



GOVERNMENT OF GUAM

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT



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GOVERNOR, MAGA'HAGA'

JOSHUA F. TENORIO
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DIRECTOR

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DEPUTY DIRECTOR

NEW & RENEWAL GROUP CHILD CARE HOME

WELCOME!

The Bureau of Social Services Administration (BOSSA), Department of Public Health and Social Services (DPHSS), welcomes your interest in operating a new group child care home. DPHSS is the licensing authority of all child care facilities on Guam, which includes Group Child Care Homes, Family Child Care Homes, Family Foster Homes and Residential Treatment Facilities.

To become a licensed group child care home, you must meet Guam's child care licensing requirements. Please read carefully and follow the procedures outlined below. This will assist you in ensuring all licensing requirements are met and that your application is processed as expeditiously as possible.

The first step is to pick up an application packet. The application packet includes:

1. Rules and Regulations for Licensed Child Care Facilities and Group Child Care Homes (Public Law 31-73)
 2. Child Welfare Services Act (Title 10, Guam Code Annotated, Chapter 2, Article 4)
 3. Letter to Child Care Providers Re: Compliance with the Americans with Disabilities Act
 4. Application for License
 5. List of Inspection Agencies with Contact Names and Numbers
 6. Certification of Compliance Signature Form
 7. Department of Revenue and Taxation (DRT) Clearance Form
 8. Staffing Pattern Form
 9. Physician's Certification of Examination Form
 10. Consent for Disclosure of Client Information Form
 11. Character Reference Form Instructions / Character Reference Form
 12. Document Checklist for Child Care License
- I. Rules and Regulations for Licensed Child Care Facilities and Group Child Care Homes (Public Law 31-73), Child Welfare Services Act, Guam's Plan for Professional Development (GPPD) and Letter re: Compliance with the Americans with Disabilities Act (ADA) of 1990:** You must read these laws and regulations thoroughly. It is important that you understand and comply with these regulations. A copy of each is provided for your information. For more information on the ADA, please refer to the law (42 U.S.C. Chapter 126, Section 12101) in its entirety. A copy can be obtained at the U.S. Government Publishing Office website, www.gpo.gov.

II. Documents Required for Submission:

- a. **DPHSS Application for License Form** - The application must be completely filled out, signed and dated.
- b. **Certification of Compliance Signature Form with Inspection Reports** – The group home must be inspected and certified to be in conformance with applicable laws, codes or regulations relating to building standards.

These inspections are conducted by the Department of Public Works (DPW), Department of Land Management (DLM), Guam Fire Department (GFD) and DPHSS Division of Environmental Health (DEH).

- DPW will inspect to assess whether the group home is in compliance with the minimum acceptable levels of safety for the building. The main purpose of building codes is to protect public health, safety and general welfare as they relate to the construction and occupancy of buildings and structures.
- DLM is required to sign off on the compliance form. Some group homes need to go through rezoning if they are not “R2” or “C” zoned. If you think your group home may need to be rezoned, then Land Management should be the first agency you need to contact. Rezoning may take anywhere from one (1) month to one year.
- GFD will determine compliance with fire codes which is intended to minimize the possibility and effects of fire and other risks.
- DPHSS, DEH (not Guam Environmental Protection Agency) will inspect and measure the group home to determine how many children it can accommodate. An inspection will also be conducted for a sanitary permit. A floor plan and the dimensions of the proposed group home should be provided to DEH. Please call them for an appointment.

Each Inspector will sign the Certification of Compliance Signature Form when their inspections have been completed. Once all signatures have been secured, the Certification of Compliance Signature Form and a copy of the inspection reports of Fire, Building, Sanitation and Zoning should be attached to the completed application packet.

- c. **DRT Clearance Form** – All new group child care homes are required to obtain clearances from the Income Tax, Business Privilege Tax/GRT, Collection, and Business License Branches using the DRT Clearance Form prior to being issued a new or renewal License to Conduct a Group Child Care Home. This is to ensure that all taxes due have been paid or arrangements have been made with the Director of DRT for payment and such arrangements are current.
- d. **Staffing Pattern Form** - Staff members shall be of good character and equipped with the education, training and/or experience for the work they are required to do. The staffing

pattern form must indicate the names of all staff members including those who will be working with the children and all others such as cooks and maintenance personnel.

- e. **Provider Training Certificates** – All child care providers must submit verification of training. At a minimum, providers must complete fifteen (15) hours of annual training in the areas of, but not limited to, health, safety, nutrition, and child development.
- f. **Physician's Certification of Examination Form** - All staff members, volunteers and practicum students must obtain a physical examination from their private physician.
- g. **Police Clearances** – All staff members, volunteers and practicum students must obtain a Police Clearance from the Guam Police Department.
- h. **Court Clearances** - All staff members, volunteers and practicum students must obtain a Court Clearance from the Superior Court of Guam.
- i. **Consent for Disclosure of Client Information Form** - Child Abuse and Neglect Registry Check – All staff members must sign the Consent for Disclosure of Client Information Form. This consent will authorize BOSSA to cross check the Guam Child Protective Services Registry.
- j. **Character Reference Forms** – Initial applicants must submit statements from three (3) references (preferably non-relatives) attesting to the applicant's character, temperament and capacity to provide constructive child care.
- k. **Health Certificates** - All staff members, volunteers and practicum students must obtain a health certificate from DEH.
- l. **Pediatric First Aid and CPR Certification** - Verification must be provided that all child care providers are trained and certified within the year in Pediatric CPR and Pediatric First Aid.
- m. **Policies and Procedures for Center Operations** – Must include information on the name of owner, purpose and goals of the center, ages of children accepted, hours of operation, information regarding meals, maximum number of children, fees and payment plans, and regulations regarding staff-child ratios. In addition, operators are required to develop and record policies pertaining to personnel practices.
- n. **Parent Handbook** – A handbook to inform parents of the rules governing the center and to provide parents with adequate information about the programs offered.
- o. **Schedule of Center Activities** – Daily routine of the center.
- p. **Floor Plan** – Layout of the group child care home.

III. Other Requirements:

- a. **Isolation Area** – Each group child care home shall have a designated isolation area that is adequately ventilated and equipped for a child who becomes ill.

- b. **First Aid Kit** – At least one (1) first aid kit containing materials to administer first aid must be maintained on the premises at all times and wherever children are in care, including field trips and outings away from the facility and in vehicles used in the transportation of children during field trips and outings away from the facility.
- c. **Access and Accommodation of Person with Disabilities** – Group child care homes shall not deny or not provide for the access and accommodations of persons with disabilities in compliance with Americans with Disabilities Act (ADA) of 1990. Group child care homes shall also conform to any Guam laws and applicable rules and regulations governing persons with disabilities and other protected groups.
- d. **Display of Documents** – The following documents shall be posted in a prominent and conspicuous location, as designated by the facility’s Director, to be viewed by the public at all times in the group child care home:
 1. License to Operate a Group Child Care Home
 2. Sanitary Permit
 3. Copy of Health Certificates
 4. Daily Schedule
 5. Fire Evacuation Plan
 6. Fire Extinguisher Signs
 7. Earthquake Preparedness Procedures
 8. Exit Signs
 9. Daily Menu
 10. Inspection Reports conducted by the DPHSS, GFD, DPW & DLM.
 11. Grading Placards issued by DPHSS, DEH
 12. No Smoking Signs
 13. First Aid Kit Signs
 14. Communicable Disease Prevention Poster
 15. Emergency phone numbers, to include, but not be limited to, the fire department, the police and emergency medical services, and be placed conspicuously next to all operating phone lines
 16. Other emergency procedures established by the group child care home
 17. Capacity for Each room within the facility

IV. Personnel Requirements: Every group child care home must have a sufficient number of qualified staff to carry out its program at all times. Refer to P.L. 31-73, § 1106.0 for Staff to Child Ratio requirements.

P.L. 31-73, § 1110.1 establishes the following minimum qualifications for group child care home providers:

- a. Be at least twenty-one (21) years of age or older (each additional provider in a group child care home shall be at least eighteen [18] years of age).
- b. Receive fifteen (15) hours of annual training in the areas of, but not limited to, health, safety, nutrition, and child development.

- c. Maintain certification in Pediatric CPR and Pediatric First Aid.
- d. Listing of Practicum and/or Volunteers – A listing of all practicum students and/or volunteers who serve more than 20 hours or more per week must be submitted to BOSSA. All practicum students/and or volunteers are required to have a valid health certificate and physical examination prior to providing services.

V. **License Fee** – The application for license shall include a non-refundable fee payable at the DPHSS Director’s Office located at Central Regional Public Health in Mangilao. The following fees apply for Child Care Facilities and Group Child Care Homes:

- \$ 175.00 – New License
- \$ 200.00 – Renewal License
- \$ 35.00 – Duplicate License
- \$ 120.00 – Amended License
- \$ 175.00 – Provisional License (New or Renewal)

VI. **Submission** – The application to obtain a license shall be made on forms approved and supplied by the DPHSS and shall be completed and submitted within a minimum of 60 days prior to the proposed opening date. Applications are received by appointment **ONLY** so please contact the licensing officer to schedule your application submission appointment. **At no time shall an incomplete application package be received by any staff of DPHSS.**

Using the ***Document Checklist for Child Care Facility License form*** as a guide, submit all completed documents in order as listed in the checklist to the BOSSA Licensing Unit located at the Terlaje Professional Building, 194 Hernan Cortez Avenue, 3rd Floor, Suite 309, Hagatña, Guam.

VII. **What to Expect** - A written evaluation of the application will be completed by the Licensing Social Worker within 30 days after receiving the completed application. The Licensing Social Worker will also conduct an initial inspection to ensure that all requirements are met and that the facility is ready for operation. If the applicant has satisfactorily met all requirements, DPHSS will issue a non-transferable license to operate a group child care home. The license is valid for two (2) years.

VIII. **Changes to the Operation of the Group Child Care Home** – The Licensee must notify BOSSA in writing within 24 hours or by the next working day, whichever comes first, of any significant changes planned in the operation of the group child care home including services and staffing that directly or indirectly affects the operation of the program. **No changes shall be made unless approved by the DPHSS, Division of Public Welfare and all requirements for changes have been met as determined by the DPHSS.** Please see §1102.8 of PL 31-73 for more information and examples of the types of significant changes that are reportable.

IX. Right to Appeal and Hearing – The applicant of a group child care home shall be notified by the DPHSS Director in writing, ten (10) days prior to the effective date of the agency’s action to deny. The applicant may request in writing for a hearing on any denial actions taken by the agency within ten (10) working days after the applicant has been served the written notice. Failure to request within the timeframe will constitute a waiver of right to a hearing.

X. OTHER CONTACT INFORMATION:

Mailing Address:

Bureau of Social Services Administration
Department of Public Health and Social Services
194 Hernan Cortez Avenue
Hagatña, Guam 96910-5052

Telephone Numbers:

(671) 475-2653/2672

Facsimile No.:

(671) 477-0500

E-mail:

Heidi J. Quinata, Social Services Licensing Officer
heidi.quinata@dphss.guam.gov

Linda B. Rodriguez, Human Services Program Administrator
linda.rodriguez@dphss.guam.gov



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor -6

Office of the Governor of Guam

June 3, 2011

31-11-602

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

Dear Madame Speaker:

Transmitted herewith is Substitute Bill No. 70-31 (COR) "AN ACT TO ESTABLISH THE ADMINISTRATIVE RULES AND REGULATIONS OF THE DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES RELATIVE TO CHILD CARE FACILITIES AND GROUP CHILD CARE HOMES, UNDER ARTICLE 1 OF CHAPTER 1, DIVISION 1, TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS, AND IN CONFORMANCE WITH ARTICLE 4, CHILD WELFARE SERVICES ACT, CHAPTER 2, DIVISION 1, TITLE 10, GUAM CODE ANNOTATED", which I signed into law on June 2, 2011 as Public Law 31-73.

Senseramente,


EDDIE BAZA CALVO

Attachment: copy of Bill

Handwritten notes and stamps on the right side of the page, including the number '4311' and the name 'Nina'.

402

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

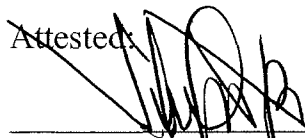
CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Substitute Bill No. 70-31 (COR), "AN ACT TO ESTABLISH THE ADMINISTRATIVE RULES AND REGULATIONS OF THE DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES RELATIVE TO CHILD CARE FACILITIES AND GROUP CHILD CARE HOMES, UNDER ARTICLE 1 OF CHAPTER 1, DIVISION 1, TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS, AND IN CONFORMANCE WITH ARTICLE 4, CHILD WELFARE SERVICES ACT, CHAPTER 2, DIVISION 1, TITLE 10, GUAM CODE ANNOTATED"**, was on the 10th day of May, 2011, duly and regularly passed.



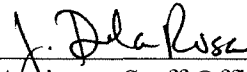
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 23rd day of May, 2011, at 3:20 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date:

JUN 02 2011

Public Law No. _____

31-73

I MINA'TRENTAI UNU NA LIHESLATURAN GUAHAN
2011 (FIRST) Regular Session

Bill No. 70-31 (COR)

As substituted by Committee on Health & Human Services,
Senior Citizens, Economic Development and Election Reform,
and amended in the Committee of the Whole.

Introduced by:

Dennis G. Rodriguez, Jr.
Aline A. Yamashita, Ph.D.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
R. J. Respicio
M. Silva Taijeron
Judith T. Won Pat, Ed.D.

**AN ACT TO ESTABLISH THE ADMINISTRATIVE
RULES AND REGULATIONS OF THE DEPARTMENT
OF PUBLIC HEALTH & SOCIAL SERVICES
RELATIVE TO CHILD CARE FACILITIES AND
GROUP CHILD CARE HOMES, UNDER ARTICLE 1 OF
CHAPTER 1, DIVISION 1, TITLE 26, GUAM
ADMINISTRATIVE RULES AND REGULATIONS, AND
IN CONFORMANCE WITH ARTICLE 4, CHILD
WELFARE SERVICES ACT, CHAPTER 2, DIVISION 1,
TITLE 10, GUAM CODE ANNOTATED.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the administrative rules and regulations for Child Care Facilities are

1 antiquated. The Department of Public Health & Social Services is currently
2 utilizing Social Services Rules and Regulations No. 10, which were initially
3 established pursuant to Section 9120.7 of Chapter X, Government Code of Guam
4 on December 12, 1972, as amended and promulgated pursuant to Executive Order
5 78-27 on September 8, 1978. Though the amended rules and regulations went
6 through the public hearing process, the revised Standards for Social Services Rules
7 and Regulations No. 10 were ultimately approved and promulgated pursuant to
8 Executive Order No. 1978-10, but *not* subsequently transmitted to *I Liheslaturan*
9 *Guåhan*. Consequently, the current rules and regulations being utilized have *not*
10 been duly revised and fully promulgated for the past thirty-three (33) years.

11 *I Liheslaturan Guåhan* finds that the proposed administrative rules and
12 regulations pursuant to this Act for Child Care Facilities and Group Child Care
13 Homes, as provided and required pursuant to Article 4, Child Welfare Services
14 Act, of Chapter 2, Title 10, Guam Code Annotated (P.L. 11-99), is appropriate and
15 necessary.

16 Further, *I Liheslaturan Guåhan* takes due note that the Department of Public
17 Health & Social Services, in the development of the proposed guidelines addressed
18 herein, made a good faith effort to be inclusive of the affected stakeholders in the
19 child care industry. The proposed rules and regulations is a work product which
20 has, to a great extent, incorporated input from stakeholders in the field, albeit
21 perhaps without universal approval, but with the widespread recognition that the
22 existing rules are antiquated and significant revision is necessary.

23 It is the intent of *I Liheslaturan Guåhan* to provide for the initial
24 establishment of the administrative rules and regulations for child care facilities
25 and group child care homes.

26 Further, so as to ensure that the rules adopted pursuant to this Act remain
27 pertinent to and consistent with the needs of the community, it is the intent of *I*

1 *Liheslaturan Guåhan* to provide an authorization and mandate for the Department
2 of Public Health & Social Services to regularly review the rules adopted pursuant
3 to this Act, and as appropriate promulgate amendments thereto pursuant to Article
4 3, Rule-Making Procedures, of Chapter 9, Title 5, Guam Code Annotated.

5 **Section 2. Adoption of Rules.** Notwithstanding any other provision of
6 law, rule, regulation and Executive Order, the rules and regulations of the
7 Department of Public Health & Social Services for Child Care Facilities and Group
8 Child Care Homes, and attached hereto as Exhibit “A”, are hereby adopted by *I*
9 *Mina’Trentai Unu Na Liheslaturan Guåhan*, and *shall* be codified under Article 1,
10 Child Welfare Services Act, Chapter 1, Division 1, Title 26, Guam Administrative
11 Rules and Regulations.

