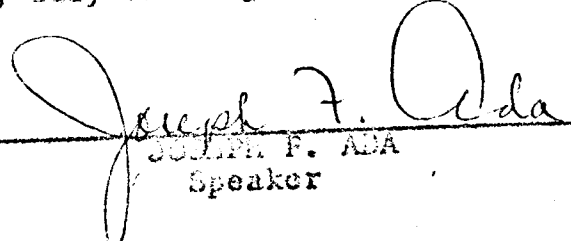



IN SENATE ON FEBRUARY 22, 1978
1978 (SPECIAL REGULAR SESSION)

COMMITTEE REPORT OF A BILL TO THE GOVERNOR


This is to certify that Senate Bill No. 29, "an Act to amend Article 4100; to add Section 5120; to add a new Chapter 4100, Title 41, to the Government Code of Guam, relative to the creation of a Department of Youth Affairs, defining its functions, powers, and structure; to repeal the last paragraph of Section 261, subsection 261(b) and to renumber subsections 261(a), 261(c) and 261(d) as subsections 261(a), 261(b) and 261(c); to amend Sections 262(b) and 263(c) and Section 264, all of the Code of Civil Procedure; and to repeal and renumber Section 3014 of the Government Code of Guam", was on the 21st day of February, 1978, duly and regularly passed.


JOSEPH F. ADA
Speaker

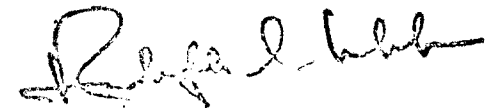
ATTESTED:


ERNESTO M. ESPALDON
Legislative Secretary

This Act was received by the Governor this 22nd day of February, 1978, at 5:06 o'clock P.M.


KEITH P. WON PAT
Assistant Staff Officer
Governor's Office

APPROVED:


RUDOLPH G. SABLAN
Acting Governor

DATED: 21 1978
2:50 P.m.
Public Law No. 14-110

HOUSE OF REPRESENTATIVES AND LEGISLATURE
1978 (SIXTY-THIRD) Regular Session

Bill No. 29
(As Substituted by
the Committee on
General Governmental
Operations, Military
and Veterans Affairs)

Introduced by

E. R. Buenas
E. T. Charfauros
F. J. Quitugua
J. R. Buenas
A. M. Palomo
B. D. Ada
E. M. Espaldon
J. N. Rivera
E. M. Palomo
A. R. Espingco
R. F. Taitano
J. T. San Agustin
F. R. Santos
E. M. Calvo
J. F. Ada
H. Trapp

AN ACT TO AMEND SECTION 4106; TO ADD SECTION 5120; TO ADD A NEW CHAPTER V TO TITLE XXVII, ALL TO THE GOVERNMENT CODE OF GUAM, RELATIVE TO THE CREATION OF A DEPARTMENT OF YOUTH AFFAIRS, DEFINING ITS FUNCTIONS, PROGRAMS, AND STAFFING; TO REPEAL THE FIRST PARAGRAPH OF SECTION 261, SUBSECTION 261(b) AND TO RENUMBER SUBSECTIONS 261(c), 261(d) AND 261(e) AS SUBSECTIONS 261(a), 261(b) AND 261(c); TO AMEND SUBSECTIONS 263(b) AND 263(c) AND SECTION 254, ALL OF THE CODE OF CIVIL PROCEDURE; AND TO REPEAL AND REENACT SECTION 55014 OF THE GOVERNMENT CODE OF GUAM.

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

2 Section 1. Section 4106 of the Government Code is amended
3 by adding a new item to read as follows:

4 "Director of the Department of Youth Affairs, not
5 more than \$27,300.00."

6 Section 2. A new Section 5120 is hereby added to the Govern-
7 ment Code to read:

8 "Section 5120. Department of Youth Affairs. There
9 is within the executive branch of the government of Guam
10 a Department of Youth Affairs. The head of the department

1 shall be the Director who shall be appointed by the Council
2 on Youth Affairs with the approval of the Governor and with
3 the advice and consent of the Legislature."

4 Section 5. There is hereby added a new Chapter V to Title
5 XXVII of the Government Code to read:

6 "CHAPTER V

7 Department of Youth Affairs

8 Section 26500. Citation. This Chapter may be cited
9 as 'The Youth Affairs Act of 1978'.

10 Section 26501. Definitions. (a) 'Department' means
11 the Department of Youth Affairs as established by Section
12 5120 of the Government Code.

