



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By:	<u>[Signature]</u>
Time:	<u>3:00 pm</u>
Date:	<u>09/27/02</u>

SEP 27 2002

The Honorable Joanne M. S. Brown  
Legislative Secretary  
I Mina'Bente Sais na Liheslaturan Guåhan  
Twenty-Sixth Guam Legislature  
Suite 200  
130 Aspal Street  
Hagåtña, Guam 96910

Dear Legislative Secretary Brown:

Enclosed please find Bill No. 250 (COR) "AN ACT TO AMEND § 93102(10) OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE DEFINITION 'CHILD WITH SERIOUS EMOTIONAL DISTURBANCE,'" which was signed into law as Public Law No. 26-146.

This legislation corrects the definition of "child with serious emotional disturbance" in our local law concerning the "System of Care" to be developed for emotionally disturbed children. This definition must mirror the federal definition, and the aim of the local government is to take advantage of "The Children Mental Health Initiative".

Very truly yours,

Carl T. C. Gutierrez  
I Maga'Lahen Guåhan  
Governor of Guam

Attachments: original bill for vetoed legislation or  
copy of bill for signed or overridden legislation  
and legislation enacted without signature

cc: The Honorable Antonio R. Unpingco  
Speaker

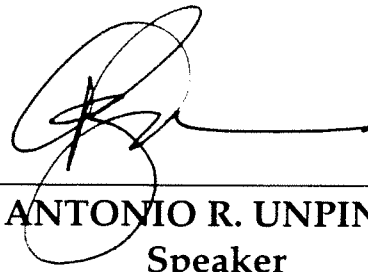
Office of the Speaker  
ANTONIO R. UNPINGCO  
Date: 09-27-02  
Time: 4:45  
Rec'd by: [Signature]  
Print Name: [Signature]

0949

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN  
2002 (SECOND) Regular Session

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


This is to certify that Bill No. 250 (COR), "AN ACT TO AMEND § 93102(10) OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE DEFINITION 'CHILD WITH SERIOUS EMOTIONAL DISTURBANCE'," was on the 4<sup>th</sup> day of September, 2002, duly and regularly passed.



---

ANTONIO R. UNPINGCO  
Speaker

Attested:

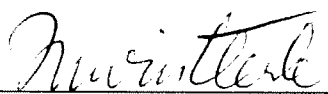


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JOANNE M.S. BROWN  
Senator and Legislative Secretary

.....


This Act was received by I Maga'lahaen Guåhan this 16<sup>th</sup> day of September, 2002,  
at 3:55 o'clock P.M.



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Assistant Staff Officer  
Maga'lahaen's Office

APPROVED:



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CARL T. C. GUTIERREZ  
I Maga'lahaen Guåhan

Date: 9-27-02

Public Law No. 26-146

**MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN**  
**2002 (SECOND) Regular Session**

**Bill No. 250 (COR)**

As amended.

Introduced by:

E. B. Calvo  
L. F. Kasperbauer  
J. F. Ada  
T. C. Ada  
F. B. Aguon, Jr.  
J. M.S. Brown  
F. P. Camacho  
M. C. Charfauros  
Mark Forbes  
L. A. Leon Guerrero  
K. S. Moylan  
V. C. Pangelinan  
A. L.G. Santos  
A. R. Unpingco  
J. T. Won Pat

**AN ACT TO AMEND § 93102(10) OF TITLE 10 OF THE  
GUAM CODE ANNOTATED, RELATIVE TO THE  
DEFINITION "CHILD WITH SERIOUS EMOTIONAL  
DISTURBANCE."**

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

2           **Section 1. Legislative Findings and Intent.** Guam has exerted a  
3 sustained effort at trying to serve children with emotional disabilities with a clear  
4 desire to serve these children and their families. This is reflective of a failure to  
5 place the child and family at the center of efforts, and also is due to the lack of a  
6 coordinated plan.

7           The Department of Mental Health and Substance Abuse, as part of their

1 categorical mandate, is to aid and improve mental health services for children,  
2 adolescents and their families. Through this mandate the Department of Mental  
3 Health and Substance Abuse convened a committee to determine the feasibility  
4 and eventual application to a Federal program called, "The Children Mental  
5 Health Initiative." This is a coordinated plan which places a child with serious  
6 emotional disturbances at the center of efforts through the collaboration of  
7 existing governmental and non-profit services. The establishment of this  
8 committee is consistent with § 86105(B)(1) of Chapter 86 of Title 10 of the Guam  
9 Code Annotated.