12 **Section 3. Amendment of Rules.** The Department of Public Health &
13 Social Services *shall*, at a minimum of every five (5) years, and pursuant to Article
14 3, Rule-Making Procedures, Chapter 9, Title 5, Guam Code Annotated, review and
15 amend the administrative rules and regulations adopted pursuant to Section 2 of
16 this Act.

17 **Section 4.** A new §2416 is hereby *added* to Article 4 of Chapter 2,
18 Division 1, Title 10, Guam Code Annotated, to read:

19 **“§2416. Child Care Revolving Fund.** There is hereby
20 established a Child Care Revolving Fund (the Fund), to be maintained by the
21 Director of the Department. The Fund *shall* be established and maintained
22 in an account separate and apart from any other account(s) of the
23 government of Guam, and *shall not* be co-mingled. All funds due or
24 accruing to the account from whatever source(s), as provided or authorized
25 pursuant to applicable law, inclusive of any interest, *shall* be deposited in the
26 Fund immediately upon receipt by the government of Guam.

1 (a) The Department *shall* report monthly and maintain full
2 compliance with all financial reporting requirements of the
3 government of Guam pursuant to applicable laws. Reports *shall* be
4 submitted to *I Liheslaturan Guåhan* via the office of *I Maga'låhen*
5 *Guåhan* [Governor of Guam].

6 (b) **No Transfer Authority.** The money placed in the Fund
7 is *not* subject to any transfer authority of *I Maga'låhen Guåhan*
8 [Governor of Guam].”

9 **Section 5. Effective Date.** The administrative rules and regulations
10 adopted pursuant to Section 2 of this Act *shall* become effective upon enactment.

11 **Exhibit “A”**

12 **Title 26 Guam Administrative Rules and Regulations**

13 **Chapter 1**

14 **“Article 1 - Child Welfare Services Act**

15 **RULES AND REGULATIONS FOR LICENSED**

16 **CHILD CARE FACILITIES AND GROUP CHILD CARE HOMES**

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11 **§1101.0. GENERAL PROVISIONS**

12 **§1101.1. Purpose.** The purpose of these rules and regulations is
13 to formulate standards for licensed child care facilities and group child care
14 homes that will protect and promote the welfare and positive development of
15 children being served.

16 **§1101.2. Applicability.**

17 (a) These rules and regulations are applicable to the following child
18 care licensees, public and private: (1) child care facilities; and (2) group
19 child care homes.

20 (b) These rules and regulations *do not* apply to Group Family
21 Home, Family Child Care Home, Family Foster Home, and Residential
22 Treatment Facility.

23 **§1101.3. Authority.** The Government Code of Guam authorizes
24 the Department to adopt rules and regulations for licensing all child care
25 facilities, to issue licenses, and to ensure that all provisions of §2407 of Title
26 10 GCA, Chapter 2, Article 4 (Public Law 11-99) regarding licensing are
27 carried out. The Department *shall* inspect all child care facilities as defined

1 in §1101.5(f). The Department *shall*, pursuant to the provisions of the
2 Administrative Adjudication Law, adopt minimum standards for licensing.
3 Such standards *shall* be applicable to all child care facilities, including those
4 operated by the Department, and *shall* pertain to the following:

5 (a) the operation and conduct of the facility and
6 responsibility it assumes for child care;

7 (b) the character, suitability and qualifications of the
8 applicant and other persons directly responsible for the care and
9 welfare of children served;

10 (c) the general financial ability and competence of the
11 applicant to provide necessary care for children and to maintain
12 prescribed standards;

13 (d) the number of individuals or staff required to ensure
14 adequate supervision and care of the children received;

15 (e) the appropriateness, safety, cleanliness and general
16 adequacy of the premises, including maintenance of adequate fire
17 prevention and health standards in conformance with existing Guam
18 laws to provide for the physical comfort, care and well-being of
19 children received;

20 (f) provisions for food, clothing, educational opportunities,
21 programs, equipment and individual supplies to assure the healthy
22 physical, mental and spiritual development of children served;

23 (g) provisions to safeguard the legal right of children served;

24 (h) maintenance of records pertaining to the admission,
25 progress, health and termination of care of children;

26 (i) filing of records with the Department;

27 (j) discipline of children; and

1 (k) protection and fostering of the children served.

2 **§1101.4. Title.** These rules and regulations *shall* be known and
3 may be cited as the “Rules and Regulations for Licensed Child Care
4 Facilities and Group Child Care Homes.”

5 **§1101.5. Definitions.** Wherever the following words appear in
6 these rules and regulations, they *shall* have the following definitions:

7 (a) *Appeal* means a written, signed and dated statement
8 requesting reconsideration or modification of a Departmental decision
9 that negatively affects the license of the child care facility. An appeal
10 is made by the licensee or by the facility’s legal entity.

11 (b) *Child* means a person under eighteen (18) years of age,
12 or a child with a disability up to twenty-one (21) years of age.

13 (c) *Early Childhood Assistant* means any person that
14 provides assistance to the teacher who provides primary care for
15 children.

16 (d) *Early Childhood Assistant Director* means a person who
17 assists the Early Childhood Director in the management of a child
18 care facility and/or who has the responsibility to administer the
19 facility and to develop the total program in the absence of the Early
20 Childhood Director.

21 (e) *Early Childhood Director* means a person having
22 responsibility in the management and administration of the facility,
23 and to develop the total program.

24 (f) *Child care facility* means any facility or home licensed
25 by the Department to provide care, education, and supervision for
26 twelve (12) or more children for all or part of a twenty-four (24) hour

1 day, whether or not the facility is operated for profit, or charges for
2 the services it offers.

3 (g) *Cook* means any person who prepares meals for children
4 enrolled in a child care facility.

5 (h) *Department* means the Guam Department of Public
6 Health and Social Services.

7 (i) *Denial* means refusal by the Director to issue a license on
8 a new or renewal application.

9 (j) *Director* means the Director of Public Health and Social
10 Services or his/her authorized representative.

11 (k) *Division* means the Division of Public Welfare,
12 Department of Public Health and Social Services.

13 (l) *Early childhood provider* means a person employed for
14 compensation, and with the knowledge, skills, and abilities in early
15 childhood education, and who is responsible for the physical well-
16 being, direct care, health, safety, supervision, and guidance of children
17 in child care. Education and experience in working with children birth
18 to five (5) years old differentiate the various levels of Initial, Lead and
19 Master Provider. (refer to Appendix A)

20 (m) *Group child care home* means a home or facility which
21 provides child care for *at least* seven (7), and *not more than* twelve
22 (12) children, during all or part of a twenty-four (24) hour day.

23 (n) *Guam Early Learning Guidelines for Young Children*
24 *Birth to Thirty-six (36) Months and Ages Three (3) to Five (5)* means
25 the voluntary early learning guidelines of what young children birth to
26 five (5) years old should know and be able to do. (Appendix B)

1 (o) *Guam's Plan for Professional Development* (Appendix
2 A) means the early childhood education plan, as required by
3 Executive Order 2004-14, and part of Guam's Comprehensive Plan
4 for the Care & Education of Young Children. (Appendix A).

5 (p) *Guardian* means the legal guardian of the person of a
6 minor.

7 (q) *Individualized Education Program* means the document,
8 commonly referred to as an IEP, describing the child's educational
9 program as required by the Guam Department of Education, Division
10 of Special Education under the Individuals with Disabilities Education
11 Improvement Act of 2004 (IDEA), Part B to develop for every student
12 with a disability who is found to meet the federal and state
13 requirements for special education, designed to provide the child with
14 a free and appropriate public education.

15 (r) *Individualized Family Service Plan* means the document,
16 commonly referred to as an IFSP, that identifies the child's and
17 family's individualized supports and early intervention services that
18 will enhance the child's overall development, as required by the
19 Guam Department of Education, Division of Special Education under
20 the Individuals with Disabilities Education Improvement Act of 2004
21 (IDEA), Part C for infants and toddlers with disabilities and their
22 families.

23 (s) *Individuals With Disabilities Education Improvement Act*
24 *of 2004* means the United States federal law that governs how states
25 and public agencies provide early intervention, special education, and
26 related services to children with disabilities.

1 (t) *Infant* means a child from birth through twelve (12)
2 months of age.

3 (u) *License* means a license to operate a child care facility.

4 (v) *License to operate a child care facility* (hereafter referred
5 to as “License”) means the official document issued by the
6 Department authorizing the operation of a child care facility as
7 defined under the terms of the license. This is issued to a child care
8 facility that has met compliance with the minimum requirements as
9 defined in the licensing laws, rules and regulations for the duration of
10 two (2) calendar years.

11 (w) *Licensee* means any entity that is issued a license by the
12 Department.

13 (x) *Maintenance personnel* means any person who provides
14 general maintenance or upkeep of the child care facility.

15 (y) *Performing arts studio shall* mean any facility which
16 provides a performing arts curriculum for children ages two (2) years
17 and up, for twelve (12) or more children, during a portion of a twenty-
18 four (24) hour day.

19 (z) *Practicum student* means any person officially enrolled
20 in any higher educational institution as a student in education, nursing,
21 psychology, social work, early childhood, or related fields with
22 approved practicum under supervision by an instructor and who
23 adheres to a child care facility’s policies and procedures.

24 (aa) *Person* means any person or persons, group of persons,
25 agencies, associations, organizations, whether public, private or
26 incorporated.

1 (bb) *Preschooler* means a child who is three (3) years to four
2 and a half (4½) years of age.

3 (cc) *Provisional license* means a temporary license issued by
4 the Department at the time of a new application or renewal when the
5 facility *does not* meet all licensing laws, rules and regulations for the
6 duration *not* to exceed six (6) months.

7 (dd) *Related* means any of the following relationships by
8 blood, marriage or adoption: parent, grandparent, brother, sister,
9 stepparent, stepsister, uncle or aunt.

10 (ee) *Revocation* means immediate rescission of a license
11 when the facility exhibits a pattern of non-compliance or an imminent
12 concern arises that jeopardizes the well-being of children.

13 (ff) *School age* means a child who is between the age of four
14 and a half (4½) years and twelve (12) years old.

15 (gg) *Staff member* means any person that is employed for
16 compensation or otherwise by the child care facility, and is on the
17 premises while children are provided care. This includes, but is *not*
18 limited to: Early Childhood Director, Early Childhood Assistant
19 Director, Teachers, Early Childhood Providers, and Teachers' Aides.

20 (hh) *Suspension* means the deferment of a license for an issue
21 of non-compliance that may be temporary.

22 (ii) *Toddler* means a child who is thirteen (13) months
23 through thirty-six (36) months of age.

24 (jj) *Visitor* means a person visiting for a brief period of time,
25 and who follows the facility's policies and procedures.

1 (kk) *Volunteer* means a person offering services to a child
2 care facility without remuneration, *except* for reimbursable personal
3 expenses allowed by the early childhood providers.

4 **§1102.0. LICENSE TO OPERATE A CHILD CARE**
5 **FACILITY**

6 **§1102.1. License Required.**

7 (a) Any person, association, corporation, or partnership *shall* first
8 obtain a license from the Department to operate a child care facility,
9 providing services either with or without compensation.

10 (b) Any person, association, corporation, or partnership found to be
11 operating or conducting a child care facility without a license *shall* be found
12 in violation of these rules and regulations and must cease operations
13 immediately until compliance is met.

14 (c) Before a license is granted, the applicant must certify its
15 compliance with local officials according to all applicable health, safety,
16 fire, building, and sanitation regulations using a certification of compliance
17 form provided by the Department.

18 **§1102.2. Exclusions.**

19 (a) *No* license is required for the following:

20 (1) for the care by a relative, with or without compensation,
21 where the person furnishing such care does *not* regularly engage in
22 such activity, and does *not* advertise or hold him/herself out as
23 conducting a child care facility;

24 (2) for the care by parents who, on a mutually cooperative
25 basis, exchange one another's children;

26 (3) for the care of children in their own home;

27 (4) for the care of children in a hospital or clinic;

1 (5) for the care of children in the following educational-type
2 facilities:

3 (A) an accredited public or private educational
4 institution that operates primarily for educational purposes for
5 those children in grades kindergarten through twelfth (12th)
6 grade. In the event such accreditation does *not* include early
7 childhood classrooms for those children below kindergarten
8 (i.e., birth to five [5] years), then the educational institution
9 must comply with these rules and regulations and will fall
10 under the jurisdiction of these rules and regulations;

11 (B) a preschool classroom that is regulated by the
12 Guam Department of Education or the Administration for
13 Children and Families that adhere to federal guidelines and/or
14 mandates, such as the Head Start Performance Standards;

15 (C) an after-school care program operated directly by
16 an accredited public or private educational facility; or

17 (D) an after-school care program operated by another
18 entity under contract with the educational facility and the
19 curriculum content of the after-school program is approved by
20 the Guam Department of Education;

21 (6) for the temporary care of children in facilities operating
22 in a shopping center, fitness center, hotel, or establishment during any
23 part of a twenty-four (24) hour day, while parents or persons
24 responsible for the children are attending services or engaging in other
25 activities who remain and are on the premises, and care is *not* on a
26 regular basis;

1 (7) for the temporary care of children during any part of a
2 twenty-four (24) hour day while parents remain and are on the
3 premises participating in religious functions, and care is *not* on a
4 regular basis;

5 (8) for camps held on a seasonal basis where children are in
6 temporary care during any part of a twenty-four (24) hour day;

7 (9) for the care of children in child care facilities regulated
8 by the U.S. Department of Defense (i.e., Military Child Care
9 Facilities); and

10 (10) for skills programs and performing arts programs that
11 teaches a talent, abilities, expertise or proficiency that is *not* a part of a
12 school, child day care or after school daycare operation; and that the
13 program does *not* provide primary child care.

14 (b) The exclusions of this Section do *not* affect the authority of
15 state and federal governments to inspect any child care facilities and/or
16 private property for compliance.

17 (c) Child care facilities that meet the criteria for exclusions as
18 stated in this §1102.2 *shall* provide the Department with documentation,
19 such as the most current monitoring report, assuring that their facility has
20 passed inspection and/or requirements by their respective accrediting
21 institution or regulatory agency, as applicable.

22 **§1102.3. Application for License.**

23 (a) The application to obtain a license or the renewal of a license
24 *shall* be made on forms approved and supplied by the Department, and *shall*
25 be completed and submitted within a minimum of sixty (60) business days
26 prior to the proposed opening date or the date of expiration of the license.

27 **§1102.4. Application Packet.**

1 (a) The application packet *shall* include, but is *not* limited to, the
2 following:

3 (1) an application form, which *shall* include information on
4 owner or licensee. The following information *shall* be supplied to the
5 Division:

6 (A) the business name, mailing and physical address,
7 and telephone number of the child care facility;

8 (B) the name, date of birth, business mailing and
9 physical address, and business telephone number of the
10 person(s) bearing the responsibility for the child care facility;

11 (C) the name, date of birth, business mailing and
12 physical address, and business telephone number of the
13 person(s) having specific authority and responsibility for
14 overall administration and the services offered;

15 (D) the name and date of birth of the owner or
16 sponsoring agency (i.e., privately owned, church or agency
17 owned) of the child care facility; and

18 (E) other information as required by the Division;

19 (2) current copy of the “Rules and Regulations for Licensed
20 Child Care Facilities and Group Child Care Homes”;

21 (3) copy of applicable child care laws (i.e., Title 10 Guam
22 Code Annotated, Chapter 2, Article 4, Child Welfare Services Act);

23 (4) staffing pattern form;

24 (5) physician’s certification of examination form;

25 (6) notice of requirement for submission of documentation,
26 to include police and court clearances for each staff member in the
27 child care facility and a signed consent of release form for the

1 Department to conduct checks in local and national registries to
2 include, but *not* be limited to: the Child Abuse and Neglect Registry;
3 the Sex Offender Registry; and any other national background checks
4 as deemed necessary by the Department to ensure the staff's or
5 prospective staff's capacity to provide safe and constructive child
6 care. For Group Child Care Homes, all other adult members living in
7 the home must also comply with these clearances and background
8 checks.

9 (7) three (3) separate character reference letters for Early
10 Childhood Directors, for initial or denied applicants, or applicants
11 seeking license reinstatement of a suspended or revoked license; and

12 (8) certification of compliance form.

13 (b) The applicant *shall* provide and submit documents, *not* limited
14 to the following:

15 (1) early childhood education transcripts (for the Early
16 Childhood Director and Early Childhood Assistant Director);

17 (2) verification of early childhood training for staff (i.e.,
18 training certificates, transcripts);

19 (3) a copy of the child care facility's policies and procedures;

20 (4) a copy of the floor plan layout of the child care facility;

21 (5) a copy of the parent's handbook;

22 (6) resume for the Early Childhood Director and Early
23 Childhood Assistant Director;

24 (7) pediatric cardio pulmonary resuscitation (CPR) and
25 pediatric first aid certificates;

26 (8) a copy of each staff member's health certificate issued by
27 the Division of Environmental Health of this Department;

1 (9) most recent copy of the Job-Site Inspection report issued
2 by the Division of Environmental Health of this Department;

3 (10) a copy of the sanitary permit(s) for the child care facility
4 upon issuance by the Division of Environmental Health of this
5 Department; and

6 (11) a copy of immunization records for children enrolled.

