


I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN

2021 (FIRST) Regular Session

VOTING RECORD

	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building December 15, 2021					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Bill No. 206- 36 (LS) As amended by the Committee on General Government Operations, Appropriations, and Housing.						
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	9	4			2	2
	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

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2021 (FIRST) Regular Session

Bill No. 206-36 (LS)

As amended by the Committee on General Government
Operations, Appropriations, and Housing.

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Introduced by:

Mary Camacho Torres
Telena Cruz Nelson
Jose "Pedo" Terlaje
Amanda L. Shelton
Tina Rose Muña Barnes
James C. Moylan
Clynton E. Ridgell
Joe S. San Agustin
V. Anthony Ada
Frank Blas Jr.

AN ACT TO REQUIRE THE PROMULGATION AND PUBLICATION OF INTERIM RULES FOR ALL CHILD PLACEMENT AGENCIES BY THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES; AND TO ENSURE TRANSPARENCY, PERMIT PUBLIC PARTICIPATION, AND PROVIDE A METHOD OF MAKING SUCH RULES READILY ACCESSIBLE TO THE PUBLIC; AND TO FURTHER APPROPRIATE ONE THOUSAND DOLLARS (\$1,000) FROM THE UNEXPENDED FUNDS OF THE OFFICE OF SENATOR MARY CAMACHO TORRES OF *I LIHESLATURAN GUÅHAN* TO THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES FOR SUCH PURPOSES.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
2 that Child Protective Services (CPS) of the Department of Public Health and Social
3 Services has expressed a growing demand for more foster homes and families on
4 Guam. As of September 2021, CPS indicates that there are five hundred (500)
5 children in Guam’s foster care system. This figure indicates a substantial rise when
6 compared to the two hundred seventy (270) children in the system in May of 2019.

7 Given the high rate of children entering Guam’s foster care system, *I*
8 *Liheslaturan Guåhan* finds that it is in the best interests of child welfare and safety
9 that any individual or entity that places or assists in the placement of any unrelated
10 minor is held to a minimum standard, whether it is in a foster home, a therapeutic
11 foster home, or an adoptive home.

12 *I Liheslaturan Guåhan* further finds that the Department of Public Health and
13 Social Services is currently imbued with the power to make regulations that
14 implement any law enforced, or administered by it, under Guam’s Administrative
15 Adjudication Law, 5 GCA Chapter 9.

16 *I Liheslaturan Guåhan* further declares, given the significant impact of agency
17 rules and regulations on child welfare and safety, it is imperative that if a waiver of
18 the Administrative Adjudication Law is made, the general public is not marginalized
19 from the rule-making process.

20 *I Liheslaturan Guåhan* further finds that if it is to create an exemption to the
21 Administrative Adjudication Law, while balancing the need for transparency, it must
22 also clearly define the method by which the preparation, promulgation, and
23 publication of such rules shall be funded.

24 It is, therefore, the intent of *I Liheslaturan Guåhan* to require the promulgation
25 and publication of interim rules for all child placement agencies, and appropriate
26 funds for a public hearing of such interim rules produced by the Department of
27 Public Health and Social Services in order to ensure transparency, permit public

1 participation therein, and provide a method of making rules readily accessible to the
2 public.

3 **Section 2. Rule-Making Procedure for Child Placement Agencies**
4 **Requiring Licensure.**

5 (a) Notwithstanding any other provision of law, or rule or regulation, any
6 child placement agency operating in Guam requires a license issued by the Guam
7 Department of Public Health and Social Services (Department) following the
8 Department's promulgation of interim rules pursuant to this Act. Child placement
9 agencies shall mean any person that is not licensed to practice law in Guam,
10 corporation, partnership, voluntary association, or other entity or identifiable group
11 of entities, whether established for profit or otherwise, aside from Child Protective
12 Services, that places, plans for, or assists in the placement of any unrelated minor
13 for care in a foster home, a therapeutic foster home, or an adoptive home.

14 (b) Within one hundred eighty (180) days from the date of enactment of
15 this Act, the Department shall promulgate and publish interim rules setting the
16 minimum standards governing the granting, revocation, refusal, and suspension of
17 licenses for a child placement agency and the operation of a child placement agency.

18 (c) Such minimum standards shall include, but not be limited to, rules that:

19 (1) promote the health, safety, and welfare of children in the care of
20 a child placement agency;

21 (2) promote safe and healthy physical facilities;

22 (3) include procedures for the receipt, recordation, and disposition
23 of complaints regarding allegations of violations of the Guam Child Protective
24 Act;

25 (4) ensure that federal and local criminal record checks are
26 completed on owners, operators, employees, volunteers, foster parents,
27 adoptive parents, and other persons in the homes; and

1 (5) govern the retention of licensing records maintained by the
2 Department.

3 (d) The Department's interim rules shall be exempt from the provisions of
4 the Administrative Adjudication Law; provided, that such rules shall receive at least
5 one (1) public hearing by the legislative committee with subject matter jurisdiction
6 in *I Liheslaturan Guåhan*, pursuant to the Open Government Law, to ensure
7 transparency, permit public participation therein, and provide a method of making
8 rules readily accessible to the public. No rule shall be effective until after *I*
9 *Liheslaturan Guåhan*, by the passage of a bill that is enacted into law, approves,
10 disapproves, or amends any rule.

11 (e) The Department's interim rules shall remain in effect for one (1) year
12 or until the promulgation of rules pursuant to the Administrative Adjudication Law,
13 whichever is sooner.

14 **Section 3. Appropriation.** The sum of One Thousand Dollars (\$1,000) is
15 hereby appropriated from the unexpended funds of the Office of Senator Mary
16 Camacho Torres of *I Liheslaturan Guåhan* to the Department of Public Health and
17 Social Services for the sole purpose of preparing, promulgating, and publishing rules
18 and regulations pursuant to this Act.

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