

I Mina'trentai Singko 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
135-35 (COR)	Mary Camacho Torres	AN ACT TO ADD A NEW ARTICLE 9 TO CHAPTER 1, DIVISION 1 OF TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO PERMITTING MORE THAN SIX CHILDREN PER FOSTER HOME IN THE STANDARDS FOR FAMILY FOSTER HOMES ON GUAM; AND TO FURTHER ADD SUCH UPDATED STANDARDS REFLECTING THIS ALLOWANCE TO THE GUAM ADMINISTRATIVE RULES AND REGULATIONS.	5/9/19 11:28 a.m.						

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 135 -35 (COR)

Introduced by:

Mary Camacho Torres



AN ACT TO *ADD* A NEW ARTICLE 9 TO CHAPTER 1, DIVISION 1 OF TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO PERMITTING MORE THAN SIX CHILDREN PER FOSTER HOME IN THE STANDARDS FOR FAMILY FOSTER HOMES ON GUAM; AND TO FURTHER ADD SUCH UPDATED STANDARDS REFLECTING THIS ALLOWANCE TO THE GUAM ADMINISTRATIVE RULES AND REGULATIONS.

2019 MAY -9 AM 11:24



BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the rules and regulations governing the Standards for Family Foster Homes (“Standards”) on Guam was established pursuant to § 2407 of Chapter 2, Title 10, Guam Code Annotated through Public Law 23-143 on January 2, 1997.

Further, *I Liheslaturan Guåhan* finds that the Standards permit no more than six (6) children in a family foster home, including the foster parents’ own children.

I Liheslaturan Guåhan takes due note that the Child Protective Services (CPS) of the Bureau of Social Services Administration (Bureau), Department of Public Health and Social Services, has expressed a growing demand for more foster homes and families on Guam. As of May 2019, the CPS indicates that there are two hundred and seventy (270) children currently in foster care placement and thirty-seven (37)

1 licensed foster families on Guam. These figures indicate a substantial rise of children
2 in foster care when compared to previous years.

3 It is the intent of *I Liheslaturan Guåhan* to open more homes to children in
4 need by permitting more than the current standard's limitation of six (6) children,
5 provided the total number of children is approved by the Bureau, and to further add
6 such standards reflecting this allowance to the Guam Administrative Rules and
7 Regulations.

8 **Section 2.** A new Article 9 is *added* to Chapter 1, Division 1 of Title 26, Guam
9 Administrative Rules and Regulations to read:

10 **“Article 9**

11 **Family Foster Homes**

12 **§ 1901. General Provisions.**

13 **§ 1901.1. Purpose.**

14 **§ 1901.2. Authority.**

15 **§ 1901.3. Definitions.**

16 **§ 1902. Procedures for Certification of Family Foster Homes.**

17 **§ 1902.1. Qualification of Applicants.**

18 **§ 1902.2. Social Evaluation.**

19 **§ 1902.3. Approval and Issuance of Certificate.**

20 **§ 1902.4. Renewal of Certificate.**

21 **§ 1902.5. Denial, Suspension, Revocation of Certificate.**

22 **§ 1903. Administration of the Family Foster Home.**

23 **§ 1904. Rights and Responsibilities of Child, Family, Foster Parents**
24 **and Caseworker.**

25 **§ 1904.1. The Child.**

26 **§ 1904.2. The Family.**

27 **§ 1904.3. The Foster Parents.**

1 **§ 1904.4. The Caseworker.**

2 **§ 1905. Care of the Foster Child.**

3 **§ 1906. Foster Family and Home Environment.**

4 **§ 1907. Housing and Sanitation.**

5
6 **§ 1901. General Provisions.**

7 **§ 1901.1. Purpose.**

8 The purpose of these rules and regulations is to formulate standards for family
9 foster homes, and to provide guidelines for certification, issuance and operation of
10 licensing to persons interested in fostering parenting care. These standards are
11 applicable to all family foster homes, and are hereafter referred to as the “Standards
12 for Family Foster Homes.”

