



*Territory of Guam*  
*Territorio Guam*

OFFICE OF THE GOVERNOR  
S. FISINAN (MAGA LAHI)  
AGANA, GUAM 96910 U.S.A.

SEP 20 1991



The Honorable Joe T. San Agustin  
Speaker, Twenty-First Guam Legislature  
155 Hesler Street  
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 303, which I have signed into law this  
date as Public Law 21-51.

Sincerely,

FRANK F. BLAS  
Governor of Guam  
Acting

Attachment

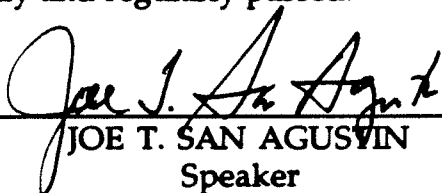


Commonwealth Now!

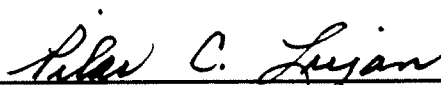
TWENTY-FIRST GUAM LEGISLATURE  
1991 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

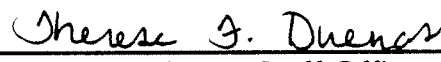
This is to certify that Substitute Bill No. 303 (COR), "AN ACT TO ADD A NEW §26517 TO CHAPTER V, TITLE XXVII, OF THE GOVERNMENT CODE AND TO RENUMBER OLD §26517 ACCORDINGLY, TO ESTABLISH A DEINSTITUTIONALIZATION OF STATUS OFFENDERS PROGRAM, TO PROVIDE FOR ALTERNATIVE PLACEMENTS, AND TO ENSURE THAT AN INDEPENDENT REVIEW OF THE PROGRAM IS CONDUCTED ANNUALLY, ALL WITHIN THE DEPARTMENT OF YOUTH AFFAIRS, TO AUTHORIZE THE APPROPRIATION OF FUNDS, AND TO CITE THE ACT AS THE DEINSTITUTIONALIZATION OF STATUS OFFENDERS ACT OF 1991," was on the 30th day of August, 1991, duly and regularly passed.

  
\_\_\_\_\_  
JOE T. SAN AGUSTIN  
Speaker


Attested:

  
\_\_\_\_\_  
PILAR C. LUJAN  
Senator and Legislative Secretary

This Act was received by the Governor this 10th day of September, 1991, at 4:45 o'clock P.m.

  
\_\_\_\_\_  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
\_\_\_\_\_  
FRANK F. BLAS  
Governor of Guam  
Acting

Date: SEP 20 1991

Public Law No: 21-51

**TWENTY-FIRST GUAM LEGISLATURE  
1991 (FIRST) Regular Session**

**Bill No. 303 (LS)**

**As substituted by the Committee  
on Youth, Senior Citizens and  
Cultural Affairs**

**Introduced by:**

**H. D. Dierking  
E. P. Arriola  
P. C. Lujan  
A. R. Unpingco  
M. D. A. Manibusan  
J. P. Aguon  
J. G. Bamba  
A. C. Blaz  
M. Z. Bordallo  
D. F. Brooks  
E. R. Duenas  
E. M. Espaldon  
C. T. C. Gutierrez  
G. Mailloux  
D. Parkinson  
M. J. Reidy  
M. C. Ruth  
J. T. San Agustin  
F. R. Santos  
D. L. G. Shimizu  
T. V. C. Tanaka**

**AN ACT TO ADD A NEW §26517 TO CHAPTER V,  
TITLE XXVII, OF THE GOVERNMENT CODE AND  
TO RENUMBER OLD §26517 ACCORDINGLY, TO  
ESTABLISH A DEINSTITUTIONALIZATION OF  
STATUS OFFENDERS PROGRAM, TO PROVIDE FOR  
ALTERNATIVE PLACEMENTS, AND TO ENSURE  
THAT AN INDEPENDENT REVIEW OF THE  
PROGRAM IS CONDUCTED ANNUALLY, ALL  
WITHIN THE DEPARTMENT OF YOUTH AFFAIRS,  
TO AUTHORIZE THE APPROPRIATION OF FUNDS,**

AND TO CITE THE ACT AS THE  
DEINSTITUTIONALIZATION OF STATUS  
OFFENDERS ACT OF 1991.

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

2           **Section 1. Legislative statement.** The Legislature finds that there are  
3 young people between the ages of twelve and seventeen who are confined in  
4 secure detention at government facilities for acts which would not be criminal  
5 if committed by an adult or for being neglected children. The Legislature  
6 further finds that the intermingling of these youth with others found guilty of  
7 crimes is not in the best interest of these children or of the community at large,  
8 and that their care and treatment should be provided in a community-based  
9 system utilizing the least restrictive means to help them solve the problems  
10 they now encounter at home, in school, or in the community. Absent such  
11 treatment, these children are at high risk for all types of abuses, especially  
12 when placed with persons who have committed serious offenses.

13           **Section 2.** §26517 of Chapter V, Title XXVII, Government Code of  
14 Guam, is hereby renumbered §26518, and a new §26517 is hereby added to  
15 Chapter V, Title XXVII, Government Code of Guam, to read as follows:

16           **"§26517. Program establishment.** There is hereby  
17 established within the Department a Deinstitutionalization of  
18 Status Offender Program (the "Program") which shall ensure that  
19 children are not placed in secured correctional or detention  
20 facilities for offenses that would not be considered criminal if  
21 committed by an adult.

22           (a) The Department through the Program shall provide  
23 alternative placements for youths who either (i) are status

1 offenders or (ii) have been identified as 'at risk' and referred for  
2 services by any government or private agency as abuse or neglect  
3 victims.

4 (b) Such alternative placements may be provided in a  
5 Department facility separate and apart from the Youth  
6 Correctional Hall or in private organizations on a contractual  
7 basis, and shall include, but not be limited to, any of the following:  
8 Shelter; therapeutic foster homes; casework and counseling;  
9 psychological evaluation; family reconstruction; outreach;  
10 information and referral; drug and alcohol assessments; crisis  
11 intervention; individual and group therapy; and support services  
12 and prevention programs at all levels. The services must be  
13 provided in a comprehensive and holistic approach focusing on  
14 the family and the troubled youth; **provided**, that such services  
15 shall be administered by bona fide, certified professionals in social  
16 work or related disciplines.

17 (c) In the Program, special attention shall be placed on the  
18 development and implementation of services to those children  
19 who have committed status offenses and who have been referred  
20 to the Family Court, or who are in violation of court orders.