10 The committee's findings recommended that the statutory definition of  
11 "*child with serious emotional disturbance*" is inconsistent and does *not* meet the  
12 Federal program requirements of the "Child Mental Health Initiative Program,"  
13 which is remedied by changing a correlative conjunction "or" to "and." This  
14 change is consistent with other Federally-sanctioned programs.

15 **Section 2.** Section 93102(10) of Chapter 93, Division 4 of Title 10 of the  
16 Guam Code Annotated is hereby *amended* to read as follows:

17 **"(10)** '*Child with serious emotional disturbance*': on Guam a  
18 seriously, emotionally disturbed child or adolescent is defined as a person  
19 who is under the age of eighteen (18) years old, or is under the age of  
20 twenty-two (22) and has been receiving services *prior* to the age of eighteen  
21 (18) years old that must be continued for *maximum* therapeutic benefits, and  
22 who exhibits any of the following characteristics for *more than* six (6)  
23 months:

- 24 (a) has received a DSM-IV diagnosis on axis I or II; *and*  
25 (b) exhibits severe behavioral, emotional or social disabilities

1 that cannot be attributed solely to intellectual, physical or sensory  
2 deficits, such as, but *not* limited to:

3 (i) behaviors that are sufficiently intense or severe  
4 enough to be considered seriously detrimental to the child's  
5 growth, development or welfare, or to the safety or welfare of  
6 others;

7 (ii) behaviors that, although possibly provoked, are  
8 judged to be extreme or out of proportion to the provocation,  
9 or an inappropriate age reaction;

10 (iii) behaviors that have been judged sufficiently  
11 disruptive to lead to exclusion from school, home, therapeutic  
12 or recreational settings; *or*

13 (iv) behaviors that require interdisciplinary services  
14 and intensive, well coordinated care to be successfully  
15 managed."

16 **Section 3. Severability.** *If* any provision of this Law or its application  
17 to any person or circumstance is found to be invalid or contrary to law, such  
18 invalidity shall *not* affect other provisions or applications of this Law which can  
19 be given effect without the invalid provisions or application, and to this end the  
20 provisions of this Law are severable.

# I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2002 (SECOND) Regular Session

Date: 9/4/02

## VOTING SHEET

Bill No. 250 (COR)

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Joseph F.	✓				
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M. S.	✓				
CALVO, Eddie B.	✓				
CAMACHO, Felix P.	✓				
CHARFAUROS, Mark C.	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LEON GUERRERO, Lourdes A.	✓				
MOYLAN, Kaleo S.	✓				
PANGELINAN, Vicente C.	✓				
SANTOS, Angel L.G.	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL

15    0    0    0    0

CERTIFIED TRUE AND CORRECT:

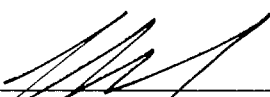


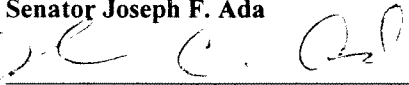

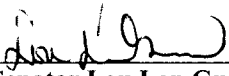

\_\_\_\_\_  
Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence

**COMMITTEE ON PUBLIC WORKS,  
HEALTH AND HUMAN SERVICES**  
*Mina' Bente Sais Na Liheslaturan Guåhan*  
155 Hesler Street, Hagåtña, GU 96910

**VOTING SHEET:**

**BILL NO. 250 (COR) - AN "ACT TO AMEND SECTION 93102 (10) OF CHAPTER 86, DIVISION 4 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE DEFINITION OF "CHILD WITH SERIOUS EMOTIONAL DISTURBANCE." (By: E.B. Calvo)**

<u>COMMITTEE MEMBERS</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>TO REPORT OUT ONLY</u>	<u>INACTIVE FILE</u>
 Senator Eddie Baza Calvo Chairman	✓				
 Vice Speaker Lawrence F. Kasperbauer Vice-Chairman	✗				
 Speaker Antonio R. Unpingco Ex-Officio Member	✓				
Senator Joseph F. Ada				✓	
 Senator Thomas C. Ada					
 Senator Joanne M. S. Brown	✓				
Senator Mark Forbes					
 Senator Lou Lon Guerrero	✓				
 Senator Vicente C. Pangelinan	✓				
Senator Judith T. WonPat					

6  
9/4/02

**MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN**  
**2002 (SECOND) Regular Session**

**Bill No. 250 (COR)**

As amended.