7 (c) At *no* time shall an incomplete application package (for new,
8 renewal, or amendment of licenses) be received by any staff of the
9 Department.

10 (d) Applicants *shall* seek and comply with required applicable rules
11 and regulations concerning fire, building, sanitation, plumbing, electrical,
12 mechanical and zoning provided by the appropriate personnel from the
13 Department's Division of Environmental Health, the Guam Fire Department,
14 the Department of Public Works, the Department of Land Management, and
15 the Department of Revenue and Taxation.

16 (e) Applicants *shall* maintain accurate records of all information
17 and documents submitted to the Department which *shall* be readily available
18 for review by the Department upon request during inspection.

19 (f) New applicants *shall* be responsible for ensuring that all
20 documents and compliance reports, in addition to the application packet
21 described in this §1102.4 are submitted to the Department.

22 (g) Renewal applicants *shall* submit all documents and compliance
23 reports *no less than* sixty (60) business days prior to the expiration of the
24 license. Failure to do so may result in non-renewal of license pending
25 submission of required documents and closure of operation upon expiration
26 of current license.

1 (h) The Department *shall* conduct a licensing evaluation only after
2 receiving a completed application, and all required documents and reports,
3 to allow sufficient time of thirty (30) days for the licensing worker to
4 conduct inspections and reviews and complete a written report.

5 **§1102.5. General Information Requirements.**

6 (a) Admission procedures *shall* require that sufficient information
7 and instruction from the parents or guardians be furnished to enable the staff
8 members to make decisions or act on behalf of the child.

9 The child care facility *shall* require a completed application with at
10 least one (1) parent's or guardian's signature for each child to be kept on
11 file. Prior to admission of a child to a child care facility, the licensee *shall*
12 obtain in writing from the child's parents or guardians the following
13 information:

14 (1) completed application form for each child and a copy of
15 child's birth certificate and a current photo;

16 (2) the child's full legal name, birth date, ethnic background,
17 primary language spoken, current mailing and physical addresses, and
18 preferred names;

19 (3) the name and physical and mailing addresses of the
20 parents or guardians who are legally responsible for the child;

21 (4) telephone numbers or instructions as to how the parents
22 or guardians may be reached during the hours the child is in the child
23 care facility;

24 (5) to the extent possible, the names, mailing and physical
25 addresses, and telephone numbers of three (3) person(s) who *shall*
26 assume responsibility for the child if for some reason the parents or
27 guardians cannot be reached immediately in an emergency;

- 1 (6) name, clinic, and telephone number of child's physician;
- 2 (7) written authorization for emergency care, including
3 provision of health insurance information;
- 4 (8) child health report, that includes the child's
5 immunization record, and other pertinent information regarding the
6 health of the child (i.e., last physical examination report, TB test);
- 7 (9) the child's parents' or guardians' current place of
8 employment, address and phone number;
- 9 (10) plan for health care in case of an emergency (i.e.,
10 insurance provider, insurance number, doctor);
- 11 (11) authorization for medical treatment in case of an
12 emergency when parent or guardian cannot be contacted;
- 13 (12) date of enrollment in child care facility;
- 14 (13) written medical reports and health information *shall* be
15 on file for each child, including a report of an annual physical
16 examination, up-to-date immunization records, pertinent information
17 regarding any particular health problems, or any specific instructions
18 regarding care or feeding for the child. These records *shall* be kept
19 confidential, and information provided only to the Early Childhood
20 Director or the Early Childhood Director's authorized representatives
21 operating the facility or other staff with a need to know, in the event
22 of an emergency, or other staff with the written consent of the parents;
- 23 (A) conditional admissions may be granted, provided
24 that the following conditions are met:
- 25 (i) the date of each appointment and name of
26 the physician or health institution providing the physical

1 examination must be placed in the child's health folder;

2 and

3 (ii) proof of medical examination and/or
4 administration of medical services are provided to the child care
5 facility;

6 (iii) failure to complete the immunizations and
7 clearances within one (1) month of enrollment *shall* result in
8 the expulsion of the child until such time as the child is in
9 compliance;

10 (14) eating and sleeping habits;

11 (15) toileting habits;

12 (16) allergies;

13 (17) fears and preferences;

14 (18) permission to administer medications, indicating
15 frequency and dosage, must be submitted in writing by
16 parents/guardians; and

17 (19) other information as required by the Division.

18 (b) The child care facility *shall* conduct a personal interview with
19 the parent or guardian to verify other pertinent information provided on the
20 child's overall behavior and to acquaint the parent or guardian with the child
21 care facility's policies and procedures.

22 (c) The child care facility *shall* secure written permission from at
23 least one (1) parent or guardian before taking children on excursions out of
24 the facility.

25 (d) The child care facility *shall* require a "Parent/Guardian
26 Authorization Form to Pick-Up Child" for each child and keep it current and
27 on file.

1 (e) Information pertaining to an individual child or parents or
2 guardians of the child *shall not* be disclosed to persons other than the Early
3 Childhood Director or authorized staff members, *unless* the parents or
4 guardians of the child submit a signed consent form granting written
5 permission for the disclosure, or when an emergency arises necessitating
6 release of the information.

7 (f) The parents or guardians *shall* be informed in writing of the
8 child care facility's policy regarding disclosure of information.

9 **§1102.6. Issuance of License.**

10 (a) Upon completion of examination and satisfaction that the
11 licensee and the child care facility has reasonably met all qualifications and
12 standards prescribed for the specific category of child care facility, the
13 Department *shall* issue a license.

14 (b) The license *shall* clearly state:

- 15 (1) the business name of the child care facility;
- 16 (2) the name(s) of the owner(s);
- 17 (3) the type of license issued;
- 18 (4) the category of the child care facility;
- 19 (5) the mailing address and physical location of the child
20 care facility;
- 21 (6) contact telephone number(s);
- 22 (7) the age and gender of children to be served;
- 23 (8) the capacity of the child care facility;
- 24 (9) the issuance and expiration date of the license;
- 25 (10) the license number; and
- 26 (11) other conditions or limitations, as deemed necessary by
27 the Department for the license.

1 (c) The license is non-transferable and *shall* be valid *only* with
2 respect to the person, and physical location specified. It *shall* also be subject
3 to review when there is a significant change in operating policies that affects
4 the health, safety, and care of children and any changes in §1102.6(b) above.

5 (d) The Department *shall* issue the following types of licenses:

6 (1) **License.** A license *shall* be issued to a facility which is
7 found to be in conformity with child care rules and regulations.

8 (2) **Provisional License.** A provisional license *shall* be
9 issued to a newly established or existing child care facility when the
10 facility does *not* meet all licensing laws, rules and regulations. The
11 facility must conform to the requirements on or before six (6) months
12 for a license to be issued. In the event that the conditions are *not* met
13 by the expiration date of the provisional license, the license *shall* be
14 revoked, and the operations of the child care facility *shall* cease
15 immediately.

16 **§1102.7. Effective Date of License.**

17 (a) The effective date of a license *shall* be as follows:

18 (1) **License.**

19 (A) A license *shall* expire *no later than* two (2) years
20 after the date of issuance.

21 (B) When a license is issued after a provisional
22 license, the expiration date of the license *shall* be two (2) years
23 from the date of issuance of the provisional license.

24 (C) The license *shall* be renewed *only* upon
25 satisfactorily meeting the requirements for application, and the
26 Department's approval.

27 (2) **Provisional License.**

1 The expiration date of a provisional license may vary, as
2 determined by the Director, based on a reasonable time for
3 compliance with these rules and regulations, and *shall not* exceed six
4 (6) months from the date of issuance.

5 **§1102.8. Changes to Operation of the Child Care Facility or**
6 **Group Child Care Home.**

7 (a) The licensee must notify the Division in writing within twenty-
8 four (24) hours or by the next working day, whichever comes first, of any
9 significant changes planned in the operation of the child care facility,
10 including services and staffing that directly or indirectly affects the
11 operation of the program. *No* changes shall be made *unless* approved by the
12 Division and all requirements for changes have been met as determined by
13 the Department. If the change affects the continued operation of the child
14 care facility, then necessary corrective action must be completed within the
15 prescribed timeframe to come into compliance or sooner as determined by
16 the Director. Significant changes include, but are *not* limited to, the
17 following: relocation of the child care facility; renovation to existing
18 structure; increase/decrease in child capacity; changes in staffing pattern;
19 changes in policies and procedures; changes in ownership; changes in the
20 name of the business operation; and changes to facility layout. Such
21 changes *shall* be taken into consideration at the discretion of the Department
22 to determine status of the license for continued or discontinued operation of
23 services upon meeting requirements and qualifications in accordance to
24 these rules and regulations as deemed necessary.

25 **§1102.9. Advertising.**

1 (a) A child care facility licensed by the Department may publish
2 advertisements of the services for which it is specifically licensed. All
3 advertisements *shall* include the child care facility's license number.

4 (b) All child care facilities that are required to be licensed and have
5 failed to do so are prohibited from advertising such services.

6 **§1102.10. Displaying License.** The license *shall* be displayed at
7 the child care facility in a prominent and conspicuous location as designated
8 by the Director to be viewed by the public at all times.

9 **§1102.11. Right of Entry, Inspection and Investigation.**

10 (a) In exercising its authority to license child care facilities, the
11 Department's designated personnel *shall* have the right of entry, inspection
12 and investigation.

13 (b) The Division *shall* conduct inspections and investigation to
14 ensure compliance with these rules and regulations and to ensure the quality
15 of care of children in child care facilities.

16 (c) The Division *shall* review the qualifications of all staff
17 members, review written policies and program provisions, and conduct
18 inspections of the child care facility.

19 (d) In the event of a complaint or reason to believe that an
20 unlicensed child care facility operation is being conducted, authorized
21 representatives of the Department *shall* have the right to enter private
22 property to verify and validate the allegations. The Guam Police
23 Department *shall* render assistance to the Department in these cases, as
24 needed.

25 (e) Authorized representatives of the Department *shall* be
26 authorized to visit a child care facility at any time during the hours of child

1 care operation for purposes of observing, monitoring and inspecting the
2 facilities, activities, staffing and other aspects of the child care facility.

3 (f) The licensee *shall* cooperate with the Department by providing
4 access to its facilities, records, staff, and children in care. Failure to comply
5 with reasonable requests may constitute grounds for denial, suspension or
6 revocation of the license.

7 **§1102.12. Inspection Frequency.** An inspection of a child care
8 facility *shall* be conducted *at least* once every twelve (12) months.
9 Additional inspections *shall* be conducted as often as necessary for the
10 enforcement of these rules and regulations.

11 **§1102.13. Report of Inspections.**

12 (a) Whenever an inspection of a child care facility is made,
13 identified deficiencies *shall* be recorded on the inspection report as approved
14 by the Director or his/her authorized representative. The inspection report
15 *shall* summarize the requirements of these rules and regulations. Inspection
16 remarks *shall* be written to reference, by section number, the section
17 violated; *shall* state the correction to be made, indicating the time period(s)
18 for correction, which *shall* be reasonable depending on the nature of the non-
19 compliance; and the time required for correction.

20 (b) A copy of the inspection report *shall* be furnished to the person
21 in charge of the child care facility at the conclusion of the inspection.

22 (c) The inspection report is a public document that *shall* be made
23 available for public disclosure to any person who requests the documents
24 pursuant to §1113.1.

25 **§1102.14. Posting.** Copies of the most current inspection report
26 *shall* be posted adjacent to the license in a prominent and conspicuous

1 location as designated by the Director, or the Director's authorized
2 representative, to be viewed by the public at all times.

3 **§1102.15. License Fees.** The Department *shall* charge non-
4 refundable fees as prescribed by the Department for the following
5 (Appendix C):

- 6 (a) New License
- 7 (b) Renewal License
- 8 (c) Duplicate License
- 9 (d) Amended License
- 10 (e) Provisional License (New or Renewal)

11 Fee schedule amendments *shall* be promulgated pursuant to Article 3,
12 Rule-Making Procedures, Chapter 9, Title 5, Guam Code Annotated.

13 **§1103.0. ORGANIZATION**

14 **§1103.1. General.**

15 (a) Each licensee which is a person, partnership, corporation,
16 limited liability corporation, limited liability partnership, or association *shall*
17 be organized according to its legal status as required by local law and
18 applicable rules and regulations.

19 (b) There *shall* be an internal structure which provides for an
20 appropriate governing authority which is:

21 (1) responsible for the development and enforcement of
22 operating policies, procedures of child care staff employment,
23 maintain adequate financial resources for the satisfactory care of
24 children, and the total organization of child care services; and

25 (2) located so as to be familiar with, and accountable for, all
26 aspects of the operation of the child care facility for and reasonably
27 accessible to the Division.

1 **§1104.0. HEALTH AND SAFETY**

2 **§1104.1. General.** The requirements for sanitation, health and
3 safety *shall* be adopted and in compliance with the Division of
4 Environmental Health, Department of Public Health and Social Services’
5 applicable mandates and rules and regulations pertaining to child care
6 facilities.

7 (a) *No* employer, owner, manager or person in charge or control,
8 shall permit any person to enter the premises, knowing such person to have,
9 or having reason to believe that he has, a disease in communicable form as
10 set forth in Chapter 4 of this Title, or is a carrier of such disease; and *no*
11 person shall work in a child care facility, whether in his own or another’s
12 employ, knowing himself to have, or having reason to believe that he has,
13 any such disease. If an employer, owner, manager or person in charge or
14 control suspects that any employee has any such disease in communicable
15 form or is a carrier of such disease, he *shall* notify the Director immediately.
16 Persons with cuts or sores *shall not* be allowed to handle food that may
17 become contaminated by such handling. A placard containing the provisions
18 of this Section *shall* be posted in a place where it will be seen by each
19 employee.

20 **§1105.0. PROGRAM REQUIREMENTS**

21 **§1105.1. General.**

22 (a) Child care facilities *shall* implement developmentally
23 appropriate practices. The Department has developed voluntary early
24 learning guidelines that facilities may use as a guide in developing and/or
25 adopting a developmentally appropriate curriculum. (Appendix B: The
26 *Guam Early Learning Guidelines for Young Children Birth to 36 Months*

1 and the *Guam Early Learning Guidelines for Young Children Ages Three to*
2 *Five*).

3 (b) Child care facilities that provide after school programs for older
4 children *shall* implement age-appropriate curriculum.

5 (c) The program *shall* promote building positive relationships
6 among children and adults to increase and/or maintain a sense of self-worth
7 and responsibility to a community.

8 (d) The program *shall* implement a curriculum that is in harmony
9 with goals that promote learning and development in the cognitive, social,
10 emotional, language, aesthetic and physical areas.

11 (e) The program *shall* promote effective teaching strategies within
12 its curriculum that reflect culture, language and developmental needs of
13 children to increase learning and development.

14 (f) The program *shall* have in place, different assessments, formal
15 or informal, that provide information on individual learning and
16 development to ensure appropriate instruction, intervention, and/or
17 evaluation that meet individual needs and program goals.

18 (g) The program *shall* promote health, safety, and nutrition where
19 children and adults are protected from illness and harm.

20 (h) The program *shall* employ staff with the knowledge, skills, and
21 abilities to foster children's learning and development and support families'
22 needs and interests.

23 (i) The program *shall* build partnerships with families to support
24 active involvement in their children's growth and development.

25 (j) The program *shall* connect with community resources to
26 support program goals, such as health, curriculum, transitions, diversity, and
27 inclusion.

1 (k) The program *shall* have well-maintained indoor and outdoor
2 physical environments that are appropriate, safe, and accessible.

3 (l) The program *shall* have well-managed policies and procedures
4 promoting a system where children, families, and staff receive high-quality
5 experiences.

6 (m) The Early Childhood Director *shall* seek authorization from the
7 parent or guardian of a child who has an Individualized Family Service Plan
8 or Individualized Education Plan to assist in meeting the developmental and
9 educational needs of a child with a disability.

10 **§1106.0. STAFF TO CHILD RATIO**

11 **§1106.1. General.**

12 (a) The number of children per staff member *shall not* exceed:

Age of Child	Child:Staff Ratio	Effective Date of Compliance For Existing Child Care Facilities
Birth to 12 months	4:1	January 1, 2013
13 months to 2 years	7:1	January 1, 2013
13 months to 2 years	6:1	January 1, 2014
25 months to 3 years	10:1	January 1, 2013
37 months to 4 years	15:1	January 1, 2013
4 years and up	20:1	January 1, 2013

13 (b) Other hired staff members that *do not* provide direct care and
14 education to children *shall not* be counted under the staff to child ratio (i.e.
15 cooks, maintenance, and housekeeping personnel).

16 (c) Early Childhood Directors are *not* counted in the child to staff
17 ratio.

18 (d) *No* child shall be left without adult supervision at any time. The
19 staff to child ratio *shall* be maintained during all hours of operation. Staff

1 members *shall* be within sight and sound of each child in the child care
2 facility at all times. Staff members who provide direct care and education to
3 children *shall not* engage in other activities while performing their regular
4 duties, *unless* used for educational purposes (e.g. light housekeeping duties).

