



GOVERNMENT OF GUAM

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



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NEW & RENEWAL FAMILY DAY CARE HOME

WELCOME!

The Bureau of Child Care Services (BCCS), Department of Public Health and Social Services (DPHSS), welcomes your interest in operating a family day 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 family day 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. Executive Order 78-27 "Standards for Child Care Facilities"
2. Child Welfare Services Act (Title 10, Guam Code Annotated, Chapter 2, Article 4)
3. Application for License
4. List of Inspection Agencies with Contact Names and Numbers
5. Certification of Compliance Signature Form
6. Department of Revenue and Taxation (DRT) Clearance Form
7. Staffing Pattern Form
8. Physician's Certification of Examination Form
9. Consent for Disclosure of Client Information Form
10. Character Reference Form
11. Rules and Regulations Governing Child Care Facilities
12. Document Checklist for Child Care License

I. Standards for Child Care Facilities (Executive Order 78-27) and the Child Welfare Services Act (Title 10, Guam Code Annotated, Chapter 2, Article 4) - You must read the standards and the law thoroughly. It is important that you understand and comply with the law and the standards. We are providing these copies to you for your information.

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 family day care 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. DLM will ensure that the home is located in the proper zone area.
 - 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 family day care 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 family day care 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 Family Day 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. Physician's Certification of Examination Form** - All staff members, volunteers and practicum students must obtain a physical examination from their private physician.
- f. Police Clearances** – All staff members, volunteers and practicum students must obtain a Police Clearance from the Guam Police Department.
- g. Court Clearances** - All staff members, volunteers and practicum students must obtain a Court Clearance from the Superior Court of Guam.

- h. 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 BCCS to cross check the Guam Child Protective Services Registry.
- i. 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.
- j. Resumes** listing background and relevant job experiences and education.
- k. School Transcripts** (copies) of the permanent academic record of courses taken, all grades and honors received, and degrees conferred.
- l. Health Certificates** - All staff members, volunteers and practicum students must obtain a health certificate from DEH.
- m. Pediatric First Aid and CPR Certification** - Verification must be provided that at least one (1) regular staff member is trained and certified in Pediatric CPR and Pediatric First Aid.
- n. 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.
- o. Parent Handbook** – A handbook to inform parents of the rules governing the center and to provide parents with adequate information about the programs offered.
- p. Schedule of Center Activities** – Daily routine of the center.
- q. Floor Plan** – Layout of the family day care home.

III. Other Requirements:

- a. Isolation Area** –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** – Child care facilities, including family day 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. 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. Child care facilities 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 family day care home:

1. License to Operate a Group Child Care Home
2. Sanitary Permit
3. Copy of Health Certificates
4. Daily Schedule
5. Daily Menu
6. Fire Evacuation Plan
7. Fire Extinguisher Signs
8. Earthquake Preparedness Procedures
9. Exit Signs
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 family day care home
17. Facility Capacity

IV. Records – The following records shall be kept where the children are housed:

1. Statement of Operational Policies
2. List of current staff, including ages, training experience, and health records
3. Emergency Information (where parents can be located, name of family physician, and written consent to call another physician if necessary).
4. Roster of enrolled children
5. Daily attendance record by name and age of child
6. Completed application form for each child
7. Child’s health record showing date of last physical examination, list and dates of inoculations and vaccinations, and developmental history

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 license fees apply for Family Day Care Homes:

\$5.00 (New, Renewal, Duplicate, Amended or Provisional)

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 30 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 BCCS Licensing Unit located at the Castle Mall Building Room 15, 130 University Drive, Mangilao, Guam 96913.

VII. What to Expect - A written evaluation of the application will be completed by the Social Services Licensing Officer within 30 days after receiving the completed application. The Social Services Licensing Officer 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 family day care home. The license is valid for one (1) year.

VIII. Changes to the Operation of the Family Day Care Home – The Licensee must notify BCCS in writing within 24 hours or by the next working day, whichever comes first, of any significant changes planned in the operation of the family day care home including services and staffing that directly or indirectly affects the operation of the program.

IX. Right to Appeal and Hearing – Failure to comply with any rule or regulations, or refusal to renew the license of any child care facility is reason for revocation or suspension of a license. If any applicant is denied a license, a letter shall be written to the applicant stating the reasons for denial.

Any person whose license is denied, revoked or suspended shall have the right to a hearing with the Director of DPHSS or a designate, provided such appeal is made in writing no later than (20) days after receipt of the notice of denial, suspension or revocation.

X. OTHER CONTACT INFORMATION:

Mailing Address:

Bureau of Child Care Services
Department of Public Health and Social Services
155 Hesler Place
Hagatña, Guam 96910-5052
Attn: Child Care Licensing Section

Telephone Numbers:

(671) 735-7344/7256

Facsimile No.:

(671) 735-7165

E-mail:

childcare@dphss.guam.gov

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

OFFICE OF THE GOVERNOR
GOVERNMENT OF GUAM
AGANA, GUAM

EXECUTIVE ORDER NO. 78-27

STANDARDS FOR CHILD CARE FACILITIES

WHEREAS, the Social Services Rules and Regulations No. 10, Standards for Child Care Facilities, pursuant to Section 9120.7 of Chapter 2, Title X, Government Code of Guam, was approved on the 12th day of December, 1972, and

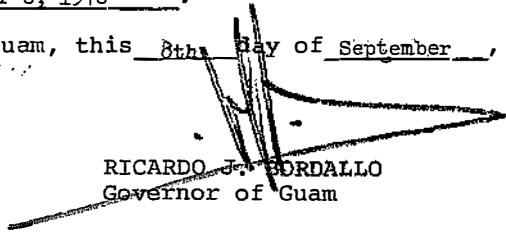
WHEREAS, these approved standards were determined to be in need of revision based on past years experience, and

WHEREAS, a public hearing was held on the revised standards, whereupon comments presented in the hearing were incorporated therein, and


WHEREAS, Chapter 2, Title X, Subchapter C-1, Government Code of Guam, established rules and regulations for child care facilities on Guam, and in accord therewith to adopt such rules and regulations,

NOW, THEREFORE, by virtue of the foregoing, the attached revised Standards "Social Services Rules and Regulations No. 10" is hereby approved and promulgated by executive order and shall be enforced effective September 8, 1978.

