEMO

To: **Rennae Meno**
Clerk of the Legislature

Attorney Ana Won Pat-Borja
Legislative Legal Counsel

From: **Senator Amanda L. Shelton**
Acting Chairperson, Committee on Rules

Re: **Referral of Bill No. 206-36 (LS)**

Håfa Adai,

As per my authority as Acting Chairperson of the Committee on Rules and subject to §6.01(d)(1), Rule VI of our Standing Rules, I am forwarding the referral of Bill No. 206-36 (LS) – Mary Camacho Torres, Telena Cruz Nelson, Jose "Pedro" Terlaje, Amanda L. Shelton, Tina Rose Muña Barnes, James C. Moylan, Clynton E. Ridgell, Joe S. San Agustin, V. Anthony Ada, Frank Blas, Jr. – "AN ACT TO REQUIRE THE PROMULGATION AND PUBLICATION OF INTERIM RULES FOR ALL CHILD PLACEMENT AGENCIES BY THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES; AND TO ENSURE TRANSPARENCY, PERMIT PUBLIC PARTICIPATION, AND PROVIDE A METHOD OF MAKING SUCH RULES READILY ACCESSIBLE TO THE PUBLIC; AND TO FURTHER APPROPRIATE ONE THOUSAND DOLLARS (\$1,000) FROM THE UNEXPENDED FUNDS OF THE OFFICE OF SENATOR MARY CAMACHO TORRES OF *I LIHESLATURAN GUÅHAN* TO THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES FOR THIS PURPOSE."

Please ensure that the subject bill is referred to the **Committee on General Government Operations, Appropriations, and Housing, chaired by Senator Joe S. San Agustin.**

I also request that the same be forwarded to the prime sponsor of the subject bill.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.

Respectfully,

Senator Amanda L. Shelton

Acting Chairperson, Committee on Rules





Michaela Celorio <msacelorio.senatorsa@gmail.com>

First Notice of Virtual Public Hearing on Monday, October 11, 2021

3 messages

Rose Mesa <rose.senatorsa@gmail.com>

Mon, Oct 4, 2021 at 11:43 AM

To: phnotice@guamlegislature.org

Cc: Management Information System <mis@guamlegislature.org>, Tom Unsiog <sgtarms@guamlegislature.org>, Joe San Agustin <protocol@guamlegislature.org>, ed pocague <siedpocague@gmail.com>

October 4, 2021**To: All Honorable Senators, Stakeholders and Media****From: Senator Joe S. San Agustin, Chairman****Subject: First Notice of Virtual Public Hearing on Monday, October 11, 2021***Buenas yan Håfa Adai!*

In accordance with the Open Government Law, relative to notices for public meetings, please be advised that the Committee on General Government Operations, Appropriations and Housing will convene a virtual public hearing on **Monday, October 11, 2021 beginning at 9:00 a.m.** using the Legislature's virtual Zoom platform.

The Committee will hear and accept testimony on the following:

9:00 a.m.**Bill No. 205-36 (LS) - Joe S. San Agustin**

AN ACT TO ADD A NEW SUBSECTION (8) TO § 15401(a) OF ARTICLE 4, CHAPTER 15, TITLE 4, GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE GUAM ETHICS COMMISSION TO RETAIN LEGAL SERVICES.

10:00 a.m.**Bill No. 173-36 (LS) - James C. Moylan / Joe S. San Agustin**

AN ACT TO AMEND § 11115 OF CHAPTER 11, § 9112 OF CHAPTER 9, § 1117 OF CHAPTER 1, § 14105 OF CHAPTER 14, AND § 1303 OF CHAPTER 13, ALL FROM TITLE 3, GUAM CODE ANNOTATED, AND TO ADD § 15110 TO CHAPTER 15, AND § 1124 TO CHAPTER 1, BOTH OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO ADDRESSING AND MODERNIZING ELECTION RELATED ISSUES INCLUSIVE OF WRITE IN VOTES, COUNTING PROVISIONAL BALLOTS, ELECTIONEERING AT POLLING PLACES, THE CANCELATION OF THE PRIMARY ELECTION IN CERTAIN CIRCUMSTANCES, AND VACANCIES.

Bill No. 174-36 (LS) - James C. Moylan / Joe S. San Agustin

AN ACT TO AMEND § 15201 and § 15206 OF CHAPTER 15, § 3104 AND § 3105 OF CHAPTER 3, AND § 6108 OF CHAPTER 6, ALL FROM TITLE 3, GUAM CODE ANNOTATED; TO ADD § 3102.1(g) TO CHAPTER 3 OF TITLE 3, GUAM CODE ANNOTATED; AND TO ADD § 3101.3(h) TO CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO ADDRESSING ELECTION RELATED TIMELINES ASSOCIATED WITH THE PRIMARY ELECTION, NOMINATION PETITIONS, AND VOTER REGISTRATION.

2:00 p.m.

Bill No. 204-36 (LS) - Amanda L. Shelton / Telen Cruz Nelson / Tina Rose Muña Barnes / Mary Camacho Torres / Clynton E. Ridgell / James C. Moylan / Joe S. San Agustin / Jose "Pedro" Terlaje / Christopher M. Dueñas

AN ACT TO *ADD* NEW ARTICLE 16 TO CHAPTER 22, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN "OPIOID RECOVERY TRUST FUND"; TO DIRECT ALL OPIOID LITIGATION MONIES ENTITLED TO GUAM INTO SUCH FUND; AND TO ESTABLISH THE "*OPIOID RECOVERY ADVISORY COUNCIL*"; TO BE KNOWN AS THE "*OPIOID PREVENTION AND TREATMENT*."

3:30 p.m.

Bill No. 206-36 (LS) - Mary Camacho Torres / Telen Cruz Nelson / Jose "Pedro" Terlaje / Amanda L. Shelton / Tina Rose Muña Barnes / James C. Moylan / Clynton E. Ridgell / Joe S. San Agustin / V. Anthony Ada / Frank Blas Jr.

AN ACT TO REQUIRE THE PROMULGATION AND PUBLICATION OF INTERIM RULES FOR ALL CHILD PLACEMENT AGENCIES BY THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES; AND TO ENSURE TRANSPARENCY, PERMIT PUBLIC PARTICIPATION, AND PROVIDE A METHOD OF MAKING SUCH RULES READILY ACCESSIBLE TO THE PUBLIC; AND TO FURTHER APPROPRIATE ONE THOUSAND DOLLARS (\$1,000) FROM THE UNEXPENDED FUNDS OF THE OFFICE OF SENATOR MARY CAMACHO TORRES OF I LIHESLATURAN GUÅHAN TO THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES FOR THIS PURPOSE.

If you are interested in participating in the Virtual Public Hearing to provide testimony, please contact the Office of Senator Joe S. San Agustin via email senatorjoessanagustin@gmail.com at or call (671) 989-5445 **no later than October 10, 2021** for further guidance.

Written testimonies should be addressed to Sen. Joe S. San Agustin, Chairman and sent via email to: senatorjoessanagustin@gmail.com or hand delivered to: Ran Care Bldg. Suite B3 761 S. Marine Corps Drive Tamuning, Guam 96931.

The hearing will be broadcast on local television, GTA Channel 21, Docomo Channel 117/112.4 and streamed online via *I Liheslaturan Guåhan's* live feed. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing.

In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Joe S. San Agustin at senatorjoessanagustin@gmail.com.

We look forward to your participation!

Un Dangkolo Na Si Yu'os Ma'ase'

Very Respectfully,

RoseMarie T. Mesa
Office Manager
I Mina'trentai sais Na Liheslaturan Guåhan
(Thirty-Sixth Guam Legislature)
Senator Joe S. San Agustin
Committee on General Government Operations, Appropriations, and Housing
Office: 671-989-5445
Email: rose.senatorsa@gmail.com



Virus-free. www.avg.com

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To unsubscribe from this group and stop receiving emails from it, send an email to phnotice+unsubscribe@guamlegislature.org.

Joseph Mesngon <joe.senatorsa@gmail.com>
To: Micha'ella Celorio <msacelorio.senatorsa@gmail.com>

Tue, Oct 5, 2021 at 4:11 PM

----- Forwarded message -----

From: **Joseph Mesngon** <joe.senatorsa@gmail.com>
Date: Mon, Oct 4, 2021, 12:15 PM
Subject: Fwd: First Notice of Virtual Public Hearing on Monday, October 11, 2021
To: <jesse.quenga@gmail.com>, Maria I.D. Pangelinan <maria.pangelinan@gec.guam.gov>, Terry G. Aguon <Terry.Aguon@dphss.guam.gov>, OAG General Counsel <generalcounsel@oagguam.org>, AG Leevin Camacho <ag@oagguam.org>, Theresa Arriola <theresa.arriola@gbhwc.guam.gov>, Kristina Baird <kbaird@guamcourts.org>, lillian perez-posadas <lillian.perez-posadas@gmha.org>, Arthur U. San Agustin <arthur.sanagustin@dphss.guam.gov>
Cc: Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>

Buenas Todu!

Please see below, a schedule of Bills for Public Hearing on Monday, October 11, in which we request your virtual attendance and participation to provide testimony on the measure.

Please contact Sen. San Agustin's office at 671.989.5445 to register to participate or email at senatorjoessanagustin@gmail.com.

Please let me know if you have any questions.

Si Yu'os Ma'ase'!

Si Joe Mesngon



Michaela Celorio <msacelorio.senatorsa@gmail.com>

Second Notice of Virtual Public Hearing on Monday, October 11, 2021

1 message

Rose Mesa <rose.senatorsa@gmail.com>

Thu, Oct 7, 2021 at 9:15 AM

To: phnotice@guamlegislature.org, Jesse Quenga <jesse.quenga@gmail.com>, officeofsenatormoylan@guamlegislature.org, director@gec.guam.gov, Dafne Shimizu <dafne.shimizu@revtax.guam.gov>, publichealth@dphss.guam.gov
Cc: Management Information System <mis@guamlegislature.org>, Tom Unsiog <sgtarms@guamlegislature.org>, Joe San Agustin <protocol@guamlegislature.org>, ed pocaigue <siedpocaigue@gmail.com>

October 7, 2021**To: All Honorable Senators, Stakeholders and Media****From: Senator Joe S. San Agustin, Chairman****Subject: Second Notice of Virtual Public Hearing on Monday, October 11, 2021***Buenas yan Håfa Adai!*

In accordance with the Open Government Law, relative to notices for public meetings, please be advised that the Committee on General Government Operations, Appropriations and Housing will convene a virtual public hearing on **Monday, October 11, 2021 beginning at 9:00 a.m.** using the Legislature's virtual Zoom platform.

The Committee will hear and accept testimony on the following:

9:00 a.m.**Bill No. 205-36 (LS) - Joe S. San Agustin**

AN ACT TO ADD A NEW SUBSECTION (8) TO § 15401(a) OF ARTICLE 4, CHAPTER 15, TITLE 4, GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE GUAM ETHICS COMMISSION TO RETAIN LEGAL SERVICES.

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TIMELINES ASSOCIATED WITH THE PRIMARY ELECTION, NOMINATION PETITIONS, AND VOTER REGISTRATION.

2:00 p.m.

Bill No. 204-36 (LS) - Amanda L. Shelton / Telen Cruz Nelson / Tina Rose Muña Barnes / Mary Camacho Torres / Clynton E. Ridgell / James C. Moylan / Joe S. San Agustin / Jose "Pedro" Terlaje / Christopher M. Dueñas

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3:30 p.m.

Bill No. 206-36 (LS) - Mary Camacho Torres / Telen Cruz Nelson / Jose "Pedro" Terlaje / Amanda L. Shelton / Tina Rose Muña Barnes / James C. Moylan / Clynton E. Ridgell / Joe S. San Agustin / V. Anthony Ada / Frank Blas Jr.

AN ACT TO REQUIRE THE PROMULGATION AND PUBLICATION OF INTERIM RULES FOR ALL CHILD PLACEMENT AGENCIES BY THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES; AND TO ENSURE TRANSPARENCY, PERMIT PUBLIC PARTICIPATION, AND PROVIDE A METHOD OF MAKING SUCH RULES READILY ACCESSIBLE TO THE PUBLIC; AND TO FURTHER APPROPRIATE ONE THOUSAND DOLLARS (\$1,000) FROM THE UNEXPENDED FUNDS OF THE OFFICE OF SENATOR MARY CAMACHO TORRES OF I LIHESLATURAN GUÅHAN TO THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES FOR THIS PURPOSE.

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We look forward to your participation!

Un Dangkolo Na Si Yu'os Ma'ase'

Very Respectfully,

RoseMarie T. Mesa

Office Manager

I Mina'trentai sais Na Liheslaturan Guåhan



Office of

SENATOR Joe S. San Agustin

I Mina' trentai Sais na Liheslaturan Guahan Thirty-Sixth Guam Legislature

VIRTUAL PUBLIC HEARING
Monday, October 11, 2021
Legislature's Virtual Zoom Platform
AGENDA

9:00 a.m.