\*

Introduced by:

- E. B. Calvo
- L. F. Kasperbauer
- J. F. Ada

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- T. C. Ada
- F. B. Aguon, Jr.
- J. M.S. Brown
- F. P. Camacho
- M. C. Charfauros
- Mark Forbes
- L. A. Leon Guerrero
- K. S. Moylan
- V. C. Pangelinan
- A. L.G. Santos
- A. R. Unpingco
- J. T. Won Pat

**AN ACT TO AMEND § 93102(10) OF TITLE 10 OF THE  
GUAM CODE ANNOTATED, RELATIVE TO THE  
DEFINITION "CHILD WITH SERIOUS EMOTIONAL  
DISTURBANCE."**

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

2 **Section 1. Legislative Findings and Intent.** Guam has exerted a  
3 sustained effort at trying to serve children with emotional disabilities with a clear  
4 desire to serve these children and their families. This is reflective of a failure to  
5 place the child and family at the center of efforts, and also is due to the lack of a  
6 coordinated plan.

7 The Department of Mental Health and Substance Abuse, as part of their



1 categorical mandate, is to aid and improve mental health services for children,  
2 adolescents and their families. Through this mandate the Department of Mental  
3 Health and Substance Abuse convened a committee to determine the feasibility  
4 and eventual application to a Federal program called, “[T]he Children Mental  
5 Health Initiative.” This is a coordinated plan which places a child with serious  
6 emotional disturbances at the center of efforts through the collaboration of  
7 existing governmental and non-profit services. The establishment of this  
8 committee is consistent with § 86105(B)(1) of Chapter 86 of Title 10 of the Guam  
9 Code Annotated.

10 The committee’s findings recommended that the statutory definition of  
11 “*child with serious emotional disturbance*” is inconsistent and does *not* meet the  
12 Federal program requirements of the “Child Mental Health Initiative Program,”  
13 which is remedied by changing a correlative conjunction “or” to “and.” This  
14 change is consistent with other Federally-sanctioned programs.

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3 (i) behaviors that are sufficiently intense or severe  
4 enough to be considered seriously detrimental to the child's  
5 growth, development or welfare, or to the safety or welfare of  
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8 judged to be extreme or out of proportion to the provocation,  
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11 disruptive to lead to exclusion from school, home, therapeutic  
12 or recreational settings; *or*

13 (iv) behaviors that require interdisciplinary services  
14 and intensive, well coordinated care to be successfully  
15 managed."

16 **Section 3. Severability.** *If any provision of this Law or its application*  
17 *to any person or circumstance is found to be invalid or contrary to law, such*  
18 *invalidity shall not affect other provisions or applications of this Law which can*  
19 *be given effect without the invalid provisions or application, and to this end the*  
20 *provisions of this Law are severable.*



MINA´BENTE SAIS NA LIHESLATURAN GUÁHAN  
TWENTY-SIXTH GUAM LEGISLATURE

SENATOR EDDIE BAZA CALVO

Chairman

COMMITTEE ON PUBLIC WORKS, HEALTH AND HUMAN SERVICES

E-Mail address: sencalvo@ite.net  
120 Father Dueñas Avenue, Capitol Plaza, Suite 109  
Hagátña, Guam 96910

Telephone: (671) 472-4040/4518  
Facsimile: (671) 472-4100

May 8, 2002

The Honorable Antonio R. Unpingco  
Speaker  
*I Mina´Bente Sais Na Liheslaturan Guáhan*  
155 Hesler Street  
Hagátña, GU 96910

via: Committee on Rules

*Háfa Adai!* Mr. Speaker:

The Committee on Public Works, Public Health and Human Services, to which was referred Bill No. 250 (COR) "Act to Amend Section 93102 (10) of Chapter 86, Division 4 of Title 10 of the Guam Code Annotated, Relative to the Definition "Child with Emotional Disturbance," by Committee on Rules, General Government Operations, Reorganization and Reform and Federal, Foreign and General Affairs on February 21, 2001. Committee does hereby report back, with the recommendation **TO DO PASS**.

Votes of the Committee members are as follows:

To Pass   7   Abstain        Inactive File         
Not to Pass        To Report Out Only       

A copy of the Committee Report is attached for your consideration. (NOTE: Public Hearing held March 14, 2002.)