Dated at Agana, Guam, this 8th day of September, 1978.


RICARDO J. BORDALLO
Governor of Guam

COUNTERSIGNED:


RUDOLPH G. SABLAN
Lieutenant Governor of Guam

STANDARDS FOR CHILD CARE

SECTION I - PROVISIONS:

A. PURPOSE:

The purpose of these rules and regulations is to formulate standards for child care facilities that will promote and protect the well-being of children being served.

These standards are applicable to all facilities, public or private.

B. DEFINITIONS:

- 1) DEPARTMENT means the Guam Department of Public Health and Social Services.
- 2) DIVISION means the Division of Social Services, Department of Public Health and Social Services.
- 3) LICENSE means certificate issued by the Division authorizing the operation of a child care facility as defined under the terms of the license.
- 4) CHILD CARE FACILITIES means any person or place which receives or arranges placement of one or more children who are not related to such persons, 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 the day or night, or both.
 - a) FAMILY DAY CARE HOME: A family home in which one but no more than six children are received for care and supervision in a family setting during a portion of a 24-hour day. Here children, generally of varying ages, find care for some part of the 24-hour day in the home of another family, often within their own neighborhood.
 - b) GROUP DAY CARE HOME: A home which provides family-like care for a group of seven and not more than twelve children with or without special needs (e.g. adolescents or disturbed children), during a portion of a 24-hour day. This day care program is located in a modified or extended family residence and usually is found within the neighborhood of the family needing day care services.
 - c) FOSTER FAMILY HOME: A home which provides substitute family care on a 24-hour basis for no more than six minor children under the age of eighteen who are living apart from their parents or guardians.
 - d) DAY CARE CENTER: A group care facility operated under public or private auspices serving twelve (12) or more children for a portion of a 24-hour day. Planned activities are determined by the child's age, development, special needs, family situation, and hours of care.
 - e) RESIDENTIAL TREATMENT FACILITY: A group care treatment facility staffed and equipped for professional therapy or treatment, casework, and diagnostic services for children with special emotional, behavioral, or medical problems.
- 5) CHILD CARE FACILITY STAFF:
 - a) DIRECTOR: Person having responsibility to administer the facility and to develop the total program.
 - b) STAFF MEMBERS: Child-care maintenance personnel; members of the operator's family who assist at the center, and volunteer workers.
 - c) TEACHER: Person having prime responsibility for planning and carrying out remuneration.
 - d) CHILD: Means persons under eighteen years of age.

C. AUTHORITY:

The Government Code of Guam authorizes the Department of Public Health and Social Services to adopt standards for licensing all child care facilities, to issue licenses, and to ensure that all provisions of Public Law 11-99 regarding licensing are carried out. (Government Code of Guam, Section 9120 through 9120.14). The Department may inspect home, center, institution, or place or the performance of any such service.

D. LICENSE:

No person, association, or corporation shall, without first having obtained a license from the Division, operate or conduct a child care facility, either with or without compensation.

1) EXCLUSIONS: No license is required for the following:

- a) To the care of a relative, friends, or neighbor's child/ren, with or without compensation, where the person furnishing such care does not regularly engage in such activity and does not advertise or hold himself out as conducting a child care facility.
- b) To parents who, on a mutually cooperative basis, exchange of one another's children.
- c) To care of children in their own home.
- d) To a hospital, clinic, or educational institution.
- e) To kindergarten 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.

2) APPLICATION:

a) APPLICATION FOR LICENSE:

Application for a license to operate child care facility shall be made on forms prescribed and furnished by the Division.

b) INSPECTION AND INVESTIGATION:

Upon filing of the application, the Division shall verify that the facility meets minimum standards. This will involve right of entry, inspection and investigation. The personnel qualifications of the director and other staff members will also be evaluated. This may include obtaining references in order to appraise character, temperament, and capacity to provide constructive child care.

The application study will include a written evaluation by the social worker, inspection reports concerning fire, building, and sanitation and zoning completed by appropriate staff from the Department of Public Health and Social Services, Department of Public Safety, and Department of Public Works, and Department of Land Management and may also include written reports of character references. Reports of inspection shall be kept on file by the Department.

c) LICENSE FEE:

Application for license or renewal of license of day care facilities shall include the payment of a non-refundable fee according to the following schedule:

- 1) Family Day Care-----\$5.00
- 2) Group Day Care-----\$10.00
- 3) Day Care Center-----\$25.00

d) ISSUANCE OF LICENSE:

If, upon examination, the Division is satisfied that the applicant and the 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 non-transferrable license designating the type of facility provided for, the number of children to be served, the period of which the license is effective, and other conditions or limitations (such as age or sex of the children). The License shall be valid only with respect to the person and places specified. It shall be also subject to review when there is a change in operating policies.

The Licensee shall agree to notify the Division of any significant changes in the operation of the facility.

e) DENIAL OR TERMINATION OF LICENSE:

If the application or renewal study indicates that the operator or the facility does not meet the applicable standards, the License shall be denied or terminated. In addition, any charge of child neglect or abuse leveled against an applicant or current operator, which is substantiated by the Department's Child Protective Services Unit, shall justify denial or immediate termination of any operator's license.

If an applicant is denied a license, a letter shall be written to the applicant stating the reasons for denial.

f) PROVISIONAL LICENSE:

A Provisional License may be issued to a newly established facility or to an existing facility which is out of conformity for child care for a period not to exceed six (6) months to allow such facility reasonable time to become eligible for full license. Renewal of a provisional license shall be left to the Department's discretion.

g) RENEWAL OF LICENSE:

Application for renewal of a license shall be filed twenty (20) days prior to its expiration each year. If, upon review, the Division is satisfied that the facility continues to maintain adequate standards prescribed in these regulations, it shall renew the license.

h) SUSPENSION AND REVOCATION:

Failure to comply with any rule or regulations, or refusal to renew the license of any child care facility is reason for revocation or suspension of a permit or license by the Division.

i) HEARING:

Any person whose permit or license is denied, revoked, or suspended shall have the right to a hearing with the Director of the Department or his designate, provided such appeal is made in writing no later than twenty (20) days after receipt of the notice of denial, suspension, or revocation.

j) ADVERTISING:

A child care facility licensed by the Division may publish advertisements of the services for which it is specifically licensed. No persons, unless licensed, shall publish any advertisement soliciting a child or children for placement.

k) DISPLAYING LICENSE:

The license to operate a child care facility shall be prominently displayed at the facility.

l) PENALTIES:

The Government Code of Guam, Section 9120.12 specifies penalties for violation of the Child Welfare Services Act.