Bill No. 205-36 (LS) - Joe S. San Agustin

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Committee Chairman: General Government Operations, Appropriations, & Housing

Ran - Care Commercial Building, CBU #230, 761 South Marine Corps Dr., Tamuning, Guam 96913
Tel: (671) 989-5445 * Fax: (671) 969-6737 * email: senatorjoessanagustin@gmail.com



Office of
SENATOR Joe S. San Agustin

I Mina'trentai - Sais na Liheslaturan Guåhan, Thirty-Sixth Guam Legislature

Virtual Public Hearing Sign-in Sheet

October 11, 2021 • 3:30 p.m. • Legislature's Virtual Zoom Platform

Bill No. 206-36 (LS) - Mary Camacho Torres / Telen Cruz Nelson / Jose "Pedro" Terlaje / Amanda L. Shelton / Tina Rose Muña Barnes / James C. Moylan / Clynton E. Ridgell / Joe S. San Agustin / V. Anthony Ada / Frank Blas Jr. AN ACT TO REQUIRE THE PROMULGATION AND PUBLICATION OF INTERIM RULES FOR ALL CHILD PLACEMENT AGENCIES BY THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES; AND TO ENSURE TRANSPARENCY, PERMIT PUBLIC PARTICIPATION, AND PROVIDE A METHOD OF MAKING SUCH RULES READILY ACCESSIBLE TO THE PUBLIC; AND TO FURTHER APPROPRIATE ONE THOUSAND DOLLARS (\$1,000) FROM THE UNEXPENDED FUNDS OF THE OFFICE OF SENATOR MARY CAMACHO TORRES OF I LIHESLATURAN GUÅHAN TO THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES FOR THIS PURPOSE.

NAME	AGENCY OR ORGANIZATION (IF ANY)	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	CONTACT NUMBER	EMAIL ADDRESS
Melanie Brennan	DYA, CPS	Support	✓	✓		
Terry Aquon	DPHSS	Support		✓		
Bethany Taylor	Harvest House	Support		✓		
LORI BOSS	Onala Adoptions	Support	✓	✓		
Traci Anderson	Onala Adoptions	Support	✓	✓		

Page 1 of 1

Committee Chairman: General Government Operations, Appropriations, & Housing

Ran - Care Commercial Building, CBU #230, 761 South Marine Corps Dr., Tamuning, Guam 96913

Tel: (671) 989-5445 * Fax: (671) 969-6737 * email: senatorjoessanagustin@gmail.com

Bill No. 206-36 AN ACT TO REQUIRE THE PROMULGATION AND PUBLICATION OF INTERIM RULES FOR ALL CHILD PLACEMENT AGENCIES BY THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES; AND TO ENSURE TRANSPARENCY, PERMIT PUBLIC PARTICIPATION, AND PROVIDE A METHOD OF MAKING SUCH RULES READILY ACCESSIBLE TO THE PUBLIC; AND TO FURTHER APPROPRIATE ONE THOUSAND DOLLARS (\$1000) FROM THE UNEXPENDED FUNDS OF THE OFFICE OF SENATOR MARY CAMACHO TORRES OF I LIHESLATURAN GUAHAN TO THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES FOR THIS PURPOSE.

Lori Boss, Traci Anderson, Kelley Larsen Ohala' Adoptions Founders and Directors
October 7, 2021

Hafa Adai Mr. Chairman and Senators,

We at Ohala' Adoptions stand in support of Bill 206-36 and are pleased to see that guidelines would be set to govern the licensing of all persons involved in the planning, assistance, and placement of children on Guam, whether adoption agency or other entity.

We see the wisdom and importance of utilizing the Administrative Adjudication Act and it's process of checks and balances. Transparency in the creation of any rules and regulations provides an opportunity for input, the option of making important changes, and a sense of security in the final outcome. We support the request to make exceptions to the Administrative Adjudication Act provisions that are proposed on Page 4, Lines 20-25, to include a public hearing. This bill ensures consistency, promotes transparency, and provides funding to help make these rules readily accessible to the public.

Page 1, Line 1 through Page 2, Line 5 refers to the foster children of the island and notes the need for a minimum standard for all placements of any child by any unrelated person. This being the priority topic for the presentation of this bill, attention should also be drawn to the need for additional and related changes. Federal statute in the core child welfare system values safety, permanency, and the well-being of children. The permanency goal is intended to ensure that children and youth achieve a permanent family connection. The priority is with their birth families, but with adoptive families if safety issues cannot be resolved within a reasonable period of time.

Apart from Bill 206, we would love to see a round table with all involved entities to explore a conversation about benchmarks, programs, support, government funding, and reunification steps for parents. Our desire is for us all to work together as a community to help solve this crisis.

We thank Senator Mary Camacho Torres for her diligence in making the children of our island a priority and thank all the senators involved in supporting this bill.

Lori Boss, Kelley Larsen, & Traci Anderson
Directors



Where Hope Is Born
671-688-HOPE (4673)
OhalaAdoptions.org



LOURDES A. LEON GUERRERO
Maga'håga'

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MELANIE W. BRENNAN
Direktor

KRISINDA C. AGUON
Sigundo Direktor

October 11, 2021

**Honorable Joe S. San Agustin
Committee on General Government Operations,
Appropriations and Housing
761 S. Marine Corps Drive
Ran Care Building Suite 3
Tamuning, GU 96913**

Håfa Adai Senator San Agustin,

Thank you for the opportunity to come before the esteemed Committee on General Government Operations, Appropriations, and Housing to extend my support of Bill 206-36 (LS) introduced by the Honorable Mary Camacho Torres and cosponsored by Senators, Telenia Nelson, Jose "Pedro" Terlaje, Amanda L. Shelton, Vice Speaker Tina Rose Muna Barnes, James C. Moylan, Clynton Ridgell, Joe S. San Agustin, Anthony Ada and Frank F. Blas Jr.

Bill 206-36 is an act to require the promulgation and publication of interim rules for all child placement agencies by the Department of Public Health and Social Services; and to ensure transparency, permit public participation, and provide a method of making such rules readily accessible to the public; and to further appropriate one thousand dollars (\$1000) from the unexpended funds of the Office of Senator Mary Camacho Torres of 1 Liheslaturan Guåhan to the Department of Public Health and Social Services for this purpose.

The Department of Youth Affairs has been working with Child Protective Services since late January of this year due to Executive Order 2021-02 signed by Governor Lourdes A. Leon Guerrero and Lt. Governor Joshua Tenorio declaring a state of emergency within the Bureau of Social Services, Child Protective Services (CPS).

In addition to addressing the backlog of referrals, we also provide temporary but much needed manpower assistance, identify measures to improve efficiencies, implement changes to the overwhelmed child welfare system and make direct recommendations to the administration for system improvement and sustainability. Additionally, a team of bureau retirees voluntarily provide their time and expertise to assist with this emergency declaration. They have been invaluable to the progress already made at the Bureau of Social Services Administration (BOSSA).

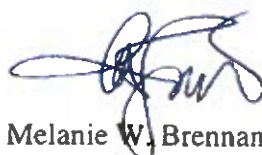
The Home Evaluation and Placement Services section (HEPS) which is comprised of the Adoption and Custody Unit, as well as the Licensing/Certification Unit for Child Care Facilities and Family Foster Homes is responsible for conducting comprehensive social studies and adoption/ custody reports ordered by the Superior Court of Guam. This section is already involved in technical assistance support from Capacity Building Center for States relative to the development of Guam Adoption Agency Licensure requirements.

Currently, there are only five staff in this section: a Social Service Supervisor I, three Social Worker IIIs and one (1) Acting Program Coordinator IV who serves as the Social Services Licensing Officer responsible for the licensing of all child care facilities on Guam.

Bill 206-36(LS) if enacted, will mandate that any licensure rules developed by the Department of Public Health and Social Services undergo a public hearing and legislative approval which aligns with open government. Stakeholder input is critical to the creation of sustainable high standards, rules and regulations developed to protect the children and families we serve.

I support and commend the author and co-sponsors of Bill 206-36 and look forward to its enactment into public law.

Si Yu'os Ma'ase!



Melanie W. Brennan
Director, Department of Youth Affairs



SENATOR JOE S. SAN AGUSTIN

COMMITTEE ON GENERAL GOVERNMENT OPERATIONS, APPROPRIATIONS & HOUSING
I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN

Committee Report Digest

I. OVERVIEW

Bill No. 206-36 (LS) was introduced on **October 01, 2021** by Mary Camacho Torres, Telena Cruz Nelson, Jose "Pedro" Terlaje, Amanda L. Shelton, Tina Rose Muña Barnes, James C. Moylan, Clynton E. Ridgell, Joe S. San Agustin, V. Anthony Ada, and Frank Blas Jr. The bill was subsequently referred by the **Committee on Rules** to the **Committee on General Government Operations, Appropriations, and Housing** on **October 01, 2021**.

The Committee on General Government Operations, Appropriations, and Housing convened a public hearing on **Bill No. 206-36 (LS)** on **Monday, October 11, 2021 beginning at 3:30 p.m.** using the Guam Legislature Zoom Platform.

Public Notice Requirements:

Public Hearing notices were disseminated via **e-mail** to all senators and all main media broadcasting outlets on (First Notice), **Monday, October 4, 2021** (5-Day Notice), and again on (Second Notice) **Thursday, October 07, 2021** (48-Hour Notice).

(a) Committee Members and Senators Present:

Senator Clynton E. Ridgell, Acting Chairperson
Senator Amanda L. Shelton, Member
Speaker Therese M. Terlaje, Member
Senator James C. Moylan
Senator Mary Camacho Torres
Senator Joanne M. Brown
Senator Telo T. Taitague

(b) Appearing before the Committee:

Terry Aguon, Deputy Director, Dept of Public Health and Social Services (DPHSS)
Melanie Brennan, Director, Department of Youth Affairs (DYA)
Lori Boss, Executive Director, Ohala' Adoptions
Traci Anderson, Associate Director, Ohala' Adoptions

(c) Written Testimony Submitted:

Lori Boss, Executive Director, Ohala' Adoptions
Melanie W. Brennan, Director, Department of Youth Affairs (DYA)

II. SUMMARY OF TESTIMONY & DISCUSSION:

This public hearing was Called-to-Order at 3:30 p.m.

Chairman Clynton E. Ridgell: *Hafa adai*, the Committee on General Government Operations, Appropriations and Housing is now called to order. Today is Monday, October 11, 2021. The time is 3:30pm. Welcome everyone connected by Zoom and those tuning in via television or the YouTube channel. Thank you all for your patience and for accommodating this zoom platform while we maintain social distancing mandates. Notices for

this public hearing were disseminated via email to all senators and all main media broadcasting outlets on Monday October 4th, 2021, five working days prior and again on Thursday, October 7th, 2021. The following item will be heard this afternoon, during this afternoon's virtual public hearing. Bill 206-36 (LS) introduced by senators Mary Camacho Torres, Telen Cruz Nelson, Jose "Pedro" Terlaje, Amanda L. Shelton, Tina Rose Muña Barnes, James C. Moylan, Clynton E. Ridgell, Joe S. San Agustin, V. Anthony Ada, and Frank Blas Jr. an Act to require the promulgation and publication of interim rules for all child placement agencies by the Department of Public Health and Social Services; and to ensure transparency, permit public participation, and provide a method of making such rules readily accessible to the public; and to further appropriate One Thousand Dollars (\$1,000) from the unexpended funds of the Office of Senator Mary Camacho Torres of I Liheslaturan Guåhan to the Department of Public Health and Social Services for this purpose.

General rules of conduct, this zoom meeting is hosted by my staff, and we'll mute all zoom participants until called upon by me. Members of the committee and/or non-committee members will be allowed to pose a question to individuals testifying. Individuals testifying shall first be recognized by me before speaking and begin by stating their name for record keeping purposes. When called to speak, please ensure that you are unmuted. Questions and testimony shall be confined to the substance or nature of the agenda. Personal inferences to the character or motive of any senator or any individual testifying is not permitted. Any violations of this general rule of conduct will result in removal from the virtual public hearing. Please ensure that your video remains on throughout the hearing. Participants must be visible at all times and not engaged in any other activity during the hearing. Failure to maintain visibility may cause your removal from the meeting during the livestream. Now I'd like to thank and acknowledge my colleagues for attending this afternoon's hearing, beginning with Senator Mary Torres, Senator Amanda Shelton, Senator Telo Taitague, and Senator Joanne Brown. Thank you for attending this afternoon. And at this time, I will recognize the primary sponsor of the legislation to provide an opening statement. Senator Mary Torres, you are recognized.

Senator Mary C. Torres: Thank you, Mr. Chair.

Bill No. 206-36 (LS) is an Act to require the promulgation and publication of interim rules for all child placement agencies by the Department of Public Health and Social Services; and to ensure transparency, permit public participation, and provide a method of making such rules readily accessible to the public; and to further appropriate One Thousand Dollars (\$1,000) from the unexpended funds of my office to the Department of Public Health and Social Services for this purpose.

In short, Mr. Chair, Bill 206 would establish a fair and transparent rule-making process for the licensing of child placement agencies.

I want to be clear that there are already adoption policies and procedures that any agency advocating for adoption in Guam must follow—specifically these policies and procedures are found under 19 GCA Chapter 4 and 13 and in Title 26 GARR.

For example, all adoptive families must undergo an extensive screening process by the Courts of Guam, evaluating their lifestyle, personal history, financial situation, the motivation for adoption, any personal and professional references, and of course, criminal background checks.

The families must also undergo a physical home evaluation and remain supervised by Public Health for up to a year.

Bill 206 says that if we are going to create requirements for agencies that are simply assisting and advocating for these families, then we should do it the right way.

The first, and perhaps more important, part of that, Mr. Chair, is to ensure transparency.

That is why Bill 206 requires Public Health to promulgate and publish interim rules setting minimum standards for the licensing of all child placement agencies. These rules must then receive a Public Hearing and Legislative approval to become effective.

Mr. Chair, I recognize that the Administrative Adjudication Law can be lengthy and cumbersome—so cumbersome that some government agencies have been operating off draft rules for decades.

That is why it's so important, that if a waiver of the law is made, that we do not marginalize the general public from this process.

Bill 206 would allow public review and permit input from relevant stakeholders to ensure the interim rules are pertinent to the needs of the community.

This is simply the consistent thing to do. Because if no bill can become law without a public hearing Mr. Chair, why should it be any different for rules and regulations, especially if those rules are supposed to protect our most vulnerable children?