21 (d) The Department shall annually cause an independent  
22 review of the Program to be conducted by persons not affiliated  
23 with the Department, and shall itself annually review the  
24 Program to determine the extent to which optimum services have  
25 been provided. The Department shall within thirty (30) days after  
26 receipt of the independent review, but in no event later than

1           March 1st of each year, submit a copy to the Legislature."

2           **Section 3. Appropriation request.** The Department of Youth Affairs  
3 shall within forty-five (45) days after the effective date of this Act, submit an  
4 implementation plan and an appropriation request to the Governor who  
5 shall, upon his approval thereof, submit such request to the Legislature.

6           **Section 4. Severability.** If any provision of this Act or the application  
7 thereof to any person or circumstances is held invalid, such invalidity shall  
8 not affect the Act's other provisions or applications, and to this end the  
9 provisions of this Act are severable.

10          **Section 5. Title.** This Act may be cited as the "Deinstitutionalization of  
11 Status Offenders Act of 1991".

12          **Section 6. Effective date: exception.** This Act shall take effect on its  
13 approval by the Governor or on its becoming law without his approval;  
14 **provided**, however, that referrals of status offenders by the Department of  
15 Youth Affairs for placement in one of its detention units may continue until  
16 such time as the alternative placement provisions of subsection (a) of §26517  
17 as set out in Section 2 of this Act are operational; **provided** further, that such  
18 period of continued referrals only to detention units shall not exceed one (1)  
19 year from the effective date of this Act.



# Twenty-First Guam Legislature

SENATOR ELIZABETH P. ARRIOLA

*Chairperson*  
Committee on Youth,  
Senior Citizens and Cultural Affairs

August 27, 1991

The Honorable Joe T. San Agustin  
Speaker  
Twenty-First Guam Legislature  
155 Hesler Street  
Agana, Guam 96910

VIA: Chairman, Committee on Rules

Dear Mr. Speaker:

The *Committee on Youth, Senior Citizens and Cultural Affairs* to which was referred Bill No. 303, "AN ACT TO ADD A NEW SECTION 26517 AND TO RENUMBER SECTION 26517 OF THE GOVERNMENT CODE TO ESTABLISH A DEINSTITUTIONALIZATION OF STATUS OFFENDERS PROGRAM; TO PROVIDE FOR ALTERNATIVE PLACEMENTS; AND TO ENSURE THAT AN INDEPENDENT REVIEW IS CONDUCTED ON ANNUALLY; ALL WITHIN THE DEPARTMENT OF YOUTH AFFAIRS; TO AUTHORIZE THE APPROPRIATION OF FUNDS; AND TO CITE THE ACT AS THE DEINSTITUTIONALIZATION OF STATUS OFFENDERS ACT OF 1991" has had the same under consideration and now wishes to report back its recommendation TO DO PASS as substituted by the Committee.

Committee votes received:

<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>REPORT OUT</u>	<u>OTHER</u>
-11-	-0-	-0-	-0-

Attached herewith are the Committee Report and other pertinent documents for your perusal.

Sincerely,

*Elizabeth P. Arriola*  
ELIZABETH P. ARRIOLA

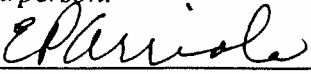
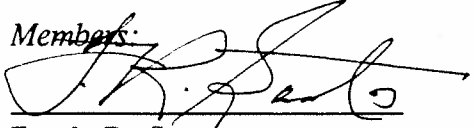
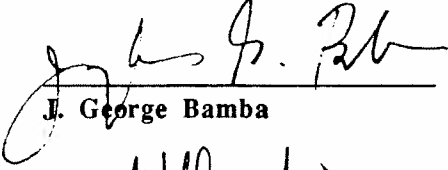
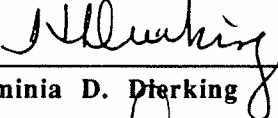
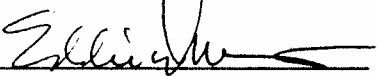

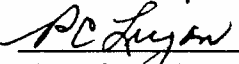

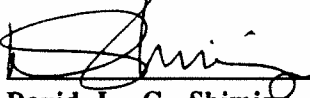
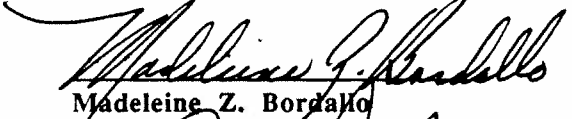

Attachments:

# VOTE SHEET

## COMMITTEE ON YOUTH, SENIOR CITIZENS AND CULTURAL AFFAIRS

on  
Bill No. 303  
as substituted by the Committee

"AN ACT TO ADD A NEW SECTION 26517 AND TO RENUMBER SECTION 26517 OF THE GOVERNMENT CODE TO ESTABLISH A DEINSTITUTIONALIZATION OF STATUS OFFENDERS PROGRAM; TO PROVIDE FOR ALTERNATIVE PLACEMENTS; AND TO ENSURE THAT AN INDEPENDENT REVIEW IS CONDUCTED ON ANNUALLY; ALL WITHIN THE DEPARTMENT OF YOUTH AFFAIRS; TO AUTHORIZE THE APPROPRIATION OF FUNDS; AND TO CITE THE ACT AS THE DEINSTITUTIONALIZATION OF STATUS OFFENDERS ACT OF 1991."

Chairperson:	To Pass	Not To Pass	Report Out	Inactive File
 Elizabeth P. Arriola	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Members:</b>				
 Frank R. Santos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 J. George Bamba	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Herminia D. Dierking	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Edward R. Duenas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Ernesto M. Espaldon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Pilar C. Cujan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Martha C. Ruth	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 David L. G. Shimizu	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Madeleine Z. Bordallo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 [unclear]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



**COMMITTEE REPORT**  
of the  
**COMMITTEE ON YOUTH, SENIOR CITIZENS  
AND CULTURAL AFFAIRS**  
on *Bill NO. 303*

*AN ACT TO ADD A NEW SECTION 26517 AND TO  
RENUMBER SECTION 26517 OF THE GOVERNMENT  
CODE TO ESTABLISH A DEINSTITUTIONALIZATION  
OF STATUS OFFENDERS PROGRAM; TO PROVIDE FOR  
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YOUTH AFFAIRS; TO AUTHORIZE THE  
APPROPRIATION OF FUNDS; AND TO CITE THE ACT  
AS THE DEINSTITUTIONALIZATION OF STATUS  
OFFENDERS ACT OF 1991.*

**PREFACE**

A public hearing on **Bill No. 303** was held by the Committee on Youth, Senior Citizens and Cultural Affairs on Thursday, May 23, 1991 (First Hearing) and then again on July 11, 1991, at the Public Hearing Room, Pacific Arcade Building, Agana.