SECTION II - DAY CARE CENTERS:

A. ORGANIZATION AND ADMINISTRATION:

1) ORGANIZATION:

- a) Each licensee which is a corporation or association shall be legally organized.
- b) There shall be an internal structure which provides for an appropriate governing authority which is:

- 1) Responsible for the development and enforcement of operating policies, and procedures of child care staff employment, finances and the total organization of child care services.
- 2) Located so as to be familiar with, and accountable for, all aspects of the operation of the day nursery for and reasonably accessible to the licensing agency.

2) ADMINISTRATION:

- a) Each center shall have a written statement of operating policies and procedures. The statement shall include: name of the owner, purpose and goals of center, ages of children accepted, hours of operating, information regarding meals, maximum number of children, fees, and plan of payment, regulations regarding procedures and staff-child ratios.

In addition, operators are required to develop and record policies pertaining to personnel practices.

- b) The number of children per staff member, excluding staff for cooking and maintenance, shall not exceed:

Five (5) children under one (1) year of age
Eight (8) children age one (1) year to two (2) years of age
Ten (10) children age two (2) to three (3) years of age
Fifteen (15) children age three (3) to four (4) years of age
Twenty (20) children age four (4) to five (5) years of age
Twenty-five (25) children age five (5) and up

- 1) No group of children shall be left without adult supervision at any time. There shall be sufficient staff to assure that at least one staff person shall be within sight and sound of each child in the nursery at all times.
 - 2) There shall be provision for overlap of staff of different shifts so that continuity of care is assured.
 - 3) There shall be sufficient auxiliary help for housekeeping duties, cooking, laundering, etc., so that the primary work of the aides can be devoted to child care when children are present.
- c) Each center shall keep the following records where the children are housed:
 - 1) Statement of operational policies.
 - 2) List of current staff, including ages, training experience, and health records.
 - 3) Daily schedule
 - 4) Daily menu
 - 5) Emergency information:
 - a) Where parents can be located
 - b) Name of family physician
 - c) Written consent to call another physician if necessary
 - 6) Roster of enrolled children
 - 7) Daily attendance record by name and age
 - 8) Completed application form each child
 - 9) Child's health record showing date of last physical examination, list and dates of inoculations and vaccinations and developmental history.
 - 10) Sanitation, building, and fire permits.

3) PERSONNEL:

A) STAFF MEMBERS:

There shall be sufficient number of qualified staff to carry out the program of child care center.

- 1) Staff members shall be of good character and equipped by education, training and/or experience for the work that are required to do.
 - a) Physical Health. Each staff member in contact with the children must have a health certificate and a physical examination from a licensed physician indicating that the individual is free from communicable disease, uncorrected auditory and visual problems, and any speech impediments which would handicap him in the care of children, and is in good health. This health certificate and physical examination certificate shall be renewed annually and shall be kept on file in the facility.
 - b) All staff members shall have a physical examination and a valid health certificate as provided by subchapter C-1 of Chapter VI of the Government Code of Guam. Operators of child care centers must obtain a valid health permit as required by Subchapter C of Chapter IV, Government Code of Guam. Volunteers are required to have a valid health certificate and physical examination when providing services.
 - c) Emotional Health. Center operators shall be responsible in ensuring that their staff members are free of serious emotional problems. They must also demonstrate evidence of ability to deal effectively with practical problems of daily living and of child care.
- 2) The selection of the staff to provide care for the children shall be governed by the following points:
 - a) The impact and importance this person will have on the child.
 - b) The ability of the person to respect the individual child's uniqueness and level adjustment.
 - c) The ability to work harmoniously with parents and other coworkers.
- 3) Qualifications of Director
 - a) Director shall be at least 21 years of age.
 - b) Director shall have education and experience which will provide the knowledge and skill necessary to carry out an effective program of good child care set forth in these regulations.

The combination of education and experience can be met in one of the following ways:

- 1) Graduation from high school plus the completion of twelve (12) semester units in early childhood development plus completion of three units in administration and/or staff relation and four years of child care experience in a day care nursery or in a comparable group child care program; or
- 2) Graduation from high school plus one year in junior college plus the courses listed above and three years experience as listed above; or
- 3) Graduation from high school plus two years in an accredited college or junior college plus completion of the courses listed above and two years experience as listed above; or
- 4) Graduation from an accredited college of the courses listed above and one year experience as listed above.

c) Qualifying Experience and Training

- 1) Experience shall be verified; references shall be favorable to the applicant. The experience must have been full time (at least three hours per day for a minimum of 100 days in a calendar year) as a paid or volunteer staff member under these regulations.
- 2) The twelve (12) semester units in Early Childhood Developmental may be obtained as a part of either high school or college course or under the instruction of a qualified teacher as extra-curricular credits. They shall include the following areas:
 - a) Developmental characteristics and individual differences and inter-relationship of physical, emotional, intellectual and social growth.
 - b) Symptoms of physical or emotional disturbances.
 - c) Patterns of family living.
 - d) Methods of meeting emotional needs of children.
 - e) Methods of providing stimulation for cognitive growth.
 - f) Methods of recording children's growth and development.

4) Qualifications of Assistant Director:

An Assistant Director shall have one of the following combination of education and experience:

- a) A high school education plus twelve (12) semester units of Early Childhood Development, plus three semester units in administration and/or staff relations and under the direction of a qualified instructor at least three years experience in a day nursery or comparable group child care program; or
- b) Graduation from high school plus one year in junior college plus the courses listed above and two years experience as listed above; or
- c) Graduation from high school plus two years in junior college plus the courses listed above plus one year experience as listed above; or
- d) Graduation from college or accredited school of nursing.

5) Exemptions:

Centers currently licensed are exempted from the foregoing regulations, regarding qualifications of director and assistant director, for a period up to but not beyond 1981.

