

FIFTH GUAM LEGISLATURE
1959 (FIRST) Regular Session

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CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 86, "An Act to repeal Chapter 3, Title VII, Government Code of Guam, and to enact a new Chapter 3 relative to the administration of public welfare in Guam", was on the 4th day of February, 1959, duly and regularly passed.




A. B. WON PAT
Speaker

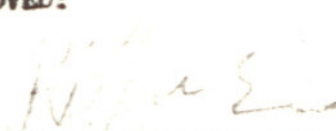
ATTESTED:

V. B. BAMBA
Legislative Secretary

This Act was received by the Governor this 12th day
of February, 1959 at 4:47 o'clock P. M.


MARCELLUS GRAEME BOSS
Secretary of Guam

APPROVED:


RICHARD BARRETT LOWE
Governor of Guam

Dated: MAR 13 1959

3:22 P.M.

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1 Bill No. 86

2 Introduced by _____
3 Committee on Rules, by
4 request

5 AN ACT TO REPEAL CHAPTER 3, TITLE VII,
6 GOVERNMENT CODE OF GUAM, AND TO ENACT A
7 NEW CHAPTER 3 RELATIVE TO THE ADMINIS-
8 TRATION OF PUBLIC WELFARE IN GUAM.

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

10 Section 1. Chapter 3, Title VII, Government Code of Guam,
11 is hereby repealed.

12 Section 2. There is hereby enacted a new Chapter 3, Title
13 VII, Government Code of Guam, to read as follows:

14 "Chapter 3

15 Public Welfare

16 Subchapter A - General Provisions

17 Section 6200. Director of Welfare. There is hereby
18 established a Division of Public Welfare of the Department
19 of Finance to be administered by the Director of Finance,
20 as Director of Welfare ex officio, or by such other officer
21 of the government as the Governor may designate.

22 Section 6200.1. Personnel. The Director is authorized
23 to appoint such personnel and fix their duties, under and
24 in accordance with Title V, Government Code of Guam, as may
25 be necessary for purposes of this Chapter.

26 Section 6200.2. Duties Generally. It shall be the
27 duty of the Director to:

28 (a) Administer public assistance and child welfare
29 services in Guam, and in accord therewith to adopt such
30 rules and regulations subject to the approval of the
31 Governor, as may be necessary or desirable.

32 (b) Cooperate with the Federal Government in
carrying out the purposes of the Social Security Act in
matters pertaining to public welfare, public assistance

1 and child welfare services.

2 Section 6200.3. Federal grants. The Director shall
3 comply with all Federal requirements pertaining to methods
4 and standards of administration and shall make such rules
5 and regulations and follow such procedure as may be required
6 for the receipt from the Federal Government of grants or
7 grants-in-aid for public assistance and such administrative
8 costs as are provided in connection therewith.

9 Section 6200.4. Prevention and treatment of conditions
10 giving rise to need. The Director may carry on or administer
11 or cooperate with other public or private agencies in work
12 or activities for the purpose of preventing or treating
13 conditions giving rise to the need for public assistance in any
14 case in which such work or activities may prevent, shorten
15 or eliminate the need of public assistance. Such work or
16 activities, if any, shall be taken into consideration in
17 deciding upon or deferring action upon any application for
18 public assistance.

19 Section 6200.5. Assistance payments inalienable.
20 All assistance payments shall be inalienable by any assign-
21 ment, sale, attachment, garnishment, execution or otherwise.

22 Section 6200.6. Frauds, penalties. (a) Any person
23 who, by means of a wilfully false statement or representation,
24 or by impersonation or other fraudulent device, obtains or
25 attempts to obtain, or aids or abets any other person to
26 obtain, public assistance to which he is not justly entitled,
27 or a larger amount of assistance than that to which he is
28 justly entitled, or any recipient who buys or disposes of
29 real property or any person who knowingly aids or abets a
30 recipient in the purchase or sale of real property without
31 the consent of the Director, in order to qualify for public
32 assistance or a continuation of such assistance, shall be

1 guilty of misdemeanor.