The second thing this bill does is mandate that the rules apply to all child placement agencies, not just adoption agencies.

As we know, Guam continues to experience large numbers of children entering our welfare system, at a rate far greater than those that are being adopted.

Again, I believe in the men and women of CPS and the current protections we have for foster care and adoptions.

But if others want even clearer regulations for agencies that help facilitate this process, then let's make it fair.

As a result, Bill 206 requires that any individual or organization—that places, plans for, or assists in the placement of an unrelated minor—must be licensed.

This broader language falls in line with other jurisdictions that require licensing for child placement.

I do want to emphasize that under this language, this provision would only apply to those entities that place children, not those that shelter them, as childcare facilities or group care shelters are already licensed under Title 26, Chapter 1 of the GARR.

I am also more than happy to work with Public Health to expand this language or provide flexibility where they deem necessary.

And finally, Mr. Chair, Bill 206 recognizes that if we are to create an exception to the Administrative Adjudication Law, while balancing the need for transparency, we must also clearly define the method by which such hearing shall be funded.

That is why an appropriation was inserted into this bill, with a thousand dollars from my office budget to assist Public Health in the publication of these rules, such as the costs associated with printing and the public notice.

In closing, Mr. Chair, I want to recognize our non-government partners and volunteers who work night and day to find safe and loving homes for each of Guam's children.

The Bureau of Social Services is one agency but it requires many dedicated entities, non-profits, and individuals in our community working together to protect our children and strengthen our Guam families.

The time and care that you give this community deserves public recognition and great appreciation. And it is my hope, that in providing a fair and transparent rule-making process, Bill 206 helps you as much as the Department.

Thank you, Mr. Chair.

Chairman Clynton E. Ridgell: Thank you, Senator Torres. And now we will begin with hearing presentation of testimony beginning with Mrs. Melanie Brennan, CPS.

Melanie Brennan, Director, DYA: Hi good afternoon, everyone. Thank you, Senator Clynton.

[Reads submitted written testimony into the record].

Chairman Clynton E. Ridgell: Thank you, Mrs. Brennan. Next is Mr. Terry Aguon, Department of Public Health and Social Services.

Terry G. Aguon, Deputy Director, DPHSS: Thank you. *Buenas and Hafa Adai* Senator Joe S. San Agustin, chairman for the Committee on General Government Operations, Appropriations and Housing, Senator Mary Camacho Torres, Telena Cruz Nelson, Jose Terlaje, Amanda L. Shelton, Tina Rose Muña Barnes, James C. Moylan, Clynton E. Ridgell, V. Anthony Ada, and Frank F. Blas Jr. Thank you for the opportunity to participate in this virtual public hearing and the opportunity to provide my testimony regarding Bill No. 206-36 (LS) an Act to require the promulgation and publication of interim rules for all child placement agencies by the Department of Public Health and Social Services; and to ensure transparency, permit public participation, and provide a method of making such rules readily accessible to the public; and to further appropriate One Thousand Dollars (\$1,000) from the unexpended funds of the Office of Senator Mary Camacho Torres of *I Liheslaturan Guåhan* to the Department of Public Health and Social Services for this purpose.

My name is Terry G. Aguon, Deputy Director of the Department of Public Health and Social Services overseeing the Division of Public Welfare and the Division of Senior Citizens and in support of the Department's efforts to mitigate the COVID-19 pandemic.

We are proud to be a highly diverse community. We celebrate the preservation of our culture and language for future generations. Our future is in the hands of Guam's children. The need to protect our children is the responsibility of our community, policymakers, and most importantly, our families. However, in the absence of parents or extended family, it is our community, with the support of policymakers, role to protect the well-being of our children. The placement of an infant child or youth in an adoption loving and nurturing home is critical to the development of a child's health and social wellbeing. Developing and implement rules and regulations needed to safeguard these values is critical.

Chairman Clynton E. Ridgell: Mr. Aguon, if you may, could you just speak a little louder. There's some request from some in attendance. If you could just speak up a little louder or maybe a little closer to the microphone.

Terry G. Aguon, Deputy Director, DPHSS: Not a problem.

Chairman Clynton E. Ridgell: Thank you.

Terry G. Aguon, Deputy Director, DPHSS: The placement of an infant child or youth in an adoption loving and nurturing home is critical to the development of a child's health and social wellbeing. Developing and implement rules and regulations needed to safeguard these values is critical and must be in place in order to have the best partnership outcomes in licensing independent adoption agencies.

The Bureau of Social Services Administration, also known as BOSSA's Home Evaluation and Placement Service Section Unit is in partnership with Region IX Capacity Building Centers for States and Territories. This federal agency's purpose is to enhance, expand and develop services, practices and policies for children and child welfare agencies to improve outcomes for children and families. Although BOSSA has been receiving technical assistance and training from the Capacity Building Center for States for the past four years, they are now providing technical assistance relative to the licensing of adoption agencies. With their guidance and community input, the Department of Public Health and Social Services will move forward with the development of the rules and regulations that will define the process for an adoption agency to be established on Guam.

Bill 206-36 (LS) allows for the Department of Public Health and Social Services interim rules to remain in place for a period of one year or until the promulgation and rules pursuant to the Administration Adjudication Act, whichever comes first. The provision that requires the promulgation and publication of these interim rules and regulations aligns with the Open Government Law, 5 GCA Government Operations Chapter 8, Open Government Law.

In addition, Bill 206-36 (LS) also provides \$1,000 to help the Department of Public Health and Social Services prepare for publish these rules which will help pay for ads in newspapers to inform the community and request for stakeholders' input, to cover the expenses for rules to be published in newspapers and at the mayors' offices for community review. This measure will ensure transparency and public participation by allowing rules and regulations to be accessible to the public for review, comment and recommendation. This approach will allow for community input and will instill public confidence in the Guam adoption process.

Therefore, the Department of Public Health is in favor of Bill 206-36 (LS) for the clarity, a minimum of one year to put forth the final rules and regulations and most importantly its adjunct with the Open Government Law. Thank you very much for your time. We are in favor of this bill.

Chairman Clynton E. Ridgell: Thank you Mr. Aguon. Next is Lori Boss of Ohala' Adoptions. Make sure to unmute and you may begin your testimony.

Lori Boss, Director, Ohala' Adoptions: Hi, this is Lori. Traci, our other Director is going to present our joint testimony on this. Thank you.

Chairman Clynton E. Ridgell: Okay, great. And before we proceed with Traci, I apologize. Forgive me, I forgot to recognize another of our colleagues who has joined us this afternoon. Senator Jim Moylan, thank you for your attendance this afternoon. So now, Traci Anderson will provide testimony on behalf of Ohala' Adoptions. Traci, Ms. Anderson, you may begin.

Traci Anderson, Associate Director, Ohala' Adoptions: Thank you. *Hafa adai*, Senators, and also the staff and people that are working with CPS. And we're very glad that we can be here today. I'm here to represent Ohala' Adoptions, and I stand with Lori Boss and Kelly Larsen to support this bill, Bill 206-36.

[Read's submitted written testimony into the record.]

Thank you.

Chairman Clynton E. Ridgell: Thank you. Next on the list is Bethany Taylor from Harvest House.

Bethany Taylor, Director, Harvest House: *Hafa adai*. I'm Bethany Taylor the Executive Director of Harvest House and also a proud foster parent of thirteen years. Had forty foster children in and out of our home, as well as an adoptive parent adopting the foster children out of our foster system. Thank you for allowing me to speak on behalf of this Bill. I feel like my testimony is a little different than others, but I'm just going to go ahead and read what I have.

Harvest House is a non-profit entity that provides support services to the foster community. We highly focus on recruiting, supporting and retaining foster parents so that our foster children remain in a safe environment surrounded by nurture and care until they are reunited with their birth family, their biological family. We work closely with CPS to aid them in recruitment efforts and offer a broad range of support services to our foster community.

As of right now in 2021, CPS is the only placement agency, yet they are understaffed and have a high workload. And because of that, there is a great need for them to have help in recruitment efforts and retention. Because of that, Harvest House would like to come as a support entity and other individuals also on this island want to come alongside and help CPS in securing placements in need of foster care and adoptions. We have actually enjoyed working with them. They come to our facility and we work closely alongside them in recruiting and recognizing families that are interested in becoming foster parents. We do not license foster parents or adoption families, but we do, do all of our effort in social media, news outlets, our own website has adoption and foster care application. We also help families fill out applications and answer any questions. At Harvest House, we do informational meeting on how to become a foster parent every month and then we refer them and tell them how to turn in their application to Child Protective Services to be licensed as a foster family. From that point, once they are licensed by CPS, we come alongside in retaining them as a foster parent by offering any kind of support service that they would need as a foster parent, and help the foster child. We also transfer that service

to the biological family when their child is reunited with their biological family. Even with the help of Harvest House, I believe CPS only has less than fifty licensed foster homes to place foster children in, and less than a dozen adoptive homes to choose from for placing children that are up for adoption. Of the twelve adoptive applicants, I believe all of them are wanting infants. Yet, most of the time, infants in foster care do not go into the permanent placement until 18 months of inactivity by birth parents. That is why we do not have many infant adoptions on Guam through CPS because infants are placed in foster care.

With the rise of the new foster children coming into the system, it is the government's responsibility to make sure that foster children do not linger in the welfare system and remain in a temporary home and environment. Every child has the dignity and value and their worth as a human being and as a citizen of Guam to be placed in a permanent family. Foster care is temporary care. It is a temporary placement for very vulnerable children so they are safe while the biological family gets the help they need to get their children back. If for whatever reason, a foster child is lingering in this system for longer than 18 months, by law, that child needs to be included in a permanency plan.

Although I do not know the statistics of how many children are in need of a permanent home today, I do know a handful of them by name. And for them, I speak out. I value their life and their need of a loving home to grow up in.

As for Harvest House, this bill also puts checks and balances on us, as a non-profit entity to have rules and regulations in our efforts in helping and coming alongside CPS and your valiant efforts in getting homes for these children, whether they are foster care or adoptive homes. Every child matters to us, and it will take all of us private entities, non-profit, individuals, senators alike, all of us here in the government agencies to come alongside each other and to find homes for children that are vulnerable and placed in a system and maybe placed too long in the foster care system.

So I am here to speak out for them and I am also in favor of Bill 206-36 (LS). And I thank you, Senator Mary Torres for allowing me to speak today. Thank you.

Chairman Clynton E. Ridgell: Thank you for your testimony. I don't see anyone else on the list that I have, but if anyone else is here to testify on this measure, please speak up now. Turn on your camera if your camera is off and you're here to speak and raise your hand. If not, I believe that's everyone that's signed up to testify this afternoon. So, if there's no one else here to provide any testimony, we'll go on to the question and comments section where I'll allow my colleagues the opportunity to ask any questions or make any comments. Beginning with Senator Shelton, you are recognized.

Senator Amanda L. Shelton: *Buenas*, Mr. Chair. Thank you very much to all of our partners who are on the line today, to DYA, to CPS, to Public Health and to our non-governmental partners. Thank you very much Ohala' Adoptions and to Harvest House for your testimony today. I have no questions this afternoon, but I stand in support of this bill and I appreciate everyone's time and effort to draft this legislation and to make Guam the safest place for our children and to ensure that we have the proper rules and regulations in place for our most vulnerable children on island. Thank you very much.

Chairman Senator Clynton E. Ridgell: Thank you, Senator Shelton. Senator Taitague, you are recognized.

Senator Telo T. Taitague: Mr. Chair, I'll allow the Speaker to go next. Are you sure, Speaker? They usually call on you next, but. Out of respect for the office, but it's okay. Okay.

Mr. Chair, thank you so much for the opportunity to speak on this legislation. You know, it started back in June when we were fighting on the floor for almost two days of the importance of incorporating rules and regulations in the law. We had the opportunity to do so a few months ago, but unfortunately it didn't get through. And we are here today basically to talk within the five days, two bills, two measures that have become before this body and for the public to review. And I think we are all in agreement that the importance of having rules and regulations put in place is very important. What's just surprising to me is that, you know, it depends who's introducing the bill which is very unfortunate you know that we have two bills on the floor, but one is saying

that it has transpiring and the other one doesn't. I think both bills has transparency, just, Terry correct me if I'm wrong, and Mrs. Brennan, Director Brennan, that you have the authority and the ability to have any kind of public hearing when creating rules and regulations. Is that true?

That is correct.

Terry G. Aguon, Deputy Director, DPHSS: We can work with the system to have a public hearing, that's correct.

Senator Telo T. Taitague: Okay, so. That's not an issue. I think transparency is first and foremost, especially, especially when dealing with the most vulnerable. Director Brennan if you have an opportunity, whether you support it or not, I appreciate also a testimony on Bill 173, that we heard earlier this week. Appreciate your testimony and your comment.

Senator Mary Camacho Torres: Mr. Chair, point of order, I believe we are here to discuss Bill 206.

Senator Telo T. Taitague: Mr. Chair, if I may please continue on? It all meshes together, to try and make one good bill, if that's what our purpose is, I'm all for it, regardless of whose bill it is. The point is that we came here because of a bill that should've had earlier on, these rules and regulations and today, two months, three months, down the line, we could've had public health already having these public hearings on interim rules and regs, but we sit here today, and a lot of the stuff we discussed was discussed last week on BOSSA, the data information, all that. Bethany spoke eloquently, and you know, she's such an inspiration to all of us to do the right thing. I heard that when someone mentioned, Terry, from Ohala' mentioned that a roundtable, I think it was in your testimony. Putting a roundtable together was an idea, I saw Bethany shaking her head yes and I saw Terry shaking his head yes as well. And I think that's important to have, is a roundtable and it looks like, Director Brennan, would a roundtable to discuss this further be amenable to you as well? Director Brennan?

