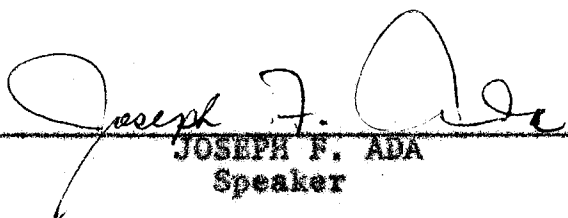


FOURTEENTH GUAM LEGISLATURE
1978 (SECOND) Regular Session

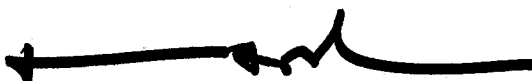
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 574, "An Act to add Title X-A to the Code of Civil Procedure and Subchapter C-A to the Government Code relating to family violence and for other purposes", was on the 21st day of June, 1978, duly and regularly passed.




JOSEPH F. ADA
Speaker

ATTESTED:



FRANK F. BLAS
Acting Legislative Secretary

This Act was received by the Governor this 12th day of July, 1978, at 11:25 o'clock a.M.



RUTH F. WON PAT
Assistant Staff Officer
Governor's Office

APPROVED:

For RICARDO J. BORDALLO

RICARDO J. BORDALLO
Governor of Guam

DATED: July 27, 1978
10:27 A.M.
Public Law 14-137

FOURTEENTH GUAM LEGISLATURE
1978 (SECOND) Regular Session

Bill No. 574
(As Substituted by
the Committee on
Judiciary & Criminal
Justice)

Introduced by

K. B. Aguon
F. F. Blas

AN ACT TO ADD TITLE X-A TO THE CODE OF
CIVIL PROCEDURE AND SUBCHAPTER C-A TO
THE GOVERNMENT CODE RELATING TO FAMILY
VIOLENCE AND FOR OTHER PURPOSES.

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

2 Section 1. Title X-A is added to the Code of Civil
3 Procedure to read:

4 "TITLE X-A

5 PROTECTION FROM ABUSE

6 Chapter I

7 General Provision

8 Section 1450. Definitions. As used in this

9 Title:

10 (a) 'Abuse' means the occurrence of one or
11 more of the following acts between family or household
12 members who reside together:

13 (1) attempting to cause or intentionally,
14 knowingly or recklessly causing bodily injury
15 or serious bodily injury with or without a
16 deadly weapon;

17 (2) placing by physical menace another
18 in fear of imminent serious bodily injury; or

19 (3) sexually abusing minor children.

20 (b) 'Adult' means any person 18 years of age
21 or older.

22 (c) 'Court' means the Superior Court.

23 (d) 'Family or household members' means spouses,
24 persons living together as spouses, parents and
25 children or other persons related by consanguinity
26 or affinity.

1 Section 1451. Jurisdiction. The Superior Court shall
2 have jurisdiction over all proceedings under this Title.
3 The plaintiff's right to relief under this Title shall not
4 be affected by his or her leaving the residence or household
5 to avoid further abuse.

6 Section 1452. Commencement of proceeding. A person
7 may seek relief under this Title for himself or herself or
8 on behalf of another person if he has personal knowledge
9 that such person has been abused or any parent or adult
10 household member may seek relief under this Title on
11 behalf of minor children by filing a petition with the court
12 alleging abuse by the defendant.

13 Section 1453. Hearing. (a) Within ten (10) days of
14 the filing of a petition under this Title, a hearing shall
15 be held at which the plaintiff must prove the allegation
16 of abuse by a preponderance of the evidence. The court shall
17 advise the defendant of his right to be represented by counsel.

18 (b) The court may enter such temporary orders as it
19 deems necessary to protect the plaintiff or minor children
20 from abuse upon good cause shown in an ex parte proceeding.
21 Immediate and present danger of abuse to the plaintiff or
22 minor children shall constitute good cause for purposes of
23 this section.

24 (c) If a hearing under Subsection (a) is continued,
25 the court may make or extend such temporary orders under
26 Subsection (b) as it deems necessary.

