

*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) As amended on the Floor	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.	6/21/19	Committee on Higher Education and the Advancement of Women, Youth, and Senior Citizens	7/11/19 9:00 a.m.	8/5/19 8:28 a.m.	Request: 6/21/19  7/11/19	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES	
	8/14/19	AN ACT TO AMEND § 1101.5(m) AND ADD A NEW SUBSECTION (e) TO § 1102.8 OF CHAPTER 1, ARTICLE 1, TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO INCREASING EMERGENCY AND TEMPORARY SHELTER CAPACITY FOR CHILDREN PLACED UNDER THE PROTECTIVE CUSTODY OF CHILD PROTECTIVE SERVICES.	8/22/19	8/23/19	9/4/19	35-35	9/4/19	Received: 9/4/19 Mess and Comm. Doc. No. 35GL-19-0980.	

UFISINAN I MAGA'HÅGA  
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO  
MAGA'HÅGA • GOVERNOR



JOSHUA F. TENORIO  
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

HAND DELIVERED

September 4, 2019

HONORABLE TINA MUNA BARNES

Speaker

*I Mina'trentai Singko Na Liheslaturan Guåhan*

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96932

35GL-19-0980  
Speaker Tina Rose Muña Barnes

SEP 04 2019  
Time 4:17 ( )AM (X)PM  
Received By: Matt

2019 SEP -4 PM 5:12

Re: **Bill No. 135-35 (COR) – *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 (6) Children Per Foster Home In The Standards For Family Foster Homes On Guam; And To Add Such Updated Standards To The Guam Administrative Rules And Regulations To Reflect This Allowance.***

and **Bill No. 159-35 (COR) – *An Act To Amend § 1101.5(m) And Add A New Subsection (e) to § 1102.8 Of Chapter 1, Article 1, Title 26, Guam Administrative Rules And Regulations, Relative To Increasing Emergency And Temporary Shelter Capacity For Children Placed Under The Protective Custody Of Child Protective Services.***

Dear Madame Speaker:

Over two decades ago, I co-sponsored a bipartisan bill establishing rules and regulations relative to standards for family foster homes. Today, Bill No. 135-35 awaits my signature which supplements the bipartisan efforts that I and then senators Elizabeth Barrett-Anderson and Joanne Brown worked on long ago.

These rules and regulations have remained untouched for years. Perhaps the longevity of our twenty-year old standards is indicative of strong legislation that was born in a time during which the legislative body worked together with great fortitude. More realistically, however,

0980

To: Speaker Tina Muna Barnes  
Fr: Governor of Guam  
Dated: September 4, 2019  
Re: Bill Nos. 135-35 and 159-35

Page 2 of 2

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it has taken this long for the cries of our foster children to reach the ears of our lawmakers again. It is our foster families that have maintained the resolve these twenty years. They have not only opened their hearts and homes to our island's children, but have also fought to change policy so that they could care for more when the government has not.

I am encouraged with Bill No. 135-35 and Bill No. 159-35, which I have signed into law as **Public Laws 35-34 and 35-35**, respectively. These laws provide our foster children with better opportunity for immediate shelter and care. More importantly, they direct much deserved attention to the broader issues that foster families encounter every day of their lives. We, as lawmakers, should and will do more to help tackle these issues.

*Senseremente,*



**LOURDES A. LEON GUERRERO**

*Maga'hågan Guåhan*

Governor of Guam

Enclosure(s): Bill No. 135-35 nka Public Law 35-34  
Bill No. 159-35 nka Public Law 35-35

cc via email: *Sigundo Maga'låhen Guåhan*  
Compiler of Laws


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

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


This is to certify that **Bill No. 159-35 (COR)**, “AN ACT TO *AMEND* § 1101.5(m) AND *ADD* A NEW SUBSECTION (e) TO § 1102.8 OF CHAPTER 1, ARTICLE 1, TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO INCREASING EMERGENCY AND TEMPORARY SHELTER CAPACITY FOR CHILDREN PLACED UNDER THE PROTECTIVE CUSTODY OF CHILD PROTECTIVE SERVICES,” was on the 22<sup>nd</sup> day of August 2019, duly and regularly passed.

  
\_\_\_\_\_  
Tina Rose Muña Barnes  
Speaker

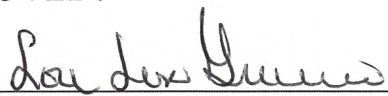
Attested:

  
\_\_\_\_\_  
Amanda L. Shelton  
Legislative Secretary

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This Act was received by *I Maga'hågan Guåhan* this 23 day of August,  
2019, at 9:17 o'clock 2.M.

  
\_\_\_\_\_  
Assistant Staff Officer  
*Maga'håga's Office*

APPROVED:

  
\_\_\_\_\_  
Lourdes A. Leon Guerrero  
*I Maga'hågan Guåhan*

Date: 9/4/2019

Public Law No. 35 - 35

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

**Bill No. 159-35 (COR)**

As amended on the Floor.

Introduced by:

Therese M. Terlaje  
Mary Camacho Torres  
Régine Biscoe Lee  
Telena Cruz Nelson  
Telo T. Taitague  
Louise B. Muña  
Tina Rose Muña Barnes  
James C. Moylan  
Joe S. San Agustin  
William M. Castro  
Kelly Marsh (Taitano), PhD  
Sabina Flores Perez  
Clynton E. Ridgell  
Amanda L. Shelton  
Jose "Pedo" Terlaje

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

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 Article 3, Chapter 13, Title 19, Guam Code Annotated,

1 a police officer, Child Protective Services (CPS) social worker, or physician *shall*  
2 assume protective custody of a child without a court order and without consent of  
3 the child's family regardless of whether the child's family is absent if, in the  
4 discretion of such police officer, Child Protective Services social worker, or  
5 physician, the child is in such circumstances or condition that the child's continuing  
6 in the custody or care of the person responsible for the child's welfare presents a  
7 situation of harm or threatened harm to the child.

8 *I Liheslaturan Guåhan* further finds that the rising number of children placed  
9 in the protective custody of CPS and a limited number of licensed foster care homes  
10 to provide emergency or temporary shelter presents a challenge to the protective  
11 placement of children. CPS has recently reported that there were two hundred  
12 seventy (270) children in foster care, twelve (12) children in emergency children  
13 shelters, and thirty-five (35) children waiting for foster placement. Furthermore, a  
14 Group Child Care Home or facility is limited in occupancy and capacity to at least  
15 seven (7) children, and not more than twelve (12) children, during all or part of a  
16 twenty-four (24)-hour period.

17 *I Liheslaturan Guåhan* finds that the Department of Public Health and Social  
18 Services (DPHSS) will soon complete construction of the Fourteen Million Dollars  
19 (\$14,000,000) federally-funded, *I Guma Mina'ase*, "House of Mercy," a seven  
20 thousand (7,000) square foot temporary facility planned by DPHSS and the *Rigålu*  
21 Foundation, as a temporary home for children waiting to be placed in foster care.

22 It is the intent of *I Liheslaturan Guåhan* to support the increasing need for  
23 shelter for children placed in the protective custody of CPS by authorizing the  
24 Director of Public Health and Social Services to grant a waiver allowing Group  
25 Child Care Homes to exceed the maximum capacity of twelve (12) children for the  
26 protective placement of a child determined to be in a situation of harm or threatened

1 harm. Nothing in this Act is intended to lessen federal mandates or child-to-  
2 caretaker ratios.

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

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

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

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

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