5 (e) During nap time, the staff to child ratio must be maintained and
6 physically present in the same space as the children's sleeping area.

7 **§1106.2. Existing Child Care Facilities.** All existing child care
8 facilities currently in operation *shall* be required to come into compliance
9 with §1106.1 on the effective dates of compliance as stated in §1106.1(a).

10 **§1106.3. New Child Care Facilities.** A new child care facility is
11 any person or entity that is issued a new license to operate a child care
12 facility after the promulgation of these rules and regulations. A new child
13 care facility *shall* be required to come into compliance with §1106.1 upon
14 issuance of a license to operate, and the effective dates of compliance
15 stipulated in §1106.1(a) are applicable to the new licensee.

16 **§1107.0. ADMISSIONS**

17 **§1107.1. General.**

18 (a) Operators of child care facilities *shall* provide appropriate care
19 to help the child grow and develop physically, mentally, socially,
20 emotionally, and spiritually at his or her own pace, ensuring the child's
21 overall welfare.

22 **§1107.2. Illness and Communicable Disease Control.**

23 (a) A general health screening and inspection *shall* be conducted
24 daily on each child as soon as possible after the child enters the child care
25 facility and whenever a change occurs while that child is in care.
26 Information on each child *shall* be gathered by completing the health
27 screening and inspection, by inquiring with the child's parents, and when

1 possible, through a conversation with the child. A record of any and all
2 concerns *shall* be documented in writing. The health screening and
3 inspection *shall* address:

4 (1) observed changes in behavior or appearance from
5 behaviors observed during the previous day's attendance; and

6 (2) other signs or symptoms of illness (such as fever,
7 drainage from eyes, vomiting, diarrhea, etc.)

8 (b) **Isolation Area.** Each child care facility *shall* have a designated
9 isolation area for a child who becomes ill at the facility. Such area *shall* be
10 adequately ventilated and equipped with a bed, mat, or cot and materials that
11 can be easily sanitized. Linens and disposables *shall* be changed after each
12 use with used linens and disposables contained in a closed container in the
13 isolation area until it can be cleaned or disposed of properly.

14 (c) Any child showing signs of an infectious illness must be sent to
15 the isolation area to be kept separate and apart from the other children. The
16 parent or guardian must be notified immediately to arrange alternative
17 measures for the child's care. A staff member or an available responsible
18 adult *shall* remain with the child at all times.

19 (d) The rules and regulations of the Department on communicable
20 diseases *shall* be followed where children show symptoms of communicable
21 diseases. The child care facility *shall* post a communicable disease placard
22 subject to the provisions of §2414 of Title 10 GCA, Chapter 2, Article 4 on
23 communicable diseases.

24 (e) Children who have been determined to have an infectious
25 illness or communicable disease *shall not* return to the child care facility
26 without medical authorization.

1 (f) A child may be excluded from the child care facility (i.e. sent
2 home) as soon as possible if the child exhibits any condition or illness as
3 listed in the current communicable disease report, or illnesses as
4 recommended and listed in guidelines developed by the American Academy
5 of Pediatrics for exclusion of children from the child care facility.
6 (www.aap.org)

7 **§1107.3. Immunizations.**

8 (a) All children attending a child care facility *shall* receive
9 immunizations according to the Department's requirements in conformity
10 with the Advisory Committee on Immunization Practices (ACIP), U.S.
11 Centers for Disease Control and Prevention (CDC), Department of Health
12 and Human Services, and the American Academy of Pediatrics (AAP),
13 *unless* excluded from the immunization requirements due to religious
14 exemptions (as approved by the Department) or medical contraindications
15 (as certified by a Guam licensed medical physician). (See Appendix D for
16 Recommended Immunization Schedules)

17 (b) Exemption from immunization for religious belief *shall* be
18 documented by a written, signed and dated statement from the child's parent
19 or guardian, that such vaccination or immunization would be against their
20 religious belief and would *not* constitute a contagious health risk for the
21 public at large, as certified by the Director. (P.L. 24-154, §3322.a.)

22 (c) Exemption from immunization for any medical reason *shall* be
23 documented by a written, signed, and dated statement by a Guam licensed
24 medical physician that said child should be exempt from this Section where
25 such medical contraindication to his or her receiving a specific vaccine
26 exists. (P.L. 24-154, §3322.a.) The child care facility has the right to

1 exclude children who do *not* meet the immunization requirements as stated
2 under Subsection (a) of this Section.

3 (d) Original statements (not copies) *shall* be kept in the child's
4 record at the Bureau of Communicable Disease Control of the Department
5 for compliance purposes. A copy of the certificate for medical and religious
6 exemptions *shall* be included in the child's record in the facility.

7 (e) Child care facilities *shall* require parents or guardians to ensure
8 their children receive all follow-up immunizations needed to complete the
9 recommended series. A copy of the immunization records *shall* be filed in
10 the child's record at the Bureau of Communicable Disease Control of the
11 Department.

12 (f) Parents or guardians *shall* be given a grace period, *not* to
13 exceed thirty (30) calendar days from the last assessment of the child's
14 immunization record, to obtain required immunization(s) in the
15 recommended series.

16 **§1107.4. Testing for Tuberculosis.** *No* child shall be permitted to
17 attend a child care facility *unless* they have on file with the Early Childhood
18 Director of the child care facility a report of a Tuberculosis (TB) Skin Test
19 result.

20 (a) If the child is entering from the United States (its states or
21 territories), such test must have been conducted within one (1) year prior to
22 enrollment. If the child is entering from an area other than the United States
23 (its states or territories), such test must have been conducted within six (6)
24 months prior to enrollment.

25 (b) If a child has had a positive TB Skin Test, a Certificate of TB
26 Evaluation must be obtained from the Department. If this Certificate
27 indicates that the child is TB contagious, the child *shall* be permitted

1 entrance to the child care facility *only* after he or she is certified as non-
2 contagious by the Department.

3 **§1107.5. CPR and First Aid.**

4 (a) **CPR.** *At least* two (2) staff involved in providing direct care
5 and education of children *shall* complete and maintain certification
6 requirements in pediatric first aid, and safety and management of blocked
7 airway and rescue breathing, including cardio pulmonary resuscitation
8 (CPR). *At least* one (1) certified staff *shall* be on the premises at all times
9 children are in their care.

10 (b) **First Aid Kit.** *At least* one (1) first aid kit containing materials
11 to administer first aid must be maintained on the premises of all child care
12 facilities at all times and wherever children are in care, including field trips
13 and outings away from the facility. A complete first aid kit must also be
14 present in vehicles used in the transportation of children during field trips
15 and outings away from the facility.

16 (1) Each kit *shall* be in a closed container and labeled “First
17 Aid.”

18 (2) The kits *shall* be accessible to the staff members at all
19 times and kept out of the reach of children.

20 (3) Each first aid kit *shall* be replenished and updated on a
21 regular basis. Contents with elapsed expiration dates *shall* be
22 discarded in a proper manner.

23 **§1107.6. Medication.** *No* medication shall be given without the
24 signed consent of a parent, and prescription drugs *shall* be given *only* when
25 prescribed for a child by a licensed physician.

26 (a) Prescription and non-prescription medication brought to
27 the child care facility by the parent or guardian *shall*:

- 1 (1) be in the original container;
- 2 (2) be properly labeled;
- 3 (3) be dispensed according to written directions on the
- 4 prescription label or printed manufacturer's label;
- 5 (4) be stored separately and locked out of children's
- 6 reach; and
- 7 (5) be stored at the proper temperature as required by
- 8 the manufacturer.

9 (b) Prescription medication must have a label stating the
10 name of the physician, the child's name, the name of the medication,
11 and medication directions.

12 (c) For the purposes of dispensing non-prescription
13 medication that is *not* brought in by the parent, in the event of an
14 emergency non-prescription medication can *only* be dispensed if the
15 facility has prior written authorization from the parent or guardian to
16 do so. Any medication dispensed under these conditions must be
17 documented in the child's file, and the parent or guardian must be
18 notified on the day of occurrence.

19 (d) If the parent or guardian notifies the child care facility of
20 any known allergies to medication, written documentation must be
21 maintained in the child's file, must be shared with the staff, and must
22 be posted with the stored medication.

23 (e) Any medication administered by any staff of the child
24 care facility *shall* be documented and recorded in a medication
25 administration log.

26 **1107.7. Food and Nutrition.**

27 (a) **Food and Nutrition Policies and Plans.**

1 (1) The facility *shall* have a food handling, feeding, and
2 nutrition plan that addresses the following items and delegates
3 responsibility for each:

4 (A) food handling, preparation, and service;

5 (B) staffing; and

6 (C) nutrition education for parents, staff, and children.

7 **(b) Meals Prepared and/or Served On-Site.**

8 (1) A child care facility that prepares and cooks meals for
9 children *shall* provide adequate nutritious food appropriate to the age
10 of the child at normal meal time intervals, and *shall* follow the U.S.
11 Department of Agriculture’s (U.S.D.A.) Food and Nutrition
12 Guidelines and Food Guide Pyramid for Young Children (Appendix
13 E) based on the latest recommendations adopted by U.S.D.A. For
14 current and updated information on nutrition guidelines recommended
15 by the U.S.D.A., please refer to their website at www.usda.gov.

16 (2) Meal and snack menus *shall* be planned, written and
17 posted at the beginning of each week. Menus *shall* be dated and
18 posted in the food service area and in a conspicuous area easily
19 accessible to parents or guardians. Any menu substitution *shall* be
20 noted on the menu.

21 (c) A child care facility where parents or guardians provide meals
22 for their children should promote an understanding of the importance
23 of nutritious meals and snacks, as recommended by the U.S.D.A.
24 Food and Nutrition Guidelines.

25 (d) If a special diet is required for a child by a physician, a copy of
26 the physician’s order, a copy of the diet and a sample meal plan for
27 the special diet *shall* be maintained in the child’s file. If the parent or

1 guardian notifies the child care facility of any known food allergies,
2 written documentation must be maintained in the child's file. Special
3 food restrictions must be shared with the staff, and must be posted in a
4 conspicuous location in the kitchen area to serve as a reminder for
5 staff members.

6 **(e) Food Service.**

7 (1) Children *shall* be supervised during all meal times. All
8 food *shall* be served in individual containers for each child.

9 (2) Infants *shall* be fed by a staff member, and at *no* time
10 shall propped bottles be permitted when feeding infants. There *shall*
11 be *no* automatic feeding devices *unless* medically prescribed. All
12 bottles *shall* be individually labeled with the child's name.

13 (3) Heated foods and bottles must be tested before feeding to
14 ensure heat is evenly distributed, and to prevent injury to children.

15 (4) Child care facilities *shall* provide sufficient seating so
16 that children are seated at tables for meals.

17 (5) Food *shall not* be used as a reward or as punishment.

18 **§1108.0. MATERIALS AND EQUIPMENT**

19 **§1108.1. General.**

20 (a) The selection, quantity, arrangement and use of available
21 materials and equipment *shall* be age-appropriate, durable, meet the
22 recommendations of the U.S. Consumer Product Safety Commission
23 (CPSC), including the latest version of the CPSC *Handbook for*
24 *Public Playground Safety* (Appendix F), and meet the
25 recommendations of the Americans with Disabilities Act (ADA) for
26 all children, including children with special needs.

1 The DPHSS *shall* review Appendix F and develop rules and
2 regulations based upon the U.S. Consumer Product Safety
3 Commission Handbook for Public Playground Safety which should be
4 applicable for Guam, within one hundred twenty (120) days of the
5 enactment of this Act.

6 (b) The rules and regulations *shall* be promulgated pursuant to the
7 AAA rule-making procedures.

8 (c) The materials and equipment *shall*:

9 (1) provide opportunities for indoor or outdoor play,
10 exploration, expression, experimentation and discovery;

11 (2) provide opportunities for learning concepts and skills in
12 different developmental domains;

13 (3) represent the diversity of children, families, culture, age,
14 gender, language and abilities;

15 (4) provide safe, but challenging learning opportunities
16 where problem solving is practiced; and

17 (5) support the curriculum, meet the goals and objectives of
18 the program, and foster desired outcomes for children.

19 **§1108.2. Storage Spaces.**

20 (a) Storage spaces for individual storage of children's clothing and
21 personal belongings *shall* be available and labeled.

22 (b) Storage spaces for accessible play materials and equipment
23 used by the children *shall* be available.

24 (c) Storage spaces for other equipment, materials, and supplies used
25 by staff *shall* be available, but secure and out of children's reach.

1 **§1108.3. Sleeping Equipment and Bedding.** The following
2 sleeping equipment *shall* be safe, sturdy, clean, age-appropriate and
3 available:

4 (a) an individual bed, cot, crib, sleeping bag, mat, or pad, for each
5 child who rests; and

6 (b) a clean sheet or cover to be used on the sleeping equipment for
7 each child.

8 **§1109.0. PERSONNEL**

9 **§1109.1. General.**

10 (a) There *shall* be a sufficient number of qualified staff to carry out
11 the program of the child care facility at all times.

12 (b) Child care facilities *shall* develop and record policies pertaining
13 to personnel practices.

14 (c) The child care facility *shall* ensure that all new employee hires,
15 including submission of clearance documents, are reported to the Division
16 prior to their employment.

17 **§1109.2. Information on Current Staff Members Inclusive of**
18 **Cooks and Maintenance Personnel.**

19 (a) The following information *shall* be supplied to the Division for
20 all staff members:

21 (1) name, date of birth, age, home address and telephone
22 number;

23 (2) education transcripts and/or Early Childhood Care and
24 Education (ECCE) certificate;

25 (3) work experience;

26 (4) physician's certification of examination form;

27 (5) health certificate(s);

- 1 (6) police and criminal court clearances;
- 2 (7) consent of release to perform a check of the Child Abuse
- 3 and Neglect Registry Clearance; and
- 4 (8) other information as requested by the Division.

5 (b) A listing of all practicum students and/or volunteers who serve

6 twenty (20) *or more* hours per week *shall* also be supplied to the Division.

7 **§1109.3. Responsibilities and Qualifications for Early**

8 **Childhood Director.**

9 (a) **Responsibilities of Early Childhood Director.**

10 (1) There *shall* be a responsible Early Childhood Director, or

11 their designee, in charge of the child care facility at all times during

12 their hours of operation. To be in charge means that the responsible

13 person is on the premises, and available to staff, parents or guardians,

14 and children. It precludes outside employment which interferes with

15 these duties.

16 (2) The Early Childhood Director *shall not* be a full-time

17 teacher or early childhood provider.

18 (3) The Early Childhood Director *shall* be responsible for the

19 overall administration of the child care facility's policies and

20 procedures.

21 (4) When the Early Childhood Director is required to be

22 absent temporarily from the child care facility, arrangements *shall* be

23 made for the Early Childhood Assistant Director, or a staff member

24 who is *at least* twenty-one (21) years of age and meets the

25 requirements of *no less than* an Early Childhood Lead Provider, to act

26 as a substitute for a maximum of one (1) month. After one (1) month,

1 the Early Childhood Director *shall* hire an Acting Director if
2 prolonged absence is necessary.

3 (b) **Qualifications of Early Childhood Director.** The
4 qualifications for the Early Childhood Director *shall* be as follows:

5 (1) The Early Childhood Director *shall* be *at least* twenty-
6 one (21) years of age.

7 (2) The Early Childhood Director *shall* have education and
8 experience which will provide the knowledge, skills, and attributes
9 and qualities necessary to carry out an effective program of quality
10 child care as set forth in these laws, rules and regulations.

11 (3) The minimum education and training requirement for an
12 Early Childhood Director is Level 3 Early Childhood Master
13 Provider/Early Childhood Director as indicated in Guam's Plan for
14 Professional Development. (See Appendix A).

15 **§1109.4. Responsibilities and Qualifications for Early**
16 **Childhood Assistant Director.**

17 (a) **Responsibilities of Early Childhood Assistant Director.** The
18 Early Childhood Assistant Director *shall* be responsible and work with or
19 alongside the Early Childhood Director to carry out the program of the
20 facility under the guidance of the Early Childhood Director.

21 (b) **Qualifications of Early Childhood Assistant Director.** The
22 Early Childhood Assistant Director *shall* meet the same minimum education
23 and training requirements as an Early Childhood Director as stated in
24 §1109.3(b)(3).

25 (1) The Early Childhood Assistant Director *shall* be *at least*
26 twenty-one (21) years of age.

1 **§1109.5. Requirements of Staff Members.** Each staff member
2 *shall* be qualified through training, experience, skills, and education, as
3 indicated in Guam’s Plan for Professional Development. (Appendix A).

4 (a) Educational requirements of staff members *shall* be as follows
5 (as referenced in Guam’s Plan for Professional Development):

6 (1) By 2014, twenty-five percent (25%) of early childhood
7 providers employed by the child care facility *shall* meet the
8 requirements of a Level 2 Early Childhood Lead Provider.