*Si Yu´os Ma´ásé,*



**EDDIE BAZA CALVO**

Attachments

**COMMITTEE ON PUBLIC WORKS,  
HEALTH AND HUMAN SERVICES**  
*Mina' Bente Sais Na Liheslaturan Guåhan*  
155 Hesler Street, Hagåtña, GU 96910

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**COMMITTEE REPORT**

**ON**

**BILL NO. 250 (COR)**

**“ACT TO AMEND SECTION 93102 (10) OF CHAPTER 86, DIVISION  
4 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO  
THE DEFINITION OF “CHILD WITH SERIOUS EMOTIONAL  
DISTURBANCE.” (By: E.B. Calvo)**

**COMMITTEE MEMBERS**

Chairman: Senator Eddie Baza Calvo  
Vice-Chairman: Vice Speaker Lawrence F. Kasperbauer  
Ex-Officio Member: Antonio R. Unpingco

Senator Joseph F. Ada  
Senator Thomas C. Ada  
Senator Joanne M. S. Brown  
Senator Judith T. WonPat

Senator Mark Forbes  
Senator Lou Leon Guerrero  
Senator Vicente C. Pangelinan

**COMMITTEE ON PUBLIC WORKS,  
HEALTH AND HUMAN SERVICES**

*Mina' Bente Sais Na Liheslaturan Guåhan*  
155 Hesler Street, Hagåtña, GU 96910

---

**BILL NO. 250 (COR)**

**“ACT TO AMEND SECTION 93102(10) OF CHAPTER 86, DIVISION 4, OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE DEFINITION, “CHILD WITH SERIOUS EMOTIONAL DISTURBANCE.” (By: E.B. Calvo)**

**I. PUBLIC HEARING**

**BILL NO. 250 (COR)** was introduced on January 18, 2002 and referred to the Committee on Public Works, Health and Human Services (“the Committee”) on February 21, 2002.

The Committee called a public hearing to order at 9:25 a.m., Thursday, March 14, 2002 to hear testimony on **BILL NO. 250 (COR)**. The hearing was held in the Public Hearing Room of *I Liheslaturan Guåhan* in Hagåtña. Notices were placed in the Pacific Daily News, March 9, 2002 and Guam Variety, March 12, 2002, in compliance with stipulations mandated for proper notification of the public.

The hearing called to order by Senator Eddie Baza Calvo, Chairman, and Committee on Public Works, Public Health and Social Services, with Senators Lou Leon Guerrero, Judi Won Pat and Vicente C. Pangelinan in attendance.

	<u>Testimony Presented</u>	<u>Herein Attached As</u>
<u>Testimony Submitted:</u>		
Ms. Aurora Cabanero, Acting Director, Department of Mental Health and Substance Abuse	Oral	
Mr. Jude Ramos, Department of Mental Health and Substance Abuse	Oral	
Ms. Heidi San Nicolas, Ph.D., Director Guam CEDDERS/UAP	Written	Exhibit “A”
Ms. Christine Baleto, Executive Director, Sanctuary Incorporated	Written	Exhibit “B”
Ms. Cerila M. Rapadas, Executive Director, Catholic Catholic Social Services	Written	Exhibit “C”

**II. TESTIMONY**

Ms. Cabanero and Mr. Ramos testified in favor of the proposed legislation. Ms. Cabanero reported her department consulted with the Substance Abuse Mental Health Services Administration (SAMHSA) under the Department of Health and Human Services regarding Bill

250 who advised the definition of "child with serious emotional disturbance should be consistent with federal program requirements. She noted the change of Guam's definition conforming to federal definition and will be contrary to the existing service provision mandates of any of the children's services and programs available on island. The amendment will further assist Guam to more accurately identify children and adolescents with serious emotional disturbance. More importantly, the change will comply with SAMHSA's grant requirements. Ms. Cabanero advised her department applied for the \$6 million Child Mental Health Initiative (CMHI) Grant (for a six year period) in collaboration with administration, the legislature, public and private sector. Grant will change and improve the service delivery to children and adolescents, as well as their families, who are suffering from serious emotional disturbance.

Mr. Ramos reported the CMHI Committee found inconsistencies in legislation and guidelines during the course of their meetings requiring a technical change from "and" to "or". With the assistance of Senator Calvo's staff aide, the proposed legislation being heard was realized.

Written testimony in full support of Bill 250 (COR) submitted by Dr. Heidi San Nicolas, Ph.D., Director, Guam Center for Excellence in Developmental Disabilities Education, Research and Service; Ms. Christine Baleto, Executive Director, Sanctuary Incorporated and Ms. Cerila M. Rapadas, Executive Director, Catholic Social Service. (See attached Exhibits A, B and C).