13 (b) 'Director' means the head of the Department of
14 Youth Affairs.

15 (c) 'Council' means the Guam Council on Youth Affairs.

16 (d) 'Youth' means any person twenty-five (25) years
17 of age and under.

18 (e) 'Committee' means the Special Services Committee.

19 Section 26502. Purpose. The purpose of the Department
20 is to plan, coordinate, and/or implement programs, services
21 and activities geared toward youth development, rehabilita-
22 tion and involvement in the community. It shall not duplicate
23 existing programs of other agencies of the government of
24 Guam.

25 Section 26503. Duties and responsibilities. The
26 Department shall:

27 (a) formulate plans and policies, develop a
28 comprehensive approach, coordinate and/or implement
29 programs and services to enable the youth to develop
30 his full potential and skills, talent, leadership
31 ability, good sportsmanship and citizenship;

1 (b) provide youth services and programs, to all
2 districts of Guam;

3 (c) encourage, through direct or indirect means,
4 all youths, especially those in need of guidance and
5 motivation, to make use of existing youth facilities,
6 services and programs;

7 (d) establish a comprehensive approach to pro-
8 viding services and programs to youth, taking into con-
9 sideration the coordination and consolidation of exist-
10 ing programs and services, and planning and implementing
11 new programs and services where deemed necessary;

12 (e) make such referrals as are necessary when
13 certain services are best provided by other agencies
14 within the government of Guam or by other resources
15 within the community or abroad;

16 (f) provide assistance and cooperation to youth
17 and community groups, both organized and unorganized,
18 which provide or sponsor programs and/or services
19 beneficial to the youth;

20 (g) collect and disseminate information and
21 research data relative to youth needs and problems;

22 (h) keep the Governor, the Judges of the Courts
23 of Guam, the Guam Legislature, the District Commis-
24 sioners and the general public informed on all major
25 youth developments and achievements; and

26 (i) have general purview of youth activities with-
27 in the territory of Guam.

28 Section 26504. Guam Council on Youth Affairs. There
29 is within the department a Guam Council on Youth Affairs.

1 The Council shall consist of eleven (11) members appointed
2 by the Governor with the advice and consent of the Legisla-
3 ture for a term of four (4) years; provided that of the
4 members first appointed, three (3) shall serve for a term
5 of one (1) year, three (3) for a term of two (2) years,
6 three (3) for a term of three (3) years, and two (2) for
7 a term of four (4) years. The members shall determine by
8 lot which of them shall serve which terms. Vacancies shall
9 be filled the same as first appointments, but only for the
10 unexpired term of the vacant position. The members shall
11 be so selected that there be one (1) representative from
12 each of the following entities:

- 13 (a) Judiciary Branch
- 14 (b) Department of Public Safety
- 15 (c) Department of Public Health and Social
16 Services
- 17 (d) District Government Council
- 18 (e) Department of Labor
- 19 (f) University of Guam (youth student)
- 20 (g) Public School System (youth student)
- 21 (h) Private School System (youth student)
- 22 (i) Southern Region (Yona, Talofoto, Inarajan,
23 Merizo, Umatac, Agat, Santa Rita)
- 24 (j) Northern Region (Tamuning-Tumon, Bededeo, Yigo)
- 25 (k) Central Region (Agana, Agana Heights, Asan-
26 Maina, Mongmong-Toto-Maite, Barrigada, Mangilao, Chalan
27 Pago-Ordot, Sinajana, Piti).

1 The Council shall elect from among its members a Chair-
2 man and a Vice Chairman. Six (6) members shall constitute
3 a quorum. The affirmative votes of six (6) members shall
4 be necessary for Council action. Members of the Council
5 shall serve without compensation, but may be reimbursed for
6 reasonable travel and out-of-pocket expenses incurred in the
7 performance of official duties, such expenses to be certified
8 to the Treasurer of Guam by the Director.