9 (b) All staff members *shall* have a physical examination from a
10 licensed physician indicating that the individual is in good health, and free
11 from highly contagious diseases and any disability which would limit his/her
12 ability to adequately care for children. This physical examination report
13 *shall* be renewed annually, and *shall* be kept on file in the facility.

14 (c) All staff members *shall* have a valid health certificate pursuant
15 to Title 10 GCA, Chapter 22, and applicable rules and regulations. These
16 documents *shall* be renewed annually, with copies prominently posted in the
17 facility as required. Each staff member must comply with having their
18 health certificate on their person at all times while working, as required by
19 applicable rules and regulations.

20 (d) Operators of child care facilities must obtain a valid sanitary
21 permit pursuant to Title 10 GCA, Chapter 21, and applicable rules and
22 regulations. This permit *shall* be renewed annually, and prominently posted
23 in the facility as required.

24 (e) The Early Childhood Director *shall* provide information on
25 workshops, seminars, training sessions or courses available to all staff
26 members to encourage staff growth and development.

1 (1) Training topics should include, but is *not* limited to, one
2 (1) or more of the following topical/competency areas (as referenced
3 in Guam’s Plan for Professional Development):

4 (A) Child Development Theory and Practical
5 Application;

6 (B) Healthy and Safe Environments;

7 (C) Adaptations and Modifications;

8 (D) Working with Families;

9 (E) Observation and Assessment; and

10 (F) Professional Conduct and Ethics.

11 (f) Volunteers and practicum students are required to have a valid
12 health certificate and physical examination prior to providing services.

13 (g) Licensees *shall* be responsible for ensuring that licensees and
14 all staff members are free of serious emotional problems which limit their
15 ability to care for children, and that they demonstrate evidence of the ability
16 to deal effectively with practical problems of daily living and of child care.

17 (h) Licensees and all staff members *shall* be of reputable and
18 responsible character, and *shall not* have a criminal history record,
19 employment history or background which poses a risk to children in their
20 care, such as the following:

21 (1) conviction of a crime involving violence, alcohol or drug
22 abuse, sex offense, offense involving children and any other
23 conviction, the circumstances of which indicate that the applicant or
24 employee may pose a danger to children;

25 (2) the type of criminal offense, when it occurred, and
26 evidence of rehabilitation may be considered in determining whether

1 the criminal history record poses a risk to the health, safety or well-
2 being of children in their care;

3 (3) an employment history indicating violence, alcohol or
4 drug abuse and any other violation of employer rule or policy, the
5 circumstances of which indicate that the applicant or employee may
6 pose a danger to children;

7 (4) documented history of an individual who was found to be
8 in non-compliance and violation of licensing laws, rules and
9 regulations, and failed to conform to standards; and

10 (5) background information which shows that the individual
11 has been identified as the substantiated perpetrator of child abuse or
12 neglect.

13 (i) Staff members directly responsible for the care and education of
14 children *shall* have the following minimum qualifications:

15 (1) be *at least* eighteen (18) years of age or older; and

16 (2) complete requirements for a Level 1 Initial Early
17 Childhood Provider within twelve (12) months of employment as
18 indicated in Guam's Plan for Professional Development.

19 (j) Staff members *shall* demonstrate that they have:

20 (1) the capacity to perform the duties required for the care
21 and education of children;

22 (2) the ability to respect the individual child's uniqueness
23 and level of adjustment into the child care facility; and

24 (3) the ability to work positively with children, co-workers
25 and parents, and deal effectively with practical problems of daily
26 living.

27 **§1110.0. GROUP CHILD CARE HOMES**

1 **§1110.1. Group Child Care Homes.**

2 (a) **Applicability.** All the rules and regulations of this Chapter are
3 applicable to Group Child Care Homes, except for §1109.3 ~ §1109.5, et
4 seq. All Group Child Care Homes *shall* comply with the following:

5 (1) **Requirements for Group Child Care Home Providers.**

6 The requirements for group child care home providers *shall* be as
7 follows:

8 (A) demonstrate and maintain the capacity to perform
9 the duties required for the care and education of children;

10 (B) demonstrate and maintain the ability to respect the
11 individual child’s uniqueness and level of adjustment;

12 (C) demonstrate and maintain the ability to work
13 harmoniously with parents and other co-workers; and

14 (D) demonstrate and maintain an understanding of
15 developmentally appropriate practices in early childhood
16 education.

17 (2) **Qualifications of Group Child Care Home Providers.**

18 The qualifications for group child care home providers *shall* be as
19 follows:

20 (A) Child care providers *shall* be free of serious
21 emotional problems that interfere with their ability to care for
22 children, and must demonstrate evidence of ability to deal
23 effectively with practical problems of daily living, child care,
24 and work positively with children, co-workers and parents.

25 (B) Child care providers *shall* have the following
26 minimum qualifications:

1 (i) be *at least* twenty-one (21) years of age or
2 older (each additional provider in a group child care
3 home *shall* be *at least* eighteen [18] years of age);

4 (ii) receive fifteen (15) hours of annual training
5 in the areas of, but *not* limited to, health, safety, nutrition,
6 and child development; and

7 (iii) maintain certification in Pediatric CPR and
8 Pediatric First Aid.

9 (C) Child care providers in contact with children must
10 have a physical examination from a licensed physician
11 indicating that the individual is in good health, and free from
12 highly contagious diseases and any disability which would limit
13 his/her ability to care for children. This physical examination
14 report *shall* be renewed annually, and *shall* be kept on file in
15 the group home facility.

16 (D) Child care providers *shall* have a valid health
17 certificate pursuant to Title 10 GCA, Chapter 22, and applicable
18 rules and regulations. These documents *shall* be renewed
19 annually, and kept on file and/or prominently posted in the
20 facility as required.

21 (E) Child care providers, and all other adult members
22 in the home, *shall* obtain a Police Clearance, a Criminal Court
23 Clearance listing the types of criminal convictions, if any, and a
24 Clearance from the Child Abuse and Neglect, and Sex Offender
25 Registries.

26 **§1111.0. REPORTING REQUIREMENTS**

27 **§1111.1. Reporting Child Abuse and Neglect.**

1 (a) Pursuant to the Child Abuse and Neglect Reporting Act (Title
2 19 GCA, Chapter 13, Article 2 §13201), a person required to report
3 suspected child abuse or neglect is defined as: “Any person who in the
4 course of his or her employment, occupation, or practice of his or her
5 profession, comes into contact with children. Such persons shall report
6 when they have reason to suspect on the basis of their medical, professional,
7 or other training and experience that a child is an abused or neglected child.”

8 (b) No person may claim “privileged communication” as a basis for
9 his or her neglect or failure to report suspected child abuse or neglect, or to
10 provide the Division’s Child Protective Services Section, or the Guam Police
11 Department, with required information. Such privileges are specifically
12 abrogated with respect to reporting suspected child abuse or neglect and
13 providing information to the Department.

14 (c) The child care facility *shall* require each staff member to be
15 knowledgeable and informed of their individual mandatory responsibility to
16 report all incidents of child abuse or neglect to the Division’s Child
17 Protective Services Section accordingly.

18 (d) At the time of admission, the child care facility *shall* provide to
19 the child’s parent or guardian information that explains how to report
20 suspected child abuse or neglect, and that the facility is mandated to report
21 any suspected child abuse or neglect to the proper authorities.

22 **§1111.2. Reporting Licensing Complaints.**

23 The child care facility *shall* provide written information detailing the
24 steps to report any licensing, health, and safety violations against a child
25 care facility at the time of admission, to the child’s parent or guardian, and
26 to potential staff members prior to recruitment. The information must

1 include the name, mailing address, and telephone numbers of the Division's
2 Child Licensing Program.

3 **§1112.0. DISPLAY OF DOCUMENTS**

4 **§1112.1. General.** The following documents *shall* be posted in a
5 prominent and conspicuous location, as designated by the Director, to be
6 viewed by the public at all times in the child care facility:

- 7 (a) License to Operate a Child Care Facility;
- 8 (b) Sanitary Permit;
- 9 (c) Copy of Health Certificates;
- 10 (d) Daily Schedule;
- 11 (e) Fire Evacuation Plan;
- 12 (f) Fire Extinguisher Signs;
- 13 (g) Earthquake Preparedness Procedures;
- 14 (h) Exit Signs;
- 15 (i) Daily Menu (If applicable);
- 16 (j) Inspection reports conducted by the Department of Public
17 Health & Social Services, Guam Fire Department, Department of Public
18 Works, and Department of Land Management;
- 19 (k) Grading Placards issued by the Division of Environmental
20 Health;
- 21 (l) No Smoking Signs;
- 22 (m) First Aid Kit Signs;
- 23 (n) Communicable Disease Prevention Poster;
- 24 (o) Emergency phone numbers, to include, but *not* be limited to,
25 the fire department, the police, and emergency medical services, and be
26 placed conspicuously next to all operating phone lines; and

1 (p) Other emergency procedures established by the child care
2 facility.

3 **§1113.0. RECORDS OPEN TO THE PUBLIC**

4 **§1113.1. Public Documents.**

5 (a) The Division's licensing records are considered open records
6 and are available to the public.

7 (b) Responses to requests for records are conducted by the Division
8 in conformance with the guidelines of the Sunshine Reform Act of 1999
9 (Title 5 GCA, Chapter 10, Article 1).

10 (c) Exceptions are:

11 (1) the name and identifying information of someone who
12 reports an alleged violation of the laws, or rules and regulations, or
13 who make allegations during an investigation unrelated to the original
14 report;

15 (2) information identifying children's names;

16 (3) criminal history information;

17 (4) reports and records received from other agencies
18 including police, court clearances and child protection reports;

19 (5) certain confidential information from other agencies;

20 (6) personal references requested by the Division;

21 (7) scholastic records, health reports, physical, social or
22 psychological;

23 (8) information about pending court cases; and

24 (9) information about an abuse or neglect investigation that
25 has *not* been completed.

26 **§1114.0. TRANSPORTATION PROVISIONS**

1 **§1114.1. General.** When transportation is provided by a child
2 care facility, children *shall* be protected by adequate supervision, safety
3 precautions, and liability and medical insurance coverages, as follows:

4 (a) The vehicle and driver providing transportation *shall* be in
5 compliance with all relevant motor vehicle and traffic laws.

6 (b) During any field trip or excursion operated or planned by the
7 child care facility, the staff to child ratios as provided in §1106.1(a) *shall*
8 apply.

9 (c) Children *shall* be instructed in safe transportation conduct as
10 appropriate for age and stage of development.

11 (d) Infants, toddlers, and preschoolers transported in vehicles by
12 staff members, either to or from the child care facility, or for any program
13 activities, *shall* be properly secured in an age and size appropriate child
14 passenger restraint system, approved safety belts, or safety harnesses, which
15 meets federal motor vehicle safety standards and in accordance with the
16 manufacturer's operating instructions as mandated by Guam law.

17 (e) Children *shall not* be allowed to ride in the back of pick-up
18 trucks, or in jeeps or other open-air vehicles that are *not* fully enclosed.

19 (f) Children *shall* be supervised in the vehicles at all times.

20 **§1115.0. COMMUNICATION BETWEEN PARENTS AND**
21 **EARLY CHILDHOOD PROVIDERS**

22 **§1115.1. General.**

23 (a) Early childhood providers *shall* communicate and maintain an
24 open door policy with parents or guardians including, but *not* limited to, the
25 following information:

26 (1) information and instructions related to the child; and

1 (2) health, safety, child development, or behavior of the child
2 to the parents or guardians.

3 (b) Parents or guardians are encouraged to notify the child care
4 facility immediately of a concern which should be addressed immediately
5 and expect feedback from the child care facility in a timely manner, *no later*
6 *than* two (2) business days.

7 **§1116.0. PARENTAL ACCESSIBILITY**

8 **§1116.1. General.**

9 (a) During the hours of operation, a child care facility *shall* allow
10 access by parents or guardians having legal custody of a child in care to
11 those areas of the child care facility that is licensed for child care. This is to
12 allow parents or guardians the opportunity to observe their child and the
13 operation of the child care facility. Access to a child care facility by parents
14 or guardians with legal custody of children in care *does not* have to be
15 arranged in advance with the child care facility.

16 **§1116.2. Refraining from Releasing Children to Family.**

17 (a) If a parent or authorized person is found to be behaving in a
18 way that impairs that person's ability to care for the child (i.e., drunken
19 behavior, belligerent), or lacks suitable equipment (i.e., an appropriate child
20 passenger restraint system), the child care providers *shall* refrain from
21 releasing the child to the family. Child care providers *shall* contact
22 appropriate law enforcement agents, as needed.

23 **§1117.0. NON-DISCRIMINATION**

24 **§1117.1. General.** A child care facility *shall not* discriminate
25 against any person on the grounds of race, color, national origin, age, sex,
26 religion or disability in admission to, participation in, or receipt of the
27 services and benefits of any of its programs and activities, or in employment.

1 Furthermore, a child care facility *shall not* deny or provide for the access
2 and accommodation of persons with disabilities in compliance with the
3 Americans with Disabilities Act of 1990 (Title 42 United States Code,
4 Section 12101). Child care facilities *shall* also conform to any Guam laws
5 and applicable rules and regulations governing persons with disabilities and
6 other protected groups.

7 **§1118.0. DENIAL, SUSPENSION, OR REVOCATION OF**
8 **LICENSE**

9 **§1118.1. Denial, Suspension, or Revocation of License.**

10 (a) The Department may suspend any license to operate a child
11 care facility under, but *not* limited to, the following conditions:

12 (1) any environmental health violation under Title 10 of the
13 Guam Code Annotated, Chapters 20 through 40, and those applicable
14 rules and regulations. The Director has general supervision of
15 environmental health and *shall* be responsible for carrying out the
16 provisions of this Code;

17 (2) if the operation of the child care facility otherwise
18 constitutes a substantial or serious hazard to public health;

19 (3) if the applicant or licensee failed to comply with these
20 rules and regulations, the corrective action in the inspection report,
21 Notice of Adverse Action, and suspension;

22 (4) if the applicant or licensee failed to pay a fine after either
23 failing to appeal the assessment of a fine within the prescribed time or
24 after a hearing where assessment of a fine was upheld; or

25 (5) if the applicant or licensee submitted any misleading or
26 false statement or report required in these rules and regulations.

1 (b) The Department may deny or revoke any license to operate a
2 child care facility under, but *not* limited to, the following conditions:

3 (1) violating the provisions of §2408 of the Child Welfare
4 Services Act (Title 10 GCA, Chapter 2 Article 4);

5 (2) upon a substantial or serious violation under these rules
6 and regulations, which affects the health and safety of children in care
7 by a child care facility or by any of its employees;

8 (3) any substantiated charge of child abuse or neglect;

9 (4) the applicant or licensee submitted any misleading or
10 false statement or report required in these rules and regulations;

11 (5) the applicant or licensee refused to submit any report or
12 make available any records required under §1102.0 of these rules and
13 regulations;

14 (6) the applicant or licensee refused to admit, at a reasonable
15 time, any employee of the Department authorized by the Director to
16 investigate or inspect, in accordance with §1102.11 of these
17 regulations; or

18 (7) the applicant or licensee failed to obtain a license prior to
19 opening the child care facility.

20 **§1118.2. Effect.**

21 (a) Upon suspension or revocation, the licensee *shall* immediately
22 return the license to the Division, and the licensee *shall* immediately cease
23 all operations. The licensee must provide its roster of enrolled children and
24 emergency contact numbers to the Division's inspector, who *shall* ensure
25 that all measures are taken to contact the parents/guardians of all the
26 children to be picked up.

1 (b) Whenever a license is suspended, a provisional license may be
2 issued to resume operation. The child care facility must submit a corrective
3 action plan within the prescribed time frame to come into compliance.
4 When the child care facility submits documentation or all corrective actions
5 have been taken, the license will be upgraded back from its provisional
6 license to license status.

7 (c) When a licensee fails to come into compliance after being
8 issued a provisional license, the license *shall* be revoked. A licensee *shall*
9 *not* qualify for a license from the Department for one (1) year after a final
10 decision has been rendered to revoke the license. Thereafter, the licensee
11 *shall* be eligible to operate a child care facility *only* if compliance of these
12 rules and regulations can be demonstrated.

13 (d) The licensee *shall not* be eligible to operate a child care facility
14 if convicted of a crime against persons, and/or listed in the Child Abuse
15 Registry and/or the Sex Offender Registry as indicated in §1109.5 (h).

16 **§1118.3. Suspension in an Emergency.**

17 (a) The Department may suspend any license without a prior
18 hearing if failure of the licensee to comply with any these rules and
19 regulations results in an emergency situation which endangers the life,
20 health, or safety of the children or the staff present in the child care facility.
21 The licensee *shall* be notified of any such suspension of a license by written
22 notice that is either hand-delivered, mailed via first class mail, certified or
23 registered, return receipt requested, or delivered by courier requiring a
24 signed receipt.