27 Section 1454. Relief. (a) The court shall be
28 empowered to grant protection by appropriate order or
29 approve any consent agreement to bring about a cessation
30 of abuse of the plaintiff or minor children, which are
31 not limited to but may include:

1 (1) directing the defendant to refrain
2 from abusing the plaintiff or minor children;

3 (2) granting possession to the plaintiff
4 of the residence or household to the exclusion of the
5 defendant by evicting the defendant or restoring
6 possession to the plaintiff when the residence
7 or household is jointly owned or leased by the parties;

8 (3) when the defendant has a duty to support
9 the plaintiff or minor children living in the
10 residence or household and the defendant is the
11 sole owner or lessee, granting possession to the
12 plaintiff of the residence or household to the
13 exclusion of the defendant by evicting the
14 defendant or restoring possession to the plaintiff
15 or by consent agreement allowing the defendant
16 to provide suitable, alternate housing; or

17 (4) awarding temporary custody or establishing
18 temporary visitation rights with regard to minor
19 children.

20 (b) Any protection order or approved consent agree-
21 ment shall be for a fixed period of time not to exceed one
22 (1) year. The court may amend its order or agreement at
23 any time upon subsequent petition filed by either party.

24 (c) No order or agreement under this Title shall
25 in any manner affect title to any real property.

26 Section 1455. Notification. A copy of any order
27 under this Title shall be issued to the plaintiff, the
28 defendant and the Department of Public Safety with
29 appropriate jurisdiction to enforce the order or agreement.

1 Section 1456. Emergency relief. (a) When the court
2 closes for regular proceedings during the weekend or a
3 holiday, a petition may be heard before the court in
4 accordance with Section 1454(a) (2) or (3) if the court
5 deems it necessary to protect the plaintiff or minor children
6 from abuse upon good cause shown in an ex parte proceeding.
7 Immediate and present danger of abuse to the plaintiff or
8 minor children shall constitute good cause for purposes of
9 this section.

10 (b) Any order issued under Subsection (a) shall expire
11 as of the resumption of business of the court at the beginning
12 of the week or within 72 hours, whichever occurs sooner, at
13 which time, the plaintiff may seek a temporary order from the
14 court.

15 (c) Any order issued under this section and
16 documentation in support thereof shall be immediately
17 certified to the court. Such certification to the court
18 shall have the effect of commencing proceedings under
19 Section 1452 of this Title and invoking the other provisions
20 of this Title.

21 Section 1457. Procedure. Any proceeding under this
22 Title shall be in accordance with the Rules of Civil Pro-
23 cedure and shall be in addition to any other available civil
24 or criminal remedies.

25 Section 1458. Contempt. Upon violation of a protection
26 order or a court approved consent agreement, the Superior
27 Court may hold the defendant in contempt."

28 Section 2. Subchapter C-A is added to Chapter II of
29 Title X of the Government Code to read:

30 "SUBCHAPTER C-A

31 Child Protective Services

32 Section 9120.20. Definitions. As used in this sub-
33 chapter:

1 (a) 'child' means a person under the age of 18
2 or a person over the age of eighteen (18) who is phy-
3 sically or mentally handicapped;

4 (b) 'abused or neglected child' means a child
5 whose physical or mental health or welfare is harmed or
6 threatened with harm by the acts or omissions of the
7 person responsible for the welfare;

8 (c) 'harm' to a child's health or welfare occurs
9 when the person responsible for the child's welfare:

10 (1) inflicts or allows to be inflicted upon
11 the child physical or mental injury, including
12 injuries sustained as a result of excessive
13 corporal punishment;

14 (2) commits or allows to be committed against
15 the child a sexual offense as defined in the
16 Criminal and Correctional Code;

17 (3) fails to supply the child with adequate
18 food, clothing, shelter, education or health care
19 though financially able to do so or if offered
20 financial or other reasonable means to do so;
21 'adequate health care' includes any medical or
22 non-medical health care permitted or authorized
23 under territorial law;

24 (4) abandons the child; or

25 (5) fails to provide the child with adequate
26 care, supervision or guardianship by specific acts
27 or omissions of a similarly serious nature requiring
28 the intervention of the child protective service
29 or a court; provided, however, that a person
30 responsible for the child's welfare who, while
31 legitimately practicing his religious beliefs,
32 does not specify medical treatment for a child and

1 for that reason alone should not be considered as
2 harming or threatening harm to the child.