Present at the first hearing were Chairperson, Senator Elizabeth P. Arriola and attended by Senators Frank R. Santos, Pilar C. Lujan and Ernesto Espaldon.

Present at the second hearing were Chairperson, Senator Elizabeth P. Arriola and attended by Senators J. George Bamba, Pilar C. Lujan and Madeleine Z. Bordallo.

**TESTIMONY**

*(First Hearing)*

Appearing before the Committee, Mr. Luis Martinez, member of the Board of Directors for Sanctuary, testified in support of Bill No. 303. Mr. Martinez commented that this same program has been implemented in many cities nationwide.

Ms. Cathy Barnes testified in support of Bill No. 303, giving reasons status offenders should not be confined in the same manner as criminal offenders.

Mr. Clifford Stearns and Ms. Kate Thomas have testified in support of the Bill. Mr. Stearns commented on the responsibility of parents in disciplining their children and Ms. Thomas reported that status offenders are not being helped by being placed in Department of Youth Affairs. She added that the staff at the Department is generally not practicing rehabilitative measures.

Mr. Tony Champaco, Executive Director of Sanctuary, Inc., submitted and read a written testimony in support of the Bill.

Senator Frank R. Santos queried Mr. Champaco on whether other facilities such as Sanctuary exist and to what degree foster homes are helpful, if used at all. Mr. Champaco replied that no other

facility exists on Guam similar to Sanctuary, and although foster homes are in existence, they are too scarce to adequately address the need, especially for minors between the ages of thirteen (13) and eighteen (18). Sanctuary will need funds in order to expand to accommodate all of the present and future clients.

Senators Ernesto Espaldon and Pilar C. Lujan posed a number of questions to various witnesses involving the general make-up of Sanctuary. It was their concern whether Bill No. 303, in its original form, would help alleviate the problems presently existing at the Department of Youth Affairs.

There being no further testimony, Chairperson Arriola advised the public that the hearing will continue on **Bill No. 303**.

## **TESTIMONY**

*(Second Hearing)*

Appearing before the Committee, Ms. Karen Keeler, representative of the Office of the Attorney General, submitted and read testimony on Bill No. 303. Ms. Keeler suggested that contractual alternative placements should be used when appropriate. DYA should have the flexibility to use its discretion to operate the program "in house" if necessary. She said, "to require the Department to contract for these services would prove fatal, in view of the present lack of private organization on Guam to fulfill their needs."

Mr. Blaine D. Brandon submitted and read written testimony in support of the Bill. He said, "these kids need more of a family environment... this is a human problem and it needs a human response. You just can't take a kid from an abusive home and confine them in DYA."

Also appearing before the Committee, Ms. Linda Rising, Ms. Rufina Tainatongo, a foster parent, and Ms. Teresita F. Mendiola have all offered testimony revealing personal experiences with the Department of Youth Affairs to show that status offenders should not be housed with criminal offenders.

Ms. Lucia Topasna, Director, Department of Youth Affairs was questioned by Senators Bordallo and Bamba involving the capability of DYA in accommodating their present and future clients. Ms. Topasna informed the Committee that with plans presently in progress, DYA will be able to separate the status offenders from the non-status offenders.

Senator George Bamba was concerned whether status offenders become non-status offenders if they were found in contempt of court, Ms. Keeler informed Senator Bamba that changing status offenders into non-status offenders depended on each individual case.

The need to implement the deinstitutionalization program will help alleviate the influence of criminal offenders according to Ms. Marie C. Baretto, a teacher at Untalan Middle School; Mr. William Melendez, Jr., Counselor/Consultant; and Ms. Priscilla Maanao.

Senator Pilar C. Lujan suggests that in the event that the staff of the Department of Youth Affairs is not capable of performing rehabilitative measures, counselors should be brought in to train them. Senator Lujan also added that a waiver may be made by the personnel department in order to hire experienced, yet non-degree, counselors or social workers to assist at the Department of Youth Affairs.

The testimonies in support of Bill No. 303 can be stated as supportive for the underlying reasons:

1. Stop the practice of placing status offenders among those youth who have been adjudicated for criminal offenses.
2. Status offenders, when institutionalized with adjudicated youths, run the risk of exposure to advanced inappropriate behavior which is counter productive to any

positive outcome.

3. We are confining non-criminal youths side-by-side with sentenced criminals.
4. Community problems should be addressed by the community-based programs when available. The government should encourage the community to become available to take on the problems.
5. Alternatives must be developed and there should never be any reason that a child be placed behind bars if they have not committed a crime.
6. It will increase the homogeneity of the treatment group, significantly decrease the risk of unnecessary influenced toward negative or criminal behavior.
7. Minors who have committed no criminal offenses (non-offenders) are indiscriminately intermingled with juvenile delinquents.

Other testimonies on Bill No. 303 can be stated as follow:

1. Contractual alternative placements should be used when appropriate. DYA should have the flexibility to use its discretion to operate "in house" if necessary.
2. Build a residential facility to ensure a separation of the different classes of youth at DYA.
3. Not aware at this time if Guam can develop the capacity to handle the status offenders in a private format as suggested in the Bill.

There being no further testimony, Chairperson Arriola adjourned the hearing on Bill No. 303.

## **COMMITTEE RECOMMENDATION**

The Committee on Youth, Senior Citizens, Cultural Affairs, and Human Resources wishes to report **Bill No. 303, " AN ACT TO ADD A NEW SECTION 26517 AND TO RENUMBER SECTION 26517 OF THE GOVERNMENT CODE TO ESTABLISH A DEINSTITUTIONALIZATION OF STATUS OFFENDERS PROGRAM; TO PROVIDE FOR ALTERNATIVE PLACEMENTS; AND TO ENSURE THAT AN INDEPENDENT REVIEW IS CONDUCTED ON ANNUALLY; ALL WITHIN THE DEPARTMENT OF YOUTH AFFAIRS; TO AUTHORIZE THE APPROPRIATION OF FUNDS; AND TO CITE THE ACT AS THE DEINSTITUTIONIZATION OF STATUS OFFENDERS ACT OF 1991."** has had the same under consideration, and now wishes to report back the same with the recommendation **TO DO PASS** as substituted by the Committee.

## **ATTACHMENTS**

1. Written testimony by Mr. Tony C. Champaco, Executive Director, Sanctuary, Inc.
2. Written testimony by Mr. William Melendez, Jr., C.A.C., Counselor.Consultant.
3. Written testimony by Mr. Donald L. Paillette, Acting Attorney General.
4. Written testimony by Dr. Kirk Bellis, D.O., Department of Mental Health and Substance Abuse.