6) General Requirement:

- a) Responsibilities of Director: There shall be a responsible director in charge of the nursery at all times it is in operation. To be in charge means that (except for programs lasting more than eight hours) the director is normally on the premises, available to staff, parents and children. It precludes outside employment which intereferes with these duties. The director may be counted in the staff-child ratio only at times he is devoting full time to care of children.
- b) Assistant Director is an individual at least 21 years of age who meets the personnel requirements for all staff as set forth in Section II, A, 3, and the education requirements herein defined.
- c) Substitute for the Director:
 - 1) When the Director is required to be absent temporarily from the nursery, arrangements shall be made for another staff member at least 21 years of age to act as substitute.

B. DIRECTOR:

- 1) The Director shall be responsible for:
 - a) The over-all administration of the center.

- b) Setting up written personnel policies for all staff.
- c) Hiring of staff.
- d) Designating staff responsibilities.
- e) Arranging for health supervision of children.

C. ADMISSIONS:

- 1) The center shall require a report of a physical examination of each child by a licensed physician. Such examination shall be current within 90 days prior to admission.
- 2) The center shall require verification of the child's birthdate and shall keep on file evidence that the date has been verified.
- 3) At least one parent or guardian shall be interviewed prior to the child's admission to the center. The personal interview is to secure pertinent information on the child's over-all behavior and to acquaint the parents with the center's policies.
- 4) Each center shall secure written permission from parents or guardians before taking children on excursions.

D. CARE OF CHILDREN:

1) Health:

- a) Operators of child care facilities shall provide good physical care and help child grow and develop physically, mentally, emotionally, and spiritually at his own pace.
- b) Written medical reports and health information shall be on file for each child, including report of a current and annual physical examination, immunization records, pertinent information regarding any particular health problems, or any specific instructions regarding care or feeding for the child.
 - 1. All children attending a child care facility shall, unless excluded due to medical contradictions or religious affiliation, have received vaccinations against Poliomyelites, Diphtheria, Tetanus, Pertussia (Whooping Cough), Measles, Rubella, and Mumps prior to admittance to such facility. (Smallpox and Typhoid immunizations are no longer required, per Communicable Disease Control).
 - 2. Exceptions and Exemptions:
 - a) Conditional admissions may be granted provided:
 - 1) The date of each appointment and name of the physician or health institution providing the vaccination must be place in the child's health folder.
 - 2) A child shall have a maximum of two (2) weeks from time of admission to obtain inoculation against measles, mumps, DTP/TD and Rubella.
 - 3) A child with partial immunizations shall have 30 days from the the date when the subsequent immunization(s) becomes due to obtain each subsequent dose(s).
 - 4) Failure to complete the vaccinations as outlined above shall result in the expulsion of the child until such time as the child is in compliance.
- c) There shall be a daily inspection of each child upon arrival at the center.
- d) Any child showing signs of illness must be isolated from other children until arrangement can be made for his care.

- e) The regulations of the Department of Public Health on communicable disease shall be followed where children show symptoms of communicable disease.
- f) No medication shall be given without the signed consent of a parent and special drugs shall be given only when prescribed for a child by a physician.
- g) First aid supplies shall be kept on hand.
- h) There shall be one regular staff who is trained in first aid.
- i) Centers caring for children through mealtime shall provide adequate nutritious food appropriate to the age of the child at normal meal time intervals.

2) Program:

- a) There shall be a well-balanced daily program appropriate to each child's age. Sufficient equipment and individual supplies shall be available to assure the healthy, physical, mental, and spiritual development of the child.
- b) Centers shall have a framework for activities that is predictable but not rigid. Programs should be well-planned but opportunity must be presented for the child to do some things on his own initiative.
- c) Children must be supervised at all times whether their activity is planned or optional.
- d) Play materials and equipment shall be carefully selected and presented to stimulate interest and learning and to enhance different aspects of the child's development, language, coordination, imagination, cooperation.

E. PHYSICAL PLANT:

1) Location and Premises:

- a) Centers shall not be located where excessive noise, odors, dust, smoke, or traffic would interfere with children's comfort and safety.
- b) Centers shall be clean and sanitary with proper means of refuse disposal in accordance with Title X, Chapter VI, Subchapter C, Government Code of Guam.
- c) Centers shall have proper disposal of sewage with all plumbing outlets connected to an approved sub-surface sewage disposal system or a sewer system.
- d) The building shall have a sunny exposure, be well-lighted, airy and well-ventilated.

2) Outdoor Space:

There shall be adequate outdoor space available. The play area shall be free of litter, glass, nails, and other obvious hazards. The play area shall be on the premises adjacent to the indoor area. It shall be fenced or protected with the entire area easily supervised. It shall be fenced if adjacent to a street or other hazard. A space equal to at least 75 square feet per child is recommended.

3) Building Used for Day Care Centers:

It shall be the responsibility of the operator to meet the following standards which conform to the construction standards of the current local ordinances.

Adherence to the latest editions of the following shall be required. Uniform plumbing code; uniform building code, uniform mechanical codes, national electrical code, and Guam Prevention Code.

a) New Construction:

Plans for any new buildings and alterations of existing buildings of day care centers shall be submitted to the Territorial Planning Commission, Department of Land Management, Building Permit Section, Department of Public Works, Bureau of Environmental Health and Consumer Protection, Department of Public Health and Social Services, before any work is carried out.

b) Existing Buildings:

- 1) Setbacks of buildings shall conform to the zoning law, Title XVIII.
- 2) Corridors with dead ends are permitted when the dead end does not exceed 20 feet in length.
- 3) Stairways serving as occupant load of more than fifty (50) shall not be less in width than 44 inches. Also stairways serving an occupant load of fifty (50) or less may be 36 inches wide.
- 4) The rise of each step in a stairway shall not exceed seven and one half inches ($7\frac{1}{2}$ ") and the run shall not be less than ten inches (10").
- 5) In every building, four or more stories in height, one stairway shall be extended to the roof surface, unless the roof has a slope greater than four in twelve.
- 6) The slope of a ramp shall not exceed one foot in ten feet.
- 7) A ramp with slope exceeding one foot in 10 feet shall have handrails as required for stairways.
- 8) The surface of ramps shall be roughened or shall be on nonslip materials.
- 9) Exit doors shall swing in the direction of exit travel when serving an occupant of fifty.
- 10) Every required exit doorway shall be the size as to permit the installation of a door not less than three feet (3') in width and not less than six feet eight inches (6' 8") in height.
- 11) Revolving, sliding and overhead doors shall not be used as required exits.