13 **§ 1901.2. Authority.**

14 The Department of Public Health and Social Services (hereinafter referred to
15 as the “Department”) is responsible for the placement of foster homes pursuant to
16 10 GCA §2401 et seq., the *Child Welfare Services Act*, and Public Law 96-272. *The*
17 *Adoption Assistance and Child Welfare Act of 1980*, as amended.

18 **§ 1901.3. Definitions.**

19 (a) *Certificate* means a license of approval issued by the Department of
20 Public Health and Social Services authorizing the operation of a family foster
21 home.

22 (b) *Family Foster Home* means a home certified by the Department of
23 Public Health and Social Services which provides substitute family care on a
24 twenty-four (24) hour basis. This care shall be for no more than six (6) children
25 in one home, including the number of children of the foster parents, unless
26 otherwise approved by the Bureau of Social Services Administration.

27 **§ 1902. Procedures for Certification of Family Foster Homes.**

1 All family foster homes shall be licensed by the Department through issuance
2 of a “Certificate for Family Foster Home” (hereinafter referred to as the
3 “Certificate”), indicating that the standards for the care of foster children under these
4 regulations have been met. All applications for Certification shall be submitted to
5 the Bureau of Social Services Administration (BOSSA), Department of Public
6 Health and Social Services (hereinafter referred to as the “Bureau”).

7 **§ 1902.1 Qualification of Applicants.**

8 (a) Married couples may apply to become foster parents by filing a joint
9 application with the Bureau. A copy of the couple’s marriage license should be
10 attached to the application form.

11 (b) Domestic partners may apply to become foster parents by filing a joint
12 application with the Bureau. A domestic partner may apply alone to become a foster
13 parent in the same manner as a single adult.

14 (c) A single person who is eighteen (18) years or older, may apply to
15 become a foster parent by filing an application with the Bureau. This would also
16 include single parents, eighteen (18) years or older.

17 (d) All applicants must provide the Bureau a consent for background check
18 to include the following information:

19 (1) Guam Police Clearance;

20 (2) National Crime Information Center Clearance;

21 (3) Medical History;

22 (4) Employment Information;

23 (5) Copy of recent check stub.

24 (6) Any additional information from whatever source the Bureau
25 deems necessary to complete the required background check.

1 Active duty military applicants, or their dependents, must obtain clearance
2 from their respective investigative agency (Navy Criminal Investigative Services;
3 Office of Special Investigation).

4 (e) All applicants must be residents of Guam, unless they qualify as active
5 duty military or their dependents; United States citizens, or resident aliens.

6 (f) All applicants are required to submit three (3) letters of reference,
7 preferably within Guam, from persons who have adequate personal knowledge of
8 the applicant(s) within the past twelve (12) months prior to application, and who can
9 attest to the good moral character of the applicant(s), members of the applicant(s)
10 immediately family, and ability of the applicant(s) to provide for a good healthy
11 family environment for children.

12 (g) Any person desiring to become a foster parent is not eligible to apply
13 for adoption proceedings during the initial placement of foster children in their
14 home.

15 (h) Relative applicants (persons who are not related by blood or through
16 marriage to the foster child) will be required to apply for foster parent certification.
17 Relative applicants will be referred to the Bureau of Economic Security (BES) for
18 Aid to Families with Dependent Children (AFDC).

19 (1) AFDC compensation is retroactive to day of application.

20 (2) Foster care supplemental payments will be made to eligible
21 applicants.

22 **§ 1902.2. Social Evaluation.**

23 (a) The Bureau will conduct a social evaluation of the applicant(s), as well
24 as the home environment, to determine qualifications under these regulations. The
25 social evaluation shall be maintained in the applicant(s)' file.

26 (b) The social evaluation will take into account the applicant's personal
27 character, fitness, and factors which show competency for the care of foster children.

1 **§ 1902.3. Approval and Issuance of Certificate.**

2 (a) On the basis of the social evaluation indicating the applicant has
3 satisfactorily met the requirements under these regulations, the Department shall
4 issue a Certificate showing approval for licensing as a family foster home. The
5 Certificate shall provide for the name of the applicant, maximum number of foster
6 children permitted, and the period for which the Certificate is issued.