5. Written testimony by Mr. Blaine Brandon.
6. Written testimony by Ms. Teresita F. Mendiola.
7. Written testimony by Mr. James J. Keiffer, Ph.D., Clinical Psychologist.
8. Written testimony by Ms. Dana L. Brandon, Alcohol Treatment Counselor.
9. Written testimony by Ms. Anna Lallande.
10. Written testimony by Ms. Kathleen Perez.
11. Written testimony by Ms. Monessa G. Lujan, Attorney at Law.
12. Written testimony by Mr. Arthur B. Clark, Attorney at Law.
13. Memorandum from Senator Herminia D. Dierking.

APR 04 '9

TWENTY-FIRST GUAM LEGISLATURE  
1991 (FIRST) Regular Session

Bill No. 303(LS)

Introduced by:

H. D. Dierking *D*

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AN ACT TO ADD A NEW SECTION  
26517 AND TO RENUMBER SECTION  
26517 OF THE GOVERNMENT CODE  
TO ESTABLISH A DEINSTITUTION-  
ALIZATION OF STATUS OFFENDERS  
PROGRAM; TO PROVIDE FOR  
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TION OF FUNDS; AN TO CITE THE  
ACT AS THE DEINSTITUTIONALIZA-  
TION OF STATUS OFFENDERS ACT  
OF 1991.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY  
2 OF GUAM:  
3 Section 1. LEGISLATIVE STATEMENT. The  
4 Legislature has become aware that there are young people  
5 between the ages of twelve (12) and seventeen (17) years of  
6 age who are being confined in secured detention at  
7 government facilities for crimes which would not be criminal  
8 if committed by an adult or by those who are neglected  
9 children and are considered non-offenders. Furthermore, it

1 is the position of the Legislature that the intermingling of  
2 these youth with adjudicated persons is not in the best  
3 interest to these children or the community at large.

4 Furthermore, the treatment of these children should  
5 be provided in a community based system utilizing the least  
6 restrictive means to intervene in the problems they now  
7 encounter at home, school, or in the community. More  
8 importantly, these children become high risk for all types of  
9 abuses, especially when placed with adolescents who have  
10 committed a serious offense.

11 Section 2. A new Section 26517 is hereby added to the  
12 Government Code to read as follows:

13 "§26517. Program Establishment. There is  
14 hereby established within the Department of Youth  
15 Affairs (the "DEPARTMENT") a Deinstitutionalization  
16 of Status Offender Program (the "PROGRAM") which  
17 shall ensure that children are not placed in secured  
18 correctional or detention facilities for offenses that  
19 would not be considered criminal if committed by an  
20 adult."

21 §26517.1(a) The Department shall provide  
22 alternative placements for youths who are either  
23 status offenders or who have been identified as 'at risk'  
24 who have been referred for service by any government  
25 or private agency as abuse or neglect victims.

26 (b) The placements shall be provided by private  
27 organizations on a contractual basis. The placements  
28 shall include, but not limited to any of the following:  
29 shelter; therapeutic foster homes; casework and  
30 counseling; psychological evaluations; family  
31 reconstruction; outreach; information and referral;  
32 drug and alcohol assessments; crisis intervention;  
33 individual and group therapy; and support services  
34 and prevention programs at all levels. The services

1 must be provided in a comprehensive and holistic  
2 approach focusing on the family and the troubled  
3 youth.

4 (c) Special attention shall be placed on the  
5 development and implementation of services to those  
6 children who have committed status offenses and who  
7 have been referred to the Family Court, or who are in  
8 violation of court orders.

9 (d) The Department shall ensure that an  
10 independent review be conducted by persons not  
11 affiliated with the Department, and shall on an annual  
12 basis review the program and its services to determine  
13 the extent in which optimum services are provided.  
14 The Department, shall within thirty (30) upon receipt  
15 of the review, submit a copy to the Speaker and  
16 members of the Legislature, no later than March 1 of  
17 each year.

18 **Section 3. Appropriation Request.** The Department,  
19 shall within forty-five (45) day upon enactment of this Act,  
20 submit an implementation plan and an appropriation  
21 request, to the Governor, who shall upon his approval  
22 submit said request to the Legislature.

23 **Section 4. Severability.** If any provisions of this Act or  
24 the application thereof to any person or circumstances is  
25 held invalid, such invalidity shall not affect other provisions  
26 or applications and to this end the provisions of this Act are  
27 severable.

28 **Section 5.** Section 26517 of the Government Code is  
29 hereby renumbered to read Section 26518.

30 **Section 6. Title.** This Act may be cited or referred to as  
31 the Deinstitutionalization of Status Offenders Act of 1991.



# Sanctuary, Inc.

P.O. Box 21030, G.M.F.  
Guam, M.I. 96921  
(671) 734-2661 or 2537

"Serving Troubled Youths and their Families"

## SERVICES

- Temporary Shelter
- Crisis Intervention
- Counseling
- 24 Hour Hotline
- Advocacy
- Aftercare
- Referral/Information

## TESTIMONY IN SUPPORT OF BILL NO. 303

To the Committee on Youth, Senior Citizens,  
Cultural Affairs and Human Resources  
Twenty First Guam Legislature

Hafa Adai Chair Arriola and Members of the Committee:

Sanctuary's Board of Directors, staff, the youth and families we cater to come before you this morning to testify in support of Bill No. 303, "An Act to Establish a Deinstitutionalization of Status Offenders Program; to Provide for Alternative Placements; and to Ensure that an Independent Review is Conducted Annually; all within the Department of Youth Affairs."

We would like to begin by sharing with you a brief background on Sanctuary, Incorporated. It is a private, not-for-profit organization that was incorporated in 1971 by Father Robert Phelps with a clear mission to assist, through the provision of a continuum of comprehensive services, troubled youth and their families. For nearly 20 years now, the organization has served perhaps thousands of young people and their families who have sought help to overcome barriers that were adversely affecting their positive development.

Sanctuary is staffed by professionals and para-professionals, volunteers, both adults and young people, and is overseen by a fourteen member Board of Directors. The Board is comprised of private citizens who work quite actively, purely on a voluntary basis, to ensure that the goals of Sanctuary are being met.

One of our main responsibilities, as we see it, is to serve as Advocates.... to speak for those who cannot speak, to do for those who cannot do. Our young people, after all, are not voters; and because of their minority age, are most often prohibited from voicing their silent suffering.