c) Exits:

- 1) Exits is a continuous and unobstructed egress to a public way.
- 2) Exits shall be arranged that it is possible to go either direction from any point of a corridor to a separate exit.

d) Electrical Circuits:

- 1) Electrical circuits shall be maintained with proper fuse protection and shall be installed in accordance with the National Electrical Code.
- 2) Extension cords shall not exceed 10 feet in length and shall not extend from one room to another, nor shall they be stapled or nailed or otherwise permanently fastened to walls, floors, ceilings, or be run under rugs.

e) Capacity and Occupancy:

- 1) For day time care, there shall be a minimum of 35 square feet per child of indoor area, excluding bathroom, kitchen, closet space, and hallways.
- 2) For night time care, there shall be a minimum of 50 square feet per child of indoor area, excluding bathroom, kitchen, closet space and hallways.
- 3) Separate cots shall be provided or, in lieu, thereof, if floor is carpeted either mats or pads may be used. Cots, mats, or pads shall be placed at least two feet apart.
- 4) A lanai which has a roof, is protected from rain, and provides for safe activity, may be counted as indoor or outdoor space.
- 5) An isolation room must be available.

f) Toilet Facilities:

- 1) There shall be a minimum of one toilet and one basin conveniently located for every fifteen (15) children. Facilities shall be separated for each sex.
- 2) Water closets and wash basin shall be of suitable height and size and so equipped as to be readily accessible to the children.
- 3) Soap and individual towels shall be provided.
- 4) The sewage disposal system shall conform with Title X, Chapter VI, Subchapter R, Government Code of Guam.

g) Water Supply:

- 1) The water supply shall be adequate and of safe sanitary quality.
- 2) Adequate and approved drinking facilities shall be provided.

h) Kitchen Facilities:

- 1) All kitchen facilities shall be in conformance with Title I, Chapter IV, Subchapter E, Government Code of Guam.

i) Health Cleanliness and Safety:

- 1) Adequate artificial lighting shall be provided in all indoor area.
- 2) Gates at the head of stairs and handrails on stairways shall be provided.
- 3) All poisons and dangerous chemicals shall be stored in a safe location and out of reach of children.
- 4) Separate towels, washclothes, and drinking cups shall be provided for each child.
- 5) Both indoor and outdoor areas shall be adequately protected and maintained against flies, roaches, mosquitoes, and rodents.
- 6) Standard first aid equipment shall be properly maintained and stored in the inside area in a central location, accessible to all staff members and out of reach of the children.
- 7) All areas, facilities, and equipment shall be kept in a neat, clean, and sanitary condition.
- 8) Cots and mats shall be cleaned, disinfected and aired daily.

- 9) Toilet, lavatory, and bathing facilities including floor areas, and kitchen floors, shall be scrubbed daily.
- 10) Cleaning equipment and supplies shall be stored in locked closets or cabinets.
- 11) No other enterprise shall be conducted on the premises during hours while the child care center is in operation.
- 12) Telephone or other suitable means of transportation or communication for emergency purposes shall be provided.
- 13) A fire extinguisher agent must be provided in each center.
- 14) For more than 50 children an automatic fire extinguishers, fire alarm or detection system must be provided.
- 15) A three-fourth inch outside faucet shall be provided.

SECTION III - FAMILY DAY CARE AND GROUP DAY CARE HOMES:

A. DEFINITION:

- 1) Family Day Care Home is a family home in which one, but not more than six children are provided care, apart from their parents or guardians.
 - a) With or without charging a fee during any part of a twenty-four hour day.
 - b) Where the relationship of a child and family day care parents is not by blood or marriage.
- 2) Group Day Care Home offers family-life care in an extended or modified family residence. It utilizes one or several employees and provides care for up to twelve (12) children of varying ages.

B. GROUP OF CHILDREN:

- 1) Family Day Care Home:
 - a) Infancy through six years. No more than two children under two and no more than five in total, including family day care mother's own children under fourteen (14) years of age.
 - b) Three through fourteen years. No more than six children, including the family day care mother's own children under fourteen years old.
- 2) Group Day Care Home:
 - a) Group day care home may range up to twelve children, but the child-staff ratio will be the same as those established for Day Care Centers (See Section II, 2B).

C. RECORDS:

- 1) All records shall be held confidential and shall be available on demand to a duly authorized official of the department.
- 2) Family Day Care and Group Day Care Homes should maintain the following records:
 - a) Completed application for each child.
 - b) Daily attendance records.
 - c) Emergency information.

1. Address and telephone number of parents and other adults responsible for the child's care.
2. Name of family physician, his telephone number and address.
3. Written consent to call another physician when the family physician cannot be contacted.

d) A health record on each child shall include the following information:

1. Physical examination report current within 90 days prior to admission.
2. Immunization Records

Prior to attendance all children must present satisfactory evidence that they have received vaccinations against diphtheria, pertussia (whooping cough), tetanus, poliomyelitis, measles (Rubeola), rubella (German Measles) and mumps.

a. Exception and Exemptions:

1. Conditional admissions may be granted provided:

- a) The date of each appointment and name of the physician or health institution providing the vaccination must be placed in the child's health folder.
- b) A child shall have a maximum of two weeks from time of admission to obtain inoculations against measles, mumps, DTP/TD and rubella.
- c) A child with partial immunizations shall have 30 days from the date when the subsequent immunization(s) becomes due to obtain each subsequent dose(s).
- d) Failure to complete the vaccinations as outlined above shall result in the expulsion of the child as in compliance.

b. Exemptions from the immunization requirement shall be granted upon receipt of a:

1. Written certification by a physician that a medical contraindication to receipt of a specific vaccination exists.
2. Written certification by a parent or legal guardian that such vaccinations would be contrary to their religious beliefs.
3. Any medical health problems, including restrictions and allergies.
4. Chest X-ray and tuberculin test.