## **II. FINDINGS**

Bill 250 changes Guam's definition of a "child with serious emotional disturbance" conforming to federal definition and will be contrary to the existing service provision mandates of any of the children's services and programs available on island. The change allows the Department of Mental Health and Substance Abuse to comply with SAMHSA's grant requirements and allowing the department to bid for \$6 million Child Mental Health Initiative (CMHI) Grant (for a six year period). Grant application in collaboration with administration, the legislature, public and private sector resulting in changing and improving the service delivery to children and adolescents, as well as their families, who are suffering from serious emotional disturbance. Committee finds Bill 250 is a step in the right direction to counteract juvenile delinquency, familial disunity, child abuse and neglect through youth advocacy while providing a comprehensive continuum of care addressing the delivery and organization of children's mental health services for our island's youth community. Youth service providers' witness firsthand that abused children, runaway or homeless often times develop severe emotional disturbances as a result of the trauma they have experienced at home. This does not include the challenges faced by children who are born with disabilities and the overwhelming responsibility of raising and caring for their special needs. Guam lacks adequate supportive and shelter services to assist these families.

## **IV. RECOMMENDATION**

The Committee on Public Works, Health and Human Services does hereby report out **BILL NO. 250 (COR)**, to *I Liheslaturan Guahan*, with the recommendation **TO DO PASS**.

2nd  
8/21  
8/22  
8/22

JAN 18, 2002

**MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN  
2002 (SECOND) Regular Session**

Bill No. 250(COE)

Introduced by:

E. B. Calvo *EBC*  
*E. B. Calvo*

**AN ACT TO AMEND SECTION 93102(10) OF  
CHAPTER 86, DIVISION 4, OF TITLE 10 OF THE GUAM  
CODE ANNOTATED, RELATIVE TO THE DEFINITION  
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**BE IT ENACTED BY THE PEOPLE OF GUAM:**

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*

*I Maga'lahen Guåhan*

Guam has exerted a sustained effort at trying to serve children with emotional disabilities with a clear desire to serve these children and their families. This is reflective of a failure to place the child and family at the center of efforts, and also is due to the lack of a coordinated plan.

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3 Initiative." This is a coordinated plan which places a child with serious emotional  
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6 consistent with Section 86105 (B)(1) of Chapter 86, of Title 10 of the Guam Code  
7 Annotated.

8  
9 The committee's findings recommended that the statutory definition of  
10 "Child with serious emotional disturbance" is inconsistent and does not meet the  
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12 which is remedied by changing a correlative conjunction "or" to "and." This  
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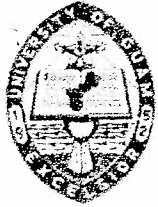
17 **"Section 93102 (10).**

18  
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23 *provisions of this Law are severable.*



Guam Center for Excellence in  
Developmental Disabilities Education, Research, and Service  
University of Guam • *Umibetsedát Guahan*  
Office of Academic Affairs  
29 Dean's Circle • UOG Station • Mangilao, Guam 96923  
(671) 735-2481 (V) • (671) 734-6531 (TTY) • (671) 734-5709 (Fax)  
E-mail: [heidisan@uog9.uog.edu](mailto:heidisan@uog9.uog.edu) • Website: [www.uog.edu/cedders](http://www.uog.edu/cedders)



March 8, 2002

SENATOR EDDIE BAZA CALVO  
Chairman, Committee on Public Works, Health and Human Services  
Twenty-Sixth Guam Legislature  
120 Father Duenas Ave., Capitol Plaza, Suite 109  
Hagatna, Guam 96910

Regarding: March 14, 2002 Public Hearing on Bill No. 250 (COR) "An Act to Amend Section 93102(10) of Chapter 86, Division 4, of Title 10 of the Guam Code Annotated, Relative to the Definition "Child with serious emotional disturbance." By: E.B. Calvo

Dear Senator Calvo,

This letter is submitted in support of your efforts to correct language in the original mandated definition of "child with serious emotional disturbance." However, besides changing the conjunction "or" to "and" in Section 93192 (10) there are also other parts of this same Section which are discrepant from the federal definition. For example, the level of functioning and the duration of the disability are different.

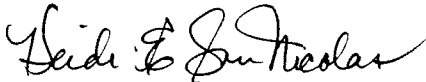
Our recommendation is that Guam adopt the definition espoused by SAMHSA (see attached) as it is based on research studies that qualified the criteria as indicated. Modifying Guam's definition of a child with serious emotional disturbance to mirror the federal definition will not conflict with the service provision mandates of any of the youth service entities on Guam. It will, however, help Guam to more correctly identify these children. It will certainly help us comply with the intent of SAMHSA's grant requirement.

