



Office of the Governor of Guam

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DEC 14 AM 8:46

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

Honorable Judith T. Won Pat, Ed.D
Speaker
I Mina' Trenta Na Liheslaturan Guahan
155 Hessler Street
Hagåtña, Guam 96910

Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 12/13/2010
Time 4:56 PM
Received by [Signature]

DEC 13 2010 30-10-1060

Dear Speaker Won Pat:

Submitted herewith is Bill 372-30 (COR), "AN ACT TO AMEND §13201(b) OF ARTICLE 2, CHAPTER 13, TITLE 19 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE REPORTING OF SUSPECTED CHILD ABUSE OR NEGLECT BY CLERGY PERSONNEL OF CHURCHES, OR OTHER RELIGIONS ORGANIZATIONS," which I have vetoed.

With the recent edict issued by the Vatican to comply with civil reporting laws, Senator B.J.F. Cruz introduced Bill No. 372-30 to amend 19 G.C.A. § 13201(b). 19 G.C.A. § 13201(a) requires any person who, in the course of his employment, occupation, practice or profession, comes into contact with children to report child abuse or neglect. Subsection (b) of 13201 then lists persons required to report, however the list is not exclusive and the law still requires any person to report.

As a matter of fact, the Bill proposes to include individuals beyond the scope of the original law which specifically applies to any person who, in the course of his employment, occupation, practice or profession, comes into contact with children and on the basis of his medical, professional or other training and experience has reason to suspect that a child is an abused or neglected child. The amendment includes individuals that do not work with children such as sacristans, lectors, Eucharistic ministers, volunteers, caregivers, etc. These categories of individuals in the church have been elevated to a level similar to clergy when their participation in the church is related to liturgical function. By virtue of their function, these individuals may be considered clergy members yet lack the requisite training to reasonably suspect child abuse or neglect.

While the Bill purports to provide clarity to the reporting law, the amendment to Subsection (b) of 13201 creates confusion with the original law to require certain people that come in contact with children to report by requiring other categories of people that do not come in contact with children and that may not have training and experience as required in the original law to reasonably suspect child abuse or neglect. If I Liheslaturan Guahan would like to require any person working for a church or religious institution to report child abuse, it needs to amend Subsection (a) of 13201 to be consistent with Bill No. 372-30. Otherwise, the existing law to report child abuse sufficiently applies to any person who, in the course of his employment,

occupation, practice or profession *in a religious institution*, comes into contact with children and has reason to suspect child abuse or neglect on the basis of his professional or other training and experience.

Therefore to help law enforcement officials and *Guahan's* children, I have vetoed the measure to avoid confusion in executing and enforcing 13201 which already requires *any* person in contact with children in the course of his employment, occupation, practice or profession to report child abuse in order to protect *Guahan's* children.

*Sinseru yan Magâhet,*

A handwritten signature in black ink, appearing to read 'F. Camacho', with a long horizontal flourish extending to the right.

**FELIX P. CAMACHO**  
*I Maga' Lâhen Guahan*  
Governor of Guahan

Attachment

I MINA'TRENTA NA LIHESLATURAN GUÅHAN  
2010 (SECOND) Regular Session

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

This is to certify that **Substitute Bill No. 372-30 (COR), "AN ACT TO AMEND §13201(b) OF ARTICLE 2, CHAPTER 13, TITLE 19 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE REPORTING OF SUSPECTED CHILD ABUSE OR NEGLECT BY CLERGY PERSONNEL OF CHURCHES, OR OTHER RELIGIOUS ORGANIZATIONS"**, was on the 30<sup>th</sup> day of November 2010, duly and regularly passed.



Judith T. Won Pat, Ed. D.  
Speaker

Attested:



Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 1st day of Dec, 2010, at  
1100 o'clock A.M.



Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:

**VETO**  
FELIX P. CAMACHO  
*I Maga'lahaen Guåhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

***I MINA'TRENTA NA LIHESLATURAN GUÅHAN***  
**2010 (SECOND) Regular Session**

**Bill No. 372-30 (COR)**

As substituted on the Floor and amended.

Introduced by:

B. J.F. Cruz  
T. C. Ada  
V. Anthony Ada  
F. B. Aguon, Jr.  
F. F. Blas, Jr.  
E. J.B. Calvo  
J. V. Espaldon  
Judith P. Guthertz, DPA  
T. R. Muña Barnes  
Adolpho B. Palacios, Sr.  
v. c. pangelinan  
R. J. Respicio  
Telo Taitague  
Ray Tenorio  
Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* §13201(b) OF ARTICLE 2,  
CHAPTER 13, TITLE 19 OF THE GUAM CODE  
ANNOTATED, RELATIVE TO THE REPORTING OF  
SUSPECTED CHILD ABUSE OR NEGLECT BY  
CLERGY PERSONNEL OF CHURCHES, OR OTHER  
RELIGIOUS ORGANIZATIONS.**

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

2       **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that recent allegations of clergy sexual abuse within the Catholic Church has  
4 compelled the Vatican to issue an edict within the Congregation for the Doctrine  
5 concerning Sexual Abuse Allegations that states, “Civil law concerning reporting

1 of crimes to the appropriate authorities should always be followed.” This  
2 statement clarifies the Church’s intent to comply with civil reporting laws.  
3 Therefore, *I Liheslatura* finds that a statutory amendment is necessary to help law  
4 enforcement officials and Guam’s children.

5 **Section 2.** §13201(b) of Article 2, Chapter 13 of Title 19, Guam Code  
6 Annotated, is hereby *amended* to read:

7 “(b) Persons required to report suspected child abuse under  
8 Subsection (a) include, *but are not limited to*, any licensed physician,  
9 medical examiner, dentist, osteopath, optometrist, chiropractor, podiatrist,  
10 intern, registered nurse, licensed practical nurse, hospital personnel engaged  
11 in the admission, examination, care or treatment of persons, Christian  
12 Science practitioner, clergy member of any religious faith, or other similar  
13 functionary or employee of any church, place of worship, or other religious  
14 organization whose primary duties consist of teaching, spreading the faith,  
15 church governance, supervision of a religious order, or supervision or  
16 participation in religious ritual and worship, school administrator, school  
17 teacher, school nurse, school counselor, social services worker, day care  
18 center worker, or any other child care or foster care worker, mental health  
19 professional, peace officer or law enforcement official.”