



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

MAY 10 2013

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Dos na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

32-13-400
Office of the Speaker
Judith T. Won Pat, Ed.D.
Date 5/10/13
Time 4:23 PM
Received by [Signature]

Dear Madame Speaker:

Transmitted herewith is Bill No. 62-32 (COR) "AN ACT TO ADD A NEW ARTICLE 10 TO CHAPTER 3 OF DIVISION 1, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE GUAM COUNCIL ON CHILD DEATH REVIEW AND PREVENTION (CCDRP)" which I signed into law on May 10, 2013 as Public Law 32-030.

Senseramente,


EDDIE BAZA CALVO

Attachment: copy of Bill



2013 MAY 13 AM 8:10

I MINA 'TRENDAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

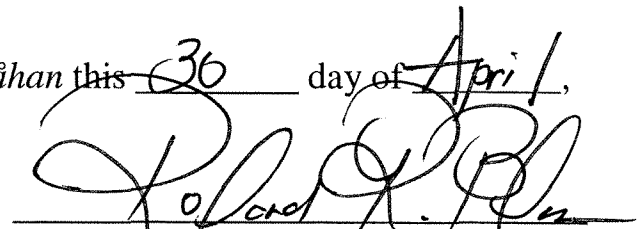
This is to certify that Substitute Bill No. 62-32 (COR), "AN ACT TO ADD A NEW ARTICLE 10 TO CHAPTER 3 OF DIVISION 1, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE GUAM COUNCIL ON CHILD DEATH REVIEW AND PREVENTION (CCDRP)", was on the 30th day of April, 2013, duly and regularly passed.



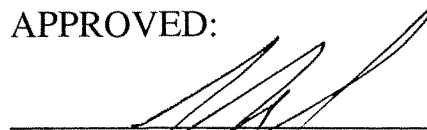
Judith T. Won Pat, Ed.D.
Speaker

Attested: 
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 30 day of April,
2013, at 2:00 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: MAY 1 0 2013

Public Law No. 32-030

I MINA 'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 62-32 (COR)

As substituted by the Committee on
Health and Human Services, Insurance Reform,
Economic Development and Senior Citizens.

Introduced by:

Dennis G. Rodriguez, Jr.
Aline A. Yamashita, Ph.D.
Brant T. McCreadie
T. C. Ada
V. Anthony Ada
Frank B. Aguon, Jr.
B. J.F. Cruz
Chris M. Dueñas
Michael T. Limtiaco
Tommy Morrison
T. R. Muña Barnes
Vicente (ben) C. Pangelinan
R. J. Respicio
Michael F. Q. San Nicolas
Judith T. Won Pat, Ed.D.

**AN ACT TO ADD A NEW ARTICLE 10 TO CHAPTER 3
OF DIVISION 1, TITLE 10, GUAM CODE ANNOTATED,
RELATIVE TO ESTABLISHING THE GUAM COUNCIL
ON CHILD DEATH REVIEW AND PREVENTION
(CCDRP).**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that there is an alarming infant mortality rate on Guam. In 2011, there were forty-
4 four (44) deaths of infants under one year of age; and in 2012, there were forty-six
5 (46) deaths of infants in the same age range. The 2011 infant death rate for Guam,

1 at 13.3, is more than twice as high as the national mortality rate of 5.9 for the
2 United States. *I Liheslaturan Guåhan* further finds that the death rate of children
3 under the age of eighteen (18) is also disturbingly high. *I Liheslaturan Guåhan*
4 finds that the Department of Public Health and Social Services may conduct
5 multidisciplinary and multiagency reviews of child deaths in order to reduce and
6 prevent the incidence of child deaths.

7 Therefore, to address this distressing state of affairs, it is the intent of *I*
8 *Liheslaturan Guåhan* to establish a Council on Child Death Review and Prevention
9 (CCDRP) to examine, determine, and understand why so many of our children die,
10 for the purpose of using this information to identify strategies for the prevention of
11 future loss of young lives.

Section 2. A new Article 10 is *added* to Chapter 3, Division 1, Title 10,
Guam Code Annotated, to read:

“ARTICLE 10

**GUAM COUNCIL ON CHILD DEATH REVIEW AND PREVENTION
(CCDRP)**

12 **§ 31001. Short Title.** This Act may be cited as the “*Child Death*
13 *Review and Prevention Act of 2013.*”

14 **§ 31002. Definitions.**

15 (a) As used in this Article:

16 (1) *Child* means a person *less than* eighteen years of
17 age.

18 (2) *Family* means:

19 (A) each legal parent;

20 (B) the natural/biological mother;

21 (C) the natural/biological father;

22 (D) each parent’s spouse or former spouses;

1 (E) each sibling or person related by
2 consanguinity or marriage;

3 (F) each person residing in the same dwelling
4 unit; and

5 (G) any other person who, or legal entity that, is
6 a child's legal or physical custodian or guardian, or who
7 is otherwise responsible for the child's care, other than
8 the authorized agency that assumes such a legal status or
9 relationship with the child, as defined under §4202,
10 Article 2, Chapter 4, Title 19, Guam Code Annotated.