7 (b) If the foster home under evaluation will accept only a specific child, or
8 a child for whom service is requested, who is already living in the foster home, the
9 Department may issue a Certificate for a specific child if the home meets the
10 requirements under these regulations. Studies on foster homes for a specific child
11 already living in the home shall be completed no later than two (2) months from the
12 date the Bureau became aware of the placement.

13 (c) The Certificate shall be effective for a period of two (2) years from the
14 date of issuance. The Certificate is non-transferable or assignable, and any attempt
15 to transfer or assign the Certificate is void. The Certificate may be terminated sooner
16 either by revocation, decision of the foster parent to no longer engage in the services
17 as a foster parent, displacement of the child by order of the Court, or change of
18 residency.

19 (d) A Provisional Certificate may be issued for a period of sixty (60) days
20 for those unable to meet requirements under the social evaluation, if it has been
21 reasonably determined that all requirements will be met no later than forty-five (45)
22 days from date of issuance of the provisional certificate, and provided that the health
23 and safety of the child is not in jeopardy by such temporary placement.

24 (e) The Certificate should be available for inspection by the Bureau upon
25 request.

26 **§ 1902.4. Renewal of Certificate.**

1 A Certificate may be renewed by the Bureau every two (2) years upon
2 submittal of a satisfactory re-evaluation report indicating that the home continues to
3 provide the standard of care which meets the requirements of these regulations. A
4 Provisional Certificate cannot be renewed.

5 **§ 1902.5. Denial, Suspension, Revocation of Certificate.**

6 (a) The Department may deny a Certificate when an applicant fails to meet
7 the standards for issuance of a Certificate under these regulations, has been
8 convicted of a felony, or a crime involving violence, alcohol or drug abuse, sex
9 offenses, crimes involving moral turpitude, or any other offense which indicates that
10 the applicant may pose a threat to the welfare of the foster child.

11 The Bureau must provide the Director of Public Health and Social Services
12 (hereinafter referred to as the “Director”) in writing, the basis for its
13 recommendation and reasons for denial of the Certificate. The applicant is entitled
14 to a written explanation of the Bureau’s recommendation for denial. The applicant
15 may request to meet with the Director after denial, to discuss the basis for the denial.
16 No hearing is required or mandated. The decision of the Director is final.

17 (b) A Certificate may be suspended for a period of ninety (90) days by the
18 Bureau if it has been determined that the foster parent has fallen into noncompliance
19 with the Standards for Family Foster Homes. The foster parent will be informed of
20 the specific violations of the standards in writing, and will be allowed to correct the
21 failures within a given period of time not to exceed the period of suspension. If the
22 foster parent continues to violate the standards without effort for corrective action
23 for the period of the suspension, the Bureau may recommend that the Certificate be
24 revoked.

25 (c) A Certificate will be revoked if it is determined by the Bureau that the
26 foster parent is in violation of any of the provisions of 10 GCA § 2408, has been
27 convicted of a crime involving violence, alcohol, drug abuse, sex offense, moral

1 turpitude, or any offense which would indicate the foster parent presented a threat
2 to the welfare of the foster child. The Bureau shall provide the foster parent a notice
3 of intent to revoke the Certificate, and allow the foster parent ten (10) days to
4 respond to the notice. The foster parent may request to meet informally with the
5 Bureau to discuss the basis for the notice to revoke. After the ten (10) days has
6 elapsed, whether or not response is made by the foster parent, the Bureau may
7 forward its recommendation to revoke to the Director. The foster parent is entitled
8 to a hearing before a decision is made by the Director. The Director shall make a
9 final determination no later than thirty (30) days after the hearing. The final decision
10 shall be provided to the foster parent in writing in the same manner as the service of
11 all notices.

12 (d) All notices required under this section to be provided, shall be made by
13 registered mail, or by personal service.

14 **§ 1903. Administration of the Family Foster Home.**

15 (a) Number of Children to be Cared.

16 (1) There shall be no more than six (6) children in a foster home,
17 including the foster parents' own children, unless approved by the Bureau. In
18 the event the foster family is interested in providing day care to children, in
19 addition to caring for foster children, the total number of children shall not
20 exceed six (6) unless approved by the Bureau. This does not prevent older
21 foster children from providing day care for younger children, provided it is
22 not detrimental to the children in the home. The foster home, however, must
23 meet the requirements under both the standards herein and those under family
24 day care homes.