We thank you for working expeditiously to rectify the language. As you may know, Guam CEDDERS/UAP is supporting DMHSA by writing the grant application on behalf of the community of stakeholders who have been working diligently these past several

OFFICE OF SENATOR  
EDDIE BAZA CALVO  
Date: 3-12-02 Time: 3:13 pm  
Received By: JBC

years to effect change and improvement in service delivery for youth and their families. We appreciate the support you have provided us and look forward to your continued help in supporting the cooperative agreements with SAMHSA s that are being shaped to help fund and move the system forward.

Respectfully,



Heidi San Nicolas, Ph.D.  
Director, Guam CEDDERS/UAP

Federal Definition of Child with SED as contained in the  
Guidance for Applicants (GFA) No. SM-02-002

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Office of Academic Affairs  
29 Dean's Circle • UOG Station • Mangilao, Guam 96923  
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E-mail: [heidisan@uog9.uog.edu](mailto:heidisan@uog9.uog.edu) • Website: [www.uog.edu/cedders](http://www.uog.edu/cedders)



March 8, 2002

SENATOR EDDIE BAZA CALVO  
Chairman, Committee on Public Works, Health and Human Services  
Twenty-Sixth Guam Legislature  
120 Father Duenas Ave., Capitol Plaza, Suite 109  
Hagatna, Guam 96910

Regarding: March 14, 2002 Public Hearing on Bill No. 250 (COR) "An Act to Amend Section 93102(10) of Chapter 86, Division 4, of Title 10 of the Guam Code Annotated, Relative to the Definition "Child with serious emotional disturbance." By: E.B. Calvo

Dear Senator Calvo,

This letter is submitted in support of your efforts to correct language in the original mandated definition of "child with serious emotional disturbance." However, besides changing the conjunction "or" to "and" in Section 93192 (10) there are also other parts of this same Section which are discrepant from the federal definition. For example, the level of functioning and the duration of the disability are different.


Our recommendation is that Guam adopt the definition espoused by SAMHSA (see attached) as it is based on research studies that qualified the criteria as indicated. Modifying Guam's definition of a child with serious emotional disturbance to mirror the federal definition will not conflict with the service provision mandates of any of the youth service entities on Guam. It will, however, help Guam to more correctly identify these children. It will certainly help us comply with the intent of SAMHSA's grant requirement.

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OFFICE OF SENATOR  
EDDIE BAZA CALVO  
Date: 3-12-02 Time: 3:13 pm  
Received By: *BC*

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Respectfully,



Heidi San Nicolas, Ph.D.  
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Exhibit A



March 8, 2002

SENATOR EDDIE BAZA CALVO  
Chairman, Committee on Public Works, Health and Human Services  
Twenty-Sixth Guam Legislature  
120 Father Duenas Ave., Capitol Plaza, Suite 109  
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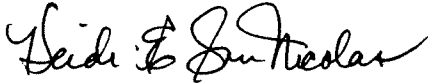
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EDDIE BAZA CALVO  
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Exhibit A



March 8, 2002

SENATOR EDDIE BAZA CALVO  
Chairman, Committee on Public Works, Health and Human Services  
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120 Father Duenas Ave., Capitol Plaza, Suite 109  
Hagatna, Guam 96910

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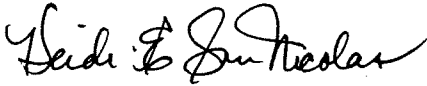
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SANCTUARY

INCORPORATED  
A Non-profit Organization Established in 1971

March 8, 2002

Honorable Eddie Baza Calvo  
SenatorChairman, Committee on Public Works, Health and Human Services  
26<sup>th</sup> Guam Legislature  
120 Father Duenas Avenue  
Capitol Plaza, Suite 109  
Hagatna, Guam 96910

OFFICE OF  
EDDIE BAZA CALVO  
Date: 3/10/02  
Received By: Elaine [Signature]

Dear Senator Calvo:

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The Child Mental Health Initiative will allow the Department of Mental Health to develop systems of care that develop effective comprehensive community mental health services for children and adolescents with serious emotional disturbance and their families. It is for this reason that Sanctuary is in full support of any measure that would allow them to secure funding to support this initiative. Should you have any questions,



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Thank you for allowing me the opportunity to provide input on this very important bill.