3 (d) 'threatened harm' means a substantial risk of
4 harm;

5 (e) 'a person responsible for the child's welfare'
6 includes the child's parent, guardian, foster parent,
7 an employee of a public or private residential home,
8 institution or agency or other person responsible for
9 the child's welfare;

10 (f) 'physical injury' means death, disfigurement,
11 or the impairment of any bodily organ;

12 (g) 'mental injury' means an injury to the
13 intellectual or psychological capacity of a child as
14 evidenced by an observable and substantial impairment
15 in his ability to function within a normal range of
16 performance and behavior with due regard to his
17 culture;

18 (h) 'child protective service' means the agency
19 established by Section 9120.33. The Director shall
20 establish programs for volunteer service as needed in
21 the communities;

22 (i) 'department' means the Department of Public
23 Health and Social Services;

24 (j) 'expunge' means to strike out or obliterate
25 entirely so that the expunged information may not be
26 stored, identified or later recovered by any means,
27 mechanical, electronic or otherwise;

28 (k) 'founded report' means a report made pursuant
29 to this Title if there has been any judicial adjudication
30 based on a finding that a child who is a subject of the
31 report is an abused or neglected child;

1 (1) 'indicated report' means a report made pursuant
2 to this Title if an investigation by the child protective
3 service determines that substantial evidence of the
4 alleged abuse exists based on (i) available medical
5 evidence and the child protective service investigation;
6 or (ii) an admission of the acts of harm or threatened
7 harm by the person responsible for the child's welfare;

8 (m) 'subject of the report' means any child
9 reported to the central register of child abuse and the
10 person responsible for the child's welfare named in the
11 report;

12 (n) 'under investigation' means a report pursuant
13 to this Title which is being investigated to determine
14 whether it is 'founded', 'indicated' or 'unfounded';
15 and

16 (o) 'unfounded report' means any report made
17 pursuant to this Title unless the report is a 'founded
18 report' or unless an investigation by the appropriate
19 child protective service determines that the report is
20 an 'indicated report'.

21 Section 9120.21. Person required to report suspected
22 child abuse or neglect. (a) Any person who, in the course
23 of his employment, occupation or practice of his profession
24 comes into contact with children, shall report when he has
25 reason to suspect, on the basis of his medical, professional
26 or other training and experience that a child is an abused
27 or neglected child. No person may claim as a basis for his
28 refusal or failure to report suspected child abuse or neglect
29 or provide the agency with required information a privilege for
30 not giving such information including but not limited to the

1 physician/patient, husband/wife, priest/penetente or lawyer/
2 client privilege. Such privileges are specifically abrogated
3 with respect to reporting suspected child abuse or neglect or
4 provision of information to the agency.

5 (b) Whenever any person is required to report under
6 Subsection (c) in his capacity as a member of the staff of
7 a medical or other public or private institution, school,
8 facility or agency, he shall immediately notify the person
9 in charge of such institution, school, facility or agency
10 or the designated agent of the person in charge. Upon
11 notification, such person in charge or his designated agent,
12 if any, shall assume the responsibility and have the legal
13 obligation to report or cause a report to be made in
14 accordance with Section 9120.23. Nothing in this Chapter
15 is intended to require more than one (1) report from any
16 such institution, school or agency.

17 (c) Persons required to report suspected child abuse
18 under Subsection (a) include, but are not limited to,
19 any licensed physician, medical examiner, dentist, osteopath,
20 optometrist, chiropractor, podiatrist, intern, registered
21 nurse, licensed practical nurse, hospital personnel engaged
22 in the admission, examination, care or treatment of persons,
23 a Christian Science practitioner, school administrator, school
24 teacher, school nurse, social service worker, day care center
25 worker or any other child care or foster care worker, mental
26 health professional, peace officer or law enforcement
27 official.

28 Section 9120.22. Any person permitted to report. In
29 addition to those persons and officials required to report
30 suspected child abuse or neglect, any person may make such
31 a report if that person has reasonable cause to suspect that
32 a child is an abused or neglected child.

1 Section 9120.23. Reporting procedure. (a) Reports
2 of suspected child abuse or neglect from persons required
3 to report under Section 9120.21 shall be made immediately by
4 telephone and in writing within forty-eight (48) hours after
5 the oral report. Oral reports shall be made to the department
6 pursuant to Section 9120.31 and may be made to the appropriate
7 child protective service.

8 (b) When oral reports are made initially to the child
9 protective service, the child protective service shall
10 immediately prepare a child abuse report summary and shall
11 immediately forward such report summary to be held in the
12 pending complaint file as provided in Section 9120.31. The
13 initial child abuse report summary shall be supplemented as
14 more facts become available, as the written report is received
15 and when a determination is made as to whether a report of
16 suspected child abuse is a founded report, an unfounded report
17 or an indicated report.