Status Offenders, perhaps a new term for some of you, is the core of the population that Sanctuary works with on a day-to-day basis. Simply, those young people who have not yet reached majority age, 18 years old, who have committed offenses that would not be considered criminal in nature if committed by an adult, such as running away from home, being beyond control, truancy, etc. National and local data have indicated that the manifestation of these behaviors are often attributed to conflicts within the home, family breakdown, and abuse and neglect. In some cases, these children have lived for years and years under conditions that are truly "cruel and unusual." At this very moment, as we sit here and speak good senators, there are youths who are status offenders that are at the Department of Youth Affairs, behind bars, being handcuffed (because of lack of better alternatives and inadequacies in our systems), and subjected to further abuse and neglect. Children who are really victims are continued to be victimized by now, us, the system - the supposedly protector of our people.



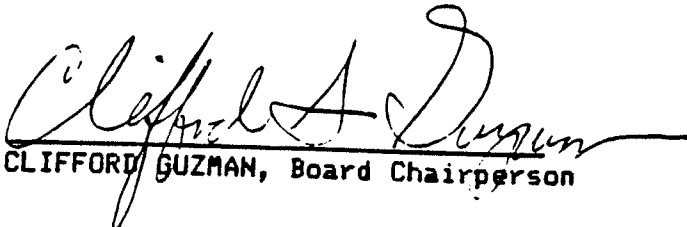
We are feeling refreshed in our years of effort, and consoled now that Bill No. 303 has been introduced and is before you. This bill, if enacted, will finally stop this practice of placing status offenders among those youth who have been adjudicated for criminal offenses such as murder and robbery. But most of all, Bill no. 303 lays down our values, philosophies, and understanding of youth problems.

We are please that the act has called for the provision of alternative placements, for youths who are either status offenders or who have been identified as "at-risk" through community based programs such as shelters, prevention programs, parenting education and skills development, family reconstruction efforts, and residential facilities for court referred youth who have violated court orders and so on. The bill in an of itself, will not be complete without consideration of the creation of these community based programs to serve as alternatives.

Further, the section underscoring that services "must be provided in comprehensive and holistic approach" is crucial. We have witnessed, too often youth and families receiving fragmented services resulting in confusion and added complications. Therapeutically, the fragmented treatment modality is not the best solution for complex familial problems.

The call for independent review will facilitate objectivity and will allow both professionals and private citizens to monitor and protect the values and intent of this legislation through the years, and further promote the concept of accountability. We would like to encourage that, should this bill be enacted, the independent review process should include youth as to facilitate youth and adult partnership, but more importantly, for them to have a definite contribution in the decision making process regarding services for their peer. Now to put some "meat" into all of this, funding must be sure and exact. We cannot sidestep this responsibility. If you, good senators, do not state unequivocally, that we have to "put our money where are mouths are," then we will surely fail in this effort. It is our government's responsibility to provide the basics - and what can be more basic than to feed, clothe, and care for the physical and mental well-being of our young people. We plead with you to give the Department of Youth Affairs the monetary assistance required to implement this Act. Additionally, a definite time frame should be established to implement this act should it become law, and to solicit professional and private citizens' input in policy and program direction.

We thank you for your time and appreciate your keen awareness on the plight of troubled youth and your continued support.

  
CLIFFORD GUZMAN, Board Chairperson

  
TONY C. CHAMPACO, Executive Director



From the Office of  
**WILLIAM MELENDEZ, JR.**

**GASWY**

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Phone: 477-1389-92 • Fax: (671) 477-1077

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*We came by different ships, but we're all in the same boat!*

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Senator H.D. Dierking  
21st Guam Legislature

May 21, 1991

Dear Senator Dierking,


Please allow this written testimony in support of Bill 303 as submitted by you.

We are long overdue in acting on behalf of the youth in these areas. Status Offenders when institutionalized with adjudicated youths run the risk of exposure to advanced inappropriate behavior and typically motivate followship. Behavioral reorientation can in fact take place at an earlier stage when environmental factors are considered. A holistic approach is a must.

To further enhance this bill, the health plans must be influenced to recognize all care providers on island. At present most prefer to only list psychologists and psychiatrists, thus excluding addiction counselors, social workers, etc., and limiting the assistance that can be provided in the private sector. This practice will also continue to overtax the Department of Mental Health and Substance Abuse, one department that has already announced their limitations at this time.

I wholeheartedly recommend approval of this bill and further encourage pursuit of a strong counseling program at the D.Y.A. Detention facilities as well.

Respectfully,

  
WILLIAM MELENDEZ JR., C.A.C.  
Counselor/Consultant



Office of the Attorney General  
Territory of Guam  
Child Support Enforcement Division

Elizabeth Barrett-Anderson  
Attorney General

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Chief Deputy Attorney General

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June 11, 1991

Sen. Elizabeth P. Arriola  
Ada's Professional & Commercial Complex  
Agana, Guam 96910

Good Morning!

Thank you for giving our office the opportunity to offer testimony on Bill No. 303, which would establish a Deinstitutionalization of Status offenders Program; provide for alternative placements; and ensure that an independent review is conducted annually, all within the Department of Youth Affairs.

While a Federally funded Deinstitutionalization of Status offender Program is currently being operated at the Department of Youth Affairs (DYA), it is somewhat limited in scope, and does not presently meet all the needs of the youth of Guam that it was initially intended for. In Fiscal Year 1991, \$180,000 was appropriated for the Guam Deinstitutionalization of Status Offender Program by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. Additionally, DYA has sacrificed additional Youth Development projects normally appropriated by OJJDP to fund this program.

In the recent State of the Judiciary address given by Judge Lamorena, he stated that there were 411 juvenile cases filed in 1990 and 808 juvenile special proceedings filed in 1990. There is no denying that there has been a substantial increase in juvenile cases filed with the Superior Court. These numbers are indicative of the growing problems within the Youth Community. We commend the legislature for recognizing the needs of these children.

Sanctuary currently houses approximately 7 in their female home and 6 in the male facility, in case of emergency, the

COMMONWEALTH NOW!

194 Hernan Cortez Avenue, Union Bank Building, Suite 309

Agana, Guam, USA 96910

facility can house approximately 12 females and 8 males. Sanctuary can only hold these children for 30 - 180 days.

DYA, also manages cottage homes in Talofofu for status offenders. The cottage homes have two dormitories that can house 8 females and 8 males for a total capacity of 16 youths. DYA has coordinated with the Governor's Office to build two additional homes, which would increase its capacity to approximately 36 children.

Referring to Section 26517 (b) of Bill no. 303, we do not believe that the alternative placements for the status offenders should necessarily be "only" provided by private organizations on a contractual basis. We believe that contractual alternative placements should be used when appropriate. However, DYA should have the flexibility to use its discretion to operate the program "in house" if necessary. We feel that if DYA is given this flexibility it can house youths, as ordered by the family court, on a need basis.