2 (b) Any assistance or portion of same obtained by
3 any fraudulent device, and any assistance paid after receipt
4 of resources which have not been reported to the Director
5 shall be recoverable by the government of Guam for the use
6 of the Welfare Division.

7 Section 6200.7. Cancellation or revision. If, at
8 any time during the continuance of public assistance, the
9 recipient, or any person legally liable for the support of
10 the recipient becomes possessed of any property or income
11 in addition to that available at the time the grant was
12 made, the Director may either cancel the assistance or
13 change the amount thereof.

14 Section 6200.8. Assistance payments, subject to change
15 or repeal. All public assistance granted under the provisions
16 of this Chapter shall be deemed to be granted and held subject
17 to the provisions of any amending or repealing act that may
18 be passed and no recipient under this Chapter shall have any
19 claim for compensation or otherwise by reason of his assistance
20 being affected in any way by any such amending or repealing
21 act.

22 Section 6200.9. Incompetency of recipient. If the
23 recipient is found incapable of taking care of his money
24 or himself, the Director may direct assistance to be paid to
25 a legal guardian or any other reputable person for his benefit
26 or may suspend assistance for such period as he deems fit.

27 Section 6200.10. Misuse of lists and records. It
28 shall be unlawful, except for purposes directly connected
29 with the administration of this Chapter and in accordance
30 with regulations, for any person or persons to solicit,
31 disclose, receive, or make use of, or authorize, knowingly
32 permit, participate in, or acquiesce in the use of any list

of, or names of, or any information concerning, persons applying for or receiving public assistance, directly or indirectly derived from the records, papers, files, or communications of the Division of Public Welfare, or acquired in the course of performance of official duties. Any violation of this section shall be a misdemeanor.

Section 6200.11. Gifts for welfare purposes.

The Director is authorized to accept, on behalf of the government of Guam, gifts, bequests and donations for welfare purposes, and may expend any sums so received for the purposes set out in this Chapter, in addition to the regular appropriations made for such purposes.

Subchapter B

Specific Provisions Covering Public Assistance

Section 6201. Applications for public assistance.

Applications for public assistance under this Subchapter shall be made to the Director by the applicant, or by someone acting in his behalf, in the manner, place and form prescribed by the Director.

No applicant shall be entitled to public assistance under this Subchapter who has sufficient income or other resources to provide a subsistence compatible to decency and health, or who is an inmate of any institution established primarily for tuberculosis or mental illness, or for detention or forcible confinement or correction; or who is an inmate of any public institution of a non-curative character, but an inmate of such an institution mentioned in this section may apply for assistance to begin after his discharge from such an institution.

In determining the needs of a blind applicant the Director, so long as such exception is a requirement of the Social Security Act that must be complied with in order for

1 the territory to receive federal matching funds under the
2 program of aid to the blind, shall not take into consideration
3 the first \$50 per month of earned income of such blind applicant.

4 Section 6201.1. Aged persons. A person shall be eligible
5 for public assistance who:

6 (a) Is in need and has not sufficient income or other
7 resources to provide a subsistence compatible with decency
8 and health; and

9 (b) Is sixty-five (65) years of age or more;
10 provided that, in the event that the minimum age for determining
11 eligibility for old age assistance under the federal laws is
12 reduced, the minimum age prescribed by this paragraph shall
13 thereby automatically be reduced to conform to such federal
14 minimum, but in no case below sixty (60) years.

15 Section 6201.2. Blind persons. A person shall be eligible
16 for public assistance who:

17 (a) Is in need and has not sufficient income or other
18 resources to provide a subsistence compatible with decency
19 and health; provided, that so long as such exception is a
20 requirement of the Social Security Act that must be complied
21 with in order for Guam to receive federal matching funds under
22 the program of aid to the blind, the first fifty dollars
23 (\$50.00) per month of earned income of such person shall not
24 be taken into account in determining need; and

25 (b) Has no vision or whose vision with corrective glasses
26 is so defective as to prevent the performance of ordinary
27 activities for which eyesight is essential.