25 (b) If the Department receives a request for a hearing within five
26 (5) business days following the licensee's receipt of such notice, a hearing

1 *shall* be held within ten (10) business days of the receipt of such request for
2 hearing. The suspension *shall* remain in effect pending such a hearing.

3 (c) The sole issue at the hearing *shall* be whether the Department
4 has reasonable cause to believe that the licensee's failure to comply with
5 these rules and regulations resulted in an emergency situation which
6 endangered the life, health, or safety of the children or the staff present in
7 the child care facility. If a report indicates that any abuse or neglect occurred
8 in a licensed child care facility or during participation in a licensed child
9 care facility related activity, it *shall* be prima facie evidence that an
10 emergency existed.

11 (d) The licensee *shall* notify the parents or guardians of all children
12 enrolled in the child care facility, and all funding agencies of any such
13 suspension of a license within two (2) business days of the receipt of notice
14 from the Department.

15 (e) Upon suspension, the licensee *shall* immediately return the
16 license to the Division and cease providing services.

17 **§1118.4. Follow-up to Enforcement Action.**

18 (a) Upon the expiration of the timeframe(s) prescribed in a
19 corrective action plan for compliance, inspection report, or notice of adverse
20 action, the Division staff will determine compliance by visiting the child
21 care facility or program, reviewing documents, and/or verifying compliance
22 through whatever other means the Division deems suitable.

23 (b) If a determination of non-compliance is made, the Division
24 *shall* request an additional corrective action plan or notice of adverse action.
25 The Department may, in addition to any of the actions listed above, levy an
26 administrative penalty; or deny, suspend or revoke a license.

1 (c) These rules and regulations *shall* in no way limit the
2 Department's authority to visit any child care facility subject to licensure or
3 approval by the Department to determine compliance with these rules and
4 regulations, *nor* do these regulations limit the Department's authority to
5 deny, suspend or revoke a license.

6 **§1119.0. RIGHT TO APPEAL**

7 **§1119.1. General.** Any child care facility receiving a notice
8 indicating that the Director has initiated an action to deny, suspend or revoke
9 its license *shall* result in the licensee being informed of its right to appeal
10 and the procedures to file an appeal. *Except* for a suspension in an
11 emergency as outlined in §1118.3 of these rules and regulations, a child care
12 facility affected by an adverse action may initiate an appeal by means of a
13 written request to the Department within ten (10) working days after the
14 licensee has been served by written notice that is either hand-delivered,
15 mailed via first class mail, certified or registered, return receipt requested, or
16 delivered by courier requiring a signed receipt. Failure to request within the
17 timeframe will constitute a waiver of right to a hearing.

18 **§1120.0. HEARING**

19 **§1120.1. General.**

20 (a) *Except* for a suspension in an emergency as outlined in §1118.3
21 of these rules and regulations, whenever a license is to be denied, suspended
22 or revoked, the licensee *shall* be notified in writing through a Notice of
23 Adverse Action by the Director ten (10) days *prior* to the effective date of
24 the agency's action to deny, suspend or revoke the license. An opportunity
25 for a hearing will also be provided upon service of the Notice of Adverse
26 Action for an administrative penalty. A child care facility may request for a

1 hearing on any actions taken of denial, suspension or revocation taken by the
2 agency.

3 (b) Upon receipt of a request for a hearing, the Director *shall*
4 arrange to hear the appeal of the child care facility within twenty (20)
5 working days following the receipt of the written request. The Director *shall*
6 make a final determination to repeal or stay any denial, suspension or
7 revocation described in §1118.1 upon the completion of a hearing.

8 (c) If *no* written request for a hearing is filed within ten (10)
9 working days of receipt of the notice, the Department's disciplinary action is
10 sustained as noted in the Notice of Adverse Action, and the child care
11 facility will be notified of the decision in writing.

12 **§1121.0. SERVING OF NOTICES**

13 **§1121.1. General.** A notice provided for in these rules and
14 regulations is properly served when it is delivered to the licensee or to the
15 person in charge of the child care facility, or when it is hand-delivered, or
16 mailed to the licensee via first class mail, certified or registered, return
17 receipt requested, or delivered by courier requiring a signed receipt to the
18 last known address of the licensee. A copy of the notice *shall* be filed in the
19 records of the Bureau of Social Services Administration, Division of Public
20 Welfare, Department of Public Health and Social Services.

21 **§1122.0. SEVERABILITY**

22 **§1122.1. General.** If any phrase, clause, sentence, section,
23 subsection, provision, or part of these rules and regulations or its
24 applicability to any person or circumstance, if for any reason is held to be
25 unconstitutional or invalid, the remaining portions of these rules and
26 regulations, or the application of these rules and regulations to other persons
27 or circumstances *shall not* be affected.

1 **§1123.0. CHILD CARE FUND**

2 **§1123.1. Child Care Revolving Fund; No Commingling.** As
3 provided pursuant to §2416 of Article 4 of Chapter 2, Division 1, Title 10,
4 Guam Code Annotated, there is created, separate and apart from other funds
5 of the government of Guam, a reserve fund known as the Child Care
6 Revolving Fund (the Fund). The Fund *shall not* be commingled with the
7 General Fund or any other funds of the government of Guam and *shall* be
8 deposited into a separate account.

9 **§1123.2. Expenditures From the Fund.** All proceeds from fees
10 and fines collected pursuant to these rules and regulations *shall* be deposited
11 into the Fund and *shall* be expended by the Department *solely* in support of
12 the functions of the Division of Public Welfare of the Department of Public
13 Health and Social Services, including, but *not* limited to: recruitment of
14 child care licensing staff; professional development; training; technical
15 assistance and tuition assistance for child care professionals and licensing
16 staff; and quality care and education of children. Any unexpended balance
17 of the Fund *shall* be carried over to the next fiscal year and *shall not*
18 decrease the local budget based on the fees and fines collected in this Fund
19 from the previous budget year.

20 (a) Funds *shall* be expended *solely* for the purposes provided for
21 pursuant to Article 4 of Chapter 2, Division 1, Title 10, Guam Code
22 Annotated, and these Rules.

23 (b) The Department *shall* report monthly and maintain full
24 compliance with all financial reporting requirements of the government of
25 Guam pursuant to applicable law. Reports *shall* be submitted to *I*

1 *Liheslaturan Guåhan* via the office of *I Maga'lahen Guåhan* [Governor of
2 Guam].

3 **§1123.3. No Transfer Authority.** The money placed in the Fund
4 is *not* subject to any transfer authority of *I Maga'lahen Guåhan* [Governor
5 of Guam].

6 **§1124.0. REVIEW**

7 **§1124.1. General.** The Department *shall* review and update these
8 regulations as needed, but in *no* event longer than five (5) years after the
9 date of the initial promulgation of these Rules and Regulations, and at a
10 minimum of every five (5) years thereafter.

11 The DPHSS *shall* review Appendix A page 8, positions 1, 2, and 3
12 and develop rules and regulations within one hundred twenty (120) days of
13 the enactment of this Act. The rules and regulations *shall* be promulgated
14 pursuant to the AAA rule-making procedures.”

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as it applies to the school busing, public health dental program include oral health education, an oral exam, and if needed, sealant placements.

(b) The Director of the Department of Public Health and Social Services shall promulgate rules and regulations through the Administrative Adjudication Law within sixty (60) days upon enactment.

SOURCE: GC § 9119.1. Repealed and reenacted by P.L. 24-67:2. Subsection (a) amended by P.L. 24-196:1.

§ 2304. Plan for Child Welfare Services.

The Director, through the Division of Public Welfare, is hereby authorized:

(a) To develop jointly with the Federal government, through its appropriate agency or instrumentality, a plan for the purpose specified in § 2302 and to make such rules and regulations as may be necessary or desirable for the administration of such plan and the provisions of this Article.

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

(c) To develop services for the encouragement and assistance of adequate methods of community child welfare organization in accordance with such plan, which shall include but not be limited to:

(1) such efforts as are necessary to reduce the number of children in foster care beyond twenty-four (24) months to not more than twenty percent (20%) of the total number of children in foster care on Guam by the end of fiscal year 1984.

SOURCE: GC § 9120; Subsection (c) amended by P.L. 16-111.

**ARTICLE 4
CHILD WELFARE SERVICES ACT**

NOTE: Article added by P.L. 11-099:2 (Nov. 10, 1971) as Subchapter C-1 of Chapter II of Title X of the Government Code.

- § 2401. Title.
- § 2402. Definitions.

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- § 2403. Exclusions.
- § 2404. License Necessary.
- § 2405. Application-Filing-Issuance of License.
- § 2406. Annual Examination.
- § 2407. Powers and Duties of the Department.
- § 2408. Revocation-Conditions.
- § 2409. Investigation.
- § 2410. Advertising.
- § 2411. Records.
- § 2412. Violations-Penalties.
- § 2413. Health Permit Required.
- § 2414. Disease Control.
- § 2415. Children's Certificate of Health.
- § 2416. Child Care Revolving Fund.

§ 2401. Title.

This Article shall be known and may be cited as the Child Welfare Services Act.

SOURCE: GC § 9120.1.

§ 2402. Definitions.

As used in this Article:

- (a) Child means a person under eighteen (18) years of age.
- (b) Department means the Department of Public Health and Social Services.
- (c) Child Care Facility means any person or place which receives or arranges placement of one or more children who are not related to such person, whether for gain or otherwise, apart from the parents or guardian, with or without the transfer of the right of custody, for the purpose of providing regular care or training for such child or children during either the day or night, or both. Except as otherwise provided, the term Child Care Facility includes, but is not limited to, all facilities defined by the Department of Public Health and Social Services as family day care homes, foster family homes, group care homes, residential treatment facilities, day care centers, day nursery, nursery school, kindergarten school, day care homes or similar institutions or units regardless of name.

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(d) Guardian means the guardian of the person of a minor.

(e) Person means any person or persons, group of persons, agencies, associations, organizations, whether public, private or incorporated.

(f) Related means any of the following relationships by blood, marriage or adoption: parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle or aunt.

SOURCE: GC § 9120.2.

§ 2403. Exclusions.

This Article does not apply:

(a) To the care of a relative's, friend's or neighbor's child or children, with or without compensation;

(b) Where parents on a mutually cooperative basis exchange care of one another's children;

(c) To the care of children in their own home;

(d) To a hospital, clinic or educational institution;

(e) To kindergartens or nursery schools operated by public or private elementary or secondary level school systems;

(f) To facilities operated in connection with a shopping center where children are received while parents are on the premises;

(g) To facilities operated in connection with a church where children are received while parents are on the premises.

SOURCE: GC § 9120.3, as amended by P.L. 15-146.

§ 2404. License Necessary.

No person except the Department shall operate or conduct a child care facility without a license so to do issued by the Department.

SOURCE: GC § 9120.4.

§ 2405. Application-Filing-Issuance of License.

(a) Application for a license to operate a child care facility shall be made to the Department upon forms furnished by it.

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(b) Upon filing of the application in proper order, the Department shall examine the child care facility of the applicant. Such examination may be made by the Social Services Division or persons designated by the Department as its agent for that purpose. If, upon examination, the Department is satisfied that the applicant and facility reasonably meet the qualifications and standards prescribed for the type of facility for which application for license is made, it shall issue to the applicant a license designating the type of facility provided for, and, the number of children to be served at any time by such facility.

(c) License shall be issued in such form and manner as prescribed by the Department, and shall be valid for one (1) year from the date of issuance unless revoked. The Department may, in its issuance of licenses for child care facility, indicate thereon any classifications it deems appropriate, including the following:

(1) Group I - For a facility which meets the qualifications and standards prescribed by the Department for professional therapy or treatment and full-time casework and diagnostic services on a continuing basis for children with a special behavior or emotional disorder.

(2) Group II - For a facility which meets the qualifications and standards of prescribed by the Department for full-time casework services to and on behalf of children.

(3) Group III - For all other facilities which meet the qualifications and standards prescribed by the Department.

(d) The Department may, in its discretion, issue a permit to a newly established facility for child care, for a period not to exceed six (6) months, to allow such facility reasonable time to become eligible for full license, except that a permit shall not be granted to any foster family home or group care home.

SOURCE: GC § 6120.5.

§ 2406. Annual Examination.

The Department shall re-examine at least annually every child care facility for which a license has been issued under this Article. Such examination shall include an examination of such records of the facility as the Department deems necessary to determine the standards of care provided children served by the facility. If, upon examination, the Department is

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satisfied that the facility continues to maintain adequate standards, which it prescribes and publishes as herein provided, it shall renew the license to operate the facility.

SOURCE: GC § 9120.6.

§ 2407. Powers and Duties of the Department.

The Department shall, pursuant to the provisions of the Administrative Adjudication Law, adopt minimum standards for licensing. Such standards shall be applicable to all child care facilities including those operated by the Department and shall pertain to the following:

(a) The operation and conduct of the facility and responsibility it assumes for child care;

(b) The character, suitability and qualifications of the applicant and other persons directly responsible for the care and welfare of children served;

(c) The general financial ability and competence of the applicant to provide necessary care for children and to maintain prescribed standards;

(d) The number of individuals or staff required to insure adequate supervision and care of the children received;

(e) The appropriateness, safety, cleanliness and general adequacy of the premises, including maintenance of adequate fire prevention and health standards in conformance to existing territorial laws to provide for the physical comfort, care and well-being of children received;

(f) Provisions for food, clothing, educational opportunities, programs, equipment and individual supplies to assure the healthy physical, mental and spiritual development of children served;

(g) Provisions to safeguard the legal rights of children served;

(h) Maintenance of records pertaining to the admission, progress, health and termination of care of children;

(i) Filing of records with the Department;

(j) Discipline of children;

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(k) Protection and fostering of the particular religious faith of the children served.

SOURCE: GC § 9120.7.

§ 2408. Revocation-Conditions.

The Department may, subject to and in accordance with the provisions of the Administrative Adjudication Law, revoke or refuse to renew the license of any child care facility should the licensee:

(a) Fail to maintain standards prescribed and published by the Department; or

(b) Violate any of the provisions of the license issued; or

(c) Furnish or make any misleading or any false statement or report to the Department; or

(d) Fail to submit to the Department any report or refuse to make available to the Department any records required by it in making investigation of the facility for licensing purposes; or

(e) Refuse to submit to an investigation by the Department; or

(f) Refuse to admit authorized representative of the Department at any reasonable time for the purpose of investigation; or

(g) Fail to provide, maintain, equip and keep in safe and sanitary condition the premises established for child care; or

(h) Refuse to display its license; or

(i) Fail to maintain financial resources adequate for the satisfactory care of children served in regard to up-keep of premises, and provisions for personal care, education and other essentials in the proper care, rearing and training of children.

SOURCE: GC § 9120.8.

§ 2409. Investigation.

Whenever the Department is advised, or has reason to believe, that any person, group of persons or corporations is operating a child care facility without a license, it shall make an investigation to ascertain the facts. If it finds that such child facility is being, or has operated without a license, it

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shall report the results of its investigation to the Territorial Prosecutor for prosecution.

SOURCE: GC § 9120.9.

§ 2410. Advertising.

A child care facility licensed by the Department may publish advertisements of the services for which it is specifically licensed under this Article. No person, unless licensed as a child care facility, shall publish any advertisement soliciting a child or children for placement or offering to receive a child or children for placement.

SOURCE: GC § 9120.10.

§ 2411. Records.

Every child care facility shall keep and maintain such records as the Department may prescribe which shall contain the following:

- (a) Name, sex, date of birth, age and date and time of admission;
- (b) Name, address and telephone number of parent or guardian;
- (c) Name, age and date of birth of other children in the family;
- (d) Health record showing date of last physical examination and list of inoculations and vaccinations, including dates administered;
- (e) Name and telephone number of family physician who may be called in case of emergency.

Such facility shall report relative thereto to the Department whenever called for upon forms prescribed by the Department. All records regarding children and all facts learned about children and their relatives shall be deemed confidential both by the child care facility and by the Department.

SOURCE: GC § 9120.11.

§ 2412. Violations-Penalties.

Whoever:

- (a) Conducts, operates or acts as a child care facility without a license to do so in violation of provision of this Article;
- (b) Makes materially false statements in order to obtain a license;

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(c) Fails to keep the records and make the reports provided for under this Article;

(d) Advertises any service not authorized by license held;

(e) Publishes any advertisement in violation of provision of this Article;

(f) Violates any other provision of this Article or any reasonable rule or regulation adopted by the Department, for the enforcement of the provisions of this Article is guilty of a violation.

SOURCE: GC § 9120.12, as amended by P.L. 13-187.

§ 2413. Health Permit Required.

It shall be unlawful for any person to open for business or operate any child care facility, or advertise or hold himself out as operating any child care facility, without a valid sanitary permit as required by Chapter 21 of this Title. Only those persons who comply with all the applicable provisions of this Article shall be entitled to receive and retain such permit.

SOURCE: GC § 9120.13, as amended by P.L. 15-96.

§ 2414. Disease Control.

