

**19 GCA PERSONAL RELATIONS
CH. 20 DEPARTMENT OF YOUTH AFFAIRS**

**DIVISION 2
YOUTH-RELATED GOVERNMENT SERVICES**

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- Chapter 21. Summer Employment and Training Programs for Youth.
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**CHAPTER 20
DEPARTMENT OF YOUTH AFFAIRS**

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**ARTICLE 1
DEPARTMENT OF YOUTH AFFAIRS**

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§ 20101. Citation.

This Chapter may be cited as *The Youth Affairs Act of 1978*.

SOURCE: GC § 26500 enacted by P.L. 14-110:3.

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§ 20102. Definitions.

(a) *Department* means the Department of Youth Affairs as established by 5 GCA §3117.

(b) *Director* means the head of the Department of Youth Affairs.

(c) *Council* means the Guam Council on Youth Affairs.

(d) *Youth* means any person twenty-five (25) years of age and under.

(e) *Committee* means the Special Services Committee.

SOURCE: GC § 26501 enacted by P.L. 14-110:3.

§ 20103. Purpose.

The purpose of the Department is to plan, coordinate and/or implement programs, services and activities geared toward youth development, rehabilitation and involvement in the community. It shall not duplicate existing programs of other agencies of the government of Guam.

SOURCE: GC § 26502 enacted by P.L. 14-110:3.

§ 20104. Duties and Responsibilities.

The Department shall:

(a) formulate plans and policies, develop a comprehensive approach, coordinate and/or implement programs and services to enable the youth to develop his full potential and skills, talent, leadership ability, good sportsmanship and citizenship;

(b) provide youth services and program to all districts of Guam;

(c) encourage, through direct or indirect means, all youths, especially those in need of guidance and motivation, to make use of existing youth facilities, services and programs;

(d) establish a comprehensive approach to providing services and programs to youth, taking into consideration the coordination and consolidation of existing programs and services and planning with implementing new programs and services where deemed necessary;

(e) make such referrals as are necessary when certain services are best provided by other agencies within the government of Guam or by other resources within the community or abroad;

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(f) provide assistance and cooperation to youth and community groups, both organized and unorganized, which provide or sponsor programs and/or services beneficial to the youth;

(g) collect and disseminate information and research data relative to youth needs and problems;

(h) keep the Governor, the Judges of the Courts of Guam, the Guam Legislature, the District Commissioners and the general public informed on all major youth developments and achievements; and

(i) have general purview of youth activities within the territory of Guam.

SOURCE: GC § 26503 enacted by P.L. 14-110:3.

§ 20105. Guam Council on Youth Affairs.

There is within the Department a Guam Council on Youth Affairs. The Council shall consist of eleven (11) members appointed by the Governor with the advice and consent of the Legislature for a term of four (4) years; provided that of the members first appointed, three (3) shall serve for a term of one (1) year, three (3) for a term of two (2) years three (3) for a term of three (3) years, and two (2) for a term of four (4) years. The members shall determine by lot which of them shall serve which terms. Vacancies shall be filled the same as first appointments, but only for the unexpired term of the vacant position. The members shall be so selected that there be one (1) representative from each of the following entities:

- (a) Judiciary Branch
- (b) Guam Police Department
- (c) Department of Public Health and Social Services
- (d) District Government Council
- (e) Department of Labor
- (f) University of Guam (youth student)
- (g) Public School System (youth student)
- (h) Private School system (youth student)
- (i) Southern Region (Yona, Talofof, Inarajan, Merizo, Umatac, Agat, Santa Rita)
- (j) Northern Region (Tamuning-Tumon, Dededo, Yigo)

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(k) Central Region (Agana, Heights, Asan-Maina, Mongmong-Toto-Maite, Barrigada, Mangilao, Chalan Pago-Ordot, Sinajana, Piti).

The Council shall elect from among its members a Chairman and a Vice-Chairman. Six (6) members shall constitute a quorum. The affirmative votes of six (6) members shall be necessary for Council action. Members of the Council shall be compensated at the rate of Fifty Dollars (\$50) per day for each day on which the Council meets, such compensation not to exceed One Hundred Dollars (\$100) per month.

SOURCE: GC § 26504. Second paragraph amended by P.L.'s. 15-148:29.

§ 20106. Council Powers.