Melanie Brennan, Director, DYA: Thank you, Senator. I just want to say, I had the chance to compare and contrast the bills as written and I did have problems with Bill 179 in that basically it added that we were to, the plain reading of the bill suggested that we would license all, each adoption agency, like automatic certification. And so, I know that that probably wasn't what was meant. So, in Bill 206, I didn't have problems with the language.

Senator Telo T. Taitague: Okay, no problem. I appreciate your testimony and maybe including it as an amendment to Bill 179, but regardless the point, I appreciate that comment that you meant. Would you be amenable to a roundtable discussion as well to go further into this to bring people, those involved to the table, like nonprofit organizations, public health, yourself as well, Director Brennan?

Melanie Brennan, Director, DYA: In response, I have always been open to roundtables regarding CPS. We are still in a state of emergency, and we are all doing our best. And I have to credit the nonprofits for really stepping up and for you the senators, with really focusing on this emergency declaration and assisting us.

Senator Telo T. Taitague: Okay, absolutely. And I'm finding too that these roundtables even though they're not amongst a roundtable, but in zoom, you've got more people showing up to zoom meetings than if you do if it was in a personal capacity.

Director Aguon, the \$1,000 that's in this bill, in the event that the money is not there, are you still able to fulfill the obligations of this legislation?

Terry G. Aguon, Deputy Director, DPHSS: Thank you, Senator. Yea, if the money is not there, you know, I'm sure we can come up with the money, to make sure that we pay for the ads that we post with the mayors' offices and so forth. We see the value of all this. We see the value of both bills clearly. And although I've not talked to Lani about your, the Bill 179-36 (LS), that area that actually Lani just mentioned was also in my initial findings. It was a little bit of a disconnect around that messaging, so when I had a chance to see 206-36, I said oh this, you know clearly allows us not having to automatically license everybody or everybody who's applied had an applicant in to become an adoption agency. So, I really like the transparency and she realized even a few

months ago when we had talked on the floor about having a roundtable discussion and so forth, we're very much in favor of that. If we're not discussing things then we're really not going anywhere. And Bethany, kudos to you too and to the rest of the Ohala'team, we had mentioned about having an open discussion and talking about various topics you know, we are all about that. Sometimes, we get so caught up as Lani mentioned, we get so caught up in what is going on and trying to address the caliber of child abuse cases that are coming in that we almost need to catch our breath. Like if you guys are willing to work on a Sunday around nine o'clock at night, you know that we'd be able to at least carve out some time around that time. But it's whatever works. And I think this is such an incredible team that we could pull ourselves together and really come up with probably rules and regulations that other states would be looking to as their role model. You know clearly, I think the energy and I think the passion is there.

Senator Telo T. Taitague: Thank you, Terry for that. And like many bills that have been brought forward for public hearings and many times you provide testimony, you've always, like the testimony you provided on June 28 regarding Bill 108 and 109, you had recommendations on amendments to be made because clearly you thought that that bill had a lot of flaws to it and these recommendations were very admirable. Not only you saw it, but some of the senators also saw the issues with it. So, like with any bill, you know you provide the testimony and your recommendations. Unfortunately, the testimony for Bill 179 did not, and I'm looking forward to hearing from Director Brennan with her suggestions moving forward so whatever comes to play, I'm just very grateful that the introduction in 179 prompt another bill to come out to do rules and regulations. The way I see it, all the fight and the push for this, and Terry, you're part of it, you know from your testimony on June 29th, the senator, the author of this bill, all that advocating and you know tears and sweat has created two pieces of legislation to finally address the rules and regulations that's needed, particularly not only for our children, but for legitimate adoption agencies coming to Guam, opening up on Guam, and for people to have trust in these agencies. Because the last thing we want to do is to have someone come on this island, open adoption agencies, and don't have the best interest of our children at heart which causes all adoption agencies to have a bad name. And that's what we're here for and that's what we've been advocating from day one. So, you know for me, it's a win-win. Whether whose bill it gets in front or not, but we definitely have the will and definitely the heart to makes sure the right thing this time is done. So, thank you Mr. Chair.

Chairman Clynton E. Ridgell: Thank you, Senator Taitague. Senator Brown, you are recognized.

Senator Joanne Brown: Thank you very much, Mr. Chairman. I certainly have to give Senator Telo some credit, she's far more gracious. I'm a bit concerned, Mr. Chair. And I'm concerned about how these issues are being treated. No objection, I'm very happy to hear that we're actually dealing with, which really is Senator Telo mentioned, the focus of these bills, and now we're dealing with this other bill 48 hours later, to deal with requiring licensure of adoption agencies, which is something several months ago, or a couple months ago, we argued adamantly, which the main sponsor refused to do on previous legislation that was passed authorizing this process and not having regulations in place. So, I'm very pleased that we are moving forward with regulations.

But I am going to state for the record, and I'm a bit concerned. It's unfortunate, because I didn't realize, and it's not at all reflective of the departments that have come to testify or of the private organizations that have come to testify from Harvest House or Ohala'for these regulations because I think collectively, Mr. Chair, we all recognize how critically important it is, because our children are important. This is unfortunately reflective of the actions of the legislature itself and how it assigns bills. Because of a thousand dollars, we are having this bill heard with the Committee on General Government Operations. It really has no oversight over the issues of Public Health or our children or adoption or rules or regulations. I didn't realize, I simply needed to appropriate funds cause I'm sure I could appropriate funds from my own budget as well. Also, for the record, the fact that the other bill, that we just heard less than 48 hours ago was re-routed to the wrong Committee. When it finally got re-routed back, we heard it and we're hearing public officials, and my comments are directed towards the public officials that are here testifying today, because they could've very simply offered the minor amendment, really minor amendment, with regards to holding a public hearing, there's nothing as the Speaker had mentioned Friday, about the ability of public health to hold a public hearing with regards to these interim regulations.

The other factor here that was brought up is that, the government now is being required under the previous bill to have an adoption agency licensed by Public Health, it doesn't interpret, I don't see the interpretation as meaning that any agency has to get approval from Public Health, but just the fact that any and every adoption agency that wants to perform these types of services with regards to children and are within our community would have to be licensed. And that is the main focus of what the whole objective was with regard to this issue, to ensure that the parties that are involved are obviously, you know practicing and doing things according to a certain standard that protects these children, protects the organizations that are involved because now they know what the requirements are and what they're going to be held up to. That also protects them so they know what standards are that they need to proceed. And then also what standards are we expecting the government of Guam through Public Health as a regulatory agency to ensure that these adoption agencies are performing. But I am disappointed. I have to say, Mr. Chair, I am highly disappointed because I'm seeing politics rear its very ugly head for a measly thousand dollars, for a few silver pieces. We are playing politics here at the Guam Legislature with regards to our children. And I'm disappointed with our directors who just a few hours ago said 'oh we don't support this because we don't have transparency.' I, who am very much an advocate of transparency. There was nothing to have prevented Public Health from holding a public hearing. There's nothing to prevent Public Health with all of the millions of dollars that have been appropriated to Public Health for the management there to not prioritize being able to purchase the necessary ads to advertise or work within the community or announce this issue to the public. There's not an intent to hide this issue from anyone. If anything, we want more engagement, more awareness, I hope as a result of this controversy, Mr. Chair. That there is more attention put on these issues so that more people in our community are aware of the challenges that our children are going through and also the challenges that a lot of our good people in this community that are trying to help our children, the burdens that they have carried, and it's a very heavy burden because they have helped to get greater awareness. But for the record, I'm going to state that I'm disappointed. I'm disappointed with our public officials because they're playing politics. Both language in both bills, continue to say exempt from the provisions of the Administrative Adjudication Act. It's simply to allow an interim rule, because it's necessary, because the legislature just not too long ago passed legislation that allowed adoption agencies to literally sit at the table and be directly engaged in the placement of these children, directly engaged in that process, with no regulations and no standards that in other jurisdictions is pretty much a standard. And I'm disappointed. But I'm going to thank everyone that has come forward and brought these issues to awareness. It's unfortunate because I don't even think this committee should be hearing this bill. Substantive-wise, a thousand dollars does not make up for the bigger issues of wanting to ensure proper oversight of Public Health as having the key jurisdiction over addressing these issues of adoption in our community. And I'm gonna state that again because it's unfortunate that this has happened and it's not reflective of the parties that have come to testify, but definitely reflective of the politics being played in the legislature. And I think that's unfortunate. With that, Mr. Chair, I have no further comment with regards to this bill. Thank you.

Chairman Clynton E. Ridgell: Thank you, Senator Brown. With reference to the referral process, again that's through the Committee on Rules so I can't speak to that and as for hearing this afternoon, I'm just sitting in for the chair so I don't know what went on in terms of the referral process. I can't speak to it. That question has to be asked of the Committee on Rules and we'll leave it at that. Your comments are taken and of course they're part of the record now. Senator Moylan, you are recognized.

Senator James C. Moylan: Thank you, Mr. Chair. Thank you for those who testified today. Mr. Chair, I'll keep my comments short. I'll just limit it to this bill and this bill only. I do appreciate what I heard from all the testimony. It seems to be all in favor of moving this bill forward. I heard a lot about the transparency in this bill and how it's favorable for those that are involved and make the lives of our foster kids much better. So, I just want to thank the testimonies provided by the directors and the nonprofit groups. I'm looking forward to hearing this bill move forward. I want to thank also Senator Torres for the introduction and I appreciate the opportunity to be a co-sponsor. Thank you, Mr. Chairman.

Chairman Clynton E. Ridgell: Thank you, Senator Moylan. Speaker Terlaje, you are recognized.

Speaker Therese M. Terlaje: Thank you, Mr. Chair. I would like to first raise a point of order in regards to the letter that we received from the Office of Finance of Budget. As you know this bill was referred to the Office of Finance and Budget or the Committee on Appropriations because there is a \$1,000 appropriation included in the bill which primarily, the bill calls for the promulgation of rules and regulations for the licensing of adoption agencies. Our rules require that the funding source that the Office of Finance and Budget determine and the Committee of Appropriations determine that the funding source is viable and sufficient to cover the appropriation in the bill. And, the letter from OFB that we received on October 7, 2021 regards to Bill 206-36 makes no such finding and I was hoping to see a finding of whether or not, this funding is appropriate, whether there are funds sufficient to cover the \$1,000 to be, from the unexpended fund balance from the Office of Senator Mary Camacho Torres of the Guam Legislature to the program. And all they said is Bill 206 if enacted, appropriates \$1,000 from unexpended fund balance from the Office of Senator Mary Camacho Torres of the Guam Legislature to the Department. It does not give us a conclusion as to whether the funding source is viable and sufficient. And the reason I would like a finding as to whether the funding is viable and sufficient is because if the funding source is determined to be sufficient, we have another rule which is our Standing Rule Section 6.01 (d)1, that allows for a re-referral with the principal committee with subject matter jurisdiction. And as was determined for a similar bill, Bill 179, by our legislative counsel, the operative section and primary purpose of the bill is the promulgation of rules and regulations to regulate adoption agencies by the Department of Public Health and Social Services as the agency with general authority over child welfare and is most appropriate with the Committee on Health. As you know, legislative Resolution 21-36 (LS) adopted in February 2021, removed jurisdiction of CPS and welfare of foster children from the jurisdiction of another Committee and placed it within the jurisdiction of the Committee on Health, Land, Justice and Culture. So I would ask at this time, Mr. Chair, and put it on the record that I am requesting again and I had submitted a letter to the Chair in writing for a re-referral of the bill to the Committee on Health. In addition, I would just like to state that if this funding source is sufficient, \$1,000, that you know, I hate to see a contravention of the spirit of our rules where a committee with primary jurisdiction over the subject matter of the bill is going to be bypassed for a mere one-thousand-dollar appropriation because we can do that with any bill, Mr. Chair. And I just, I think that's a precedent we don't really want to tie ourselves to.

However, on the merits of the bill, I would like to add. I wanted to ask Public Health, so I'm glad that the Director Brennan is here from DYA and we have the Deputy Director here again from the Department of Public Health and Social Services. Thank you for being here and for your testimony. And I want to know, do you have interim rules right now for adoptions? For adoption agencies? For the licensing of adoption agencies?

Terry G. Aguon, Deputy Director, DPHSS: We have rules, but they're not for the licensing of adoption agencies. As we spoke of on last Friday, the conversation around our partnership with Region IX, the state capacity team we're currently working with, they're helping us go through community guidance with similarities of populations and so we're using that as a tool. So, no in the interim, we don't, we are working on it.

Speaker Therese M. Terlaje: All right. Are you aware of how many adoption agency transactions occur?

Terry G. Aguon, Deputy Director, DPHSS: I do know from the last meeting on Friday, you said that you were going to inquire about that. I did state that the Department of Public Health and Social Services is aware of what we do, however there is an array of private adoptions that take place that bypass the Department of Public Health altogether. This might be between a private family or an attorney and a judge.

Speaker Therese M. Terlaje: There's also a new, new laws that have been put in place that allow for others other than the Department of Public Health and Social Services to act as used to be the exclusive realm of the Department of Public Health and Social Services. So, I'm asking if you are aware of the actions under those laws. Are they reported to you? Are you licensing them? Are there any rules that you are using to review those actions or regulate those actions?