D. CARE OF CHILDREN:

- 1) The family care and group care parents shall require that a child in a child care facility have a physical examination at least annually.
- 2) There shall be a daily health inspection of each child upon arrival at the home.
- 3) A child who becomes ill after he had arrived at the home shall be separated from the rest of the group but within call of an adult, until the parents call for him.
- 4) Specific instructions obtained from a physician for the feeding and care of children with special problems shall be written on their records and followed.

5) Under no circumstances should a day care mother give medication of any kind unless prescribed by a physician.

a) Should she accept this responsibility, the medication shall be kept in the original container bearing the prescription label which shows the date filled, physician's directions for use, the physician's name, and the child's name.

b) Medication shall be kept out of reach of the children and returned to parents when no longer needed.

E. DAY CARE HOMES CARING FOR CHILDREN THROUGH MEALTIME SHALL PROVIDE:

1) Nutritious food appropriate to the age of the child.

2) Nutritious snacks between meals.

F. DAILY PROGRAM:

There shall be a well-balanced daily program including rest period appropriate to each child's age, regular meal hours, and recreation including supervised outdoor activity.

G. SAFETY AND HYGIENE:

Every day care facility should be responsible for seeing that children are cared for in a building that is structurally sound, free from fire hazards, and maintained in a sanitary condition.

H. DISCIPLINE:

There shall be no punishment or discipline which may in any way injure or harm a child physically or emotionally.

I. CLOTHING AND PERSONAL SUPPLIES:

1) A change of clothing shall be kept for emergency.

2) Each child in a day care facility shall be provided with individual towels, combs, toothbrushes and other necessary toilet articles.

J. RELIGION:

The religious faith of each child shall be respected.

K. REQUIREMENT FOR FAMILY DAY CARE AND GROUP DAY CARE PROGRAM:

1) The day care mother should like and understand children and be capable of giving them affection and security and of deriving satisfaction from caring for them. At the same time, she has to appreciate that her relationship with the child must not be so intense as to involve the child too closely or to threaten the child's mother.

2) The relationship in the day care family should create favorable atmosphere for children. Generally, a family with two parents is desirable, particularly for children who have no father in their homes.

In certain situations, however, widows, unmarried mothers, and single women are able to offer needed service.

3) The family should have the personal characteristics that will ensure continuity of care throughout a child's need in the home.

4) The day care mother should not be so young as to lack maturity, nor so old as to lack the energy and flexibility necessary to care for young children. She must also be flexible enough to meet the needs of individual children as they may change during the time she is caring for them.

- 5) The day care mother should be capable of handling an emergency promptly and intelligently.
- 6) All members of the family should have good health. A physical examination of each member of the family should be required to certify that he is free from a physical or mental illness detrimental to a child, including evidence that there is no tuberculosis infection or other communicable disease.
- 7) In general, the family should have sufficient income to cover its basic needs. The desire to earn supplementary income, however, is a sound motive for a day care mother. Families who have low income or who are receiving public assistance but who have other qualifications, may be used.

L. LOCATION OF DAY CARE HOMES:

Family day care home should be in or near the neighborhood in which the families needing the service reside.

M. HOUSING:

- 1) The physical facilities of homes used for day care should be compatible with the standards of the neighborhood in which the children live; provide adequate space for daily activities of young children and present no hazards to their health or safety.
- 2) There shall be easy accessibility to adequate outdoor space. It shall be fenced or otherwise protected, safe and well-drained with sunny and shady areas.
- 3) The dwelling should conform to local sanitation, building and zoning regulations.
- 4) There shall be a minimum of 35 square feet per child of indoor areas, excluding bathroom, kitchen, cupboard space and hallways.
- 5) There shall be a minimum of 75 square feet per child of outdoor space.

N. SLEEPING ARRANGEMENTS:

Each child should have an individual bed or cot, kept in clean and sanitary condition at all times.

O. PLAY SPACE AND MATERIALS:

In addition to play space indoors or outdoors, there should be sufficient play materials and equipments for indoor and outdoor activities to stimulate the activity and imagination play suitable to the age of the children.

SECTION IV - FOSTER FAMILY HOME AND GROUP CARE HOME:

A. DEFINITION:

- 1) A Foster Family Home is a home which provides substitute family care for a planned period for a child when his own family cannot care for him for temporary or extended period.
- 2) A Group Care Home is a single dwelling in which there is ongoing family life and where a couple either live in their own home or are employed as staff in a home. Group Day Care has as its primary purpose of providing care and training on a 24 hour basis for a group of children with special needs who cannot accept the close relationship but can relate to a family as part of a group, and whose experience of a family life can in this way be enhanced.
- 3) Foster parents means any person who gives care and maintenance to a child in placement.

B. NUMBER OF CHILDREN TO BE CARED:

- 1) Foster Family Home:
 - a) Care is provided for not more than six children, including foster parents' own children.

- b) There shall be no more than two children under the age of two years including foster parents' own children.

2) Group Home Care:

A Group Home Care may care for seven to twelve children generally from varying ages over three years. It can be used for a specifically composed group of four to eight children. It should be available for children with special needs, i.e. adolescents and seriously disturbed children.

C. RECORDS:

- 1) Each foster family home or group care home shall keep the following records:

- a) Completed application forms of each child.
- b) Emergency Information
 - 1. Address and telephone number of parents.
 - 2. Written consent to take child to physician or hospital when needed.
- c) Health Record
 - 1. Physical examination report
 - 2. Immunization Records

Prior to attendance all children must present satisfactory evidence that they have received vaccinations against diphtheria, pertussis (Whooping cough) tetanus, poliomyelitis, measles, (Rubeola), rubella (German Measles) and mumps.

a) Exceptions and Exemptions

- 1. Conditional admissions may be granted provided:
 - a. The date of each appointment and name of physician or health institution providing the vaccination must be placed in the child's health folder.
 - b. A child shall have a maximum of two (2) weeks from time of admission to obtain inoculations against measles, mumps, DTP/TD and Rubella.
 - c. A child with partial immunizations shall have 30 days from the date when the subsequent immunization(s) becomes due to obtain each subsequent dose(s).
 - 2. Exemptions from the immunization requirement shall be granted upon receipt of a:
 - a. Written certification by a physician that a medical contraindication to receipt of a specific vaccination exists.
 - b. Written certification by a parent or legal guardian that such vaccinations would be contrary to their religious beliefs.
 - d) Any medical health problems including restrictions and allergies.
 - e) Chest X-rays or tuberculin test.
- 2) All records shall be health confidential and shall be available on demand to a duly authorized official of the department.