28 Section 6201.3. Children. A child shall be eligible for
29 public assistance who:

30 (a) Is in need and has not sufficient income or other
31 resources to provide care and support compatible with decency
32 and health;

1 (b) Has not attained the age of eighteen (18) years;

2 (c) Is deprived of parental support or suitable care
3 by reason of the death, continued absence from home, physical
4 or mental incapacity, or cruelty, neglect or depravity on the
5 part of a parent; and

6 (d) Is living in a home with his father, mother, grand-
7 father, grandmother, brother, sister, stepfather, stepmother,
8 stepbrother, stepsister, uncle, aunt, first cousin, nephew
9 or niece, in a place of residence maintained by such relative
10 as his own home.

11 Section 6201.4. Permanently and totally disabled persons.

12 A person shall be eligible for public assistance who:

13 (a) Is in need and has not sufficient income or other
14 resources to provide a subsistence compatible with decency
15 and health;

16 (b) Has attained the age of eighteen (18) years; and

17 (c) Is permanently and totally disabled, as such may
18 be defined from time to time in the Social Security Act and
19 Federal rules and regulations pertaining thereto.

20 Section 6201.5. Determination of amount of assistance. The
21 amount of public assistance granted, including funds received from
22 the Federal Government, shall not exceed in the case of any applicant
23 an amount in excess of that determined upon investigation or by the
24 decision of the Director to be compatible with maintaining decency
25 and health. In granting public assistance to a person the Director
26 may take into account part or all of the needs of such person's
27 dependents, provided they also are eligible for public assistance.
28 In the event that such grant has taken into consideration only part
29 of the needs of such other eligible persons such grant shall be
30 without prejudice to a separate grant of assistance to such persons
31 or any of them, as may be proper upon consideration of their remain-
32 ing needs and in compliance with the provisions of this Chapter.

1 In determining the needs of a blind applicant the Director shall
2 not take into consideration the first fifty dollars (\$50.00) per
3 month of earned income of such blind applicant so long as such
4 exception is a requirement of the Social Security Act that must
5 be complied with in order for Guam to receive Federal matching
6 funds under the program of aid to the blind.

7 Subchapter C

8 Child Welfare Services

9 Section 6202. Purpose. It is the purpose of this Subchapter
10 to establish, extend, and strengthen public welfare services for
11 the protection and care of homeless, dependent and neglected
12 children, delinquent children, and children in danger of becoming
13 delinquent, in order to provide adequate child welfare services
14 for Guam.

15 Section 6202.1. Cooperation with Federal Government.
16 The Division of Public Welfare of the Department of Finance is
17 hereby designated as the agency to cooperate with the Federal
18 Government, or any agency or instrumentality thereof, in establishing,
19 extending and strengthening child welfare services.

20 Section 6202.2. Plan for child welfare services. The Director,
21 through the Division of Public Welfare, is hereby authorized:

22 (a) To develop jointly with the Federal Government,
23 through its appropriate agency or instrumentality, a plan
24 for the purpose specified in Section 6202 and to make such
25 rules and regulations as may be necessary or desirable for
26 the administration of such plan and the provisions of this
27 Subchapter.

28 (b) To receive and expend in accordance with such plan
29 any funds made available by the Federal Government for such
30 purposes.

31 (c) To develop services for the encouragement and as-
32 sistance of adequate methods of community child welfare

1 organization in accordance with such plan.

2 Subchapter D

3 General Assistance

4 Section 6203. General Assistance. The Director shall
5 administer public assistance to those needy persons not otherwise
6 provided for under this Chapter, who for any reasons satisfactory to
7 the Director are unable to provide sufficient support for themselves
8 or those dependent upon them.

9 Section 6203.1. Applications. Applications for general
10 assistance shall be made by the applicant or by someone acting in
11 his behalf in the manner, place and form prescribed by the Director.

12 Section 6203.2. Amount of grants. Upon receipt of an applica-
13 tion for general assistance, the Director shall investigate and
14 prepare a complete record of the circumstances of the applicant
15 and his dependents, if any. The amount or value of such assistance
16 shall not exceed such minimum as in the judgment of the Director
17 will provide for the minimum needs including food, shelter, clothing,
18 utilities and incidentals compatible with the maintenance of decency
19 and health of such applicant, and his dependents."

20 Section 3. This Act is an urgency measure.
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