18 (c) Written reports from persons required to report under
19 Section 9120.21 shall be made to the child protective service
20 in a manner and on forms prescribed by the department by
21 regulation. Such written reports shall include the following
22 information, if available:

23 (1) the names and addresses of the child and the
24 person responsible for the child's welfare;

25 (2) the child's age and sex;

26 (3) the nature and extent of the suspected child
27 abuse or neglect including any evidence of prior
28 abuse or neglect to the child or his siblings;

1 (4) the name of the person or persons responsible
2 for causing the suspected abuse or neglect;

3 (5) family composition;

4 (6) the source of the report;

5 (7) the person making the report and where he can
6 be reached;

7 (8) the actions taken by the reporting source,
8 including the taking of photographs and x-rays, removal
9 or keeping of the child or notifying the medical
10 examiner; and

11 (9) any other information which the
12 department may, by regulation, require.

13 (d) The failure of any person reporting cases of sus-
14 pected child abuse or neglect to confirm an oral report in
15 writing within forty-eight (48) hours shall in no way relieve
16 the child protective service from any duties prescribed by
17 this Title. In such event, the child protective service shall
18 proceed as if a written report were actually made.

19 Section 9120.24. Obligations of persons required to
20 report. Any person or official required to report cases of
21 suspected child abuse or neglect may take or cause to be taken
22 photographs of the areas of trauma visible on a child who
23 is subject to a report and if medically indicated, cause to be
24 performed a radiological examination on the child. Any pho-
25 tographs or x-rays taken shall be sent to the child protective
26 service at the time the written report is sent or as soon
27 thereafter as possible.

1 Section 9120.25. Taking a child into protective
2 custody. (a) A child may be taken into custody by a
3 physician examining or treating the child or by the director
4 or a person specifically designated in writing by such
5 director of any hospital or other medical institution where
6 the child is being treated if such protective custody is
7 immediately necessary to protect the child from further harm
8 or threatened harm; provided, that no child shall be held in
9 such custody for more than twenty-four (24) hours unless the
10 child protective service is immediately notified that the
11 child has been taken into custody and the child protective
12 service obtains an order from the Superior Court permitting
13 the child to be held in custody for a longer period.

14 (b) Any individual taking a child into protective
15 custody shall immediately and within twenty-four (24) hours
16 in writing, notify the person responsible for the child's
17 welfare, the reasons for the need to take the child into
18 protective custody and shall immediately notify the child
19 protective service.

20 (c) In no case shall protective custody under this
21 Title be maintained longer than seventy-two (72) hours without
22 a hearing. If at the hearing it is determined that protective
23 custody shall be continued, the child protective services
24 agency shall, within forty-eight (48) hours, file a petition
25 with the Superior Court.

26 (d) No child taken into protective custody under this
27 Title shall be detained during such protective custody except
28 in an appropriate medical facility, foster home or other
29 appropriate facility approved by the department for this
30 purpose.

1 (e) A conference between the person responsible for
2 the child's welfare of a child taken into temporary protective
3 custody pursuant to this section and the case worker designated
4 by the child protection service to be responsible for such
5 child shall be held within forty-eight (48) hours of the time
6 that the child is taken into such custody for the purpose
7 of (i) explaining to such person the reasons for the temporary
8 detention of the child and the whereabouts of the child; and
9 (ii) to expedite, wherever possible, the return of the child
10 to the custody of such person where such custody is no longer
11 necessary.

12 Section 9120.26. Admission to private and public
13 hospitals. Children appearing to suffer any physical or
14 mental trauma which may constitute child abuse or neglect
15 shall be admitted to and treated in appropriate facilities
16 of private and public hospitals on the basis of medical
17 need and shall not be refused or deprived in any way of proper
18 medical treatment and care.

19 Section 9120.27. Mandatory reporting and post-mortem
20 investigation of deaths. Any person or official required to
21 report cases of suspected child abuse or neglect who has
22 reasonable cause to suspect that a child died as a result of
23 child abuse or neglect shall report that fact to the
24 medical examiner. The medical examiner shall accept the
25 report for investigation and shall report his finding to the
26 Department of Public Safety, the Attorney General, the child
27 protective service and if the report is made by a hospital,
28 the hospital.

