

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN

2021 (FIRST) Regular Session

VOTING RECORD

NAME	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building July 8, 2021					
	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator V. Anthony Ada					√	√
Senator Frank Blas Jr.	√					
Senator Joanne Brown		√				
Senator Christopher M. Dueñas	√					
Senator James C. Moylan	√					
Vice Speaker Tina Rose Muña Barnes	√					
Senator Telen Cruz Nelson	√					
Senator Sabina Flores Perez		√				
Senator Clynton E. Ridgell	√					
Senator Joe S. San Agustin	√					
Senator Amanda L. Shelton	√					
Senator Telo T. Taitague		√				
Senator Jose "Pedo" Terlaje	√					
Speaker Therese M. Terlaje		√				
Senator Mary Camacho Torres	√					

TOTAL

10

4

1

1

Aye

Nay

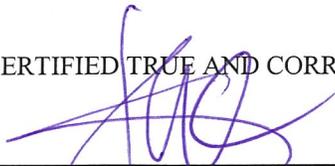
Not Voting/
Abstained

Out During
Roll Call

Absent

Excused

CERTIFIED TRUE AND CORRECT:



RENNAE V. C. MENO
Clerk of the Legislature

I = Pass

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

Bill No. 108-36 (COR)

As amended by the Committee on Air Transportation,
Parks, Tourism, Higher Education, and the
Advancement of Women, Youth, and Senior Citizens.

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Introduced by:

Mary Camacho Torres
Tina Rose Muña Barnes
Amanda L. Shelton
Telena Cruz Nelson
Jose “Pedo” Terlaje
Joe S. San Agustin
Frank Blas Jr.
James C. Moylan
V. Anthony Ada
Christopher M. Dueñas

**AN ACT TO AMEND §§ 1302, 1308, AND 1310(b)(1)(A),
AND ADD A NEW § 1313, ALL OF ARTICLE 3, CHAPTER
1, TITLE 26, GUAM ADMINISTRATIVE RULES AND
REGULATIONS; AND TO AMEND § 4201(c) OF
ARTICLE 2, CHAPTER 4, TITLE 19, GUAM CODE
ANNOTATED, RELATIVE TO STREAMLINING
ADOPTION POLICIES AND PROCEDURES IN GUAM.**

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

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

4 **“§ 1302. Intent of the Law.**

5 (a) According to Section 221.1 of the Civil Code of Guam and
6 Public Law 13-133, the purpose of the adoption law is: “to protect and

1 promote the welfare of children, natural parents and adoptive parents and
2 thereby promote the welfare of the Territory of Guam.”

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

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

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

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

13 (4) that the child live in the adoptive home for a period of up
14 to one (1) year under the guidance and supervision of Social Services
15 or an adoption agency duly licensed under Guam law.”

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

18 “§ 1308. **Selection of Adoptive Parents-Adoption Screening**
19 **Committee.**

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

24 (b) Composition of Committee: The Adoption Screening Committee
25 shall be composed of, but not limited to, the following five (5) on-going
26 members:

27 (1) the Adoption Supervisor;

1 (2) the natural parent's caseworker or child(ren)'s
2 caseworker;

3 (3) an adoption caseworker not involved in the case;

4 (4) a third social worker or other staff assigned by the
5 Adoption Supervisor; and

6 (5) a representative from an independent adoption agency.

7 (c) Chair of the Committee: The Chair of the Committee shall be
8 appointed by the Adoption Supervisor. Said Supervisor may assume the
9 position of Chair and shall have equal voting rights. The duties of the Chair
10 shall include:

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

18 (2) designating assignments or tasks for the members, who
19 shall meet at least weekly until adoptive parents are selected for the
20 child.

21 (d) Recording of Committee Decisions: The Chair shall designate a
22 secretary to record the step-by-step decisions made by the Committee,
23 including the names of applicants screened and reasons for their acceptance
24 or rejection in the deliberations. The decision of the Committee regarding the
25 adoptive parents chosen shall be preliminary, pending concurrence by the
26 Social Services Administrator, who shall review the minutes and home studies

1 of the applicants, and provide the Committee with written feedback within
2 five (5) working days thereafter.

3 (e) Considerations in the Screening Process:

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

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

10 (3) If more than one (1) applicant meets the above criteria, the
11 Committee shall give preference to childless applicant(s). Among
12 childless applicants, those who applied first shall be preferred.

13 (f) Criteria for Selection of Adoptive Parent(s):

14 (1) The primary consideration in the selection of adoptive
15 parent(s) should be the special needs and “best interests” of the child.

16 (2) The capabilities of the potential parents to meet these
17 needs is the next factor in matching the child with adoptive parents.

18 (3) If at all possible, the child will be matched with
19 characteristics of the potential adoptive parents (e.g., ethnicity, physical
20 characteristics, etc.) to increase the chances of the child “fitting in” with
21 the family.

22 (4) Disabled children, or those with special needs, may have
23 other specific criteria made applicable—to be determined by the
24 Adoption Screening Committee, as needed.