(a) No employer, owner, manager or person in charge or control, shall permit any person to enter the premises, knowing such person to have or having reason to believe that he has a disease in communicable form as set forth in Chapter 4 of this Title, or is a carrier of such disease; and no person shall work in a child care facility, whether in his own or another's employ, knowing himself to have or having reason to believe that he has any such disease. If an employer, owner, manager or person in charge or control suspects that any employee has any such disease in a communicable form or is a carrier of such disease, he shall notify the Director immediately. Persons with cuts or sores shall not be allowed to handle food that may become contaminated by such handling. A placard containing the provisions of this Section shall be posted in a place where it will be seen by each employee.

(b) Any child showing signs of illness must be isolated promptly from other children until arrangements can be made for his care. In the event a child is found to have a communicable disease, the Director and the parents or guardian of the child and of any other child who has been admitted for care or exposed shall be notified immediately.

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SOURCE: GC § 9120.14, as amended by P.L. 15-96.

§ 2415. Children's Certificate of Health.

(a) No child shall be admitted to any child care facility without a certificate of health, which includes the required vaccination or immunization, certified annually by a qualified Guam licensed physician indicating that the child would not constitute a contagious health risk for the public at large. Certificates of Health shall be made on forms provided by the Department, and a copy of the certificate for medical or religious exemptions shall be included in the child's health record at the child care facility where enrolled.

(b) The Director shall require vaccination or immunization, in conformity with the Advisory Committee on Immunization Practice ('ACIP') of the United States Department of Human Services and the American Academy of Pediatrics ('AAP'); provided, that in the event that the recommendations of the ACIP and the AAP differ, the Department shall determine which recommendations shall apply, except that exemption may be granted to a child, upon certification by the Department or by a parent or legal guardian, that such vaccination or immunization would be against their bona fide religious belief, or medical contraindication certified by a Guam licensed medical physician.

(c) Certificates of medical and religious exemption shall be prescribed on forms provided by the Department and shall be kept on file in the Bureau of Communicable Diseases Control of the Department. A copy of the certificate for medical and religious exemption shall be included in the child's health record at the child care facility.

SOURCE: GC § 9120.15. Repealed and reenacted by P.L. 24-154:1. Subsection (a) amended by P.L. 24-335:2.

§ 2416. Child Care Revolving Fund.

There is hereby established a Child Care Revolving Fund (the Fund), to be maintained by the Director of the Department. The Fund shall be established and maintained in an account separate and apart from any other account(s) of the government of Guam, and shall not be co-mingled. All funds due or accruing to the account from whatever source(s), as provided or authorized pursuant to applicable law, inclusive of any interest, shall be deposited in the Fund immediately upon receipt by the government of Guam.

(a) The Department shall report monthly and maintain full

10 GCA HEALTH AND SAFETY
CH 2 DIVISION OF PUBLIC WELFARE

compliance with all financial reporting requirements of the government of Guam pursuant to applicable laws. Reports shall be submitted to *I Liheslaturan Guåhan* via the office of *I Maga'lahren Guåhan* [Governor of Guam].

(b) No Transfer Authority. The money placed in the Fund is not subject to any transfer authority of *I Maga'lahren Guåhan* [Governor of Guam].

SOURCE: Added by 31-073:4 (June 2, 2011).

ARTICLE 5
CHILD PROTECTIVE SERVICES

[Repealed.]

SOURCE: Added by P.L. 14-137:2 (July 24, 1978) as Subchapter C-A, §§ 9120.20 - 9120.35, Chapter II of Title X of the Government Code, entitled "Child Protective Services." Article 5 repealed in its entirety by P.L. 20-209:4 (Aug. 22, 1990).

NOTE: A new Chapter 88 of Title 10 GCA added by P.L. 20-209:5 (Aug. 22, 1990) established the Child Protective Act.

ARTICLE 6
GENERAL ASSISTANCE

- § 2601. General Assistance.
- § 2602. Applications.
- § 2603. Amount of Grants.
- § 2604. Disaster Relief.

§ 2601. General Assistance.

The Director shall administer public assistance to those needy persons not otherwise provided for under this Chapter, who for any reasons satisfactory to the Director are unable to provide sufficient support for themselves or those dependent upon them.



EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

GOVERNMENT OF GUAM
DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIPATTAMTON SALUT PUPBLEKO YAN SETBISION SUSIAT



JAMES W. GILLAN
DIRECTOR

LEO G. CASIL
DEPUTY DIRECTOR

TO ALL CHILD CARE PROVIDERS:

Guam Public Law 31-73, "An Act to Establish the Administrative Rules and Regulations Relative to Child Care Facilities, mandates Child Care facilities and Group Child Care Homes to provide for the access and accommodations of persons with disabilities in compliance with the ***Americans with Disabilities Act (ADA) of 1990*** and to also conform to any Guam laws and applicable rules and regulations governing persons with disabilities and other protected groups.

The Department of Public Works (DPW) is the state agency on Guam that certifies a facility's compliance to ADA requirements. DPW has issued the minimum public access and accommodations standards that a child care facility or group child care home must comply with in order to meet ADA requirements and receive the certification necessary to obtain a License to Operate a Child Care Facility from the Department of Public Health and Social Services (DPHSS). ***The ADA specifications are enclosed for your information.*** Religious entities that run or operate child care facilities are exempt from the requirements of Title III of the ADA. A religious entity is a religious organization or an entity controlled by a religious organization, including a place of worship. The exemption covers all of the activities of a religious entity, whether religious or secular.

Effective on the date your facility is issued this notification, your facility will be granted a period of up to one (1) year to come into compliance with these ADA requirements. This applies to all new and renewal applications initially issued a 6-month provisional license since the enactment of PL 31-73 on June 2, 2011. Centers subsequently certified as ADA-compliant will be granted the remainder of the two-year license.

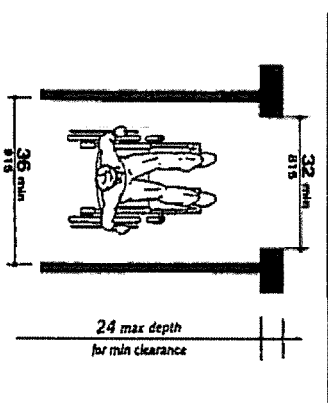
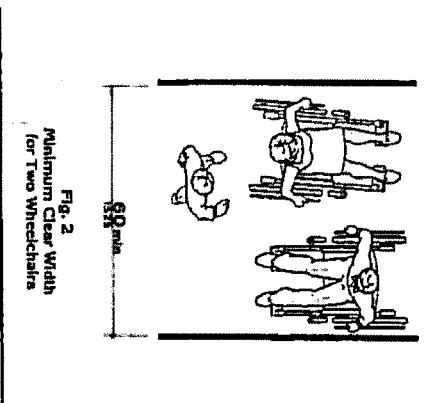
The DPHSS reserves the right to monitor centers periodically to ensure efforts are being made to comply as a condition of granting the provisional license. Failure to comply with the ADA requirements by the specified timeframe will result in the closure of operations until full compliance is met.

Should you have any questions on the licensing requirements, please contact the Licensing Unit of the Bureau of Social Services Administration at 475-2653/2672. For questions regarding the specifications for ADA access, accommodations or exemptions, please contact the Division of Engineering, One Stop Center, DPW at 646-3104.

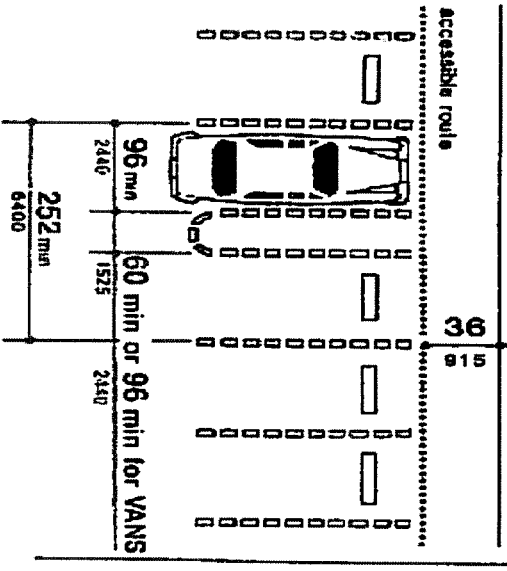
JAMES W. GILLAN

Enclosure

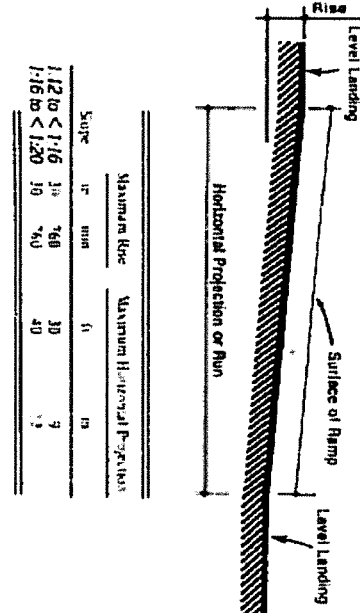
ADA SPECS FOR CHILD CARE FACILITIES AND GROUP CHILD CARE HOMES

<p>4.2</p> <p>4.2.1* Wheelchair Passage Width.</p> <p>4.2.2 Width for Wheelchair Passing.</p>	<p>Space Allowance for Wheelchairs</p> <p>The minimum clear width for single wheelchair passage shall be 32 in (815 mm) at a point and 36 in (915 mm) continuously (see Fig. 1 and 24(e)).</p> <p>The minimum width for two wheelchairs to pass is 60 in (1525 mm) (see Fig. 2).</p>	 <p>Fig. 1 Minimum Clear Width for Single Wheelchair</p>  <p>Fig. 2 Minimum Clear Width for Two Wheelchairs</p>
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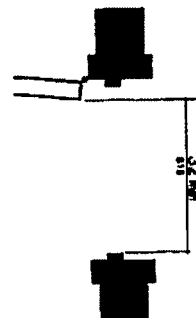
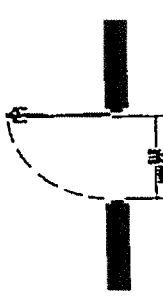
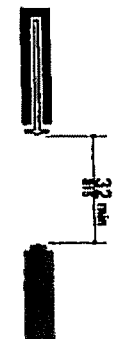
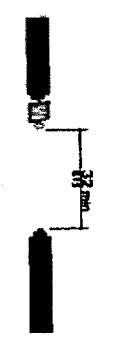



ADA SPECS FOR CHILD CARE FACILITIES AND GROUP CHILD CARE HOMES

4.6	Parking and Passenger Loading Zones	
4.6.2 Location-	<p>Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.</p>	
4.6.3* Parking Spaces.	<p>Accessible parking spaces shall be at least 96 in (2440 mm) wide.</p> <p>Two accessible parking spaces may share a common access aisle (see Fig. 9).</p> <p>Parking access aisles shall be part of an accessible route to the building or facility entrance and shall comply with 4.3.</p> <p>Parked vehicle overhangs shall not reduce the clear width of an accessible route.</p>	 <p style="text-align: center;">Figure 9 Dimensions of Parking Spaces</p>

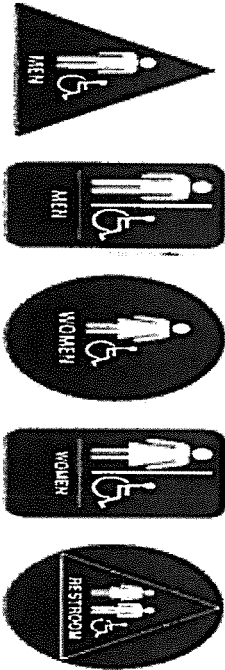
ADA SPECS FOR CHILD CARE FACILITIES AND GROUP CHILD CARE HOMES

<p>4.8</p> <p>4.8.1* General.</p> <p>4.8.2* Slope and Rise.</p> <p>4.8.3 Clear Width.</p> <p>4.8.4* Landings.</p>	<p>Ramps</p> <p>Any part of an accessible route with a slope greater than 1:20 shall be considered a ramp and shall comply with 4.8 (Ramps).</p> <p>The least possible slope shall be used for any ramp. The maximum slope of a ramp in new construction shall be 1:12. The maximum rise for any run shall be 30 in (760 mm) (see Fig. 16). Curb ramps and ramps to be constructed on existing sites or in existing buildings or facilities may have slopes and rises as allowed in 4.1.6(3)(a) (Accessible Buildings: Alterations - Ramps) if space limitations prohibit the use of a 1:12 slope or less.</p> <p>The minimum clear width of a ramp shall be 36 in (915 mm).</p> <p>Ramps shall have level landings at bottom and top of each ramp and each ramp run. Landings shall have the following features:</p> <p>(1) The landing shall be at least as wide as the ramp run leading to it.</p> <p>(2) The landing length shall be a minimum of 60 in (1525 mm) clear.</p> <p>(3) If ramps change direction at landings, the minimum landing size shall be 60 in by 60 in (1525 mm by 1525 mm).</p> <p>(4) If a doorway is located at a landing, then the</p>	 <table border="1" style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Slope</th> <th style="text-align: center;">Maximum Rise</th> <th style="text-align: center;">Minimum Horizontal Projection</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1:12 to < 1:16</td> <td style="text-align: center;">30</td> <td style="text-align: center;">40</td> </tr> <tr> <td style="text-align: center;">1:16 to < 1:20</td> <td style="text-align: center;">16</td> <td style="text-align: center;">19</td> </tr> </tbody> </table> <p style="text-align: center;">Figure 16 Components of a Single Ramp Run and Sample Ramp Dimensions</p>	Slope	Maximum Rise	Minimum Horizontal Projection	1:12 to < 1:16	30	40	1:16 to < 1:20	16	19
Slope	Maximum Rise	Minimum Horizontal Projection									
1:12 to < 1:16	30	40									
1:16 to < 1:20	16	19									

ADA SPECS FOR CHILD CARE FACILITIES AND GROUP CHILD CARE HOMES

<p>4.13</p>	<p>area in front of the doorway shall comply with 4.13.6. (Maneuvering Clearances at Doors.) Doors.</p>	
<p>4.13.5 Clear Width.</p>	<p>Doorways shall have a minimum clear opening of 32 in (815 mm) with the door open 90 degrees, measured between the face of the door and the opposite stop (see Fig. 24(a), (b), (c), and (d)). Openings more than 24 in (610 mm) in depth shall comply with 4.2.1 (Wheelchair Passage Width) and 4.3.3 (Accessible Route Width) (see Fig. 24(e)).</p>	<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p>Figure 24a Clear Doorway Width and Depth Detail</p> </div> <div style="text-align: center;">  <p>Figure 24b Clear Doorway Width and Depth Hinged Door</p> </div> </div>
<p>4.13.9* Door Hardware.</p>	<p>Handles, pulls, latches, locks, and other operating devices on accessible doors shall have a shape that is easy to grasp with one hand and does not require tight grasping, tight pinching, or twisting of the wrist to operate. Lever-operated mechanisms, push-type mechanisms, and U-shaped handles are acceptable designs. When sliding doors are fully open, operating hardware shall be exposed and usable from both sides. Hardware required for accessible door passage shall be mounted no higher than 48 in (1220 mm) above finished floor.</p>	<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p>Figure 24c Clear Doorway Width and Depth Sliding Door</p> </div> <div style="text-align: center;">  <p>Figure 24d Clear Doorway Width and Depth Folding Door</p> </div> </div> <div style="display: flex; justify-content: space-around; margin-top: 20px;">    </div>

ADA SPECS FOR CHILD CARE FACILITIES AND GROUP CHILD CARE HOMES

<p>4.30</p> <p>4.30.4*</p> <p>Raised and Brailled Characters and Pictorial Signs (Pictograms).</p>	<p>Signage.</p> <p>Letters and numerals shall be raised 1/32 in (0.8 mm) minimum, upper case, sans serif or simple serif type and shall be accompanied with Grade 2 Braille. Raised characters shall be at least 5/8 in (16 mm) high, but no higher than 2 in (50 mm). Pictograms shall be accompanied by the equivalent verbal description placed directly below the pictogram. The border dimension of the pictogram shall be 6 in (152 mm) minimum in height.</p>	
<p>4.30.5*</p> <p>Finish and Contrast.</p>	<p>The characters and background of signs shall be eggshell, matte, or other non-glare finish. Characters and symbols shall contrast with their background -- either light characters on a dark background or dark characters on a light background.</p>	
<p>4.30.6</p> <p>Mounting Location and Height.</p>	<p>Where permanent identification is provided for rooms and spaces, signs shall be installed on the wall adjacent to the latch side of the door. Where there is no wall space to the latch side of the door, including at double leaf doors, signs shall be placed on the nearest adjacent wall. Mounting height shall be 60 in (1525 mm) above the finish floor to the centerline of the sign. Mounting location for such signage shall be so that a person may approach within 3 in (76 mm) of signage without encountering protruding objects or standing within the swing of a door.</p>	

