

*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 |
|--------------|--|--|---------------------|---------------|---------------|---------------------|-----------------------------|--------------|-------|
| 108-36 (COR) | Mary Camacho Torres<br>Tina Rose Muña Barnes<br>Amanda L. Shelton<br>Telena Cruz Nelson<br>Jose “Pedo” Terlaje<br>Joe S. San Agustin<br>Frank Blas Jr.<br>James C. Moylan<br>V. Anthony Ada<br>Christopher M. Duenas | AN ACT TO <i>AMEND</i> §1302, §1308, AND §1310(b)(1)(A) OF ARTICLE 3, CHAPTER 1, TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO STREAMLINING ADOPTION POLICIES AND PROCEDURES IN GUAM. | 4/6/21<br>5:19 p.m. |               |               |                     |                             |              |       |

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

**Bill No. 108-36 (COR)**

Introduced by:

Mary Camacho Torres *May C. Torres*  
Tina Rose Muña Barnes *Tina Barnes*  
Amanda L. Shelton *Amanda Shelton*  
Telen Cruz Nelson *Telen Cruz Nelson*  
Jose "Pedro" Terlaje *Jose Terlaje*  
Joe S. San Agustin *Joe S. San Agustin*  
Frank F. Blas Jr. *Frank F. Blas Jr.*  
James C. Moylan *James C. Moylan*  
V. Anthony Ada *V. Anthony Ada*  
Christopher M. Duenas *CMD*

**AN ACT TO *AMEND* §1302, §1308, AND §1310(b)(1)(A) OF  
ARTICLE 3, CHAPTER 1, TITLE 26, GUAM  
ADMINISTRATIVE RULES AND REGULATIONS,  
RELATIVE TO STREAMLINING ADOPTION POLICIES  
AND PROCEDURES IN GUAM.**

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

**Section 1.** §1302 of Article 3, Chapter 1, Title 26, Guam Administrative  
Rules and Regulations is hereby *amended* to read:

**"§1302. Intent of the Law.**

(a) According to Section 221.1 of the Civil Code of Guam and Public Law 13-  
133, the purpose of the adoption law is: "to protect and promote the welfare  
of children, natural parents and adoptive parents and thereby promote the  
welfare of the Territory of Guam."

1 (b) The law, therefore, provides several basic safeguards, including the  
2 requirement that:

3 (1) the child be legally free for adoption; that natural parent's consent  
4 or termination of their parental rights have been secured by judicial  
5 decree;

6 (2) that the child is placed in an adoptive home by Social Services or an  
7 adoption agency duly licensed under Guam law, except in relative  
8 adoptions;

9 (3) that social studies be submitted and considered prior to judgment on  
10 adoption petitioners;

11 (4) and that the child live in the adoptive home for a period of up to one  
12 year under the guidance and supervision of Social Services or an  
13 adoption agency duly licensed under Guam law."

14 **Section 2.** §1308 of Article 3, Chapter 1, Title 26, Guam Administrative  
15 Rules and Regulations is hereby *amended* to read:

16 **"§1308. Selection of Adoptive Parents-Adoption Screening Committee.**

17 **(a) Purpose:** The Adoption Screening Committee (ASC) has the  
18 responsibility of reviewing adoption applications and eventually selecting adoptive  
19 parents for each child legally available for adoption and/or given up to this agency  
20 for placement.

21 **(b) Composition of Committee:** The Adoption Section Committee shall be  
22 composed of, but not limited to, the following four (4) on-going members:

23 (1) The Adoption Supervisor.

24 (2) Natural Parent's caseworker or child(ren)'s caseworker.

25 (3) Adoption caseworker not involved in the case.

26 (4) A third social worker or other staff assigned by the Adoption  
27 Supervisor.

1                   (5) A representative from an independent adoption agency.

2           **(c) Chairman of the Committee.** The Chairman of the Committee shall be  
3 appointed by the Adoption Supervisor. Said Supervisor may assume the position of  
4 Chairman and shall have equal voting rights. The duties of the Chairman shall  
5 include:

6                   (1) Making arrangements for the group to meet initially, as soon as  
7 possible, but no later than a month prior to the estimated date of delivery  
8 (EDD) of the natural mother. ~~Otherwise,~~ If the child is already born, and older  
9 than one month old, the ASC shall meet as soon as possible. An infant  
10 relinquished under the Newborn Infant Safe Haven Act, pursuant to Article 5,  
11 Chapter 13 of Title 19, Guam Code Annotated, will not require a meeting  
12 under the ASC.

13                  (2) Designating assignments or tasks for the members, who shall meet at least  
14 weekly until adoptive parents are selected for the child.

15           **(d) Recording of Committee Decisions:** The Chairman shall designate a  
16 secretary to record the step-by step decisions made by the committee, including the  
17 names of applicants screened and reasons for their acceptance or rejection in the  
18 deliberations. The decision of the Committee regarding the Adoptive Parents chosen  
19 shall be preliminary, pending concurrence by the Social Services Administrator, who  
20 shall review the minutes and home studies of the Applicants, and provide the  
21 Committee with written feedback within five (5) working days thereafter.