Sincerely,



Christine Baletto  
Executive Director



SANCTUARY

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March 8, 2002

Honorable Eddie Baza Calvo  
 Senator  
 Chairman, Committee on Public Works, Health and Human Services  
 26<sup>th</sup> Guam Legislature  
 120 Father Duenas Avenue  
 Capitol Plaza, Suite 109  
 Hagatna, Guam 96910

OFFICE OF  
 EDDIE BAZA CALVO  
 Date: 3/11/02  
 Received By: *Edna T*

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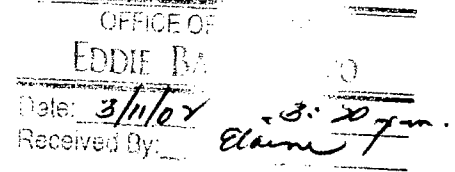
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OFFICE OF  
 EDDIE BAZA CALVO  
 Date: 3/10/02  
 Received By: Elaine T. [Signature]

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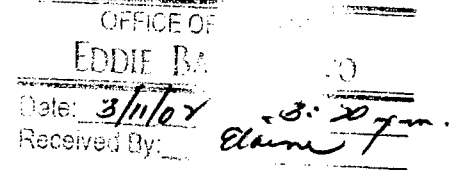


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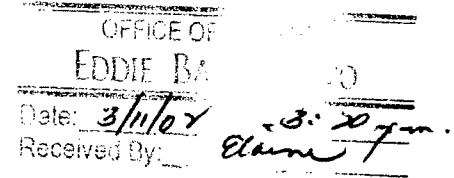


Christine Baletto  
Executive Director

SANCTUARY


**INCORPORATED**  
 A Non-profit Organization Established in 1971

March 8, 2002



Honorable Eddie Baza Calvo  
 Senator  
 Chairman, Committee on Public Works, Health and Human Services  
 26<sup>th</sup> Guam Legislature  
 120 Father Duenas Avenue  
 Capitol Plaza, Suite 109  
 Hagatna, Guam 96910

Dear Senator Calvo:

Sanctuary, Incorporated is pleased to provide the following comments regarding the proposed measure to amend Section 93102(10) of Chapter 86, Division 4, of Title 10 relative to the definition "Child with Serious Emotional Disturbance." The organization is an active member on the Child Mental Health Initiative Committee convened by the Department of Mental Health and Substance Abuse and is in full support of the bill.

As you know, Sanctuary is a non-profit organization that has a 30-year history of serving Guam's abused, runaway and homeless youth and their families. Since its founding, our organization has been focused on counteracting juvenile delinquency, familial disunity, child abuse and neglect through youth advocacy and by providing a comprehensive continuum of services to youth in the community. As the sole provider on island for this population, we have witnessed firsthand that children who are abused, runaway or are homeless often times develop severe emotional disturbances as a result of the trauma they have experienced at home. Unfortunately, adequate mental health services to assist them are unavailable as a result of the lack of expertise or resources. Guam has one child psychiatrist on island and a waiting list for services at the Department of Mental Health due to staffing shortages and budget shortfalls. In addition, we have also seen the challenges that children who are born with disabilities must face as a result of the lack of services. Families are overwhelmed with the responsibility of raising these children and caring for their special needs. There is a lack of adequate supportive and shelter services to assist these families. Often times, Sanctuary has been asked to assist in these situations. However, there needs to be a comprehensive continuum of care that will address the delivery and organization of children's mental health services on Guam.

The Child Mental Health Initiative will allow the Department of Mental Health to develop systems of care that develop effective comprehensive community mental health services for children and adolescents with serious emotional disturbance and their families. It is for this reason that Sanctuary is in full support of any measure that would allow them to secure funding to support this initiative. Should you have any questions,

or require additional information, please do not hesitate to contact me at 735-1400.  
Thank you for allowing me the opportunity to provide input on this very important bill.

Sincerely,



Christine Baletto  
Executive Director



# CATHOLIC SOCIAL SERVICE

U.S. Army Juan C. Fejeran Street, Building-A 234, Barrigada Heights  
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OFM CAP D.D.  
President/Chairman  
Board of Trustees/Directors

Cerila M. Rapadas  
Executive Director

Sr. M. Callista Camacho, RSM  
Deputy Director

March 12, 2002

## BILL NO. 250 OF "CHILD WITH SERVICES EMOTIONAL DISTURBANCE"

Senator Eddie Baza Calvo, Chairman  
Committee on Public Works  
Health and Human Services  
120 Fr. Duenas Ave, Capital Plaza Suite 109  
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Thank you for inviting us to comment on Bill No. 250 (COR) " An Act to Amend Section 93102(10) of Chapter 86, Division 4, of Title 10 of the Guam Code Annotated, Relative To The Definition "Child with Serious Emotional Disturbance"

We support the bill which is written to conform with the Federal Program requirements of the "Child Mental Health Initiative Program which changed the correlative conjunction "or to "and".