25 (2) No more than two (2) children under the age of two (2), shall be
26 cared for in a home by one (1) foster parent, unless there is additional help

1 approved by the Bureau. At no time should there be more than four (4)
2 children under the age of two (2), including the foster parent's children.

3 (3) A home which accepts Bureau placements, shall not accept
4 children from any source without the Bureau's permission.

5 (b) Records.

6 (1) A current register of all children admitted shall be kept by the
7 family foster home, and shall be open to inspection by the Bureau upon
8 request. The register shall include:

9 (A) A listing of children accepted for placement by name, age,
10 date placed and date removed, Power of Attorney, foster child's
11 attorney name, and contact person from the Bureau;

12 (B) A health record including proof of medical/dental
13 insurance coverage, on each foster child with a record of immunization
14 dates, name of physician and the physician's address, telephone
15 number, and the information of how and when to contact the Bureau;

16 (2) All records concerning the foster child shall be kept
17 confidential and available only to duly authorized persons of the
18 Department:

19 (c) Contacts with the Family Foster Home. The family foster home shall
20 be visited by the Bureau staff once a month, or as frequently as needed to assure the
21 continued well-being of the foster child and that the family foster home continues to
22 meet the requirements for certification.

23 **§ 1904. Rights and Responsibilities of Child, Family, Foster Parents**
24 **and Caseworker.**

25 The Department recognizes that the child, family and foster parents have
26 certain rights and responsibilities as set forth herein:

27 **§ 1904.1 The Child.**

1 It is important for the child to have a voice and participate in decisions,
2 consistent with his age and ability. The child has the right to receive honest
3 information, have regular visitation with family and significant others, as per the
4 service plan agreement, and to have and contact a Guardian Ad Litem or Attorney
5 appointed by the Court. The child has a right to participate in permanency planning
6 at the earliest possible time.

7 **§ 1904.2 The Family.**

8 Responsibilities of the parent(s) include:

- 9 (a) Cooperating and planning with the Bureau for their child(ren);
10 (b) Retaining their parental role as much as possible;
11 (c) Maintaining contact with their child(ren); and
12 (d) Maintaining contact with the Bureau.

13 Parent(s) have certain basic rights as it relates to their child(ren), these
14 include:

- 15 (e) The right to be informed about major decisions regarding their
16 child(ren);
17 (f) The right to consent to: adoption, surgery, enlistment in the armed
18 forces, marriage of their child(ren);
19 (g) To receive notification of hearings and other reviews concerning the
20 welfare of their child(ren); and
21 (h) To receive current information on the child's health, status, and
22 placement adjustment.

23 **§ 1904.3 The Foster Parents.** The foster parents' rights and
24 responsibilities include:

- 25 (a) The decision to remain a foster parent;
26 (b) The evaluation of their capacity to work with a particular foster child
27 and the problems involved in the child's situation; and

1 (c) Being informed of decisions regarding the foster child, including
2 placement decisions.

3 **§ 1904.4 The Caseworker.**

4 (a) The caseworker's responsibilities with the foster child include openly
5 dealing with the separation and loss from the child's family. The trauma is lessened
6 if the worker helps the child face such feelings before removal by explaining reason
7 for removal and the service plan. The child, dependent on age, should understand
8 the purpose of placement, the rules of, and participate in the development of case
9 plan.

10 (b) The caseworker's responsibilities with the parents of the foster child
11 include:

12 (1) Understanding the parents' feelings regarding the placement,
13 and proceeding accordingly;

14 (2) Making clear the reasons for separation;

15 (3) Maintaining frequent contact, if possible, with the parents; and

16 (4) Having the parents understand the rules and expectations of
17 placement, their expected role, the type of care offered, and anticipated
18 duration.

19 (c) The caseworker's responsibilities with the foster family include:

20 (1) Sharing information about the child they are to care for and the
21 child's feelings and ensuing behaviors regarding the separation; and

22 (2) Help the foster parents in coping with the child's reactive
23 behavior until the child can understand separation, process feelings and
24 adjust to the new situation.