ADA SPECS FOR CHILD CARE FACILITIES AND GROUP CHILD CARE HOMES

<p>4.17.5* Doors.</p>	<p>Toilet stall doors, including door hardware, shall comply with <u>4.13 (Doors)</u>. If toilet stall approach is from the latch side of the stall door, clearance between the door side of the stall and any obstruction may be reduced to a minimum of 42 in (1065 mm) <u>(Fig. 30)</u>.</p>	<p>Figure 30a Toilet Stalls Standard Stall</p>
<p>4.16.4* Grab Bars.</p>	<p>Grab bars for water closets not located in stalls shall comply with <u>4.26 (Handrails, Grab Bars, and Tub and Shower Seats)</u> and <u>Fig. 29</u>. The grab bar behind the water closet shall be 36 in (915 mm) minimum.</p>	<p>Figure 29 Grab Bars at Water Closets</p>



DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES
 DIVISION OF PUBLIC WELFARE
 BUREAU OF SOCIAL SERVICES ADMINISTRATION
 194 Hernan Cortez Ave, Ste 309 Hagatña, Guam 96910
 Telephone: (671) 475-2653/2672 Facsimile: (671) 477-0500

APPLICATION FOR LICENSE OF CHILD CARE FACILITY
(check which you are applying for)

(check which apply):

- FAMILY DAY CARE (1-6 Children)
- GROUP CHILD CARE HOME (7-12 Children)
- CHILD CARE FACILITY (13 or more Children)
- RESIDENTIAL TREATMENT FACILITY FOR CHILDREN (24-hr treatment facility)

A. NAME OF CHILD CARE FACILITY

_____ *(name to appear on license)*

Residential Address: _____
 Mailing Address: _____
 Telephone Number: _____ Alternate Contact No.: _____
 Fax Number: _____
 Email Address: _____

B. TYPE OF OWNERSHIP: Sole Proprietorship Corporation Limited Liability Company
 Other (specify): _____

C. FOR CHILD CARE FACILITY SPONSORED BY GROUP / ORGANIZATION:

Name of Sponsoring Organization: _____
 Address: _____
 Name of Chairperson of the Board of Directors: _____
 Address: _____
 Telephone No. _____

D. NUMBER OF PERSONS TO BE GIVEN CARE: _____ **AGE RANGE:** _____ **TO** _____

E. NUMBER OF DAYS PER WEEK: _____ **HOURS OF OPERATION** _____

WILL FEES BE CHARGED? Yes No

F. DESCRIPTION OF BUILDING TO BE USED: *(check where applicable)*

- Building Occupied by Family
- Building Not Occupied by Family

 PRINT NAME & SIGNATURE OF APPLICANT

 DATE





**DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIVISION OF PUBLIC WELFARE
BUREAU OF SOCIAL SERVICES ADMINISTRATION**

LIST OF INSPECTION AGENCIES

The One Stop Office is located at 542 North Marine Drive, Upper Tumon, in Building A of the Department of Public Works Compound

1. DEPARTMENT OF PUBLIC WORKS

542 North Marine Drive, Upper Tumon, in Building A
Building Permit and Inspection
Administrator – c/o Mr. Joe Guevara
Permit Inspection Supervisor – Joe Guevara
Telephone : 646-3102/3104/3108

2. GUAM FIRE DEPARTMENT

621 East Sunset Blvd., Tiyán
Fire Prevention Bureau
Contact Person: Assigned Fire Personnel
Telephone No: 646-8810/3202/3104

**3. DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIVISION OF ENVIRONMENTAL HEALTH**

123 Chalan Kareta, Route 10, Mangilao

- *For new construction, alteration, conversion or for existing building structures to be used as a child care facility:*
Monday, Wednesday and Friday – One Stop Office;
Tuesday & Thursday – Central Public Health Facility
Plans and Specifications Section
Engineers: Marilou Bumagat or Jeannie Dizon
Telephone No.: 646-1276
- *For issuance of Sanitary Permit and Health Certificates:*
Processing Center Section – Central Public Health Facility
Supervisor: Remy Oshiro
Telephone No.: 735-7221

4. DEPARTMENT OF LAND MANAGEMENT

Zoning Division – One Stop Center is located at Building A, DPW Compound in Upper Tumon
Chief Planner: Joseph Cruz, Acting
Telephone No.: 475-5219
Contact Persons: Penmar Gulac, Frank Taitano, Marvin Aguilar
Telephone: No.: 646-3103/3204 or 647-0854

Note: To expedite your application process, please attach the Zoning Clearance Form to your application.

**DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES
DIVISION OF PUBLIC WELFARE
BUREAU OF SOCIAL SERVICES ADMINISTRATION
194 Hernan Cortez Ave., Suite 309, Hagatña, Guam 96910
Telephone: (671) 475-2653/2672 Facsimile: (671) 477-0500**

**CERTIFICATION OF COMPLIANCE WITH PUBLIC LAW 11-99
(SUB-CHAPTER C-1 OF CHAPTER VI, TITLE X, GOVERNMENT OF GUAM CODE OF GUAM)**

NAME OF CHILD CARE FACILITY

NAME OF OPERATOR

ADDRESS OF FACILITY OR OPERATOR

This facility conforms to those portions of Public Law 11-99 and to other applicable Government of Guam Laws, Codes, or Regulations relating to building standards.

BUILDING INSPECTION
DEPARTMENT OF PUBLIC WORKS

DATE

This facility conforms to those portions of Public Law 11-99 and to other applicable Government of Guam Laws, Codes, or Regulations relating to building standards.

ZONING DIVISION
DEPARTMENT OF LAND MANAGEMENT

DATE

This facility conforms to those portions of Public Law 11-99 and to other applicable Government of Guam Laws, Codes, or Regulations relating to building standards.

COMMANDER
FIRE PREVENTION BUREAU INSPECTOR
GUAM FIRE DEPARTMENT

DATE

This facility conforms to those portions of Public Law 11-99 and to other applicable Government of Guam Laws, Codes, or Regulations relating to building standards.

ENVIRONMENTAL HEALTH SPECIALIST
DIVISION OF ENVIRONMENTAL HEALTH
DEPARTMENT OF PUBLIC HEALTH & SOCIAL
SERVICES

DATE

6/20/11

Filename: HEPS Compliance



GOVERNMENT OF GUAM

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIPATTAMTON SALUT PUPBLEKO YAN SETBISION SUSIAT



LOURDES A. LEON GUERRERO
GOVERNOR, MAGA' HAGA'

JOSHUA F. TENORIO
LT. GOVERNOR, SIGUNDO MAGA' LAHI

LINDA UNPINGCO DENORCEY, MPH
DIRECTOR

LAURENT SF DUENAS, MPH, BSN, RN
DEPUTY DIRECTOR

DEPARTMENT OF REVENUE AND TAXATION CLEARANCE FORM

Name of Applicant: (Sole Proprietorship /Corporation/Limited Liability Company/Other)

Address:

Doing Business As (DBA or Fictitious Name):

SSN/EIN NO.:

11GCA FINANCE & TAXATION CH. 70 GENERAL PROVISIONS

§ 70132. Clearance Necessary that Taxes Due is Paid to Obtain Business License.

No person may obtain or renew a business license without clearance from the Director of Revenue & Taxation that all income tax returns, business privilege tax returns and withholding tax returns which are due from that person have been filed (or an extension has been approved or granted thereon by the Director of Revenue & Taxation, which extension has not expired), and that all taxes due thereon have been paid or arrangements have been made with the Director for payment thereon and such arrangements are current.

<u>GENERAL LICENSING & REGISTRATION BRANCH</u>	<u>BUSINESS PRIVILEGE TAX/GRT</u>
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<u>DBA:</u>	<u>ASSIGNED GRT #:</u>
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<u>INCOME TAX BRANCH</u>	<u>COLLECTION BRANCH</u>
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**DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIVISION OF ENVIRONMENTAL HEALTH**



**INSTITUTIONAL FACILITY
PHYSICIAN'S CERTIFICATION OF EXAMINATION**

APPLICANT: Please complete and submit this form if applying for Health Certificate to work at a Childcare facility, Nursing Home, Adult Care, Correctional Facility and other institutional facility (Title 10 GCA, Chapters 22 and 25). ***NOTE:*** Only forms with the original signature of the physician will be accepted. Stamped or digital signatures will NOT be accepted.

Name: _____ Sex: _____ Citizenship: _____
 Last, First MI

Date of Birth: ___/___/___ Place of Birth: _____ Ethnicity/Nationality: _____

Place of Employment: _____ Location: _____

Healthcare Provider: Please complete the portion below and return to above applicant for submission to the Department of Public Health and Social Services.

Based on my examination of the above person, I certify that the individual:

1. Has been tested for tuberculosis within the past 6 months of this date and the result was negative, OR result was positive but further test(s) revealed that the individual is not infectious.
2. Is currently free of any communicable disease that can be easily transmitted to another individual at the above person's workplace during his/her usual course of activities.

For Official Use Only

NAME OF PHYSICIAN

SIGNATURE

CLINIC OR HOSPITAL

Date: _____



GOVERNMENT OF GUAM

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT



LOURDES A. LEON GUERRERO
GOVERNOR, MAGA'HAGA'

JOSHUA F. TENORIO
LT. GOVERNOR, SIGUNDO MAGA'LÄHI

LINDA UNPINGCO DENORCEY, MPH
ACTING DIRECTOR

LAURENT SF DUENAS, MPH, BSN, RN
DEPUTY DIRECTOR

**BUREAU OF SOCIAL SERVICES ADMINISTRATION
DIVISION OF PUBLIC WELFARE
CONSENT FOR DISCLOSURE OF CLIENT INFORMATION**

This information is to be released from records whose confidentiality is protected by Federal law regarding right to privacy, which prohibits you from making any further disclosure of this information without the specific written consent of the person to whom it pertains, or as otherwise permitted by such regulations. A General Authorization for the release of medical or other information will not be sufficient for this purpose.

1. Name of Program to Give Information: DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES, CHILD PROTECTIVE SERVICES
2. Name of Person or Organization to Receive Information: DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES, HOME EVALUATION & PLACEMENT SERVICES
3. Name of Client / Name of Center / Date of Birth (Print):
4. Purpose or Need for the Disclosure (Please be very specific): VERIFICATION OF ANY REFERRALS OF CHILD ABUSE/NEGLECT ON THE INDIVIDUAL
5. Extent or Nature of Information to be Disclosed (Please be very specific): OUTCOME OF INVESTIGATION, INCLUDING FINDINGS AND RECOMMENDATIONS, IF APPLICABLE

This Consent shall be effective immediately and shall remain in effect for a duration not to exceed ninety (90) days unless dated otherwise (date): _____

_____ Signature of Client/Guardian/Parent Date: _____	HEIDI QUINATA, SOCIAL SERVICES LICENSING OFFICER _____ Signature of Person Requesting Information Date: _____
---	---

The client may revoke this Consent for Disclosure of Client Information at any time by completing the following information.

I HEREBY REVOKE CONSENT FOR DISCLOSURE OF THE INFORMATION TO THE PERSON OR ORGANIZATION ABOVE AS OF: _____

Signature of Client/Guardian/Parent
Date: _____



Home Evaluation and Placement Services
Bureau of Social Services Administration
Division of Public Welfare
Department of Public Health and Social Services



INSTRUCTIONS

FOR

CHARACTER REFERENCE FORM

Writing a character reference is a significant task and can have a substantial impact on whether or not an individual is assessed to be a suitable caretaker of child(ren). **Be honest!** The information provided is an important requirement in the completion of the Adoption/Termination of Parental Rights(TPR), Custody, Foster or Child Care Center social study.

This form is to be filled out by a reference who is a non-relative and has known the individual for at least one (1) year. For Inter-Country Adoption Board (ICAB) cases, reference must know the individual for at least 5 years and must be from a church minister or priest, employer and member of the community.

Only three (3) character references are required and will be accepted for each applicant/petitioner/party.

To ensure the character reference form is complete, please read and follow the instructions below: (Pls. PRINT)

1. Enter the name of the applicant/petitioner/party requesting the character reference.
2. Place a check mark on the type of case requested by the applicant/petitioner/party whether Adoption/TPR, Custody, Foster, or Child Care Center.
3. Answer all the questions fully and accurately. Use an additional sheet of paper if necessary. Indicate the part and the number of the item.
 - A. What is your relationship to the applicant/petitioner/party? (i.e., co-worker, friend, priest or pastor, etc)
 - B. How long have you known the applicant/petitioner/party? Indicate the years you have known this individual.
 - C. How often and where do you meet with the applicant/petitioner/party? Specify if social, business, church, etc.

D. What are your opinions of the applicant/petitioner/party? Describe the individual's character, personality traits, moral values, etc.

E. Have you observed any interactions between the applicant/petitioner/party and the child(ren) involved or any other child(ren)?

Yes No

If Yes, please describe in detail your observations of how the applicant/petitioner/party interacts with the child(ren) involved in this case. If no child(ren) is/are involved, describe any observations you have on how the individual relates to child(ren) in general.

F. State your recommendations.

4. **REFERENCE:**

Enter your name with complete residential address, contact numbers, (*i.e., home, work and other contact number*), and e-mail address.

Upon completion, read, sign and date the character reference form. Your signature attests that the information provided is true, correct and complete to the best of your knowledge.

C. How often and where do you meet? (*Specify if social, business, church, etc.*)

D. What are your opinions of the above-named individual? (*i.e., character, personality traits, moral values, etc.*)

E. Have you observed any interactions between the above-named individual and the child(ren) involved or any other child(ren)? Yes No

If Yes, please describe in detail your observation of the interactions.

F. What are your recommendations regarding the individual's intent to serve the best interest of the child(ren) involved or children in general?

REFERENCE:

NAME: _____

RESIDENTIAL ADDRESS: _____

CONTACT NUMBERS: Home: _____
Work: _____
Other: _____

E-MAIL ADDRESS: _____

**THE INFORMATION GIVEN BY ME IN THIS CHARACTER REFERENCE FORM
IS TRUE, CORRECT, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.**

Signature

Date

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
 DIVISION OF PUBLIC WELFARE
 BUREAU OF SOCIAL SERVICES ADMINISTRATION
DOCUMENT CHECKLIST FOR CHILD CARE FACILITY LICENSE
 (To be completed during appointment with Licensing Officer)

NAME OF CHILD CARE FACILITY:	<input type="checkbox"/> NEW APPLICATION <input type="checkbox"/> RENEWAL APPLICATION <input type="checkbox"/> AMENDED APPLICATION	
REQUIREMENTS:	COMPLETED	MISSING DOCUMENTS
DPHSS Application for License	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Certification of Compliance Form for: <ul style="list-style-type: none"> • Dept. of Public Works • Fire Operations Bureau, Guam Fire Dept • Zoning – Dept. of Land Management • Div. of Environmental Health, DPHSS 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
Inspection Reports for <ul style="list-style-type: none"> • Dept. of Public Works <ul style="list-style-type: none"> ○ ADA certification • Fire Operations Bureau, Guam Fire Dept • Zoning – Dept. of Land Management • Div. of Environmental Health, DPHSS 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
Dept. of Revenue and Taxation Clearance Form	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Staffing Pattern <ul style="list-style-type: none"> • Number of Staff: • GPPD Certifications • Staff Training Report 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Physician's Certification of Examination for each staff	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Police Clearances for each staff	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Court Clearances for each staff	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Consent for Disclosure Forms for each staff for Child Abuse /Neglect Registry check	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Characters References <ul style="list-style-type: none"> • 3 for Early Childhood Director or Facility Coordinators • 3 for Early Childhood Assistant Director or Assistant Facility Coordinator, if applicable 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Resumes for: <ul style="list-style-type: none"> • Early Childhood Director or Facility Coordinator • Early Childhood Assistant Director or Assistant Facility Coordinator, if applicable 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
School Transcripts <ul style="list-style-type: none"> • Early Childhood Director or Facility Coordinator • Early Childhood Assistant Director or Assistant Facility Coordinator, if applicable 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Listing of Practicum and/or volunteers who serve more than 20 hours, if applicable <ul style="list-style-type: none"> • Health Certificate for each student/volunteer • Physical Examination for each student/volunteer 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Health Certificates for each staff	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Sanitary Permit	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Pending (New application)	

Pediatric First Aid Certification within the year • at least 2 staff	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Pediatric CPR Certification • at least 2 staff	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Policies and Procedures for Center/Facility Operations	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Parent Handbook	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Schedule of Center Activities	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Floor plan layout of the child care facility	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Roster listing of children enrolled in the Center	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
List of children with current immunizations	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Other documents for changes made during the year (N/A for New Applications). Specify:	<input type="checkbox"/> Yes <input type="checkbox"/> None <input type="checkbox"/> N/A	

Acknowledged by Child Care Facility or Group Child Care Home Staff:		
Pls. Print:	Signature:	Date:

FOR DPH'S OFFICE USE ONLY:		
Pls. check:		
<input type="checkbox"/> Application Complete	<input type="checkbox"/> Application Incomplete	
Licensing Unit Staff (Pls. Print):	Signature:	Date:

Cc: Licensing Unit, BOSSA