It is our office's opinion that DYA is the proper department to either manage or contract for the services necessary to fulfill the needs of the non-status offenders. To require the Department to contract for these services would prove fatal, in view of the present lack of private organization on Guam to fulfill their needs.

In reference to Section 26517 (d) of Bill no. 303, we believe that the overall function and duties of an "Independent Review Committee", to be made up of persons not affiliated with DYA, be more clearly defined.

Our office believes that in order for the intent of this Bill to be carried out, the legislature recognize that the services needed to presently address the "Youth Crisis" are lacking. Again this is due to the inability to find properly educated social workers, Youth services workers, family outreach Counselors and other trained personal to address the needs of the children of Guam.

Thank you again for your attention to these concerns and we wholeheartedly support Bill no. 303.

  
DONALD L. PAILLETTE  
Acting Attorney General



## DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE

"People Caring For People"

MARILYN L. WINGFIELD  
Director

June 10, 1991

NORY R. SANTZ  
Deputy Director

The Honorable Elizabeth P. Arriola  
Chairperson, Youth, Human Resources,  
Senior Citizens & Cultural Affairs  
Twenty-First Guam Legislature  
P.O. Box CB-1  
Agana, Guam 96910

Dear Senator Arriola:

I want to thank you for the opportunity to speak to you regarding Bill 303, the deinstitutionalization of Status Offenders Act of 1991.

I would first like to start by talking about my experiences of 3½ years as a child psychiatrist on Guam. A majority of my time is spent working with individuals who are involved with Family Court and are housed at Department of Youth Affairs or individuals who are in the Special Education Division at the Department of Education. As you are aware, I help facilitate the operations of Guma Man Hoben I and II, a residential program for children.

I have on several occasions taken children from DYA into Guma Man Hoben. A number of these children have reported to me physical and sexual abuse while they were staying at the Department of Youth Affairs. This abuse has compounded an already complicated and difficult situation for these individuals. The majority of children who are not status offenders are children who come from backgrounds where they have been physically abused, sexually abused, or emotionally neglected.

Placing these children in an environment where they are at a high risk for continued maltreatment is counter productive to any positive outcome. Most of these individuals are at an age where peer relationships are vitally important. If placed in an environment with peers whose behavior can be dangerous to the community. It is not unreasonable to expect that these children will adapt these very similar and dangerous behaviors.

Another dynamic that should be paid attention to is the fact that these children who are non-status offenders may have a need at an unconscious level to be punished.

Kirk Bellis, D.O.  
Dept. of Mental Health and Substance Abuse  
June 10, 1991  
Page 2 of 2

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Placing them in a DYA situation may satisfy this need. It heightens the amount of recidivism that is seen. A situation is needed where children can be safely contained, but have their needs met in a positive manner.

I know that you have a very high degree of dedication in ensuring a brighter future for the children of Guam. I also know that you have personally gone off island to facilities which house individuals such as the status offenders.


My hope, and I'm sure as well as yours, is to ensure that at some point in the future a residential facility is placed on Guam which will meet the needs of a majority of these children. There also needs to be a separation of the different classes of children at DYA. I remember you also introduced a bill many years ago which would have given DYA a much needed clinical psychologist and psychiatric social worker.

I hope that this ideal has not left the fore front of your awareness and continues to be pursued in the future. I'm not aware at this time if Guam can develop the capacity to handle the status offenders in a private format as suggested in the bill. I would be willing to discuss at a later time what resources would be required to perform the task.

Again, I would highlight a point that has been said over and over again regarding these children. We can pay the price now to help them or wait and pay a price later. The price that we pay later will cost Guam and these children a lot more.

Thank you for your kind consideration and your time. I hope to continue this dialogue with you as time permits.

Very truly yours,

  
KIRK BELLIS, D.O.  
Staff Psychiatrist

**Testimony Regarding Bill 303 Introduced 4 April 1991  
before the Twenty-First Guam Legislature (First) Regular  
Session**

**Title: Deinstitutionalization of Status Offenders Act of 1991**

As a private citizen and parent, concerned with youth issues on Guam, I support Bill 303, and urge you, Senators, to support it also. Status offenders, as you know, are kids who are criminals based solely on their age. They do not belong in jail.

I am aware that the deinstitutionalization of status offenders is a current national topic as well as a local one. On 22 May 1991, the U.S. Senate Subcommittee on Juvenile Justice held a hearing on "Status Offenders: Risks and Remedies." Senator Herb Kohl (D-WI), Chairman of this subcommittee, summed up the matter very well, I think. He said,

"Status offenders come from families in trouble, and family problems cannot be resolved by locking kids up."

I believe that if we give them a chance, young people in trouble can lead successful lives. The current situation on Guam; a void in direction for the authorities for dealing with status offenders, is unacceptable. In the absence of specific legislation providing this direction, Guam's status offender youths, many of them victims, not criminals, are court ordered to serve time at the Department of Youth Affairs detention facilities. I believe that these kids ending up in DYA is not the fault of an uninformed or unsympathetic court system, nor is it the fault of the dedicated and hardworking personnel at DYA who have no choice but to do the best they can under these circumstances. Rather, it is the lack of legislation which is at fault. This bill corrects that problem.

The obvious trouble with the current situation is well stated in the text of Bill 303. We are confining non-criminal youths side-by-side with sentenced criminals. The inevitable occurs when the status offender, already vulnerable due to his confinement for a relatively minor transgression (or worse, no transgression at all other than leaving an abusive home) is first befriended and then influenced by his new friend toward negative or criminal behavior. At best, we

could expect a "hardening" of his attitudes toward the system. The worst case is much more serious. Furthermore, risk of abuse while in confinement is also very real. Senators, when we put non-criminals into jail, we sometimes get potential criminals out. Everytime that happens, we must shoulder some of the responsibility for that young person going wrong.

I believe community problems should be addressed by community based programs, when available. And that government should encourage the community become available to take on the problems. It is not the function of government to solve all the community's ills for it. This bill mandates alternative placement of status offenders into private organizations. It will encourage these kinds of organizations to form, and to step forward to provide the types of services needed. It does this by specifying a paid, contractual arrangement between the government and that organization.

It should be noted that there are already dedicated, caring, self-sacrificing people on Guam providing these services in private organizations. They should not be criticized for the existence of their group. They should be applauded for being available now, and in years past when this was not a topical issue, to help serve Guam's young people.

But the issue addressed by this bill is much bigger than the question of which organization will provide the services and benefit from the contracts. This bill is about our moral responsibility to our troubled youth to assist them in a non-hostile environment.