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

1 (6) The Adoption Screening Committee shall compile a list of
2 specific criteria to be used for selection on a case-by-case basis.

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

5 (g) Procedures in Making Selection:

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

9 (2) The Chair shall assign each applicant to a Committee
10 member to interview individually and to conduct a pre-adoption home
11 study. All applicants must be interviewed.

12 (3) Upon completion of home studies, the Committee will
13 review each home study and request another interview of all three (3)
14 applicants, if necessary, in order to make the final selection.

15 (4) Selection of the family at this point, however, must be
16 recognized as preliminary, dependent on adjustment of child and
17 family, and prior concurrence by the Social Services Administrator on
18 the decision of the Committee.

19 (h) Procedures Involving the Adoptive Child:

20 (1) Prior to birth, after the natural parent(s) has signed initial
21 “Relinquishment of Parental Rights” papers, the caseworker shall make
22 arrangements with the hospital involved to take custody of the child and
23 immediately contact an adoption agency to take guardianship upon
24 discharge from the hospital. The following guidelines should be
25 adhered to:

26 (A) A copy of the Relinquishment papers shall be given
27 to hospital officials, particularly the Obstetrics department.

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

5 (C) The adoption worker shall request that the agency
6 be informed of the discharge date of the mother and child. The
7 adoption worker shall make arrangements with the hospital
8 personnel to have the mother discharged sooner than the child's
9 discharge.

10 (2) The newborn child shall be taken by an adoption agency
11 representative to a pre-approved adoptive home or temporary shelter
12 care home until permanent placement occurs.

13 (3) The caseworker shall immediately afterwards, or prior to
14 placement, if possible, secure an ex parte order from the court, granting
15 the Division of Social Services the temporary legal custody of said
16 child, pending the Termination of Parental Rights and subsequent
17 adoption.

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

23 (5) For older children, follow the guidelines stipulated in
24 numbers (3) and (4)."

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

27 **"§ 1310. Preparation for Placement.**

1 (a) Placement of a child in an adoptive home shall be made only after
2 the child and the adoptive parents are prepared for it.

3 (b) The social worker shall prepare the following persons for
4 placement:

5 (1) The Child: Except for infants, preparation should be
6 consistent with the child's age, emotional maturity and understanding.

7 Preparation shall include:

8 (A) Worker shall help the child understand why he or
9 she is being placed, why his or her family and/or foster family
10 cannot take care of him or her, when he or she is going, what
11 adoption is like, and what adoption means.”

12 **Section 4.** § 4201(c) of Article 2, Chapter 4, Title 19, Guam Code
13 Annotated, is hereby *amended* to read:

14 “(c) that the child is placed in a proposed adoptive home by the
15 Division of Social Services or an adoption agency duly licensed under Guam
16 law, except in adoptions by close relatives;”

17 **Section 5.** A new § 1313 is hereby *added* to Article 3 of Chapter 1, Title 26,
18 Guam Administrative Rules and Regulations, to read:

19 “§ 1313. **Annual Audit of Records of Adoption Agency.**

20 (a) Within one hundred eighty (180) days of the enactment of this
21 Section, and annually thereafter, the Guam Department of Public Health and
22 Social Services shall audit the records of an agency which provides adoption
23 services in Guam to determine compliance with the provisions of this Chapter,
24 19 GCA Chapter 4, any other applicable local, state, or federal law, and any
25 written agreements entered into with the Guam Bureau of Social Services and
26 Administration or the Guam Department of Public Health and Social Services.

1 The records that are subject to such an audit include, without limitation,
2 information contained in the files of the agency relating to:

- 3 (1) any complaint concerning the agency, including, without
4 limitation, the investigation of such a complaint; and
- 5 (2) adoption services provided by the agency.

6 (b) Within thirty (30) days after the completion of an audit
7 performed pursuant to § 1313(a), the Department will issue a written notice
8 to the adoption agency if the Department determines as a result of the audit
9 that the agency is not in compliance with the provisions of this Chapter, 19
10 GCA Chapter 4, any other applicable local, state, or federal law, and any
11 written agreements entered into with the Guam Bureau of Social Services and
12 Administration or the Guam Department of Public Health and Social Services.
13 The notice must set forth the nature of the noncompliance.

14 (c) Within thirty (30) days after receipt of a notice issued pursuant
15 to § 1313(b), the agency shall submit a plan of action for the areas of
16 noncompliance to the Department. Upon request by an agency, the
17 Department will provide assistance to the agency relating to carrying out its
18 plan of action.

19 (d) The Department will reevaluate the areas of noncompliance
20 within six (6) months after the completion of the audit. Within six (6) months
21 after completion of the audit, the agency that provides adoption services shall
22 complete the plan of action or demonstrate that it has made significant
23 progress, as determined by the Department, toward completing the plan of
24 action. If the Department determines that the agency has demonstrated that it
25 has made significant progress toward completing the plan of action, the
26 Department may grant the agency an additional three (3) months to complete
27 the plan.”

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