The Council shall be responsible for the approval of plans and programs of the Department of Youth Affairs and for that purpose shall have the following powers, duties and responsibilities:

(a) Oversee the formulation of the department's policies, plans, programs and budget;

(b) Be responsible for the over-all operation of the Department, including the appointment and removal of the Director or any employee of the Department;

(c) Furnish leadership needed for long-range planning;

(d) Accept on behalf of, and in the name of the government of Guam, from any government or agency thereof, or any person, natural or legal, advisory services, donations and gifts, provided, however, that any grant-in-aid or other form of assistance involving an obligation on the part of the Council or the government of Guam shall require the prior approval of the Governor and a determination by the Department's certifying officer of the availability of funds; and

(e) Adopt such rules and regulations as may be necessary to implement the provisions of this Chapter.

SOURCE: GC § 26505 enacted by P.L. 14-110:3.

§ 20107. Council Meetings.

The Council shall meet at such times and places as it shall prescribe by rule or resolution, but it shall not be less than once per month. All its meetings shall be public and notice of such meetings shall be given three (3) days prior to the date scheduled.

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SOURCE: GC § 26506 enacted by P.L. 14-110:3.

§ 20108. Chief Administrative Officer.

The Director shall be the chief administrative officer of the Department and the Executive Secretary of the Council. He shall be responsible for the day-to-day management and operation of the Department.

SOURCE: GC § 26507 enacted by P.L. 14-110:3.

§ 20109. Appropriations and Expenditures.

All requests or proposals for appropriations from the public funds of Guam and from the Federal government for the general operation and programs of the Department shall be prepared by the Director, subject to the approval of the Council, prior to submission to the Governor and the Legislature.

SOURCE: GC § 26508 enacted by P.L. 14-110:3.

§ 20110. Personnel.

The Council is authorized to appoint such personnel and fix their duties and salaries, in accordance with Title 4, Guam Code Annotated, Public Officers and Employees, as may be necessary for purposes of this Chapter.

SOURCE: GC § 26509 enacted by P.L. 14-110:3.

§ 20111. Federal Grants.

The Director shall comply with all Federal requirements pertaining to methods and standards of administration and with the approval of the Council, shall make such rules and regulations and follow such procedures as may be required for the receipt from the Federal government of grants or grants-in-aid for public assistance and such administrative costs as are provided in connection therewith.

SOURCE: GC § 26510 enacted by P.L. 14-110:3.

§ 20112. Department Auxiliary Services Fund.

(a) For the purpose of securing, insofar as possible, self-supporting activities of some programs of the Department, there is hereby established a fund to be known as the *Department Auxiliary Service Fund* which shall be maintained in connection therewith.

(b) All monies received by the Department from its auxiliary services shall be deposited in said Department Auxiliary Service Fund. All debts, liabilities and obligations of any such services shall be paid from said fund.

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The Director of the Department shall render to the Council a monthly statement reflecting the correct financial condition of said fund.

SOURCE: GC § 26511 enacted by P.L. 14-110:3.

§ 20113. Voluntary Services.

The Council is authorized to solicit and accept services of individuals and organizations on a voluntary basis in its programs under a carefully planned and supervised manner.

SOURCE: GC § 26512 enacted by P.L. 14-110:3.

§ 20114. Annual Report.

The Council on Youth Affairs shall make an annual report to the Governor at the termination of each fiscal year setting forth a summation of its activities and general recommendations.

SOURCE: GC § 26513 enacted by P.L. 14-110:3.

§ 20115. Programs Authorized.

Notwithstanding any provisions of law to the contrary, the Department shall, as it deems necessary, augment, establish and maintain such programs and services for youth as provided in §§ 20104, 20116 and 20117 of this Chapter; provided that it shall not duplicate existing programs of other agencies of the government of Guam.

SOURCE: GC § 26514 enacted by P.L. 14-110:3.

§ 20116. Division of Youth Development.

There shall be a Division of Youth Development within the Department. The division shall have the following duties and responsibilities:

(a) It shall be its major responsibility to make first contact with youth in various districts, including predelinquent and delinquent, and provide such services as deemed necessary, including outreach in-take processing, referral, judicial and police liaison, counseling and guidance. There shall be such district centers as authorized by the Council.

