

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

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Bill No. 415-31 (COR)

Introduced by:

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**AN ACT TO SUPPORT WOMEN AND SAVE CHILDREN, BY
ADDING A NEW CHAPTER 94 TO TITLE 10 OF THE GUAM
CODE ANNOTATED, WHICH MAY BE CITED AS THE
ACTO PARA MA SAPOTTE I FAMA'LAO'AN YAN PARA MA
SATBA I FAMAGU'ON.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**
2 **Section 1. Findings and Intent.** *I Liheslaturan Guåhan* finds that much
3 attention is given to ending abortion or keeping it legal. *I Liheslaturan Guåhan*
4 finds that more must be done to reduce the abortion rate by helping and supporting
5 pregnant women. *I Liheslaturan Guåhan* further finds that preventing pregnancy
6 is an important part of reducing the abortion rate in Guam. While prevention of
7 unintended or unwanted pregnancy should remain a goal, unintended or unwanted
8 pregnancies will happen. Women who do become pregnant and wish to carry their
9 child to term need the support to achieve this so that abortion is not their only
10 option.

1 Finally, *I Liheslaturan Guåhan* finds that programs are needed to protect
2 infants who have been born but subsequently after birth become victims of
3 desperation and abandonment.

4 **Section 2.** *I Acto para'ma sapotte fama'lao'an yan' para'ma satba i*
5 **famagu'on.** A new Chapter 94 is hereby *added* to Title 10 of the Guam Code
6 Annotated, to read:

7 **“Chapter 94**

8 ***I ACTO PARA MA SAPOTTE I FAMA'LAO'AN YAN PARA MA SATBA I***
9 ***FAMAGU'ON***

10 **Article 1. Foundation** *Para'ma Sapotte Fama'lao'an yan para u Satba*
11 *i Famagu'on.*

12 **Article 2. Programs** *Para'ma Sapotte Fama'lao'an yan para u Satba i*
13 *Famagu'on.*

14 **Article 3. Safe Haven Provider**

15 **Article 1**

16 **Foundation** *Para'ma Sapotte Fama'lao'an yan para u Satba i Famagu'on.*

17 §94101. Establishment of the Foundation *para 'ma Sapotte Fama'lao'an*
18 *yan para u Satba i Famagu'on.*

19 §94102. *Sapotte Fama'lao'an para 'ma u Satba i Famagu'on* Fund.

20 §94103. Board of Directors.

21 §94104. Foundation Information Published on Website.

22 §94105. Reporting Information.

23 **§94101. Establishment of the Foundation** *Para'ma Sapotte*
24 *Fama'lao'an yan para'ma para u Satba i Famagu'on.*

25 *I Måga'lahen Guåhan* is hereby authorized to establish a public, not-for-
26 profit corporation to be called the Foundation to *Para'ma Sapotte Fama'lao'an yan*
27 *para u Satba i Famagu'on* (“Foundation”) that *shall* be separate and apart from the

1 government of Guam for the purposes of supporting the health of expectant
2 mothers and newborns and reducing the number of abortions performed on Guam.

3 **§94102. Foundation *Para'ma Sapotte Fama'lao'an yan para u Satba i***
4 ***Famagu'on Fund.***

5 The Foundation *shall* be able to accept private gifts, donations, endowments,
6 services in-kind, grants and other money which may be offered in support of the
7 Foundation. All such private gifts, donations, endowments, services in-kind,
8 grants and other money *shall* be in accordance with the laws of Guam and subject
9 to reasonable conditions. Such funds as are received *shall* be deposited into a fund
10 as established by the Foundation and known as the *Sapotte Fama'lao'an yan para u*
11 *Satba i Famagu'on* (“Fund”). Expenditures *shall* be made from the Fund in
12 accordance with such conditions as may be attached to appropriations, private
13 gifts, donations, endowments, services in-kind and grants. The Public Auditor
14 *shall* audit the Fund periodically or as warranted.

15 **§94103. Board of Directors.**

16 The Foundation, *shall* be comprised of a nine- (9-) member Board of
17 Directors. *I Måga'lahen shall* appoint the Directors of said corporation and each
18 Director will serve an initial term of one (1) year. *I Måga'lahen shall* serve as
19 temporary chairperson, and *shall* convene the first meeting of the Foundation. At
20 its first meeting the Foundation *shall* elect from among its members its officers,
21 including an Executive Director, and *shall* establish in its articles of incorporation
22 and by-laws the manner of appointment and length of service for Directors and all
23 other rules and regulations relative to operations, investments and programs funded
24 through private gifts, donations, endowments, services in-kind, grants and other
25 money. In the event of a vacancy on the Board of Directors, *I Måga'lahen shall*
26 appoint a replacement for the unexpired term.

27 **§94104. Foundation Information Published on Website.**

1 The Executive Director shall establish an education program for teenagers
2 and young adults to avoid unintended pregnancy.