9 Section 26305. Council powers. The Council shall be
10 responsible for the approval of plans and programs of the
11 Department of Youth Affairs and for that purpose shall
12 have the following powers, duties and responsibilities:

13 (a) Oversee the formulation of the department's
14 policies, plans and programs, and budget;

15 (b) Be responsible for the over-all operation of
16 the department, including the appointment and removal
17 of the Director or any employee of the department;

18 (c) Furnish leadership needed for long-range
19 planning;

20 (d) Accept on behalf of, and in the name of the
21 government of Guam, from any government or agency there-
22 of, or any person, natural or legal, advisory services,
23 donations and gifts, provided, however, that any grant-
24 in-aid or other form of assistance involving an obliga-
25 tion on the part of the Council or the government of
26 Guam shall require the prior approval of the Governor
27 and a determination by the department's certifying
28 officer of the availability of funds; and

29 (e) Adopt such rules and regulations as may be
30 necessary to implement the provisions of this Chapter.

1 Section 26506. Council meetings. The Council shall
2 meet at such times and places as it shall prescribe by rule
3 or resolution, but it shall not be less than once per
4 month. All its meetings shall be public and notice of such
5 meetings shall be given three (3) days prior to the date
6 scheduled.

7 Section 26507. Chief Administrative Officer. The
8 Director shall be the chief administrative officer of the
9 Department and the executive secretary of the Council. He
10 shall be responsible for the day-to-day management and
11 operation of the department.

12 Section 26508. Appropriations and expenditures. All
13 requests or proposals for appropriations from the public
14 funds of Guam and from the Federal government for the general
15 operation and programs of the department shall be prepared
16 by the Director, subject to the approval of the Council, prior
17 to submission to the Governor and the Legislature.

18 Section 26509. Personnel. The Council is authorized
19 to appoint such personnel and fix their duties and salaries,
20 in accordance with Title V, Government Code, as may be
21 necessary for purposes of this Chapter.

22 Section 26510. Federal grants. The Director shall
23 comply with all Federal requirements pertaining to methods
24 and standards of administration and with the approval of
25 the Council, shall make such rules and regulations and follow
26 such procedures as may be required for the receipt from the
27 Federal government of grants or grants-in-aid for public
28 assistance and such administrative costs as are provided in
29 connection therewith.

1 Section 26511. Department Auxiliary Services Fund.

2 (a) For the purpose of securing, insofar as possible,
3 self-supporting activities of some programs of the depart-
4 ment, there is hereby established a fund to be known as the
5 'Department Auxiliary Service Fund' which shall be maintained
6 in connection therewith.

7 (b) All monies received by the department from its
8 auxiliary services shall be deposited in said Department
9 Auxiliary Service Fund. All debts, liabilities and obliga-
10 tions of any such services shall be paid from said fund.
11 The Director of the department shall render to the Council a
12 monthly statement reflecting the correct financial condition
13 of said fund.

14 Section 26512. Voluntary services. The Council is
15 authorized to solicit and accept services of individuals and
16 organizations on a voluntary basis in its programs under a
17 carefully planned and supervised manner.

18 Section 26513. Annual report. The Council on Youth
19 Affairs shall make an annual report to the Governor at the
20 termination of each fiscal year setting forth a summation
21 of its activities and general recommendations.

22 Section 26514. Notwithstanding any provisions of law to
23 the contrary, the department shall, as it deems necessary,
24 augment, establish and maintain such programs and services
25 for youth as provided in Sections 26503, 26515 and 26516 of
26 this Act; provided that it shall not duplicate existing
27 programs of other agencies of the government of Guam.

1 Section 26515. Division of Youth Development. There
2 shall be a Division of Youth Development within the depart-
3 ment. The division shall have the following duties and
4 responsibilities:

5 (a) It shall be its major responsibility to
6 make first contact with youth in various districts,
7 including pre-delinquent and delinquent, and provide
8 such services as deemed necessary, including outreach,
9 in-take processing, referral, judicial and police
10 liaison, counseling and guidance. There shall be such
11 district centers as authorized by the Council;

12 (b) In cooperation with the Department of Parks
13 and Recreation, Department of Education and the District
14 Commissioners' Offices, it shall coordinate sports and
15 recreation programs for youth throughout the territory
16 and may augment existing programs where deemed neces-
17 sary;

18 (c) Coordinate with other departments or agencies
19 (or implement such youth programs and activities if
20 none exist) relative to internship within the govern-
21 ment of Guam, scholarship, cultural exchange, Youth
22 Week, skill training, job development, achievements and
23 awards, arts and crafts, youth employment, career
24 counseling, development of special or artistic talents,
25 music appreciation and such other special events not
26 covered by any other division of the department.