(b) In cooperation with the Department of Parks and Recreation, Department of Education and the District Commissioners' Offices, it shall coordinate sports and recreation programs for youth throughout the Territory and may augment existing programs where deemed necessary.

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(c) Coordinate with other departments or agencies (or implement such youth programs and activities if none exist) relative to internship within the government of Guam, scholarship, cultural exchange, Youth Week, skill training, job development, achievement awards, arts and crafts, youth employment, career counseling, development of special or artistic talents, music appreciation and such other special events covered by any other division of the Department.

SOURCE: GC § 26515 enacted by P.L. 14-110:3.

2009 NOTE: P.L. 28-045:10 (June 6, 2005) changed the name of the Department of Education to the Guam Public School System. P.L. 30-050:2 (July 14, 2009) reverted the name of the Guam Public School System to the Department of Education.

§ 20117. Division of Special Services.

There shall be a Division of Special Services within the Department. It shall be responsible for handling and caring of youths referred by the Guam Police Department, courts of Guam, parents or legal guardians, public and private agencies. Furthermore, it shall be responsible for care, custody and the rehabilitation of youth adjudicated by the courts of Guam.

(a) There is established a Board of Review comprising of five (5) members, one (1) of whom shall be a youth, appointed by the Council and approved by the Governor. The members shall serve for four (4) years. Vacancies shall be filled the same as the initial appointments but only for the unexpired term. The Board shall be responsible for reviewing and monitoring programs of each client adjudicated by the courts and shall submit a progress report on each client at six (6) months intervals to the Chairman of the Council, who shall maintain close liaison with the Juvenile Court of Guam relative to the care of an adjudicated youth. The affirmative vote of three (3) members shall be necessary for the validity of any act of the Board.

(b) There is created within the division a Special Services Committee, consisting of twenty-one (21) members, eleven (11) of whom shall be the persons appointed to the Guam Council on Youth Affairs pursuant to § 20105 of this Act. The remaining ten (10) members shall be appointed by the Governor for a term of four (4) years. These ten (10) members shall classify themselves by lot so that three (3) shall serve for one (1) year, three (3) for two (2) years, three (3) for four (4) years and one (1) for four (4) years. Their successors shall be appointed each for a term of four (4) years. Vacancies shall be filled the same as regular appointments but only for the unexpired

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term. The members shall serve without compensation but may be reimbursed for reasonable travel and out-of-pocket expenses incurred in the performance of official duties as certified to the Treasurer of Guam by the Director.

The Special Services Committee shall exist for the sole purpose of providing input to the Supervisory Board of Guam's State Planning Agency for Criminal Justice and Law Enforcement (Territorial Crime Commission) relative to the development of the Supervisory Board's annual Comprehensive State Plan.

The Special Services Committee shall make recommendations and propose legislation for the de-institutionalization of *status offenders* as required by the Juvenile Justice Delinquency Prevention Act of 1974.

The affirmative vote of six (6) members shall be necessary for the validity of any acts of the Special Services Committee.

SOURCE: GC § 26516 enacted by P.L. 14-110:3.

NOTE: The "Territorial Crime Commission" ceased to exist in the late 1970's or early 1980's.

§ 20118. Deinstitutionalization of Status Offenders.

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

A Status Offender is a juvenile offender who has been charged with *or* adjudicated for conduct which would *not*, under the laws of Guam and the laws of the United States applicable to Guam, be a crime *if* committed by an adult (28 CFR 31.304(h)).

(a) The Department, through the Program, *shall* provide alternative placements for youths who either, (1) are status offenders, *or* (2) have been identified as "at risk" or referred for services by any government *or* private agency as abuse *or* neglect victims.

(b) Such alternative placements may be provided in a Department facility separate and apart from the Youth Correctional Facilities *or* in private organizations on a contractual basis, and *shall* include, but *not* be limited to, any of the following: shelters; therapeutic foster homes;

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casework and counseling; psychological evaluation; family reconstruction; outreach; information and referral; drug and alcohol assessments; crisis intervention; individual and group therapy; and support services and prevention programs at all levels. The services must be provided in a comprehensive and holistic approach focusing on the family and the troubled youth; provided, that such services *shall* be administered by bona fide, certified professionals in social work or related disciplines.

(c) In the Program, special attention *shall* be placed on the development and implementation of services to those children who have committed status offenses and who have been referred to the Family Court, *or* who are in violation of § 21009 of Title 19, Guam Code Annotated.