D. CARE OF CHILDREN:

- 1) Child in placement shall be treated like any other child in the home.
- 2) Diet shall be adequate for growth and good nutrition.
- 3) Clothing shall be kept clean and in proper condition of repair and shall be of appropriate size.
- 4) Individual towels, combs, and toothbrushes and other necessary toilet articles will be provided.
- 5) Severe illness, serious accident or death of the child shall be reported immediately to the Division and/or the child's parents or person responsible for the child.
- 6) A well-balanced daily program including time for rest appropriate to his age, regular meal hours, and recreation shall be provided.
- 7) A child in placement shall be provided the opportunity to participate in appropriate social and recreational activities of the community.
- 8) A child in placement shall not be required to do work in the home other than simple home duties which do not interfere with school, health, and necessary recreation and which are shared with any children in the home.
- 9) There shall be no unduly harsh punishment or discipline which may in any way injure or harm a foster child's physical or emotional welfare.
- 10) The religious faith of each child shall be protected.

D. REQUIREMENT FOR FOSTER PARENTS AND PARENTS OF GROUP HOMES:

1) Personal Qualities:

Foster parents should be selected on the basis of having personal characteristics and relationships which will make it possible for them to undertake and perform the responsibilities entailed in caring for children particularly those who have their own parents in providing continuity of care, and in working with a social agency.

- a) They can give a feeling of caring about others and being responsive to them.
- b) They are able to give affection and care to a child in order to meet his needs.
- c) They have the capacity to be giving without expectation of immediate returns.
- d) They have worked out a satisfactory and stable marital relationship without severe problems in their sexual identification, or in their relationship with each other.
- e) They are able to maintain meaningful relationships free from chronic severe conflict, with members of their own families and with persons outside the family.
- f) They have emotional stability and are able to function adequately in relation to family responsibilities and employment as indicated both currently and in the history of the family.
- g) They have a reputable character, values and ethical standards conducive to the well-being of children.
- h) They give evidence of flexibility and modifiability in their expectations, attitudes and behavior in relationship with child's own parents and with the agency, without any marked tendency to be overpossessive.
- i) They have a stable income sufficient for maintenance of the family without supplementation of the board payment.

- 2) Employment of the foster mother must not interfere with providing family life and meeting the other needs of the child.
- 3) Applicants for family foster home must refrain from actively pursuing adoption during the time foster children are placed in their home.
- 4) Health:
 - a) Information should be obtained regarding health history of both parents including a written statement from a physician regarding their general health, specific illness or disabilities, and written reports of chest x-rays.
 - b) It should be determined that other adults or children in the household do not present hazards to a foster child through communicable disease or other illness.
 - c) Annual physical examination is required.
- 5) Religion:

The home should provide opportunities for spiritual development and make it possible for a child to have satisfying religious experiences through an appropriate religious affiliation in the community which does not conflict with the religious preference of his parents.

F. HOUSING (SECTION II-D WILL BE USED AS GUIDE, WHEN APPLICABLE):

- 1) Physical facilities of the home should present no hazards to the safety of any child in placement.
- 2) Physical standards should be of a degree of comfort sufficient to insure the well-being of the family and its self-respect in the community in which it resides.

G. LOCATION:

Homes should be located where school, church, recreational, and other community facilities are reasonably accessible.

H. SLEEPING ARRANGEMENTS:

- 1) Sleeping arrangements should be such that a separate bed can be provided for each child.
- 2) There should be sufficient sleeping space so that neither foster family's own children or child in placement share the bedroom of any adult.
- 3) Sleeping rooms should not be shared by children of opposite sexes.
- 4) Except for infants, sleeping arrangements should be such that a space is provided within the sleeping room for the child's personal possession and for a reasonable degree of privacy.

I. CONTACT WITH THE HOME:

The home shall be subject to visits by the Division or its authorized agent at any time or in any manner as it deems necessary to protect the welfare of children in placement.

SECTION V - SEPARABILITY:

If any phrases, clauses, sentence, section, subsection, provision or part of these regulations or its applicable to any person or circumstance, if for any reason held to be unconstitutional or invalid, the remaining portions of these regulations, or the application of these regulations to other persons or circumstances shall not be affected.

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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;

**10 GCA HEALTH AND SAFETY
CH 2 DIVISION OF PUBLIC WELFARE**

(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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CH 2 DIVISION OF PUBLIC WELFARE**

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

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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.



DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES
 DIVISION OF CHILDREN'S WELLNESS
 BUREAU OF CHILD CARE SERVICES
 155 Hesler Place Hagatña, Guam 96910
 Telephone: (671) 735-7344/7256 Facsimile: (671) 735-7165

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 CHILDREN'S WELLNESS
BUREAU OF CHILD CARE SERVICES**

LIST OF INSPECTION & CLEARANCE AGENCIES

As a result of the pandemic crisis, the Government of Guam Business License and Permit Center will be limiting customer service requests to scheduled appointments only. Please contact the following Permit Center Representatives for inquiries, inspections, clearances, and appointments, etc.