27 Section 26516. Division of Special Services. There
28 shall be a Division of Special Services within the depart-
29 ment. It shall be responsible for handling and caring of

1 youths referred by the Department of Public Safety, courts
2 of Guam, parents or legal guardians, public and private
3 agencies. Furthermore, it shall be responsible for care,
4 custody and the rehabilitation of youth adjudicated by the
5 courts of Guam.

6 (c) There is established a Board of Review com-
7 prising five (5) members, one (1) of whom shall be a
8 youth, appointed by the Council and approved by the
9 Governor. The members shall serve for four (4) years.
10 Vacancies shall be filled the same as the initial
11 appointments but only for the unexpired term. The
12 Board shall be responsible for reviewing and monitoring
13 programs of each client adjudicated by the courts and
14 shall submit a progress report on each client at six
15 (6) months intervals to the Chairman of the Council,
16 who shall maintain close liaison with the Juvenile Court
17 of Guam relative to the care of an adjudicated youth.
18 The affirmative vote of three (3) members shall be
19 necessary for the validity of any act of the Board.

20 (b) There is created within the division a Special
21 Services Committee, consisting of twenty-one (21)
22 members, eleven (11) of whom shall be the persons
23 appointed to the Guam Council on Youth Affairs pursuant
24 to Section 26504 of this Act. The remaining ten (10)
25 members shall be appointed by the Governor for a term
26 of four (4) years. These ten (10) members shall
27 classify themselves by lot so that three (3) shall
28 serve for one (1) year, three (3) for two (2) years,
29 three (3) for four (4) years, and one (1) for four (4)
30 years. Their successors shall be appointed each for a
31 term of four (4) years. Vacancies shall be filled

1 same as regular appointments but only for the unexpired
2 term. The members shall serve without compensation but
3 may be reimbursed for reasonable travel and out-of-
4 pocket expenses incurred in the performance of official
5 duties as certified to the Treasurer of Guam by the
6 Director.

7 The Special Services Committee shall exist for
8 the sole purpose of providing input to the Supervisory
9 Board of Guam's State Planning Agency for Criminal
10 Justice and Law Enforcement (Territorial Crime Commis-
11 sion) relative to the development of the Supervisory
12 Board's annual Comprehensive State Plan.

13 The Special Services Committee shall make recommen-
14 dations and propose legislation for the de-institu-
15 tionalization of 'status offenders' as required by
16 the Juvenile Justice Delinquency Prevention Act of 1974.

17 The affirmative vote of six (6) members shall be
18 necessary for the validity of any acts of the Special
19 Services Committee.

20 Section 26517. Severability. If any provisions of
21 this Chapter or the application thereof to any person or
22 circumstances is held invalid, such invalidity shall not
23 affect other provisions or applications of this Chapter
24 which can be given effect without the invalid provisions or
25 applications and to this end the provisions of this Chapter
26 are severable."

27 Section 4. The first paragraph of Section 261 (including
28 Subsection 261(a)) and 261(b) of the Code of Civil Procedure are
29 repealed; Subsections 261(c), (d), and (e) are renumbered 261(a),
30 (b), and (c) respectively; and a new Section 26520 is added to
31 the Government Code to read:

1 "Section 263(b). Youth correctional facilities. The
2 Department of Youth Affairs within the executive branch
3 shall maintain and operate facilities for the temporary or
4 continuing care, custody or detention, or commitment and
5 rehabilitation of youth, and may arrange for use of private
6 homes for such care or detention.

7 (a) Direct supervision by the Department of Youth
8 Affairs. Wards of such correctional facilities shall be
9 under the direct supervision of the Department of Youth
10 Affairs in order to apply more advantageously the salutary
11 effect of home and family environment upon them, and also
12 in order to secure a better classification and segregation
13 of such wards according to their capacities, interests,
14 and responsiveness to control and responsibilities, and to
15 give better opportunity for reform and encouragement of
16 self-discipline in such correctional facilities.

17 (b) Rules. The Department of Youth Affairs shall
18 promulgate, pursuant to the Administrative Adjudication Law,
19 such rules as may be necessary for the guidance of all youth
20 correctional or detention facilities, which rules shall be
21 filed with the Legislative Secretary."