Regarding the placement of these kids into private organizations; I strongly suspect that the private sector would be more cost effective in providing these services than the local government. One need only look at the pay scales of GOVGUAM counselors versus those of private counselors to see this. In the U.S. Senate subcommittee hearing mentioned above, it was stated by Former Chair of the Subcommittee, Birch E. Bayh, that removing status offenders from detention facilities not only represents a savings of tens of thousands of dollars per year per child, but more importantly, allows government to use some of those savings to fund programs which work, as opposed to maintaining expensive detention facilities which do not. We have here, the opportunity to correct the situation regarding the handling of our status offenders, while at the same time allowing more efficient use of public funds.



Bill 303 is a big step toward addressing one of Guam's greatest social problems: the mishandling of our troubled youth. Passing this bill could only improve the current situation. I most strongly urge you to support this bill, and do everything in your power to gather the support of your colleagues, to ensure this bill becomes law.



Blaine D. Brandon  
11 June 1991

June 11, 1991

Honorable Elizabeth Arriola  
Chairperson, Committee on Youth, Senior  
Citizens, Cultural Affairs and Human Resources  
21st Guam Legislature  
Agana, Guam 96910

Dear Senator Arriola and Members of the Committee:

My name is Teresita F. Mendiola, from the village of Tamuning, and I am providing testimony herein in support of Bill No. 303.

I submit this testimony as a private citizen. My occupation is a teacher for Brodie Memorial School which I have held now for fourteen (14) years. My major responsibilities at this time include providing community based training and transition assistance for our students to acquire and maintain independent living skills.

My strong support for Bill No. 303 is based on my basic values and understanding of work with special needs children. It is indeed a difficult task to work with those who have mental retardation and physical disabilities. We are rewarded though when these children have learned the basic skills they need to contribute to their families and to their communities and care for themselves at the optimal level attainable. What is most frustrating however, is when they are subjected to environments that literally destroy the good work that has been done. The many years of work can be reversed and the student may actually regress and adopt behaviors that are counterproductive.

A specific case example is a 16 year old mentally retarded youth who is now at the Department of Youth Affairs. Placed there only because there are "no other placements" and the family is unable to care for their child. Placement has been between the department's "Cottage Home" and the Detention facilities. What crime has been committed to warrant this placement? I know of none, except the fact that the youth has special needs, unless that is now a crime on Guam. What has happened, that I do know is that the youth now has learned language and behaviors that are associated with criminals and those emotionally disturbed. Furthermore, I have witnessed a severe decline in physical appearance and personal hygiene, in addition to stories and terminology such as being "handcuffed", "frisked", and "sidekicked."

Bill No. 303  
Teresita Mendiola  
Page 2

Appearance at school is now where the student has come in not bathed, and clothes are not kept properly. When there is an absence from school, the school is not informed as to the reason for the absence.

It reminds me of a well known local case where a young girl who was mentally retarded was placed at mental health in-patient ward for many years for "lack of placement" and while there exposed to mentally ill patients. She was then later classified to have a dual diagnosis - mentally retarded and mentally ill. This now required the system to develop another category of programs for dual diagnosed persons ... persons who started with mental retardation but now had all the behaviors of mentally ill patients including behavioral problems and personality disorders.

Alternatives must be developed now and there should never be any reason that a child first of all, be placed behind bars if they have not committed a crime. Secondly, mentally retarded persons are at greater risk to adopt language, values, and behaviors that are deviant and dysfunctional than other children and they certainly don't belong in environments that are not properly suited for them. Lastly, the supportive services and professional relationships expected from the Department of Youth Affairs should be improved so that inappropriate placements do not occur, and that those who are placed there receive the proper counseling, casework and supervision that they desperately need. My experience has indicated the lack of communication and follow up between the department and our school as it should be for the best interest of the youth.

I plead with you, Senators, to recommend passage of Bill No. 303 so that this practice of mixing children and placing them in these terrible environments stops.

With best regards and wishes for your understanding and support -

*Teresita F. Mendiola*  
**TERESITA F. MENDIOLA**  
P.O. Box 6123  
Tamuning, Guam 96931

James J. Kiffer, Ph.D.  
Clinical Psychologist

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P. O. Box 20837  
G.M.F., GU 96921  
Tel. 477-0400

June 10, 1991

The Honorable H.D. Dierking  
Senator  
Twenty-First Guam Legislature  
Agana, Guam 96910

Dear Senator Dierking;

This letter is to provide written testimony in support of Bill 303, Deinstitutionalization of Juvenile Status Offenders. I am a clinical psychologist in private practice on Guam and have treated a number of status offenders. I have worked with adolescents for the past ten years. In 1982 while in the USAF, I developed and directed an inpatient treatment program for adolescents at Yokota Air Base, Japan.

Since my arrival on Guam in 1989, I have seen considerable system induced difficulties in a portion of the status offenders who have spent time at the Department of Youth Affairs. One of the chief causes of additional problems is the intermingling of the populations at the Department of Youth Affairs. Unfortunately, some status offenders pick up the attitudes, values, and behaviors of the more serious class of offenders.


The psychological mechanism works as follows. As well as acute stress, an adolescent initially confined at DYA experiences a sense of anomie when normal rules no longer apply. Both conditions contribute to a state of heightened suggestibility. In this state the status offender tends to identify with the values of the more serious population.

Counseling frequently begins with attempting to undo this adopted role. In some cases the new role is so strongly set, the juveniles have changed and additional infractions are highly probable.

Passage of Bill 303 will have several positive effects. It will increase the homogeneity of the treatment group, significantly decrease the risk of unnecessary contamination, increase the success rate of treatment, and shorten the length of required treatment time.

I strongly support Bill 303, the deinstitutionalization of status offenders. Thank you for the opportunity to provide this testimony.

Sincerely,

  
James J. Kiffer, Ph.D.  
Clinical Psychologist

Testimony regarding Bill 303 introduced 4 April 1991.

As a concerned citizen of Guam and the mother of three, I am submitting this statement in support of Bill 303.

I feel strongly that adolescents who are detained in a correctional facility as a result of negligent or abusive parental behavior, or due to their own "offenses" such as truancy or running away from home, is grossly inappropriate. What these children need is love and support, guidance, consistency, discipline and routine to name but a few.

I worked as an elementary school guidance counselor for two years in Santa Rita, and in that relatively short period of time, I believe I got a good idea of the types of kids who end up in the positions described in this bill. These children are not offenders, they are victims. Victims of neglect and abuse, living where they're often not wanted and having no where else to go. Many get to the point where getting away is the only solution.

As a caring person, as a member of the the helping profession, and as a mother, recognizing the weighty responsibility and the difficulties that we as parents face in our childrearing years, I feel compelled to pledge my support to the alternatives outlined in Bill 303.