25 (d) The caseworker's responsibilities include:

26 (1) Assessing clothing and personal needs prior to placement of the
27 child;

1 (2) Conducting visitations for the child;

2 (3) Arranging for all counseling services;

3 (4) Ensuring that educational and medical needs of the child are
4 met;

5 (5) Supporting the role of the foster parents by maintaining
6 monthly contacts with the foster parents, or more often if indicated;

7 (6) Assisting in respite arrangements when needed; and

8 (7) Keeping the foster parent abreast of the child's permanency
9 plans.

10 **§ 1905. Care of the Foster Child.**

11 (a) Member of Foster Family. A foster child shall be cared for as a family
12 member and shall share in the family's pleasures and responsibilities. The foster
13 parents shall report to the Bureau any change which adversely affects the child.
14 under foster care.

15 (b) Health. A foster child shall have a complete physical examination by a
16 licensed physician on initial placement or as soon as appointments can be secured,
17 and at least once a year thereafter. The examinations shall indicate:

18 (1) The presence of any communicable condition;

19 (2) Known allergies;

20 (3) Physical and/or mental handicaps or limitations; and

21 (4) Other specific health needs.

22 The foster parents shall be provided pertinent information on the health of
23 each child placed in their home.

24 (c) Emergencies. Foster parents shall obtain instructions from the Bureau
25 regarding procedures to follow in case of natural disasters, and if the foster child
26 experiences sudden illness or accidents. Severe illness, serious injuries, accident,
27 runaway, or death of the child shall be reported immediately to the Bureau.

1 (d) Nutrition. Food provided for the foster child must be age-appropriate,
2 sufficient in quantity, and adequate for good nutrition. Special care must be given to
3 the child's nutritional needs, i.e. age factors, special health concerns, allergies, etc.

4 (e) Clothing and Personal Supplies. A foster child's clothing shall be kept
5 clean and in proper condition of repair, and shall be of appropriate size. Each foster
6 child shall be provided with individual combs, toothbrushes, and other necessary
7 toiletries.

8 (f) Recreation and Social Activities. A well-balanced daily program
9 including time for rest appropriate to the child's age, regular meal hours, and
10 recreation shall be provided for the foster child. The foster parents shall cooperate
11 with the Bureau for the child to participate in appropriate social and recreational
12 activities in the community. Foster parents shall cooperate with the Bureau to make
13 it possible for the child to visit with parents and relatives.

14 (g) Training and Discipline. Child training and discipline shall be carried
15 out with kindness and understanding. No child shall be subjected to any form of
16 punishment or action which would endanger the child's physical or emotional well-
17 being. As a member of the family, a foster child shall participate in home duties
18 commensurate with the child's age, which do not interfere with school, health, and
19 necessary recreation, and which are shared with any other children in the foster
20 home.

21 (h) Education. Regular school attendance shall be expected of all children
22 in accordance with state laws. Attention shall be given to the special educational
23 needs of the foster child.

24 (i) Religion. The religious faith of each child shall be respected and the
25 child shall be afforded the opportunity to attend the church, Sunday school, or both,
26 of the child's parent, or legal guardian or, in their absence, of the child's choice.

1 (j) Absence from Foster Family Home. When a child is to be absent from
2 the family foster home overnight or longer, the foster parents shall secure permission
3 from the Bureau. Absence of a child without permission of the foster parents shall
4 be reported immediately by the foster parents to the Bureau. After working hours,
5 runaways shall be reported to the Bureau as soon as possible.

6 **§ 1906. Foster Family and Home Environment.**

7 (a) Health of Foster Family.

8 (1) All members of the household shall be free from communicable
9 disease(s) and from physical and emotional conditions which may adversely
10 affect the foster parents' ability to care for the children.

11 (2) The following written medical reports shall be submitted by the
12 foster parents to the Bureau prior to the initial approval of a family foster
13 home:

14 (A) Physical examination of the foster parent by a licensed
15 physician;

16 (B) Tuberculosis clearance in accordance with current
17 Department regulations.