11 (3) *Council on Child Death Review and Prevention*
12 (CCDRP) means the Council members who are
13 multidisciplinary and multiagency representatives appointed by
14 *I Maga'lahaen Guåhan* [Governor of Guam] and any other
15 entity/representative invited by the Director or the Director's
16 designated representatives as appropriate for each child death
17 review, to include, at a minimum:

18 (A) Department of Public Health and Social
19 Services:

20 (i) Director, or the Director's designated
21 representatives;

22 (ii) Bureau of Family Health and Nursing
23 Services – Maternal and Child Health;

24 (iii) Bureau of Social Services
25 Administration – Child Protective Services;

26 (iv) Emergency Medical Services; and

27 (v) Office of Vital Statistics;

- 1 (B) Medical Examiner, or designee;
- 2 (C) Department of Mental Health and Substance
- 3 Abuse;
- 4 (D) Guam Police Department;
- 5 (E) Guam Early Learning Council;
- 6 (F) Attorney General of Guam, or designee;
- 7 (G) Guam Memorial Hospital Authority;
- 8 (H) Local Pediatrician;
- 9 (I) Military Representative;
- 10 (J) Parent/Community Stakeholder; and
- 11 (K) *I Liheslaturan Guåhan* (the Guam
- 12 Legislature) Chairperson of the Committee on Health and
- 13 Human Services, or designee.

14 (4) *Child death review information* means information
 15 regarding the child and child’s family, including, but *not*
 16 limited to:

- 17 (A) social, medical, and legal histories;
- 18 (B) death and birth certificates;
- 19 (C) law enforcement investigative data;
- 20 (D) medical examiner or coroner investigative
- 21 data;
- 22 (E) parole and probation information and
- 23 records;
- 24 (F) information and records of social service
- 25 agencies;
- 26 (G) educational records; and

1 (H) health/mental health care institution
2 information.

3 (5) *Department* means the Department of Public
4 Health and Social Services.

5 (6) *Director* means the Director of the Department of
6 Public Health and Social Services, *or* the Director's designated
7 representatives.

8 (7) *Provider of medical care* means any health/mental
9 health practitioner who provide, or a facility through which is
10 provided, any medical evaluation or treatment, including dental
11 and mental health evaluation or treatment.

12 (8) *Service provider(s)* means any
13 practitioner/provider who provides, or a facility through which
14 it is provided, any social and legal services.

15 **§ 31003. Access to Information.**

16 (a) Upon written request of the Director, all providers of
17 social, medical, and legal services, and local agencies, *shall* disclose
18 to the Department, and those individuals appointed by the Director to
19 participate in the review of child death, child death review
20 information regarding the circumstances of a child's death so that the
21 Department may conduct a multidisciplinary and multiagency review
22 of child deaths.

23 (b) To the extent that this Section conflicts with other state
24 confidentiality laws, this Section *shall* prevail.

25 **§ 31004. Exception.**

1 Information regarding an ongoing civil or criminal investigation *shall*
2 be disclosed at the discretion of the applicable local or federal law
3 enforcement agency.

4 **§ 31005. Use of Child Death Review Information and Records.**

5 (a) *Except* as otherwise provided in this Article, all child
6 death review information acquired by the Department during its
7 review of child deaths pursuant to this Article, is confidential and may
8 *only* be disclosed as necessary to carry out the purposes of this
9 Article.

10 (b) Child death review information and statistical
11 compilations of data that *do not* contain any information that would
12 permit the identification of any person *shall* be public records.

13 (c) The CCDRP *shall* submit a report of child death review
14 information and statistical compilations of data that *do not* contain any
15 information that would permit the identification of any person to *I*
16 *Liheslaturan Guåhan* (the Guam Legislature) on an annual basis.

17 (d) No individual participating in the Department's
18 multidisciplinary and multiagency review of a child's death may be
19 questioned in any civil or criminal proceeding regarding information
20 presented in or opinions formed as a result of a child death review
21 meeting. Nothing in this Subsection shall be construed to prevent a
22 person from testifying to information obtained independently of the
23 Department's multidisciplinary and multiagency review of a child's
24 death, or which is public information, or where disclosure is required
25 by law or court order.

26 (e) Child death review information held by the Department
27 as a result of child death reviews conducted under this Article are *not*

1 subject to subpoena, discovery, or introduction into evidence in any
2 civil or criminal proceeding, *except* that child death review
3 information otherwise available from other sources is *not* immune
4 from subpoena, discovery, or introduction into evidence through those
5 sources *solely* because they were provided as required by this Article.

6 **§ 31006. Immunity from Liability.**

7 All agencies and individuals participating in the review of child deaths
8 pursuant to this Article *shall not* be held civilly or criminally liable for
9 providing the information required under this Article.

10 **§ 31007. Funding Authorization.** Funding to implement and
11 conduct the provisions and activities authorized pursuant to this Article *shall*
12 be expended from the annual fiscal year appropriation to the Office of Vital
13 Statistics, and/or from the Office of Vital Statistics Revolving Fund (Title 10
14 GCA, Chapter 3, Article 2, §3227.1).”

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

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