(d) The Department *shall* annually cause an independent review of the Program to be conducted by persons *not* affiliated with the Department, and *shall*, itself, annually review the Program to determine the extent to which optimum services have been provided. The Department *shall* within thirty (30) days after receipt of the independent review, but in no event, *later than* March 1st of each year, submit a copy to *I Liheslatura*.

SOURCE: GC § 26517 enacted by P.L. 21-51:2. Amended by P.L. 29-074:1 (May 9, 2008).

NOTE: Section 6 of P.L. 21-51 adds:

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

§ 20119. Severability.

If any provisions of this Chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Chapter which can be given effect without the invalid provisions or applications and to this end the provisions of this Chapter are severable.

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SOURCE: GC § 26517; renumbered to GC § 26518 by P.L. 21-51.

§ 20120. Transfer of Functions.

Upon the effective date of this Act, the Governor shall transfer existing programs, personnel, equipment, furniture, supplies, records, documents and unexpended funds of functions, programs and services from various agencies, departments, instrumentalities of the government of Guam to the Department of Youth Affairs in consonant with this Act. These shall include but not necessarily limited to the following: Impact '76, Youth Services, Youth Correctional Facilities of the Juvenile Justice Division, Superior Court of Guam; Summer Youth Employment Program of the Department of Labor; and Youth Conservation Corps of the Department of Agriculture.

SOURCE: P.L. 14-110:7 codified by Compiler.

ARTICLE 2
YOUTH CORRECTIONAL FACILITIES

§ 20201. Youth Correctional Facilities.

§ 20202. Valid Court Order Provisions.

§ 20201. Youth Correctional Facilities.

The Department of Youth Affairs within the Executive Branch shall maintain and operate facilities for the temporary or continuing care, custody or detention, or commitment and rehabilitation of youth and may arrange for use of private homes for such care or detention.

(a) Direct Supervision by the Department of Youth Affairs. Wards of such correctional facilities shall be under the direct supervision of the Department of Youth Affairs in order to apply more advantageously the salutary effect of home and family environment upon them, and also in order to secure a better classification and segregation of such wards according to their capacities, interests and responsiveness to control and responsibilities, and to give better opportunity for reform and encouragement of self-discipline in such correctional facilities.

(b) Rules. The Department of Youth Affairs shall promulgate, pursuant to the Administrative Adjudication Law, such rules as may be necessary for the guidance of all youth correctional or detention facilities, which rules shall be filed with the Legislative Secretary.

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SOURCE: GC § 26520 enacted by P.L. 14-110:3.

§ 20202. Valid Court Order Provisions.

No status offender *shall* be placed in the Department's Youth Correctional Facilities, a secure juvenile detention facility *or* juvenile holding facility as a means *or* form of punishment except following a finding that the child has violated a valid court order.

(a) For purposes of this Act, a valid court order is a court order given by a judge to a child who was brought before the court and made subject to the order, and who received, before the issuance of the order, the full due process rights guaranteed to such child by the Constitution of the United States. (42U.S.C. 5603, Section 103(16)).

(b) An accused status offender *shall* not be held in the Department's Youth Correctional Facility longer than twenty-four (24) hours prior to and twenty-four (24) hours after an initial court appearance, excluding Saturdays, Sundays and statutory state holidays, except under the following circumstances: a status offender may be held either in the Department's Youth Correctional Facilities; Cottage Homes, which is the Department's non-secured juvenile detention facilities; *or* the youth's own home for violating a valid court order pursuant to the criteria as established by the federal Juvenile Justice and Delinquency Prevention Act of 2002, and any subsequent amendments thereto. Runaways, who are *not* residing on Guam, may be detained pending return to their home state *or* island, whichever the case may be.

(c) A valid court order must be in force and that a report by the Department states that remanding the youth, pursuant to § 21008(c) of this Act, is necessary to justify holding a youth in secured detention longer than seventy-two (72) hours.

SOURCE: Added as 19 GCA § 21009 by P.L. 29-074:2 (May 9, 2008). Renumbered and placed by the Compiler in this Chapter and Article, which are germane to the substance of the section.

2008 COMMENT: Subsection (c) references section 21008(c), which does not exist. The Legislature has been informed of this inconsistency.
