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ATTORNEY GENERAL'S OFFICE

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 559, "An Act to amend Section 273d, and to add a new Section 273e of Chapter II, Title IX, Penal Code of Guam, relative to reports of physical abuse", was on the 17th day of April, 1974, duly and regularly passed.

F. T. RAMIREZ
Speaker

ATTESTED:

G. M. BAMBA
Legislative Secretary

This Act was received by the Governor this 24th day
of April, 1974 at 12:00 o'clock Noon .M.

KEITH L. ANDREWS
Attorney General of Guam

APPROVED:

CARLOS G. CAMACHO
Governor of Guam

DATED: MAY 3 1974
4:45 p.m.

Public Law

17-125

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Bill No. 559

Introduced by R. F. Taitano, by
request

AN ACT TO AMEND SECTION 273d, AND TO ADD A
NEW SECTION 273e OF CHAPTER II, TITLE IX,
PENAL CODE OF GUAM, RELATIVE TO REPORTS OF
PHYSICAL ABUSE.

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

2 Section 1. Section 273d of the Penal Code of Guam is
3 hereby amended to read as follows:

4 "Section 273d. Reports of physical abuse. Purpose.
5 The purpose of this section is to provide a comprehensive,
6 protective service for abused, neglected, exploited and
7 abandoned children found within the territory of Guam, and
8 to direct activities of the Division of Social Services
9 of the Department of Public Health and Social Services,
10 or it's successor agency, to assist these children and
11 their parents or those persons legally responsible for
12 them in their own homes to aid in overcoming the problems
13 leading to abuse, neglect, and exploitation, thereby
14 strengthening parental care and supervision. Every
15 physician or surgeon, including doctors of dentistry,
16 osteopathy, or any of the other healing arts, examining,
17 attending or treating a child under the age of 18, and
18 every nurse, schoolteacher, social worker, or coroner
19 acting in his official capacity, examining, attending or
20 treating such a child in the absence of a physician or
21 surgeon, and having reason to believe that such child
22 has had serious injury or injuries inflicted upon him or
23 her as a result of abuse or neglect or by other than
24 accidental means shall report the matter promptly by

1 telephone or orally to the Division of Social Services
2 of the Department of Public Health and Social Services;
3 provided that when attendance to a child is pursuant to
4 the performance of services as a member of the staff of
5 a hospital or similar institution, such staff member
6 shall immediately notify the superintendent, administrator,
7 or other person in charge of the institution who shall
8 make the report forthwith. If the report is not made in
9 writing in the first instance, it shall be reduced to
10 writing by the maker thereof as soon as may be after it
11 is initially made by telephone or orally and shall contain
12 the names and addresses of the child and his or her parents
13 or other persons responsible for his or her care, if known,
14 the child's age, the nature and extent of the child's
15 injuries (including any evidence of previous injuries),
16 and any other information that the maker of the report
17 believes might be helpful in establishing the cause of the
18 injuries and the identity of the person or persons respon-
19 sible therefor. Any other person who has reason to believe
20 that a minor has had injury inflicted upon him or her
21 as a result of abuse or neglect may report the matter
22 orally to the Division of Social Services of the Department
23 of Public Health and Social Services. The Division of
24 Social Services, upon receiving such report, shall
25 immediately take necessary action toward preventing
26 further abuses, safeguarding and enhancing the welfare of
27 such minor, and preserving family life wherever possible.
28 The Division of Social Services shall report all substan-
29 tiated cases of child abuse and neglect to the office of
30 the Attorney General. Anyone participating in good faith
31 in the making of a report pursuant to this section shall

1 have immunity from any liability, civil or criminal, that
2 might otherwise be incurred or imposed. In any proceeding
3 resulting from a report made pursuant to this
4 section or in any proceeding where such a report or any
5 contents thereof are sought to be introduced in evidence,
6 such report or contents or any other fact or facts
7 related thereto or to the condition of the child who is
8 the subject of the report shall not be excluded on the
9 ground that the matter is or may be the subject of a
10 physician-patient privilege or similar privilege or rule
11 against disclosure. The failure of any physician, nurse,
12 schoolteacher, social worker, coroner or surgeon to make
13 the reports required by this section shall constitute a
14 misdemeanor."

15 Section 2. New Section 273e is hereby added to the Penal
16 Code of Guam to read as follows:

17 "Section 273e. The Division of Social Services of
18 the Department of Public Health and Social Services shall
19 maintain and keep up-to-date a register of all cases
20 reported to it under this section including the final
21 disposition thereof. Records in the register shall
22 be considered confidential and privileged and will not
23 be available to any person or agency except law enforcement
24 agencies and only when it is to be used for civil or
25 criminal prosecution or for the welfare of the child or
26 children involved."