22 Section 5. Section 254 and Subsections 263(b) and 263(e)
23 of the Code of Civil Procedure are amended to read:

24 "Section 254. Jurisdiction: Continuing. When jurisdic-
25 tion shall have been obtained by the court in the case of
26 any child, such jurisdiction shall be retained by the court
27 for the purpose of this Title until such child becomes
28 eighteen (18) years of age, unless he is discharged prior
29 thereto by the court, or unless he is committed to and
30 received by the Department of Youth Affairs or a public
31 institution or agency maintained by the government of Guam;

1 provided, that the court may retain jurisdiction over a child
2 placed by the court with such public institution or agency
3 for temporary observation and care. Any decree or order
4 of the court may be modified at any time, except as other-
5 wise provided by law.

6 Subsection 265(b). Commit the child to the custody or
7 to the guardianship of a public or private institution or
8 agency authorized to care for children or of the Department
9 of Youth Affairs or to place them in family homes, or under
10 the guardianship of a suitable person. Such commitment shall
11 be for an indeterminate period, but in no event shall con-
12 tinue beyond the child's twenty-first (21st) birthday. In
13 committing a child to a private institution or agency, the
14 court shall select one that is approved by the Governor
15 of Guam.

16 Subsection 263(e). The court may dismiss the petition
17 or otherwise terminate its jurisdiction at any time.

18 No adjudication by the court of the status of any child
19 shall be deemed a conviction, nor shall such adjudication
20 operate to impose any of the civil disabilities ordinarily
21 resulting from conviction, nor shall any child be found
22 guilty or be deemed a criminal by reason of such adjudica-
23 tion, nor shall any child be charged with crime or convicted
24 in any court except as provided in Section 255 of this Title.
25 The disposition made of a child, or any evidence given in
26 the court, shall not operate to disqualify the child in
27 any civil service or military application or appointment.

28 Whenever the court shall commit a child to any institu-
29 tion or agency or the Department of Youth Affairs, it shall
30 transmit with the order of commitment a summary of its

1 information concerning the child and such institution or
2 agency or the Department of Youth Affairs shall give to the
3 court such information concerning such child as the court may
4 at any time require."

5 Section 6. Section 55014 of the Government Code is hereby
6 repealed and a new Section 55014 is enacted to read:

7 "Section 55014. Youth Facilities. Whenever the
8 Juvenile Court is referred to by law, contract, Executive
9 Order, rule or regulation or document concerning juvenile
10 detention or rehabilitation, such references shall be
11 deemed to mean the Department of Youth Affairs. All ref-
12 erences to the Juvenile Court Judge or the Administrative
13 Director of the Juvenile Justice Systems in law, contract,
14 rule or regulation, Executive Order, or document concerning
15 juvenile detention or rehabilitation shall be deemed to mean
16 the Director of the Department of Youth Affairs. On the
17 effective date of this Act, all contracts, books, records,
18 papers, maps, plans, documents, facilities and pending
19 business heretofore made, used and acquired or conducted by
20 the Juvenile Court in juvenile detention or rehabilitation,
21 shall be transferred to the Department of Youth Affairs.
22 On the effective date of this Act, all officers and employees
23 of the Juvenile Justice System engaged in juvenile detention
24 or rehabilitation shall be transferred to the Department
25 of Youth Affairs. All unexpended appropriations heretofore
26 made for the operation of the Juvenile Justice System for
27 juvenile detention and rehabilitation shall be transferred
28 to the Department of Youth Affairs on the effective date
29 of this Act."

1 Section 7. Transfer of Functions. Upon the effective date
2 of this Act, the Governor shall transfer existing programs,
3 personnel, equipment, furniture, supplies, records, documents,
4 and unexpended funds of functions, programs and services from
5 various agencies, departments, instrumentalities of the government
6 of Guam to the Department of Youth Affairs in consonant with this
7 Act. These shall include but not necessarily limited to the
8 following: Impact '76, Youth Services, Youth Correctional
9 Facilities of the Juvenile Justice Division, Superior Court of
10 Guam; Summer Youth Employment Program of the Department of Labor,
11 and Youth Conservation Corps of the Department of Agriculture.

12 Section 8. Effective Date. This Act shall take effect upon
13 its enactment into law, but in order that there be no interrup-
14 tion of the administrative business of the government, the
15 Governor may postpone the actual transfer of all or a portion of
16 said such functions to be transferred by this Chapter until such
17 time as the organization provided for can be put in full force
18 and effect, but not later than six (6) months from the enactment
19 of this Act. Except as otherwise provided herein, all officers,
20 their subordinates and employees whose functions are covered
21 in this Act shall continue to perform their duties from the date
22 this Act takes effect.