22           **(e) Considerations in the Screening Process:**

23                   (1) The Committee shall first make reasonable efforts to respect the  
24 natural parent(s) wishes regarding the religion, race and/or age of the  
25 prospective adoptive parent(s).



1 (2) The Committee shall next make reasonable efforts to match each  
2 child with an applicant who has requested a child with similar characteristics  
3 as to age and sex.

4 (3) If more than one applicant meets the above criteria, the committee  
5 shall give preference to childless applicant(s). Among childless applicants,  
6 those who applied first shall be preferred.

7 **(f) Criteria for ~~For~~ Selection of Adoptive Parent(s):**

8 (1) The primary consideration in selection Adoptive Parent(s) should  
9 be the special needs and “best interests” of the child.

10 (2) The capabilities of the potential parents to meet these needs is the  
11 next factor in matching child with Adoptive Parents.

12 (3) If at all possible, the child will be matched with characteristics of  
13 the potential Adoptive Parents (e.g., ethnicity, physical characteristics, etc.)  
14 to increase the chances of the child “fitting in” with the family.

15 (4) Handicapped or disabled children, or those with special needs, may  
16 have other specific criteria made applicable - to be determined by the  
17 Adoption Selection Committee, as needed.

18 (5) For all Native American (Indian) children, efforts must be made to  
19 place these children with American Indian families, in accordance with the  
20 *Indian Child Welfare Act of 1978* (P.L. 95-608).

21 (6) The Adoption Selection Committee shall compile a list of Specific  
22 Criteria to be used for selection on a case-by-case basis.

23 (7) Priority consideration will be given to current foster parents, if  
24 applicable.

25 **(g) Procedures in Making Selection:**

26 (1) The Committee, when using the above priorities and criteria for  
27 selection, shall narrow down the applicants to three (3) names.

1 (2) The Chairman shall assign ~~an~~ each applicant to ~~each~~ a committee  
2 member to interview individually and to conduct a pre-adoption home study.  
3 All applicants must be interviewed.

4 (3) Upon completion of home studies, the committee will review each  
5 home study and request another interview of all three (3) applicants, if  
6 necessary, in order to make the final selection.

7 (4) Selection of the family at this point, however, must be recognized  
8 as preliminary, dependent on adjustment of child and family, and prior  
9 concurrence by the Social Services Administrator on the decision of the  
10 Committee.

11 **(h) Procedures involving the Adoptive Child:**

12 (1) Prior to birth, after the natural parent(s) has signed initial  
13 "Relinquishment of Parental Rights" papers, the caseworker shall make  
14 arrangement with the hospital involved to take custody of the child and  
15 immediately contact an adoption agency to take guardianship upon discharge  
16 from the hospital. The following guidelines should be adhered to:

17 (A) ~~Copy~~ A copy of the Relinquishment papers shall be given to  
18 hospital officials, particularly the Obstetrics department.

19 (B) The Obstetric (OB) Nurse shall be given instructions that the  
20 mother shall not see the newborn, if that decision has been made, and that the  
21 mother has chosen not to take part in the childbirth-child care classes.

22 (C) The adoption ~~Adoption~~ worker shall request that the agency be  
23 informed of discharge date of the mother and child. The adoption ~~Adoption~~  
24 worker shall make arrangements with the hospital personnel to have the  
25 mother discharged sooner than the child's discharge.

26 (2) The newborn child shall be taken by an adoption agency  
27 representative to a pre-approved adoptive home or temporary shelter care

1 home until permanent placement occurs. ~~the natural parent's caseworker to a~~  
2 ~~previously arranged foster home, if an adoptive home has not yet been~~  
3 ~~selected.~~

4 (3) The caseworker ~~Caseworker~~ shall immediately afterwards, or prior  
5 to placement, if possible, secure an Ex Parte Order from the Court, granting  
6 the Division of Social Services the temporary legal custody of said child,  
7 pending the Termination of Parental Rights and subsequent adoption.

8 (4) A Power of Attorney should also be prepared, signed by the  
9 caseworker and the Administrator of Social Services, and provided to the  
10 prospective adoptive parents or foster family so that they can arrange for  
11 medical treatment of the child or any of the child's routine legal affairs which  
12 require a parent's consent.

13 (5) For older children, follow guidelines stipulated in number 3 and 4."

14 **Section 3.** §1310(b)(1)(A) of Article 3, Chapter 1, Title 26, Guam  
15 Administrative Rules and Regulations is hereby *amended* to read:

16 **"§1310. Preparation for For Placement.** (a) Placement of a child in  
17 an adoptive home shall be made only after the child and the adoptive parents  
18 are prepared for it.

19 (b) The social worker shall prepare the following persons for  
20 placement;

21 (1) **The Child:** Except for infants, preparation should be  
22 consistent with the child's age, emotional maturity and understanding.  
23 Preparation shall include:

24 (A) Worker shall help child understand why he is being  
25 placed, why his family and/or foster family cannot take care of  
26 him, when she/he is going, what adoption is like and what  
27 adoption means."

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