3 **§94203. Education and Counseling Programs.**

4 The Executive Director *shall* develop programs to educate, inform and
5 counsel pregnant women, to prepare them for parenthood and or educate them on
6 alternatives to abortion.

7 **§94204. Hotline.**

8 The Foundation *shall* establish and maintain a free telephone “hotline” to
9 direct people to:

10 (a) organizations that provide support services for pregnant women to
11 carry their pregnancy to term;

12 (b) adoption centers; and

13 (c) organizations that provide support services to new parents.

14 **§94205. Domestic Violence Reported.**

15 Volunteers or employees who provide services to pregnant women *shall*
16 report to proper authorities if they have reason to believe that a woman is a victim
17 of domestic violence.

18 **§94206. Prohibition.**

19 The Executive Director *shall* prohibit the use of Foundation resources to
20 direct people to an organization or adoption center that is for-profit.

21 **Article 3**

22 **Safe Haven Provider**

23 §94301. Definitions.

24 §94302. Who May Surrender the Infant.

25 §94303. Who May Receive the Infant.

26 §94304. Responsibilities of the Safe Haven Provider.

27 §94305. Immunity for the Provider.

1 §94306. Protection for Surrendering Parent.

2 §94307. Effect on Parental Rights

3 **§94301. Definitions.**

4 (a) *Child* shall mean an infant thirty (30) days or younger.

5 (b) *Medical Provider* shall mean a physician or nurse licensed to practice on
6 Guam, or a medical clinic or hospital on Guam.

7 (c) *Law enforcement* shall mean an officer of or one of the following
8 agencies: the Guam Police Department, the Guam Fire Department, the Child
9 Protective Services Division of DPHSS.

10 **§94302. Surrender of Child to a Public Medical Provider or Public**
11 **Law Enforcement Agency (Safe Haven Provider).**

12 A parent or a person designated by the parent may surrender permanent
13 custody and care of a child to a public medical provider or public law enforcement
14 agency by physically leaving the child with or delivering the child to the medical
15 provider or law enforcement officer or agency.

16 **§94303. Responsibilities of the Safe Haven Provider (SHP).**

17 Any SHP *shall*, without a court order, take possession of a child who is
18 thirty (30) days old or younger if the child is left with or voluntarily delivered to an
19 SHP by the child's parent or person designated by the parent who does not express
20 intent to return for the child. A SHP that takes possession of a child *shall* perform
21 any act necessary to protect the physical health and safety of the child. Upon
22 delivery of the child, the law enforcement agency or medical provider employee
23 *shall* take the child into protective custody for seventy (72) hours and immediately
24 notify the Division of Child Protective Services of the Department of Public Health
25 and Social Services.

26 **§94304. Immunity for the Provider.**

1 A medical provider or law enforcement agency *shall* incur no civil or
2 criminal liability for any good faith acts or omissions performed pursuant to this
3 Act.

4 **§94305. Protection for Surrendering Parent.**

5 The fact that a parent voluntarily delivered a child to and left the child with,
6 or voluntarily arranged for another person to deliver a child to and leave the child
7 with, a medical provider or law enforcement agency serves as an affirmative
8 defense to a prosecution for endangering the child. This section specifically does
9 not constitute a defense to any prosecution arising from an act of abuse or neglect
10 committed prior to the delivery of a child to a medical provider or law enforcement
11 agency.

12 **§94306. Effect on Parental Rights.**

13 The Division of Child Protective Services of the Department of Public Health and
14 Social Services shall file a petition for termination of parental rights within ten
15 days of receiving the child, and initiate a dependency action to place the child in a
16 permanent home.”

17 **Section 2. Abortion Report.**

18 A new item (25) is hereby *added* to subsection (a) of §3218 of Article 2,
19 Chapter 3, Title 10 of the Guam Code Annotated, to read:

20 “(25) Reason(s) the mother intends to abort the pregnancy described in a
21 manner that conceals the identity of the patient.”

22 **Section 3. Notice of Alternatives to Abortion Required.**

23 A new §4402.1 is hereby *added* to Chapter 4A of Division 1 of Title 19,
24 Guam Code Annotated, to read:

25 “§4402.1. Except in the case of a medical emergency, no person shall
26 perform an abortion upon a pregnant woman unless he or she first obtains a written

1 statement from the woman, that she has been made aware that adoption or
2 placement in the “Safe Haven” program is an alternative to abortion.”

3 **Section 4. Appropriation.**

4 Five Hundred Thousand Dollars (\$500,000.00) is hereby appropriated from
5 the Fiscal Year 2012 Healthy Futures Fund to the Foundation *para 'ma Sapotte*
6 *Fama'lao'an yan para 'ma u Satba i Famagu'on*, effective October 1, 2012.

7 **Section 5. Severability.**

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