*Dana L. Brandon* 6-9-91

Dana L. Brandon  
Alcohol Treatment Counselor

Ann Lallande  
3 Clark Lane  
Nimitz Hill  
Asan, Guam 96922  
June 10, 1991

To the Twenty-First Guam Legislature:

Clearly, no one wants to see a truant from school share a cell with a murder, a child abuser, or a thief. Often, however, the obvious must be articulated in order to create a reality. Bill 303 defines the problem of the detention of misdirected youths; it sets the goal that these youngsters not be housed with criminals; and it proposes a way to help--rather than just confine and isolate--the youths. If enacted, Bill 303 would focus the attention and resources needed to make the deinstitutionalization of status offenders a reality. Please give it your support.

Sincerely,

  
Ann Lallande

June 11, 1991

Twenty-First Guam Legislature  
155 Hefler St.  
Agana, Guam 96910

RE: Bill No. 303, The Deinstitutionalization of Status  
Offenders Act of 1991

Dear Senators:

I am Kathleen Perez. As a mother of three children, an educator of children in Guam for sixteen years, and an alternative mother for foster and Sanctuary children for twenty years I have found that environment and peer interaction have a great impact upon children. Therefore, I would like to present written testimony for Bill 303.

Bill 303 will insure alternative placements for adolescents who are confused, abused, runaways, and homeless. They should not be placed in detention with or as criminals. This type of institution or environment is not conducive to growth as a good citizen. These adolescents have done nothing wrong.

Take a look around the room. How many senators are products of DYA? How many judges? How many other professionals here today would be here if they had been confined and locked up at an early age mingling with peers with criminal attitudes and behavior? Our politicians often say...Our children are our future... Please, Senators, provide the proper environment... Deinstitutionalize children who do not have a criminal background.

Submitted by:

*Kathleen Perez*

TESTIMONY OF MONESSA G. LUJAN  
IN SUPPORT OF  
BILL 303

I submit this testimony to support passage of Bill 303 which would become known as the Deinstitutionalization of Status Offenders Act of 1991.

As an attorney in private practice for almost six (6) years, I have been appointed by the Superior Court of Guam to represent numerous minors who committed no crimes but were considered "beyond control" by their parents and the judicial system. I have also represented victims of sexual abuse who were minors and minors whose parents simply refused or failed to care for them. Minors in these categories should never be placed at the Department of Youth Affairs ("DYA") where they will be confined with minors who have committed crimes.

Unfortunately, sometimes minors in these categories are placed at DYA. In that type of setting, the association with adjudicated offenders is always detrimental. One can anticipate the tremendous potential for status offenders to be influenced by the acts and deeds of adjudicated offenders. Creating this type of danger is intolerable and Bill 303 would go a long way towards its elimination.

I applaud the introduction of Bill 303 because I believe that status offenders should not be victimized by an institutional system that is not competent to meet their needs.

In view of my experience as an attorney representing status offenders, I urge this committee to report Bill 303 out favorably and to seek its passage.

Respectfully submitted this 10th day of June, 1991.

  
\_\_\_\_\_  
MONESSA G. LUJAN



ARTHUR B. CLARK  
ATTORNEY AT LAW  
Suite 600, GCIC Bldg.  
414 W. Soledad Ave.  
Agana, Guam 96910

Tel: (671) 477-1389 thru 92

10 June, 1991

TWENTY-FIRST GUAM LEGISLATURE  
155 Hefler St.  
Agana, Guam 96910

RE: Bill No. 303, The Deinstitutionalization of Status  
Offenders Act of 1991

Dear Honorable Senators:

As a practicing attorney on this island, I wish to proclaim my support for the above-referenced bill.

Having represented juveniles before the Superior Court of Guam for various and diverse offenses, I have often thought it unusually harsh to have children confined at the Department of Youth Affairs for offenses sometimes as minor as truancy. Though sometimes unavoidable, this unusually harsh treatment is transformed into a travesty of justice when minors who have committed no criminal offense, non-offenders, are indiscriminately intermingled with juvenile delinquents.

Many of the minors who appear before the Court as non-offenders are often children who are experiencing the normal identity crisis and state of confusion that is associated with the growing pains of teenage years. It is due to this state of confusion that teenage children become very impressionable and are greatly influenced by their environment.

Of course, I do not feel that every minor confined at the Department of Youth Affairs as a juvenile delinquent is incorrigible or beyond rehabilitation, however, I fail to see how any benefit can be derived by intermingling non-offender children with juvenile delinquents. The non-offender children definitely receive no benefit, and similarly deprived is the community of Guam when its potential leaders are subjected to the negative influences associated with "prison".

Once again, I wish to proclaim my support for this bill. I feel this bill is a step in the right direction towards correcting a problem which has been long overlooked. I applaud the efforts of the senators and other individuals attempting to correct this problem.

Sincerely,

*Arthur B. Clark*

Arthur B. Clark, Esq.



Senator **HERMINIA D. DIERKING**

21st GUAM LEGISLATURE

**Committees:**

July 12, 1991

CHAIRPERSON:

**Rules**

Memorandum

**General  
Governmental  
Operations**

To: Chairperson, Committee on Youth, Senior  
Citizens, Human Resources and Cultural Affairs

VICE CHAIRPERSON:

**Ways & Means**

From: Chairperson, Committee on Rules

**Energy  
Utilities and  
Consumer  
Protection**

Subject: Amendment to Bill 303

MEMBER:

In reviewing concerns relative to Bill 303, and as the  
sponsor of this bill, I hereby submit the following  
amendment to your committee:

**Economic and  
Agricultural  
Development**

Add:

**Education**

Section 7. Date of Effectuation. This Act will  
become effective upon its enactment. However, referrals  
to the Department of Youth Affairs for placement in their  
detention unit of status offenders will not be restricted  
until such time that Subsection 26517.1 (a) "Alternative  
Placements" are operational. This interim period however  
shall not exceed a period of one (1) year from date of  
enactment.

**Health,  
Ecology and  
Welfare**

**Housing  
Community  
Development,  
Federal and  
Foreign Affairs**

This recommendation is made in light of the concerns  
brought to my attention by the Honorable Benjamin Cruz,  
Family Court Judge. Judge Cruz feels that until such  
time that alternatives are intact through the Department  
of Youth Affairs, it is necessary that the Court have  
the continued option of placement in DYA's detention  
facility for those status offenders who have committed  
violations of court orders or of whom there are no  
other placements available in the community.

**Judiciary  
and  
Criminal Justice**

**Tourism and  
Transportation**

**Youth, Senior  
Citizens, and  
Cultural Affairs**

Should you have questions, please advise accordingly.

HERMINIA D. DIERKING  
Senator