

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
159-35 (COR)	Therese M. Terlaje Mary Camacho Torres	AN ACT TO AMEND § 1101.5(m) AND ADD A NEW SUBSECTION (e) TO § 1102.8, BOTH OF CHAPTER 1, ARTICLE 1, TITLE 26, GARR, RELATIVE TO INCREASING EMERGENCY AND TEMPORARY SHELTER CAPACITY FOR CHILDREN PLACED UNDER THE PROTECTIVE CUSTODY OF CHILD PROTECTIVE SERVICES.	6/6/19 4:12 p.m.						

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

Bill No. 159-35 (COR)

Introduced by:

Therese M. Terlaje *TMT*
Mary Camacho Torres *NCT*

**AN ACT TO AMEND § 1101.5(m) AND ADD A NEW
SUBSECTION (e) TO § 1102.8, BOTH OF CHAPTER 1,
ARTICLE 1, TITLE 26, GARR, RELATIVE TO
INCREASING EMERGENCY AND TEMPORARY
SHELTER CAPACITY FOR CHILDREN PLACED
UNDER THE PROTECTIVE CUSTODY OF CHILD
PROTECTIVE SERVICES.**

2019 JUN -6 PM 4: 12 *Jr*

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that pursuant to § 13302 of Chapter 13, Title 19, Guam Code Annotated, the Child
4 Protective Services (CPS) of the Bureau of Social Services, Department of Public
5 Health and Social Services (DPHSS), shall assume protective custody of a child
6 without a court order and without consent of the child’s family regardless of whether
7 the child’s family is absent if, in the discretion of such police officer, Child
8 Protective Services social worker or physician, the child is in such circumstances or
9 condition that the child’s continuing in the custody or care of the person responsible
10 for the child’s welfare presents a situation of harm or threatened harm to the child.

11 *I Liheslaturan Guåhan* further finds that the rising numbers of children placed
12 in the protective custody of CPS and limited number of licensed foster care homes
13 to provide emergency or temporary shelter presents a challenge to the protective

1 placement of children. CPS has recently reported 270 children in foster care, 12
2 children in emergency children shelters, and 35 children waiting for foster
3 placement. Furthermore, a Group Child Care Home or facility is limited in
4 occupancy and capacity to at least seven (7) children, and not more than twelve (12)
5 children, during all or part of a twenty-four hour period.

6 *I Liheslaturan Guåhan* finds that DPHSS will soon complete construction of
7 the \$14 million federally funded, *I Guma Mina'ase*, "House of Mercy," a 7,000
8 square feet temporary facility planned by DPHSS and the Rigålu Foundation, as a
9 temporary home for children waiting to be placed in foster care.

10 It is the intent of *I Liheslaturan Guåhan* to support the increasing need for
11 shelter for children placed in the protective custody of CPS by authorizing the
12 Director of the Department of Public Health And Social Services, to grant a waiver
13 allowing Group Child Care Homes to exceed the maximum capacity of twelve (12)
14 children, for the protective placement of a child determined to be in a situation of
15 harm or threatened harm. Nothing in this bill is intended to lessen federal mandates
16 or child to caretaker ratios.

17 **Section 2.** § 1101.5(m) of Chapter 1, Article 1, Title 26, Guam
18 Administrative Rules and Regulations, is *amended* to read:

19 “(m) Group eChild eCare hHome means a home or facility which
20 provides child care for at least seven (7), and not more than twelve (12)
21 children, during all or part of a twenty-four (24) hour day. The Director may
22 waive the maximum capacity of twelve (12) children for a Group Child Care
23 Home for the emergency or temporary placement of children in the
24 protective custody of the Child Protective Services.”

25 **Section 3.** A new subsection (e) is hereby *added* to § 1102.8 of Chapter 1,
26 Article 1, Title 26, Guam Administrative Rules and Regulations, to read:

1 “(e) The Director may waive the maximum capacity of twelve (12)
2 children for a Group Child Care Home for the emergency or temporary
3 placement of children in the protective custody of the Child Protective
4 Services.”

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