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<td>179-36 (LS)</td>
<td>Telo T. Taitague, Sabina Flores Perez, Sharon Brown, Therese M. Terlaje</td>
<td>AN ACT TO ADD A NEW § 13510 TO ARTICLE 5, CHAPTER 13, TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING RULES AND REGULATIONS FOR THE LICENSURE OF ADOPTION AGENCIES.</td>
<td>8/23/21 8:00 a.m.</td>
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AN ACT TO ADD A NEW § 13510 TO ARTICLE 5, CHAPTER 13, TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING RULES AND REGULATIONS FOR THE LICENSURE OF ADOPTION AGENCIES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. I Liheslaturan Guåhan finds that Guam remains without a set of rules and regulations for licensing independent adoption organizations. The idea of establishing such rules and regulations prior to authorizing an independent adoption agency to operate as a legitimate business on Guam, is basic and should not be a matter of controversy. Without rules and regulations in place, our children may be susceptible to criminal activity including human trafficking.

In cautioning I Liheslatura against involving independent adoption agencies in the Bureau of Social Services Administration’s process for finding children homes – without rules and regulations, an editorial published by a local media organization on July 5, 2021 further warned that "As it stands, anyone can open an adoption agency. That opens wide the doors for fraud and abuse. What’s to keep
the unscrupulous from taking advantage of the lack of regulations for adoption agencies. Following the Haiti earthquake in 2010, 47 children were adopted. It was discovered the children weren’t orphans, and those who ‘found’ them were child traffickers.”

It is, therefore, the intent of I Liheslaturan Guåhan to compel the timely adoption of rules and regulations, including interim policies as may be necessary, for the licensure of independent adoption agencies.

Section 2. A new § 13510 is added to Article 5, Chapter 13, Title 19, Guam Code Annotated, to read:

“§ 13510. Adoption Agency Licensure Requirement. Notwithstanding any other provision of law, rule or regulation, effective March 1, 2022, each adoption agency shall be licensed by the Department of Public Health and Social Services to ensure the health, safety, and welfare of its clients. The Department of Public Health and Social Services shall adopt interim rules and other licensure requirements, which shall be exempt from the provisions of the Administrative Adjudication Act, to effectuate the licensure of adoption agencies, provided that the interim rules and requirements shall remain in effect until the sooner of March 1, 2022, or the adoption of rules pursuant to the Administrative Adjudication Act.”

Section 3. Effective Date. This Act shall be effective upon enactment.