Terry G. Aguon, Deputy Director, DPHSS: No, currently we're not. This whole process actually coming into play, becoming a law and then moving forward with an initial vision of having March 1st, 2022 as being

our deadline, and then all of a sudden this interim category has popped up and then there's this level of expectation that we're supposed to already have it, bypassing a process that we have some excellent technical assistance teams to work with. It feels like almost there's a need to compromise it all and just say that we have it, but we're not. We are going to work with what we have for now. We're going to work through the process. You know, just as what was mentioned earlier, you know, we actually have two bills, both of them moving forward with wanting to make sure that we have licenses, rules and regulations in place. And some categories of concerns on Guam, never even get to that point. So as far as I'm concerned, we're very blessed to have two sets of teams who are both interested in wanting to move this forward. And we're also blessed to have in our federal partners who are willing to walk us through this process, but if you ask us today, do we have this right now? No. I can grant you there's a lot of other shortfalls that are out there regarding other very concerned areas, but we don't have this in place right now. And considering our deadline, my understanding initially was that it was going to be sometime in 2022. If we can get these out, the sooner the better, but I'm not, I'm sure people don't want to compromise the process just to say that we have them. If somebody has agreed to have something in place that is very, very rough or very crude, but you know we're asking these adoption agencies that are coming into the island and right now we only have the one. But the one has really set the bar in a sense that we the Department of Public Health and the community of Guam need to get out of the mindset that *poksai* and other types of cultural ways of addressing the placement of children is not always going to be the play. And so, we do want to make sure that we have in place, solid rules and regulations. So, the answer to your question is no and for good reason.

Speaker Therese M. Terlaje: All right. But you are aware that the current laws that were passed in July or were effective in July, allow for other agencies to act without rules and regulations. That is the problem that both bills are trying to solve. That we have laws that have been enacted that really do not specify very clearly that the Department of Public Health and Social Services is going to be the one to license any adoptive agencies or placement of children. That you're not the sole entity to license that activity or to regulate that activity and thus both bills are trying to give you, empower you as Public Health to regulate these activities right now. Because the laws are effective right now. And without any rules and regulations, I question how transparent that process is. You know, when you talk about transparency, but we have a process right now where I don't believe there's any regulation because there is no regulation. It's not required. That's what these bills are trying to do. So, I commend both bills for at least trying to ensure that it's crystal clear that these processes shall be regulated by the Department of Public Health. That Public Health shall be the one to determine the rules and regulations. And it's an empowering process so it's very unfortunate to me that I feel like you seem to be willing to wait six months for even interim rules while processes continue to move. We're going to wait, according to this bill, six months or possibly six months, 180 days, for interim rules. And that's where I'm questioning where the transparency is in that time. And the interim rules and then you get a year. I'm not objecting to as much time as you want for your permanent rules or your long-term rules, but for, it's this interim period that everyone's concerned about. And I think Public Health should be more concerned about frankly. Because that's why we're here. It's because we recognize that there is a huge gap. There's, you know, so without any rules, for six months let's say, it's like, you know, I don't know. I just think Public Health would not be able to put its finger on what the rules really are so it's like jungle rules in the interim. I don't like that. I would like interim rules as soon as possible. They won't be perfect of course. That's why it's interim. And then you'll have a process to make them better in the final rule-making. Right? And the different bills give you different time to come up with finals. The finals are not as, you can take as much time as you want with that, but I feel like this huge gap that you have right now should be addressed.

The other thing is that the laws when they were passed, since July, authorized or mandates that a child is placed in an adoptive home by a social service meaning Public Health or a Guam licensed adoption agency. It also allowed that supervision of a child living in an adoptive home be under the guidance of social services or a Guam licensed adoption agency. A representative from an independent Guam licensed adoption agency may be a member of the Guam Adoption Screening Committee. And that's why, these are examples of what laws we have in place right now, what is being allowed without any rules and regs for how these people are licensed and these licenses are frankly just coming from the Department of Revenue and Taxation right now, not from

the Department of Public Health and that's why I'm trying to impress upon you the urgency of these interim rules.

Terry G. Aguon, Deputy Director, DPHSS: Speaker, I can assure you.

Speaker Therese M. Terlaje: If I could just finish. There's also, under the current mandates of law that have been changed since July. Allows adoption agencies to place a child in a proposed adoptive home where prior law allowed for only the Division of Social Services this authority. And so there may be some benefits to this. However, it's just a question of whether it's going to be regulated or it's not. And whether Public Health is going to be the one to lead this or it's not.

And so the other issue with the bill is that this bill tells Public Health, it by the way Deputy Director, it very clearly says it will be exempt from the Triple A, and I believe that was your objection to the other bill we discussed, was because there was an exception from the Triple A process. This process it seems Public Health supports now, allows a Public Hearing by the Legislature. So that \$1,000 that you said you might come in handy at your Public Hearing with your notices might not actually be necessary for Public Health under this bill because it's the Legislature who will be holding the hearing. It's the legislature who will be determining the parties present. It will be the Legislature in the end who is going to determine these interim rules and regulations and not Public Health as was designed under the other bill. Not the experts in the field, not you, who is working with Region IX and frankly Public Health will have no control over that process at all. You can propose in the beginning but then this process says then you are exempt, the whole Triple A process is exempt, meaning there will be you know. For time concerns, I am in favor of exempting certain aspects of the Triple A, particularly the time constraints. Right? You have to do certain things, different times. Like I said at the last hearing, there is nothing to prevent Public Health from having its own public hearing and controlling that process, having input from stakeholders as was so important according to your testimony. And so, those are my concerns. So now, instead of empowering Public Health, we are more disempowering Public Health by pushing this process, an interim, almost an emergency regulating, an emergency rule-making authority which has been granted to agencies when it's required by federal grants or other federal programs, we allow agencies to make emergency rules on their own. But this one is going to require that we the Legislature are going to get involved again with this very I think critical Public Health matter. And oversight is fine, having input in the rules is fine, but we're talking about an urgent need to fill a gap right now, where there are no rules. And I was just hoping Public Health is going to take more control of that process. Take more, you're the one working with Region IX, we aren't. Right? And if you want your rules to look more like the final rules that you're going to be coming up with, I would think that you would want more control of that process. Oh, and thank you, Mr. Chair.

Chairman Clynton E. Ridgell: Thank you, Madame Speaker. I do see Lori Boss has her hand up. Did you have something you'd like to comment on?

Lori Boss, Director, Ohala' Adoptions: I did thank you. I wanted to speak to Madame Terlaje's comments about adoption. I think it might be helpful for this group to know that we have not finalized an adoption on this island yet. We formed our agency because of the way we saw children being placed on this island. It's very disturbing to us. If you talk to anyone that's familiar with how children are placed, there are children passed on at the hospital to uncertified homes all the time and everyone's aware of it. And those are some of the things that really surprised us. We did not come on this island to set up an agency. We were living here and we saw a need that we decided to fill. And that's our desire at Ohala' Adoptions. And we understand that all agencies may not abide by those which is why we want guidelines. We've been asking DPHSS for guidelines since the very beginning of forming our agency. And without getting them, we've had to just go and find our own guidelines from best practices in different agencies in the US. And I'm sure Terry knows this, but they're available online. You can get lots of suggestions for the interim to do something very quickly. You know, there are a lot of rules and regulations that are published out there that are able to be a basis before Region IX gets back to you or whatever for long term.

Chairman Clynton E. Ridgell: Madame Speaker.

Speaker Therese M. Terlaje: Yes, thank you. Thank you for that, Lori. I also wanted to point out that we did receive, or I just found one. A BBMR fiscal note that says 'services made available by the Department to the community of Guam are either free of charge or made available at a discounted rate. Per DPHSS, the Department will need to hire additional staff to handle the additional responsibilities of the proposed legislation. Staffing needs include one Program Coordinator III at \$45,000 and one Social Worker III at \$45,000. I don't get that. I mean, this is, maybe this fiscal statement should have come with, I don't know. But this is saying if you are going to prepare your rules and regulations, you're going to need these two persons. Is there going to be, do you see an impediment to coming up with rules and regulations if there is an urgent need for them I'm going to ask that to Public Health and to the Director Brennan because.

Senator Mary Camacho Torres: Could you clarify what that document is that we're reading on the fiscal note because I'm not aware that that is provided to the committee.

Speaker Therese M. Terlaje: I just got it. It's BBMR Fiscal Note Bill 206. I guess it was uploaded.

Senator Mary Camacho Torres: Okay. Thank you for clarifying.

Terry G. Aguon, Deputy Director, DPHSS: So, Speaker, in regards to that. We had a request from BBMR asking us what the impact would be for Bill 206-36 in order to be able to have in place rules and regulations that was going to have in place the licensing of private adoption agencies. And initially we said, no impact, it's simply going to be something we're going to absorb through the bodies that we have now. And then the issue came up as to say well what if there are several adoption agencies that come into play. And looking at the monitoring, looking at the tracking and looking at what interim, in addition to what final rules are in place, it was actually recommended that we go ahead and identify the need to have one Social Worker III and one other body for the purpose of manpowering what could actually be, putting into place, really formalizing this adoption component. You know seriously Child Protective Services, BOSSA, continuously runs on a shortfall. Whether it's case management, investigation. Whether it's crises, whatever the case may be, and the idea is to be able to have the proper number of people in place in order to respond to the law, that cases, crises will be investigated right away or within the 72 hour depending upon the severity of the abuse. So with that same energy, with that same effort, we are simply saying that if we are going to move forward with licensing adoption agencies and apparently, obviously we are, and we're going to do it right. We want to make sure that we're not taking away the responsibility of other people who are doing investigation and crises work and we're going to go ahead and plant a body or two that are there that can actually address and do more home visitations and do more monitoring and give more guidance and host more meetings and be more transparent. And I really don't think it is a negative thing to actually put enough manpower to do something, to do something right. Especially when we're undergoing the planning process.

Speaker Therese M. Terlaje: I appreciate those concerns and I share them, Deputy Director. However, I don't think this bill with the \$1,000 appropriation comes anywhere near any of that. In fact, I don't think the bill, since the public hearing is going to be held at the legislature, not at Public Health, really addresses what you've said. And the other thing is I just want you to remember that you know, when the Department of Public Health came down for its budget, it admitted that it was \$17 million short compared to its budget last year, and it said it would even be shorted BOSSA, but in the specific appropriations to CPS, to Foster Insurance, Foster Care Health Insurance, the specific appropriations to foster group homes, those were the same as last year, but the overall appropriation to Public Health was reduced. And when I asked the Director at that time and it's unfortunate that the Director of Public Health is not here right now because when I asked him very clearly at that hearing if there is enough money given this, what looked to us like a shortfall to run Public Health and these critical functions of Public Health, including BOSSA, he said it was going to be taken care of with ARP funds. He was very clear about that. He would not increase his request to the Legislature. And so I'm very sure that the Legislature gave the Department of Public Health what the Governor asked for, what the Department of Public Health asked for, I think a little bit more than that in fact. But you know, it is very unfortunate all the way around don't you think? That the Department of Public Health and Social Services, you know, given what you are saying, is not going to be up front and come up with those things during budget times. Anyway, I want

to thank you for your support. And I support your work, and I want you to be successful. These rules that you are working on with Region IX on, but I just think we have to admit the urgency of this process. Because I too have heard stories of babies in the last few months, being transferred out of GMH into different custody, and I'm very concerned about that, and I want Public Health to be involved in this at every step of the way. Thank you.

Terry G. Aguon, Deputy Director, DPHSS: Thank you, Speaker, and if you don't mind, I'd like to respond to that. And I, I totally agree. Public Health sees the urgency of this. I've said it once, I've said it so many times that we do, and we're just trying to follow a process. If it means to go ahead and just have in place interim rules and regulations in order just to have them but within reason, then we will move forward and take more of that approach and definitely having meetings more than we are with the team that we have. And going back to the transparency of wanting to have a meeting, you know, we have one adoption agency on island. I'll be honest with you, between Ohala' and Public Health, they really should be connected at the hip. They should be, you know. And so we are very clear that we can actually invite them into those Region IX meetings and help us with that process. But even before that takes place, I'm extending an invitation to Ohala' to be able to say, let's come together, my number is 689-4482. If you don't have it, please write it down. You can give me a call, right after this meeting. I hate the fact that people often say, we believe in what you do and we give you support and yet sometimes the words are very cutting and are very painful. I do know that several of the BOSSA staff are in this call right now and I really feel that it often belittles the amount of the really hard work that they put into their daily lives in this process. There are adoptions that take place on Guam that have never included the Department of Public Health and Social Services. These are women who give birth, who say, they have somebody in mind for their child, and it's through that process that excludes us here at Public Health. They've identified whoever the family is going to be. Often these are families that they've known for a period of time, and this has been the traditional practice here on island. Now, here lately, it seems like there are other adoptions taking place at the level of the hospitals. In which case, perhaps the mom doesn't know this family as well and she really does not know exactly what the placement of their child is going to look like. And I agree that's a very gray area. Right now, we're just trying to get our interim rules and regulations in order, but it is concerning and it does have a level of urgency.

Speaker Therese M. Terlaje: Sorry, Mr. Chair. If I could just ask one more question. That is if the Department of Public Health and Social Services has received any ARP funds for BOSSA?

Terry G. Aguon, Deputy Director, DPHSS: You know, actually there was funding received I think through the Division of Public Welfare. And there were some funds that were actually received. I don't know what the total amount is. I know that they had talked about accessing a vehicle, making sure that they have more vehicles to go out in the field. I think that actually we secured one, but there are other areas that they were able to I think finally get a couple new computers for new staff that were onboarding. Lani and I are trying to work on, you've got staff, but you need desks, you've got, you need computers and they need to be able to have you know basic things like badges and everything else in order to do their work. So that's been an onboarding process, but I would say yes, there are some dollars that have come down.

Speaker Therese M. Terlaje: All right. Great. I would ask if you could relay to the Director that we get a report of the ARP funds that you've received and how they've been allocated. Please. Thank you. Thank you, Mr. Chair.

Terry G. Aguon, Deputy Director, DPHSS: Yea. I sure will.