1 Section 9120.28. Immunity from liability. Any person,
2 hospital, institution, school, facility or agency participating
3 in good faith in the making of a report or testifying in any
4 proceeding arising out of an instance of suspected child abuse
5 or neglect the taking of photographs or the removal or keeping
6 of a child pursuant to Section 9120.25 shall have immunity
7 from any liability, civil or criminal, that might otherwise
8 result by reason of such actions. For the purpose of any
9 proceeding, civil or criminal, the good faith of any person
10 required to report cases of child abuse or neglect pursuant to
11 Section 9120.21 shall be presumed.

12 Section 9120.29. Penalties for failure to report. Any
13 person or official required by this subchapter to report a
14 case of suspected child abuse or neglect who wilfully fails
15 to do so shall be guilty of a misdemeanor except that for a
16 second or subsequent offense shall be guilty of a felony of
17 the second degree.

18 Section 9120.30. Education and training. The child
19 protective service shall conduct a continuing publicity and
20 education program for the citizens of Guam aimed at the
21 prevention of child abuse or neglect, the identification of
22 abused or neglected children and the provision of necessary
23 ameliorative services to abused or neglected children and their
24 families. In addition, the child protective service shall
25 conduct an ongoing training and education program for local
26 staff, persons required to report and other appropriate persons
27 in order to familiarize such persons with the reporting and
28 investigative procedures for the cases of suspected child abuse
29 or neglect and the rehabilitative services that are available
30 to children and families.

1 Section 9120.31. Record keeping duties of the department.

2 (a) There shall be established in the department (i) a pending
3 complaint file of child abuse or neglect reports under
4 investigation; and (ii) a central register of child abuse or
5 neglect which shall consist of founded and indicated reports
6 of child abuse or neglect.

7 (b) The department shall receive oral reports of child
8 abuse or neglect and report summaries of child abuse or neglect
9 capable of immediately identifying prior reports of child
10 abuse or neglect.

11 (c) The department shall establish a telephone number
12 that all persons, whether mandated by law or not, may use
13 to report cases of suspected child abuse or neglect.

14 (d) No information shall be released from the central
15 register unless the department has positively identified the
16 person requesting the information and the department has
17 inquired into and is satisfied that such person has a
18 legitimate need within the scope of his duties to obtain
19 information from the central register.

20 (e) Persons receiving information from the central
21 register may be informed only as to whether a prior founded
22 or indicated report exists, the number of such reports, the
23 nature and extent of the alleged instances of suspected child
24 abuse or neglect and whether the reports are founded reports
25 or indicated reports.

26 (f) Upon receipt of a complaint of suspected child abuse
27 or neglect, the department shall maintain a record of the
28 complaint of suspected child abuse or neglect in the pending
29 complaint file. No information other than that permitted to
30 be retained in the central register shall be retained in the

1 pending complaint file. No person other than an employee of
2 the department in the course of his official duties in
3 connection with the department's responsibilities under this
4 subchapter shall at any time have access to any information
5 in the pending complaint file.

6 (g) When a report of suspected child abuse or neglect is
7 determined to be a founded report or an indicated report, the
8 information concerning such report of suspected child abuse
9 or neglect shall be expunged from the pending complaint file
10 and an appropriate entry shall be made in the central
11 register. When a report of suspected child abuse or neglect
12 is determined by the child protective service to be an
13 unfounded report, the information concerning such report of
14 suspected child abuse or neglect shall be expunged from the
15 pending complaint file and no information shall be retained
16 by the department.

17 (h) The central register shall include and shall be
18 limited to the following information:

- 19 (1) the names of the subjects of the reports;
20 (2) the date or dates and the nature and extent
21 of the alleged instances of suspected child abuse or
22 neglect;
23 (3) the home addresses of subjects of the report;
24 (4) the age of the children suspected of being
25 threatened with harm or harmed;
26 (5) the locality in which the suspected threatened
27 harm or harm occurred;
28 (6) whether the report is a founded report or an
29 indicated report; and

1 (7) the progress of any legal proceedings brought
2 on the basis of the report of suspected child abuse or
3 neglect.

4 (i) If an investigation of a report of suspected child
5 abuse or neglect does not determine within sixty (60) days of
6 the date of the initial report of such instance of suspected
7 child abuse or neglect, that the report is an indicated report
8 or an unfounded report or unless within that same sixty (60)
9 day period the report is determined to be a founded report,
10 said report shall be considered to be an unfounded report and
11 all information identifying the subjects of such report shall
12 be expunged.