The change in effect incorporates age, having DSM-IV diagnosis on AXIS I or II, and exhibiting severe behavioral emotional or social disabilities, etc.

If you should have any questions, you may contact me at 635-1410.

Si Yu'os Ma'ase.

Sincerely,

  
Cerila M. Rapadas  
Executive Director

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Charities  
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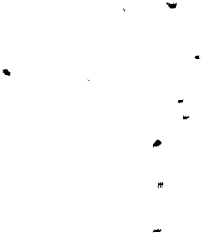
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**MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN**  
**2002 (SECOND) Regular Session**

Bill No. 250 (COR)

Introduced by:

E. B. Calvo *EBC*

**AN ACT TO AMEND SECTION 93102(10) OF  
CHAPTER 86, DIVISION 4, OF TITLE 10 OF THE GUAM  
CODE ANNOTATED, RELATIVE TO THE DEFINITION  
"CHILD WITH SERIOUS EMOTIONAL  
DISTURBANCE."**

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

2           **Section 1. Legislative Findings and Intent.**     *I Liheslaturan Guåhan*

3     *I Maga'lahaen Guåhan*

4  
5           Guam has exerted a sustained effort at trying to serve children with emotional  
6     disabilities with a clear desire to serve these children and their families. This is  
7     reflective of a failure to place the child and family at the center of efforts, and also  
8     is due to the lack of a coordinated plan.

9  
10          The Department of Mental Health and Substance Abuse as part of their  
11     categorical mandate is to aide and improve mental health services for children,  
12     adolescents and their families. Through this mandate the Department of Mental

DATE: 1-18-02  
TIME: 4:10 PM  
NAME: EAM

1 Health and Substance Abuse convened a committee to determine the feasibility and  
2 eventual application to a federal program called "The Children Mental Health  
3 Initiative." This is a coordinated plan which places a child with serious emotional  
4 disturbances at the center of efforts through the collaboration of existing  
5 governmental and non-profit services. The establishment of this committee is  
6 consistent with Section 86105 (B)(1) of Chapter 86, of Title 10 of the Guam Code  
7 Annotated.

8  
9 The committee's findings recommended that the statutory definition of  
10 "Child with serious emotional disturbance" is inconsistent and does not meet the  
11 federal program requirements of the "Child Mental Health Initiative Program,"  
12 which is remedied by changing a correlative conjunction "or" to "and." This  
13 change is consistent with other federally sanctioned programs.

14  
15 **Section 2.** Section 93102(10) of Chapter 86, Division 4, of Title 10 of the  
16 Guam Code annotated is hereby *amended* to read as follows:

17 **"Section 93102 (10).**

18  
19 (10) "Child with serious emotional disturbance" on Guam a seriously,  
20 emotionally disturbed child or adolescent is defined as a person  
21 who is under the age of eighteen (18) years old, or is under the  
22 age of twenty-two (22) and has been receiving services prior to  
23 the age of eighteen (18) years old that must be continued for  
24 maximum therapeutic benefits, and who exhibits any of the  
25 following characteristics for more than six (6) months:



- 1 (a) has received a DSM-IV diagnosis on axis I or II; ~~or~~ **and**  
2 (b) exhibits severe behavioral, emotional or social disabilities  
3 that cannot be attributed solely to intellectual, physical or  
4 sensory deficits, such as, but not limited to:  
5 (i) behaviors that are sufficiently intense or severe  
6 enough to be considered seriously detrimental to the  
7 child's growth, development, or welfare, or to the  
8 safety or welfare of others;  
9 (ii) behaviors that, although possibly provoked, are  
10 judged to be extreme or out of proportion to the  
11 provocation, or an inappropriate age reaction;  
12 (iii) behaviors that have been judged sufficiently  
13 disruptive to lead to exclusion from school, home,  
14 therapeutic or recreational settings; or  
15 (iv) behaviors that require interdisciplinary services and  
16 intensive, well coordinated care to be successfully  
17 managed."  
18

19 **Section 3. Severability.** *If any provision of this Law or its application*  
20 *to any person or circumstance is found to be invalid or contrary to law, such*  
21 *invalidity shall not affect other provisions or applications of this Law which can be*  
22 *given effect without the invalid provisions or application, and to this end the*  
23 *provisions of this Law are severable.*