Melanie Brennan, Director, DYA I just wanted to clarify to this body that there are procedural safeguards that are currently in place for the adoptions that go through the court. Obviously, they require the background checks, they require the home studies, the comprehensive home studies that at this time, Child Protective Services does handle. May Fe Muyco is the HEPS supervisor and she can tell you exactly how many adoption and custody cases that we have done home studies for within the past two years. She can go back further, but I think she is prepared with those numbers. So there are procedures in place. We do need a better working relationship, Speaker, with Ohala. We recognize that. Luckily, there aren't that many Safe Haven babies that

do come in to our knowledge. We have had several babies born that their mother was positive and so we did have to take custody and those numbers have been quite alarming but they have been they have gone to foster homes that have been approved by our Bureau.”

Speaker Therese M. Terlaje: Yes I think..thank you. I think only some of the cases that go through court are...do they mandate a home study or a social study not all yeah not all not...”

Melanie Brennan, Director, DYA Not in relative placement but sometimes even in relative placement, the court will order that.

Speaker Therese M. Terlaje: Yes, thank you.

Chairman Clynton E. Ridgell: All right thank you, Mrs. Brennan. I do see I believe is it Mrs. Anderson from Ohala’ Adoptions has her hand up. Please go ahead.

Traci Anderson, Director, Ohala’ Adoptions: Thank you. So in reference to the rules and guidelines, interim or permanent, as we came and founded Ohala’, we did so much of our own research and have been able to find a lot of guidelines and a lot of...there’s a document done federally that shows every single guideline and then they expect that each division...whoever is using these guidelines would go through and choose the ones that are appropriate for their state for their agency whatever...because no one can follow every guideline but this has given every guideline and then you can choose it to make it your own.

So I’ve had access to that this whole time but we’ve been talked to and talking about stepping on toes or crossing boundaries that may be conflict of interest. So I feel like it’s kind of being thrown out there now to have some communication to have some talking about these rules and regulations. We’d be happy to share what we’ve learned. We don’t have to step over those lines and be a part of making those rules and regulations but sharing what we’ve learned may be helpful to everyone.

The other thing that, in bringing up these little ones that are being adopted straight from the hospital—straight from the hospital to whomever may come around that...What I heard, a quote, is when a baby is born and a mom doesn’t want to keep that baby, word goes around the hospital through nursing staff and someone ends up taking that baby home. That is disturbing to me in that who decides who that is? Is money switching hands? Are people paying for babies are these going through private attorneys and then leaving islands, private attorneys and never being followed up on? These are things that as we’re making...I say we...as these rules are being made for agencies, they can also be made across the board for standards for attorneys for any type of adoption and when you talk about Ohala’ being the only adoption service on island. That’s not even true because there are two other organizations that I know of that offered to place for adoption and I think that a lot of people are trying to do great things for the children—I’m not trying to make anyone get in trouble or say anything bad because everyone has these children in their best interest but I believe strongly that these rules and regulations can be put together to include all of these situations so that the best interest of the children is taken care of. Thank you.

Chairman Clynton E. Ridgell: Thank you, Ms. Brennan, did you have something you wanted to add. I thought I saw you raise your hand or...

Melanie Brennan, Director, DYA: No was just agreeing that you know we’re all here for the same purpose.

Chairman Clynton E. Ridgell: Mr. Aguon?

Terry G. Aguon, Deputy Director, DPHSS: Yes, we all are here for the same purpose and that’s just not lip service but you know it’s important to be able to have everybody come to the table and really get a grasp on all this. You know comments like whoever comes around...meaning a child is going to be given to whomever comes around...sometimes taking things you hear...I guess I’m just very cautious just like those comments about what you may hear. You know Public Health was very cautious even with Ohala’ it was like you know, how did we all of a sudden have this adoption agency and how are they able to move through the system as well as they have been? So I’m delighted that we share similar concerns.

I think it's important that we get to know each other a lot better that we go ahead and set up a meeting today right after this or during this and schedule something for this week and anything as far as homework that you've done as far as paperwork or things that you look at those things are welcome and we will sit at the table with the things that we have been able to put together as well and let's just map this thing out and let's get some guidelines that are in place that truly has the best interest of our children in mind.

We've had enough of the terminology that actually has a level of backlash to it. We heard enough that politics should never be involved in this process, but I know from state to state when it comes to adoption, sometimes there is a level of that in place. Guam has always been an exceptional community. Let's make and let's continue to make the placement of children for adoption our priority and if that means having our hands in the private adoptions at some level then let's include that in our interim rules and regulations but let's really put something together because as Senator or Speaker Therese Terlaje said, it really is unraveling that that there could be and in this case three potential agencies or community based organizations or what have you that has the potential to be placing children and they're really not on the radar. Let's come together. Let's all be transparent. Again my number is 689-0482. Give me a call right after we hang up and let's sit down and let's schedule some time and I know seriously. I would expect nothing less than having a representative from Senator Mary Torres team, representatives from Senator Taitague's team. I mean just let's come together. We're all speaking the same language and yet for some reason we're not hearing each other and so I think we really need to have more than a discussion we need to put this into play.

Chairman Clynton E. Ridgell: Thank you, Mr. Aguon. If there is there anyone else here to provide any more testimony or making any more comments. If not, I will allow the primary sponsor to close, Senator Torres?

Senator Mary Camacho Torres: Thank you, Mr. Chair. I want to sincerely thank everybody for taking the time out of their busy schedules to testify in favor of this bill. I want to also bring us back to the whole legislative findings and intent and why we went down this road with Bill 206-36 and why this bill garnered the support of 10 senators right off the bat."

"I Liheslaturan Guåhan finds that the Child Protective Services (CPS) of the Department of Public Health and Social Services has expressed a growing demand for more foster homes and families on Guam. As of September 2021, the CPS indicates that there are five hundred (500) children in Guam's foster care system. This figure indicates a substantial rise when compared to the two hundred and seventy (270) children in the system in May of 2019. Given the high rate of children entering Guam's foster care system, I Liheslaturan Guåhan finds it in the best interests of child welfare and safety that any individual or entity that places or assists in the placement of any unrelated minor is held to a minimum standard, whether it is in a foster home, therapeutic foster home, or adoptive home. I Liheslaturan Guåhan further finds that that the Department of Public Health and Social Services is currently imbued with the power to make regulations that implement any law enforced, or administered by it, under Guam's Administrative Adjudication Law (Chapter 9 of Title 5, Guam Code Annotated)."

What we have emphasized is that...and it doesn't escape reality...the truth is that there are already adoption policies and procedures in Guam that any agency advocating for adoption in Guam must follow and that is the truth and adoption agencies are relatively new to Guam so we're at that point in our history where we're dealing with policies and procedures for licensing. I do want to emphasize though one point that has been brought up. One is that Public Health is empowered to oversee all things related to Child Protective Services and that power has never gone away and in prior legislation that we've enacted allowing the adoption agencies to come into the chain of command for example with the Newborn Infant Safe Haven Act, it's always Public Health that has the discretion to contact them and to allow them custody of the child. So there's nothing in any of the enacting laws that takes away from the power of Public Health and I think what we've emphasized here is that it is in fact a greater collaboration and understanding that as Terry you so eloquently pointed out, it takes so many components to address the needs of a child in a community and that is what I think we've all discussed here is how we come together to address it but have a minimum standard across the board, in terms of rules and regulations whether it is—agencies that that are rumored to be out there or not. This is the time now to have

true transparency to understand who all the players are, what their roles are, and just ensure that Public Health is well aware and that the standards of handling children and placing children are within the guidance and oversight of Public Health and that is the beauty of it.

I want to address one thing too that...it really disturbs me that we have in these Public Hearings accusations about obvious and dirty politics and even the insinuation that somehow we are directing this to a committee by appropriating money. The precedent and I just state for the record the precedent for appropriating money for projects has been made by my office when I appropriated for example \$75,000 out of my office funds for a feasibility study for a multi-purpose stadium that was signed into law. I also appropriated most recently \$50,000 for a nurse study. So putting money behind my efforts and committing money out of my office account that is available. I wouldn't commit it if it weren't. The precedent is there so it's not dirty politics necessarily. It's just my way of ensuring that if I were to make a heavy recommendation to somebody to commit to something that I either find the means within the General Fund or I commit my own personal funds if it's after the fact of the public of the budget hearing or no availability of funds.

So I just want to make that point that one, Public Health, no one wants to erode your powers. In fact, we want to ensure at the very least that the minimum standards that you have in place for the enforcement of child welfare in Guam are the minimum standards across the board to anybody that has to do with the fostering or the placement of a child within our child welfare system. And I want to end, Mr. Chair, by thanking you for conducting this Public Hearing and I also want to thank everybody for their testimony and we will consider if there are any amendments needed at this point. I will review the testimony provided and review all other things. I also want to note that with regard to a fiscal note...this bill is specific to the promulgation of interim rules and regulations. And the funding that is identified here is specific to the promulgation of the rules and regulations and nothing more at this point. We can entertain, if there is a need by Public Health, additional funding sources if there is a need for something else but at this point what we've appropriated is sufficient.

I also wanted to just thank everyone. I think Ohala' you brought a very good point that you know you as a licensed agency are licensed on Guam but for those that are concerned about being licensed without rules and regulations, what I've always emphasized is that we have within Guam statutes the procedures and guidelines with regard to adoption and there's nothing that you as an agency can do to bypass that and endanger our children.

So that's the last point that I want to make is, where child endangerment through adoption agencies are the concern, that is where I've always emphasized that Guam statute, Title 19 and 26 GARR, are very specific to those parameters not only what Public Health does, but also as it applies to the court system and they're having the final say in finalizing and approving adoptions. Thank you, Mr. Chair."

Chairman Clynton E. Ridgell: Thank you, Senator Torres. The committee will receive testimony for the next few days for the acceptance of any additional information or public testimony in the agenda item discussed. You may submit testimonies to the mail room of the Guam Legislature or through email at senatorjoessanaugustin@gmail.com. Again, I want to thank everyone for attending this virtual public hearing and for providing feedback and suggestions. This public hearing is now adjourned the time is 5:00PM. Thank you.

This public hearing for Bill No. 206-36 (LS) is adjourned at 5:00 P.M.




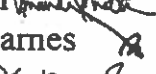






III. FINDINGS & RECOMMENDATIONS:

The Committee on **General Government Operations, Appropriations, and Housing** hereby reports out **Bill No. 206-36 (LS) – As Amended by the Committee on General Government Operations, Appropriation, and Housing**. As Introduced by Mary Camacho Torres, Telen Cruz Nelson, Jose “Pedro” Terlaje, Amanda L. Shelton, Tina Rose Muña Barnes, James C. Moylan, Clynton E. Ridgell, Joe S. San Agustin, V. Anthony Ada, and Frank Blas Jr. **“AN ACT TO REQUIRE THE PROMULGATION AND PUBLICATION OF INTERIM RULES FOR ALL CHILD PLACEMENT AGENCIES BY THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES; AND TO ENSURE TRANSPARENCY, PERMIT PUBLIC PARTICIPATION, AND PROVIDE A METHOD OF MAKING SUCH RULES READILY ACCESSIBLE TO THE PUBLIC; AND TO FURTHER APPROPRIATE ONE THOUSAND DOLLARS (\$1,000) FROM THE UNEXPENDED FUNDS OF THE OFFICE OF SENATOR MARY CAMACHO TORRES OF I LIHESLATURAN GUÅHAN TO THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES FOR THIS PURPOSE.”** with the recommendation TO DO PASS.

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

Bill No. 206-36 (LS)

Introduced by:

Mary Camacho Torres 
Telen Cruz Nelson 
Jose "Pedro" Terlaje 
Amanda L. Shelton 
Tina Rose Muña Barnes 
James C. Moylan 
Clynton E. Ridgell 
Joe S. San Agustin 
V. Anthony Ada 
Frank F. Blas Jr. 

AN ACT TO REQUIRE THE PROMULGATION AND PUBLICATION OF INTERIM RULES FOR ALL CHILD PLACEMENT AGENCIES BY THE DEPARMENT OF PUBLIC HEALTH AND SOCIAL SERVICES; AND TO ENSURE TRANSPARENCY, PERMIT PUBLIC PARTICIPATION, AND PROVIDE A METHOD OF MAKING SUCH RULES READILY ACCESSIBLE TO THE PUBLIC; AND TO FURTHER APPROPRIATE ONE THOUSAND DOLLARS (\$1,000) FROM THE UNEXPENDED FUNDS OF THE OFFICE OF SENATOR MARY CAMACHO TORRES OF *I LIHESLATURAN GUÅHAN* TO THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES FOR THIS PURPOSE.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the Child Protective Services (CPS) of the Department of Public Health and

1 Social Services has expressed a growing demand for more foster homes and families
2 on Guam. As of September 2021, the CPS indicates that there are five hundred (500)
3 children in Guam's foster care system. This figure indicates a substantial rise when
4 compared to the two hundred and seventy (270) children in the system in May of
5 2019.

6 Given the high rate of children entering Guam's foster care system, *I*
7 *Liheslaturan Guåhan* finds it in the bests interests of child welfare and safety that
8 any individual or entity that places or assists in the placement of any unrelated minor
9 is held to a minimum standard, whether it is in a foster home, therapeutic foster
10 home, or adoptive home.

11 *I Liheslaturan Guåhan* further finds that that the Department of Public Health
12 and Social Services is currently imbued with the power to make regulations that
13 implement any law enforced, or administered by it, under Guam's Administrative
14 Adjudication Law (Chapter 9 of Title 5, Guam Code Annotated).

15 *I Liheslaturan Guåhan* further declares, given the significant impact of agency
16 rules and regulations on child welfare and safety, it is imperative that if a waiver of
17 the Administrative Adjudication Law is made, the general public is not marginalized
18 from the rule-making process.