13 (j) All information identifying the subjects of all
14 indicated reports and all information identifying the subject
15 child of all founded reports shall be expunged when the subject
16 child reaches the age of eighteen (18).

17 Section 9120.32. Confidentiality of records (a) Except
18 as provided in Section 9120.31, reports made pursuant to this
19 Chapter including but not limited to report summaries of child
20 abuse or neglect made pursuant to Section 9120.23(b) and
21 written reports made pursuant to Section 9120.23(c) as well as
22 any other information obtained, reports written or photographs
23 or x-rays taken concerning alleged instances of child abuse or
24 neglect in the possession of the department, shall be confi-
25 dential and shall only be made available to:

26 (1) a duly authorized official of the child pro-
27 tective service in the course of his official duties;

28 (2) a physician examining or treating a child or
29 the director or a person specifically designated in

1 writing by such director of any hospital or other medical
2 institution where a child is being treated, where the
3 physician or the director or his designee suspect the
4 child of being an abused or neglected child;

5 (3) a guardian ad litem for the child;

6 (4) a duly authorized official of the department;

7 or

8 (5) a court of competent jurisdiction; provided,
9 however, that information, reports or x-rays concerning
10 alleged instances of child abuse or neglect shall not be
11 excluded from consideration of the court on the ground
12 that the matter is or may be the subject of a physician,
13 patient privilege, other privileges or rule against
14 disclosure.

15 (b) At any time, a subject of a report may receive,
16 upon written request, a copy of all information except that
17 prohibited from being disclosed by Subsection (c) contained
18 in the central register or in any report filed pursuant
19 to Section 9120.23.

20 (c) The release of data that would identify the person
21 who made a report of suspected child abuse or neglect or
22 person who cooperated in a subsequent investigation is pro-
23 hibited.

24 (d) Any person who wilfully releases or permits the
25 release of any data and information contained in the pending
26 complaint file, the central register or the child welfare
27 records including records maintained by the child protective
28 service to persons or agencies not permitted by this Chapter
29 shall be guilty of a felony of the third degree.

1 Section 9120.33. Child protective service responsibi-
2 lities and organization. (a) The department shall establish
3 a 'child protective service'. It shall have a sufficient
4 staff to fulfill the purposes of this Chapter and organized
5 in such a way as to maximize the continuity of responsibility,
6 care and services of individual workers toward individual
7 children and families. The child protective service shall be
8 the sole agency responsible for receiving and investigating
9 all reports of child abuse or neglect made pursuant to this
10 Chapter, specifically including, but not limited to reports of
11 child abuse or neglect in facilities operated by the department
12 and other public agencies, for the purpose of providing pro-
13 tective services to prevent further abuses to children and to
14 provide or arrange for and monitor the provision of those
15 services necessary to safeguard and ensure the child's well-
16 being and development and to preserve and stabilize family
17 life wherever appropriate.

18 (b) The child protective service shall make available
19 among its services for the prevention and treatment of child
20 abuse or neglect multidisciplinary teams, instruction in
21 education for parenthood, protective and preventive social
22 counseling, emergency caretaker services, emergency shelter
23 care, emergency medical services and the establishment of
24 groups organized by former abusing or neglecting persons to
25 encourage self-reporting and self-treatment of present abusers.

26 Section 9120.34. Duties of the child protective service
27 concerning reports of abuse. The child protective service
28 shall:

1 (1) receive on a twenty-four (24) hour, seven (7) day
2 a week basis all reports, both oral and written, of suspected
3 child abuse or neglect in accordance with this Chapter and
4 the regulations of the department;

5 (2) give telephone notice and forward immediately
6 a copy of reports made pursuant to this Chapter which involve
7 the death of a child to the appropriate medical examiner
8 pursuant to Section 9120.26;

9 (3) upon receipt of each report of suspected child abuse
10 or neglect, commencing within twenty-four (24) hours, an
11 appropriate investigation which shall include a determination
12 of the risk to such child or children if they continue to
13 remain in the existing home environment, as well as a
14 determination of the nature, extent and cause of any condition
15 enumerated in such report and after seeing to the safety
16 of the child or children, forthwith notify the subjects
17 of the report in writing of the existence of the report and
18 their rights. The investigation shall be completed within
19 thirty (30) days;