18 (C) Annual tuberculosis clearance shall be required of all
19 household members with known positive tuberculin reactions.

20 (D) Any person who moves into the family foster home after
21 a Certificate has been issued, shall have a tuberculosis clearance and a
22 physical examination certification.

23 (E) Failure to comply with this section may result in
24 revocation of the Family Foster Home Certificate.

25 (b) Income.

26 (1) Income of the foster family shall be reasonably steady and
27 sufficient to maintain an adequate standard of living. The foster family shall

1 have an income adequate to meet their needs from a source other than board
2 payments for the care of foster children.

3 (2) No business shall be conducted on the premises which would
4 adversely affect the welfare of the children under the foster parents' care.

5 (c) Employed Foster Parents. The employment of the foster parents shall
6 not interfere with the care of the children. Child care arrangements must have
7 prior approval by the Bureau.

8 (d) Absence from the Home. When the foster parents are absent from the
9 home because of emergencies or planned vacations or other reasons, the
10 arrangements for the supervision of the foster child(ren) must be approved by the
11 Bureau prior to the implementation of such arrangement.

12 **§ 1907. Housing and Sanitation.**

13 (a) Requirements. The home shall comply with acceptable state standards
14 on housing and sanitation as follows:

15 (1) Sleeping Arrangements.

16 (A) The sleeping arrangement for a foster child shall include:
17 suitable light, ventilation, and provision for proper rest.

18 (B) The foster parents' own child(ren) shall not be displaced
19 because of the presence of a foster child(ren).

20 (C) Sleeping arrangements should be such that a separate bed
21 can be provided for each child.

22 (D) There should be sufficient sleeping space for the foster
23 family and foster child(ren).

24 (E) Sleeping rooms should not be shared by children of
25 opposite sexes over the age of five (5), or with other adults, unless
26 approved by the Bureau.

1 (F) Except for infants, sleeping arrangements should be such
2 that a space is provided within the sleeping room for the child's
3 personal possessions and for a reasonable degree of privacy.

4 (G) No foster child shall sleep in a detached building without
5 supervision, or in an unfurnished attic, basement, hallway, or
6 stairwell.

7 (2) Running water shall be available for bathing facilities and the
8 waste from the running water shall be connected to a public sewage system or
9 other approved method.

10 (3) The home shall have sanitary flush toilets.

11 (4) There shall be adequate artificial and natural light and ventilation
12 available where the foster home is located.

13 (5) Storage of food in the home shall be free from vermin infestation
14 and perishable food shall be stored in a refrigerator.

15 (6) Preparation of food shall be in a kitchen properly screened with
16 adequate sink facilities.

17 (7) All eating and drinking utensils shall be thoroughly cleaned after
18 each usage.

19 (8) The home shall have an approved source of potable water.

20 (9) Adequate laundering facilities shall be available.

21 (10) The home shall have adequate facilities for the proper disposal
22 of sewage with all plumbing connected to a public sewage system or other
23 approved method.

24 (11) The home shall have proper facilities for the disposal of garbage
25 and refuse.

1 (12) The premises shall be kept in a sanitary and safe condition. There
2 shall be protection from fire hazards, medications, poisons, household
3 cleaning supplies, dangerous tools, and weapons.

4 (b) Equipment and Furnishings.

5 (1) Each child shall be provided adequate space for clothing and
6 belongings.

7 (2) Each child shall be provided with an individual bed, except that
8 two (2) brothers or two (2) sisters may share a double bed, preferably for a
9 temporary period only. Bunk beds with no more than two (2) tiers shall be
10 used only on a selected basis as appropriate to the child's age and situation.
11 Proper ladders and guards must be provided for upper bunks.

12 (3) Each bed or crib shall be of a size as to insure comfort of the
13 child, shall have good level springs and mattress, clean, comfortable bedding
14 and linen, and waterproof covering, if needed.”

15 **Section 3. Effective Date.** The Department of Public Health and Social
16 Services shall have thirty (30) days from the enactment of this Act to amend the
17 Standards for Family Foster Homes in compliance with the rules promulgated in
18 Section 2 of this Act.

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