19 *I Liheslaturan Guåhan* further finds that if it is to create an exception to the
20 Administrative Adjudication Law, while balancing the need for transparency, it must
21 also clearly define the method by which such hearing shall be funded.

22 It is therefore the intent of *I Liheslaturan Guåhan* to require and appropriate
23 funds for a public hearing of interim rules produced by the Department of Public
24 Health and Social Services in order to ensure transparency, permit public
25 participation therein, and provide a method of making rules readily accessible to the
26 public.

1 **Section 2. Rule-Making Procedure for Child Placement Agencies**
2 **Requiring Licensure.**

3 (a) Notwithstanding any other provision of law, rule, or regulation, any child
4 placement agency operating in Guam requires a license issued by the Guam
5 Department of Public Health and Social Services following the Department's
6 promulgation of interim rules pursuant to this Act. Child placement agencies shall
7 mean any person that is not licensed to practice law in Guam, corporation,
8 partnership, voluntary association, or other entity or identifiable group of entities,
9 whether established for profit or otherwise, aside from Child Protective Services,
10 that places, plans for, or assists in the placement of any unrelated minor for care in
11 a foster home, therapeutic foster home, or adoptive home.

12 (b) Within One Hundred and Eighty (180) Days from the date of enactment
13 of Act, the Department of Public Health and Social Services shall promulgate and
14 publish interim rules setting minimum standards governing the granting, revocation,
15 refusal, and suspension of licenses for a child placement agency and the operation
16 of a child placement agency.

17 (c) Such minimum standards shall include but not be limited to rules that:

18 (1) Promote the health, safety, and welfare of children in the care of a
19 child placement agency;

20 (2) Promote safe and healthy physical facilities;

21 (3) Include procedures for the receipt, recordation, and disposition of
22 complaints regarding allegations of violations of the Guam Child Protective
23 Act;

24 (4) Ensure that federal and local criminal record checks are completed
25 on owners, operators, employees, volunteers, foster parents, adoptive parents,
26 and other persons in the homes;

1 (5) Establish rules governing retention of licensing records maintained
2 by the Department.

3 (d) The Department of Public Health and Social Services' interim rules shall
4 be exempt from the provisions of the Administrative Adjudication Act, provided that
5 such rules shall receive at least one (1) Public Hearing by *I Liheslaturan Guåhan*,
6 pursuant to Open Government Law, to ensure transparency, permit public
7 participation therein, and provide a method of making rules readily accessible to the
8 public. No rule shall be effective until after *I Liheslaturan Guåhan* by the passage
9 of a bill into law, approves, disapproves, or amends any rule.

10 (e) The Department of Public Health and Social Services' interim rules shall
11 remain in effect for one (1) year or until the promulgation of rules pursuant to the
12 Administrative Adjudication Act, whichever is sooner.

13 **Section 3. Appropriation.** The sum of One Thousand Dollars (\$1,000) is
14 hereby appropriated from the unexpended funds of the Office of Senator Mary
15 Camacho Torres of *I Liheslaturan Guåhan* to the Department of Public Health and
16 Social Services for the sole purpose of preparing, promulgating, and publishing rules
17 and regulations pursuant to this Act.

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

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

Bill No. 206-36 (LS)

As Amended by the Committee on General
Government Operations, Appropriations, and
Housing

Introduced by:

Mary Camacho Torres
Telen Cruz Nelson
Jose "Pedo" Terlaje
Amanda L. Shelton
Tina Rose Muña Barnes
James C. Moylan
Clynton E. Ridgell
Joe S. San Agustin
V. Anthony Ada
Frank F. Blas Jr.

AN ACT TO REQUIRE THE PROMULGATION AND PUBLICATION OF INTERIM RULES FOR ALL CHILD PLACEMENT AGENCIES BY THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES; AND TO ENSURE TRANSPARENCY, PERMIT PUBLIC PARTICIPATION, AND PROVIDE A METHOD OF MAKING SUCH RULES READILY ACCESSIBLE TO THE PUBLIC; AND TO FURTHER APPROPRIATE ONE THOUSAND DOLLARS (\$1,000) FROM THE UNEXPENDED FUNDS OF THE OFFICE OF SENATOR MARY CAMACHO TORRES OF *I LIHESLATURAN GUÅHAN* TO THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES FOR THIS PURPOSE.

1

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2 that the Child Protective Services (CPS) of the Department of Public Health and
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5 children in Guam’s foster care system. This figure indicates a substantial rise when
6 compared to the two hundred and seventy (270) children in the system in May of
7 2019.

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10 any individual or entity that places or assists in the placement of any unrelated minor
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12 home, or adoptive home.

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15 implement any law enforced, or administered by it, under Guam’s Administrative
16 Adjudication Law (Chapter 9 of Title 5, Guam Code Annotated).

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18 rules and regulations on child welfare and safety, it is imperative that if a waiver of
19 the Administrative Adjudication Law is made, the general public is not marginalized
20 from the rule-making process.

21 *I Liheslaturan Guåhan* further finds that if it is to create an exception to the
22 Administrative Adjudication Law, while balancing the need for transparency, it must
23 also clearly define the method by which the preparation, promulgation, and
24 publication of such rules shall be funded.

25 It is therefore the intent of *I Liheslaturan Guåhan* to require and appropriate
26 funds for a public hearing of interim rules produced by the Department of Public
27 Health and Social Services in order to ensure transparency, permit public

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3 and other persons in the homes;

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7 be exempt from the provisions of the Administrative Adjudication Act, provided that
8 such rules shall receive at least one (1) Public Hearing by the legislative committee
9 with subject matter jurisdiction in *I Liheslaturan Guåhan*, pursuant to Open
10 Government Law, to ensure transparency, permit public participation therein, and
11 provide a method of making rules readily accessible to the public. No rule shall be
12 effective until after *I Liheslaturan Guåhan* by the passage of a bill into law,
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16 Administrative Adjudication Act, whichever is sooner.

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20 Social Services for the sole purpose of preparing, promulgating, and publishing rules
21 and regulations pursuant to this Act.

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25 the invalid provision or application, and to this end the provisions of this Act are
26 severable.



Vice Speaker

TINA ROSE MUÑA BARNES

CHAIRPERSON, COMMITTEE ON RULES

I Mina'trentai Sais Na Liheslaturan Guåhan

GUAM CONGRESS BUILDING
163 CHALAN SANTO PAPA
HAGÅTÑA, GUAM 96910
TEL 671-472-2461
COR@GUAMLEGISLATURE.ORG

October 11, 2021

MEMO

To: **Rennae Meno**
Clerk of the Legislature

From: **Senator Amanda L. Shelton**
Acting Chairperson, Committee on Rules

Re: **Fiscal Notes on Bill Nos. 204-36 (LS) and 206-36 (LS)**

Håfa adai,

Attached, please find the fiscal notes for the following bills:

Bill No. 204-36 (LS)

Bill No. 206-36 (LS)

Please forward the same to Management Information Services (MIS) for posting on our website.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.



Bureau of Budget & Management Research
Fiscal Note of Bill No. 206-36 (LS)

BILL NO. 206-36 (LS) IS "AN ACT TO REQUIRE THE PROMULGATION AND PUBLICATION OF INTERIM RULES FOR ALL CHILD PLACEMENT AGENCIES BY THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES; AND TO ENSURE TRANSPARENCY, PERMIT PUBLIC PARTICIPATION, AND PROVIDE A METHOD OF MAKING SUCH RULES READILY ACCESSIBLE TO THE PUBLIC; AND TO FURTHER APPROPRIATE ONE THOUSAND DOLLARS (\$1,000) FROM THE UNEXPENDED FUNDS OF THE OFFICE OF SENATOR MARY CAMACHO TORRES OF I LIHESLATURAN GUÅHAN TO THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES FOR THIS PURPOSE."

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Public Health and Social Services	Dept./Agency Head: Arthur San Agustin, Director
Department's General Fund (GF) appropriation(s) to date:	24,785,436
Department's Other Fund (Specify) appropriation(s) to date: Environmental Health Fund - \$1,390,435, Healthy Futures Fund - \$13,532,128, Health Professional Licensing Office Revolving Fund - \$296,921, Office of Vital Statistics Revolving Fund - \$239,948, Sanitary Inspection Revolving Fund - \$167,383, Medically Indigent Program Payment Revolving Fund - \$11,708,921	27,335,736
Total Department/Agency Appropriation(s) to date:	\$52,121,172

Fund Source Information of Proposed Appropriation			
	General Fund:	Special Fund:	Total:
FY 2021 Unreserved Fund Balance	\$0	\$0	\$0
FY 2022 Adopted Revenues	\$0	0	0
FY 2022 Appro. (P.L. 36-54)	\$0	0	0
Sub-total:	\$0	0	0
Less appropriation in Bill	\$0	0	0
Total:	\$0	0	0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2022 (if applicable)	FY 2023	FY 2024	FY 2025	FY 2026
General Fund	\$117,829	\$0	\$120,241	\$123,781	\$127,457	\$131,271
Special Fund	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$117,829	\$0	\$120,241	\$123,781	\$127,457	\$131,271

1. Does the bill contain "revenue generating" provisions? / / N/A / / Yes / X / No
 If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A / / Yes / / No
 If no, what is the additional amount required? \$ /X/ N/A
3. Does the Bill establish a new program/agency? / / N/A / / Yes / X / No
 If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes / X / No
 Is there a federal mandate to establish the program/agency? / / Yes / X / No
4. Will the enactment of this Bill require new physical facilities? / / Yes / X / No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /X/ Yes / / No
 // Requested agency comments not received by due date: / Other:

Analyst: 	Date: <u>10/11/2021</u>	Director: 	Date: <u>OCT 11 2021</u>
Mikel S. Espiritu		Ester L. Carlson, Jr., Director	

Notes:
 The intent of Bill No. 206-36 (LS) is to require and appropriate funds for a public hearing of interim rules produced by the Department of Public Health and Social Services (DPHSS) in order to ensure transparency, permit public participation therein, and provide a method of making rules readily accessible to the public. Section 3 of the bill appropriates the sum of \$1,000 from the unexpended funds of the Office of Senator Mary Camacho Torres of I Liheslaturan Guåhan to DPHSS for the sole purpose of preparing, promulgating, and publishing rules and regulations pursuant to the Act.

DPHSS states that many of the services made available by the Department to the community of Guam are either free of charge or made available at a discounted rate. Per DPHSS, the Department will need to hire additional staff to handle the additional responsibilities of the proposed legislation. Staffing needs include one (1) Program Coordinator III (N-01 at Salary- \$45,014 and Benefits 29.77%- \$13,400.67) and one (1) Social Worker III (N-01 at Salary- \$45,014 and Benefits 29.77%- \$13,400.67) for the purpose of licensing, regulating and monitoring compliance.

OFFICE OF FINANCE AND BUDGET

STEPHEN J. GUERRERO, DIRECTOR

Tel: (671) 646-4416 / Fax: (671) 969-6737

Email: ofbguamlegislature@gmail.com

Address: Ran Care Bldg. Suite 2, 2nd Floor,
721 Marine Corps. Dr., Tamuning Guam 96913



**COMMITTEE ON GENERAL GOVERNMENT OPERATIONS,
APPROPRIATIONS AND HOUSING**

I Mina'trentai Sais Na Liheslaturan Guahan

SENATOR JOE S. SAN AGUSTIN

Tel: (671) 989-5445 / Fax: (671) 969-6737

Email: senatorjoessanagustin@gmail.com

October 7, 2021

MEMORANDUM

To: Senator Joe S. San Agustin
Chairman, Committee on General Government Operations, Appropriations and Housing

From: Stephen J. Guerrero
Director, Office of Finance and Budget

Re: Funding Availability Note: Bill No. 206-36 (COR)

Hafa Adai Senator San Agustin!

Pursuant to the Standing Rules of the 36th Guam Legislature, the Committee on Appropriations and/or the Office of Finance and Budget (OFB) shall determine in writing if the funding source cited in Appropriation or Authorization for Appropriations bills are sufficient.

The Office has received Bill No 206-36 (COR) AN ACT TO REQUIRE THE PROMULGATION AND PUBLICATION OF INTERIM RULES FOR ALL CHILD PLACEMENT AGENCIES BY THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES; AND TO ENSURE TRANSPARENCY, PERMIT PUBLIC PARTICIPATION, AND PROVIDE A METHOD OF MAKING SUCH RULES READILY ACCESSIBLE TO THE PUBLIC; AND TO FURTHER APPROPRIATE ONE THOUSAND DOLLARS (\$1,000) FROM THE UNEXPENDED FUNDS OF THE OFFICE OF SENATOR MARY CAMACHO TORRES OF I LIHESLATURAN GUAHAN TO THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES FOR THIS PURPOSE.

Bill No. 206-36 Bill No. seeks to find in the bests interest of child welfare and safety that any individual or entity that places or assists in the placement of any unrelated minor is held to a minimum standard, whether it is in a foster home, therapeutic foster home, or adoptive home.

DP&SS regulates, implements, and enforced the law under the Guam's Administrative Adjudication Law. However, if a waiver is made to the Law, the public is not marginalized from the rule-making process. In addition, if it is to create an exception to the Law, while balancing the need for transparency, it must define the method of funding via a public hearing.

This bill within 180 days from the date of enactment of the Act shall promulgate and publish interim rules setting minimum standards governing the granting, revocation, refusal, and suspension of licenses for a child placement and the operation of a child placement agency. In addition, Bill 206-36, if enacted, appropriates \$1,000 from unexpended fund balance from the Office of Senator Mary Camacho Torres of the Guam Legislature to the program.