20 (4) The investigation shall determine whether the child
21 is being harmed by factors beyond the control of the parent
22 or other person responsible for the child's welfare, and
23 if so determined, the child protective service shall promptly
24 take all available steps to remedy and correct such condi-
25 tions, including but not limited to the coordination of social
26 services for the child and the family;

27 (5) determine within thirty (30) days whether
28 the report is 'founded', 'indicated' or 'unfounded';

1 (6) pursuant to the provisions of Section 9120.25 and
2 after court order, take a child into protective custody to
3 protect him from further abuse. No child protective services
4 worker shall enter the home of any individual for this pur-
5 pose without judicial authorization;

6 (7) based on the investigation and evaluation conducted
7 pursuant to this Chapter, provide or contract with private
8 or public agencies for the protection of the child in his
9 home whenever possible or those services necessary for adequate
10 care of the child when placed in protective custody. Prior
11 to offering such services to a family, explain that it has
12 no legal authority to compel such family to receive said
13 services but may inform the family of the obligations and
14 authority of the child protective service to initiate appro-
15 priate court proceedings;

16 (8) in those cases in which an appropriate offer of
17 service is refused and the child protective service determines
18 or if the service for any other appropriate reason determines
19 that the best interests of the child require court action,
20 initiate the appropriate court proceeding and request the
21 court to appoint a guardian ad litem for the child;

22 (9) assist the court during all stages of the court pro-
23 ceeding in accordance with the purposes of this Title;

24 (10) provide or arrange for and monitor rehabilitative
25 services for children and their families on a voluntary basis
26 or under a final or intermediate order of the court; and

27 (11) The child protective service shall be as equally
28 vigilant of the status, well-being and conditions under which
29 a child is living and being maintained in a facility other than

1 that of his parent, custodian or guardian from which he has
2 been removed as he is of the conditions in the dwelling of the
3 parent, custodian or guardian. Where the child protective
4 service finds that the placement for any temporary or permanent
5 custody, care or treatment is for any reason inappropriate
6 or harmful in any way to the child's physical or mental
7 well-being, it shall take immediate steps to remedy these
8 conditions including petitioning the court.

9 Section 9120.35. Regulations. The Department shall
10 adopt regulations necessary to implement this Act pursuant
11 to the Administrative Adjudication Law."

12 Section 3. A new Section 28.80 is added to Article 2, Chapter
13 28 of the Criminal and Correctional Code to read:

14 "Section 28.80. A person commits a felony of the
15 first degree if he knowingly:

16 (1) sells or offers for sale publications, pictures
17 or films that depict minors under 16 years of age per-
18 forming sexual acts; or

19 (2) photographs minors under 16 years of age to
20 engaging sexual acts."

21 Section 4. Subsection (h) of Section 28.50 of the Criminal
22 and Correctional Code is renumbered to Section (g) and Section
23 (g) is renumbered (h) and amended to read:

24 "(h) provided, however, a person is guilty of a
25 felony of the first degree if he knowingly or recklessly
26 employs or uses a minor under the age of sixteen (16)
27 years to do or assist in doing any of the acts described
28 in this section."

29 Section 5. Section 3 of Public Law 14-5 is amended by Public
30 Law 14-57 and further amended by Public Law 14-94 is again amended
31 to read:

1 "Section 3. The Board of Commissioners of Guam Housing
2 and Urban Renewal Authority is directed to create a special
3 fund for the Authority and to deposit it to the proceeds of
4 sales it makes at the GMURA 500 project. The fund so created
5 shall be reserved by the Authority to reimburse the General
6 Fund of the government for the \$1.0 Million appropriated
7 by Section 2 of this Act not later than September 30, 1978."

8 Section 6. Transition. The child protective unit authorized
9 by Public Law 12-125 is designated the child protective service for
10 the territory of Guam and all records, appropriations and employees
11 of that unit are transferred upon the effective date of this Act
12 to the child protective service established pursuant to the
13 provisions of Section 2 of this Act.

14 Section 7. The provisions of this Act shall take effect
15 immediately upon enactment.

16 Section 8. A new Section 13213.6 is added to the Government
17 Code to read:

18 "Section 13213.6. Anonas Drive in the municipality
19 of Tamuning which intersects Ipao Road and Paseo de Oro is
20 renamed the 'Carmen Memorial Drive'."

21 Section 9. Sections 31.35 and 31.37 of the Criminal and
22 Correctional Code are repealed.