Respectfully

Stephen J. Guerrero









Office of
SENATOR Joe S. San Agustin

I Mina' trentai Sais na Liheslaturan Guåhan Thirty-Sixth Guam Legislature

COMMITTEE VOTE SHEET

BILL NO. 206-36 (LS) - As Introduced by Mary Camacho Torres / Telen Cruz Nelson / Jose "Pedro" Terlaje / Amanda L. Shelton / Tina Rose Muña Barnes / James C. Moylan / Clynton E. Ridgell / Joe S. San Agustin / V. Anthony Ada / Frank Blas Jr.. **As Amended by the Committee on General Government Operations, Appropriations and Housing.** "AN ACT TO REQUIRE THE PROMULGATION AND PUBLICATION OF INTERIM RULES FOR ALL CHILD PLACEMENT AGENCIES BY THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES; AND TO ENSURE TRANSPARENCY, PERMIT PUBLIC PARTICIPATION, AND PROVIDE A METHOD OF MAKING SUCH RULES READILY ACCESSIBLE TO THE PUBLIC; AND TO FURTHER APPROPRIATE ONE THOUSAND DOLLARS (\$1,000) FROM THE UNEXPENDED FUNDS OF THE OFFICE OF SENATOR MARY CAMACHO TORRES OF *I LIHESLATURAN GUÅHAN* TO THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES FOR THIS PURPOSE."

Committee Members	Signature	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Joe S. San Agustin <i>Chairman</i>	 10.12.21					
Senator Amanda L. Shelton <i>Vice Chairperson (Gen Govt Operations, Appr & Housing)</i>						
Senator Clynton E. Ridgell <i>Vice Chairman (Appropriations) Member</i>						
Speaker Therese M. Terlaje <i>Member</i>						
Vice-Speaker Tina Rose Muña Barnes <i>Member</i>	E-vote 10/12/21					
Senator V. Anthony Ada <i>Member</i>						
Senator Frank F. Blas Jr. <i>Member</i>	E-vote 10/12/21					
Senator Jose "Pedro" Terlaje <i>Member</i>	E-vote 10/12/21					
Senator Mary Camacho Torres <i>Member</i>	E-vote 10/12/21					

Committee Chairman: *General Government Operations, Appropriations, and Housing*

Ran - Care Commercial Building, CBU #230, 761 South Marine Corps Dr., Tamuning, Guam 96913

Tel: (671) 989-5445 * Fax: (671) 969-6737 * email: senatorjoessanagustin@gmail.com



Michaela Celorio <msacelorio.senatorsa@gmail.com>

Request of E-vote: Bill No. 206-36 (COR) As Amended by the Committee

10 messages

Michaela Celorio <msacelorio.senatorsa@gmail.com>

Tue, Oct 12, 2021 at 11:56 AM

To: Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, Clynt Ridgell <clyntridgell@guamlegislature.org>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>, Senator Tony Ada <senatorvanthonyada@gmail.com>, "Office of Senator Frank Blas, Jr." <office@senatorfrankblas.com>, Senator Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, "Senator Mary C. Torres" <senatormary@guamlegislature.org>
Cc: "Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Rose Mesa <rose.senatorsa@gmail.com>, Catherine Leon Guerrero <cathy.senatorsa@gmail.com>, Joseph Mesngon <joe.senatorsa@gmail.com>

Hafa Adai Senators,

Please see attached Committee Report for Bill No. 206-36 (COR) **AN ACT TO REQUIRE THE PROMULGATION AND PUBLICATION OF INTERIM RULES FOR ALL CHILD PLACEMENT AGENCIES BY THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES; AND TO ENSURE TRANSPARENCY, PERMIT PUBLIC PARTICIPATION, AND PROVIDE A METHOD OF MAKING SUCH RULES READILY ACCESSIBLE TO THE PUBLIC; AND TO FURTHER APPROPRIATE ONE THOUSAND DOLLARS (\$1,000) FROM THE UNEXPENDED FUNDS OF THE OFFICE OF SENATOR MARY CAMACHO TORRES OF LIHESLATURAN GUÁHAN TO THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES FOR THIS PURPOSE.** As Introduced by Mary Camacho Torres / Telen Cruz Nelson / Jose "Pedro" Terlaje / Amanda L. Shelton / Tina Rose Muña Barnes / James C. Moylan / Clynton E. Ridgell / Joe S. San Agustin / V. Anthony Ada / Frank Blas Jr. As Amended by the Committee on General Government Operations, Appropriations, and Housing.

Please indicate your preferred action from the following:

- ☐ TO DO PASS
- ☐ TO DO NOT PASS
- ☐ TO REPORT OUT ONLY
- ☐ TO ABSTAIN
- ☐ TO PLACE IN INACTIVE FILE.

Please submit your vote as soon as possible. Your response will be submitted to the Committee on Rules.

Thank you.

Best,

Michaela Celorio

Research Policy Analyst

Office of Senator Joe S. San Agustin

I Mina'Trentai Sais Na Liheslaturan Guahan

36th Guam Legislature

Chairman, Committee on General Government Operations, Appropriations & Housing

Office of Finance and Budget

Email: msacelorio.senatorsa@gmail.com

Tel: (671) 989-5445



Bill 206-36 (LS) As Amended.pdf

1568K

Office of Senator Frank Blas, Jr. <office@senatorfrankblas.com>

Tue, Oct 12, 2021 at 12:13 PM

To: Michaela Celorio <msacelorio.senatorsa@gmail.com>

Cc: Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, Clynt Ridgell <clyntridgell@guamlegislature.org>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Vice Speaker Tina Rose

Muña Barnes <senatormunabarnes@guamlegislature.org>, Senator Tony Ada <senatorvanthonyada@gmail.com>, Senator Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, "Senator Mary C. Torres" <senatormary@guamlegislature.org>, "Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Rose Mesa <rose.senatorsa@gmail.com>, Catherine Leon Guerrero <cathy.senatorsa@gmail.com>, Joseph Mesngon <joe.senatorsa@gmail.com>

To Do Pass

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Very respectfully,

Office of Senator Frank F. Blas, Jr.

Minority Whip

I Mina'trentai Sais na Liheslaturan Guåhan

36th Guam Legislature

Suite 502, DNA Building Hagatna GU 96932

(671)969-6456

office@senatorfrankblas.com



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Senator Mary C. Torres <senatormary@guamlegislature.org>

Tue, Oct 12, 2021 at 12:13 PM

To: Michaella Celorio <msacelorio.senatorsa@gmail.com>

To do pass.

--

Office of Senator Mary Camacho Torres

Suite 807, DNA Building

238 Archbishop Flores St.

Hagatna, Guam 96910

T: 475-6279 E:senatormary@guamlegislature.org

On Tue, Oct 12, 2021 at 11:57 AM Michaella Celorio <msacelorio.senatorsa@gmail.com> wrote:

[Quoted text hidden]

Senator Pedro Terlaje <senatorpedo@senatorjpterlaje.com>

Tue, Oct 12, 2021 at 12:15 PM

To: "Office of Senator Frank Blas, Jr." <office@senatorfrankblas.com>

Cc: Michaella Celorio <msacelorio.senatorsa@gmail.com>, Office of Senator Shelton Guam Legislature

<officeofsenatorshelton@guamlegislature.org>, Clynt Ridgell <clyntridgell@guamlegislature.org>, Senator Therese Terlaje

<senatorterlajeguam@gmail.com>, Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>,

Senator Tony Ada <senatorvanthonyada@gmail.com>, "Senator Mary C. Torres" <senatormary@guamlegislature.org>, "Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Rose Mesa <rose.senatorsa@gmail.com>, Catherine Leon Guerrero <cathy.senatorsa@gmail.com>, Joseph Mesngon <joe.senatorsa@gmail.com>

To do pass.

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The Office of Senator Jose "Pedo" Terlaje

Committee on Public Safety, Emergency Response,
Military and Veterans Affairs, Mayors' Council, and Public Transit

36th Guam Legislature

I Mina'trentai Sais na Liheslaturan Guåhan

777 Route 4, MVP Center - Units 101/ 102, Sinajana, GU 96910

Tel: (671) 989-5301/ 3218

Email: senatorpedo@senatorjpterlaje.com

Michaela Celorio <msacelorio.senatorsa@gmail.com>

Tue, Oct 12, 2021 at 12:18 PM

To: Senator Pedo Terlaje <senatorpedo@senatorjpterlaje.com>

Cc: "Office of Senator Frank Blas, Jr." <office@senatorfrankblas.com>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, Clynt Ridgell <clyntridgell@guamlegislature.org>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>, Senator Tony Ada <senatorvanthonyada@gmail.com>, "Senator Mary C. Torres" <senatormary@guamlegislature.org>, "Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Rose Mesa <rose.senatorsa@gmail.com>, Catherine Leon Guerrero <cathy.senatorsa@gmail.com>, Joseph Mesngon <joe.senatorsa@gmail.com>

Noted with thanks.

Michaela Celorio

Research Policy Analyst

Office of Senator Joe S. San Agustin

I Mina'Trentai Sais Na Liheslaturan Guahan

36th Guam Legislature

Chairman, Committee on General Government Operations, Appropriations & Housing

Office of Finance and Budget

Email: msacelorio.senatorsa@gmail.com

Tel: (671) 989-5445

[Quoted text hidden]

Michaela Celorio <msacelorio.senatorsa@gmail.com>

Tue, Oct 12, 2021 at 12:18 PM

To: Senator Pedo Terlaje <senatorpedo@senatorjpterlaje.com>

received with thanks.

Michaela Celorio

Research Policy Analyst

Office of Senator Joe S. San Agustin

I Mina'Trentai Sais Na Liheslaturan Guahan

36th Guam Legislature

Chairman, Committee on General Government Operations, Appropriations & Housing

Office of Finance and Budget

Email: msacelorio.senatorsa@gmail.com

Tel: (671) 989-5445

On Tue, Oct 12, 2021 at 12:15 PM Senator Pedro Terlaje <senatorpedo@senatorjpterlaje.com> wrote:

[Quoted text hidden]

Michaela Celorio <msacelorio.senatorsa@gmail.com>
To: "Senator Mary C. Torres" <senatormary@guamlegislature.org>

Tue, Oct 12, 2021 at 12:19 PM

received with thanks.

Michaela Celorio
Research Policy Analyst
Office of Senator Joe S. San Agustin
I Mina'Trentai Sais Na Liheslaturan Guahan
36th Guam Legislature
Chairman, Committee on General Government Operations, Appropriations & Housing
Office of Finance and Budget
Email: msacelorio.senatorsa@gmail.com
Tel: (671) 989-5445

[Quoted text hidden]

Michaela Celorio <msacelorio.senatorsa@gmail.com>
To: "Office of Senator Frank Blas, Jr." <office@senatorfrankblas.com>

Tue, Oct 12, 2021 at 12:19 PM

received with thanks.

Michaela Celorio
Research Policy Analyst
Office of Senator Joe S. San Agustin
I Mina'Trentai Sais Na Liheslaturan Guahan
36th Guam Legislature
Chairman, Committee on General Government Operations, Appropriations & Housing
Office of Finance and Budget
Email: msacelorio.senatorsa@gmail.com
Tel: (671) 989-5445

On Tue, Oct 12, 2021 at 12:13 PM Office of Senator Frank Blas, Jr. <office@senatorfrankblas.com> wrote:

[Quoted text hidden]

Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org> Tue, Oct 12, 2021 at 12:24 PM
To: Michaela Celorio <msacelorio.senatorsa@gmail.com>
Cc: Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, Clynt Ridgell <clyntridgell@guamlegislature.org>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Senator Tony Ada <senatorvanthonyada@gmail.com>, "Office of Senator Frank Blas, Jr." <office@senatorfrankblas.com>, Senator Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, "Senator Mary C. Torres" <senatormary@guamlegislature.org>, "Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Rose Mesa <rose.senatorsa@gmail.com>, Catherine Leon Guerrero <cathy.senatorsa@gmail.com>, Joseph Mesngon <joe.senatorsa@gmail.com>

To do pass.

Sinseru yan Minagâhet,

Office of the Vice Speaker • Tina Rose Muña Barnes



Committee on Rules

Committee on Public Accountability, Human Resource, Guam Buildup, Hagåtña Revitalization, Regional Affairs, Public Library, Telecommunications, and Technology

36th Guam Legislature

I Mina'trentai Sais na Liheslaturan Guåhan

Guam Congress Building | 163 Chalan Santo Papa | Hagåtña, GU 96910

senatormunabarnes@guamlegislature.org

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Gumai pribilehu yan konfedensia este siha na mensáhi. Solo espesiátmente para hāgu ma entensioña pat ma aturisa para unisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespátcha. Yanggen lachi rinisibu-mu nu este na mensáhi, put fabot ago' guatu gi I numa'huyong gi as senatormunabarnes@guamlegislature.org yan despues destrosa todú siha I kopian mensáhi. Si Yu'os ma'áse'.

On Tue, Oct 12, 2021 at 11:57 AM Michaella Celorio <msacelorio.senatorsa@gmail.com> wrote:

[Quoted text hidden]

Michaella Celorio <msacelorio.senatorsa@gmail.com>

Tue, Oct 12, 2021 at 12:25 PM

To: Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>

Cc: Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, Clynt Ridgell <clyntridgell@guamlegislature.org>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Senator Tony Ada <senatorvanthonyada@gmail.com>, "Office of Senator Frank Blas, Jr." <office@senatorfrankblas.com>, Senator Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, "Senator Mary C. Torres" <senatormary@guamlegislature.org>, "Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Rose Mesa <rose.senatorsa@gmail.com>, Catherine Leon Guerrero <cathy.senatorsa@gmail.com>, Joseph Mesngon <joe.senatorsa@gmail.com>

Noted with thanks.

Michaella Celorio

Research Policy Analyst

Office of Senator Joe S. San Agustin

I Mina'Trentai Sais Na Liheslaturan Guahan

36th Guam Legislature

Chairman, Committee on General Government Operations, Appropriations & Housing

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