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

Telephone No.: 671-646-3104

2. GUAM FIRE DEPARTMENT

Fire Prevention Bureau

Telephone No: 671-646-8810

3. DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES

DIVISION OF ENVIRONMENTAL HEALTH

One Stop Office

Telephone No.: 671-646-1276

4. DEPARTMENT OF LAND MANAGEMENT

Zoning Division

Telephone No.: 671-649-5263 ext. 300

5. DEPARTMENT OF REVENUE & TAXATION

- Real Property Taxes: 671-635-7653
- Tax Enforcement (Collections): 671-646-3102
- Business License: 671-646-3102
- Treasurer of Guam: 671-646-3150

**DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES
DIVISION OF CHILDREN'S WELLNESS
BUREAU OF CHILD CARE SERVICES**
155 Hesler Place, Hagatña, Guam 96910
Telephone: (671) 735-7344/7256 Facsimile: (671) 735-7165

**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

ARTHUR U. SAN AGUSTIN, MHR
DIRECTOR

LAURENT SF DUENAS, MPH, BSN
DEPUTY DIRECTOR

TERRY G. AGUON
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.:

11GCAFINANCE & 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>
--	-----------------------------------

<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: _____



DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPHSS)
DIVISION OF CHILDREN'S WELLNESS
BUREAU OF CHILD CARE SERVICES (BCCS)
Child Care Assistance Program
www.guamchildcare.com
 671-735-7344 / 7256



CONSENT FOR DISCLOSURE OF CLIENT INFORMATION

As stipulated in Guam Public Law 31-73 and as required by Federal law, 45 C.F.R. § 98.43, all adults (18 years and older) residing in the location where child care services are being provided, those employed by a child care provider for compensation, contracted employees and self-employed child care providers, and those who care for, supervise, or have unsupervised access to children are subject to a comprehensive background check. This consent shall be effective immediately and shall remain in effect for a duration not to exceed ninety days. A separate **CONSENT FOR DISCLOSURE OF CLIENT INFORMATION** form shall be submitted for every adult present where child care services are conducted.

PURPOSE OR NEED FOR DISCLOSURE	
<ul style="list-style-type: none"> National Sex Offender Registry Local Sex Offender Registry Guam Child Abuse and Neglect Registry National FBI Criminal History Check (Fingerprint) 	<ul style="list-style-type: none"> Virtual Computerized Criminal History General (Internet) Google Search Other: _____ Other: _____

INFORMATION REQUIRED TO PROCESS A COMPREHENSIVE BACKGROUND CHECK			
First Name	Middle Name	Last Name	
Other Known Alias	Date of Birth	Race/Ethnicity	Military Service Member? <input type="checkbox"/> Yes <input type="checkbox"/> No
Current Address on Guam:		<input type="checkbox"/> check box if currently residing outside of Guam	
Current Address	Village	State	Zip Code

Previous Address Within the Last Five Years:

Previous Address

Previous Address Outside of Guam Within the Last Five Years:

Previous Address

NAME OF PROGRAM OR ORGANIZATION TO RECEIVE INFORMATION	
Requesting Organization:	Department of Public Health and Social Services, Bureau of Child Care Services
Email Address:	childcare@dphss.guam.gov
Mailing Address:	130 University Drive Unit 15, Mangilao Guam 96913
Contact Number:	(671) 735-7344; (671) 735-7256
By signing this authorization form, I give my permission and consent to the Bureau of Child Care Services (BCCS) to obtain and review records of criminal history to prove the eligibility requirements are satisfied as required by law.	
Signature of Client/Parent/Guardian:	Date:

*****FOR OFFICAL USE ONLY*****		
Authorized BCCS Personnel	Signature	Date

The client may revoke this Consent for Disclosure of Client Information at any time by completing the following:
 I HEREBY REVOKE CONSENT FOR DISCLOSURE OF THE INFORMATION TO THE DPHSS-BCCS AS OF: _____

Signature of Client/Parent/Guardian: _____ Date: _____



DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPHSS)
DIVISION OF CHILDREN'S WELLNESS
BUREAU OF CHILD CARE SERVICES (BCCS)
Child Care Assistance Program
www.guamchildcare.com
 671-735-7344 / 7256



Background check requirements are applicable to licensed, regulated, and registered child care providers, and current & prospective child care staff members. Refusal to submit to the background check requirements will result in ineligibility to be employed as a child care provider and receive CCDF payments. Child care facilities or child placement agents shall not employ or certify any individual who has been found guilty of any disqualifying crime. Applicants may appeal the results of a background check to challenge the accuracy or completeness of the information contained in the report.

HOW TO APPEAL AGAINST FINDINGS

Request to appeal should be directed to the agency of jurisdiction. Contact the Child Care Licensing section for information regarding the appeals process.

Guam Criminal History Report and/or Office of the Attorney General Clearance	Guam Police Department or Office of Attorney General
Guam Sex Offender Registry	Judiciary of Guam
Guam Child Abuse and Neglect Registry	DPHSS-BOSSA, Child Protective Services
General Internet Search	DPHSS-BCCS
National Criminal History Check (FBI Finger Print Check) and NCIC National Sex Offender Registry Check	FBI at https://www.edo.cjis.gov
Appeals related to Interstate Background Checks and/or Child Abuse and Neglect Registry Checks	Filed subject to the providing state's requirements.
Navy Criminal Investigation Section	Navy-Marine Corps Court of Criminal Appeals

DISQUALIFYING CRIMES [45 CFR 98.43(c)(1)]		
List of disqualifying crimes that may make a person unsuitable to own, conduct, maintain, operate, or be employed by a child care center, group child care home, family child care home, or by any license or license-exempt CCDF certified child care provider.		
Misdemeanors	Felonies	
Child abuse	Murder	Child Abuse or Neglect
Child endangerment	Spousal Abuse	Arson
Sexual assault	Kidnapping	Physical Assault or Battery
Misdemeanor involving child pornography	Crime against children, including pornography	Drug-related offense
	Rape or sexual assault	

BCCS shall notify the applicant about their eligibility to be CCDF certified

FAQ	How do I receive a copy of any records found? Any individual subject to a background check may receive a copy of any records found on any of the registries or databases by submitting a written request. If the results of any information found on any registry is incorrect, the individual(s) subject to the background checks shall contact the registry to appeal such errors.
	What if there was a charge that has been dismissed or expunged? Please send the court documents that show the charge information, including the date of the charge and the charge status being dismissed or expunged to our office email: childcare@dphss.guam.gov , and BCCS shall validate this information.
	What happens if a new charge or conviction occurs after being qualified? All child care providers and household members who have incurred any pending charges, indictments, or convictions must notify BCCS within 10 business days or before returning to work, whichever comes first. An individual will be disqualified to work in providing child care if any of the disqualifying crimes are committed.
	What is required for applicants who lived outside of Guam within the last 5 years? Applicants who have lived out of Guam within the last 5 years is subject to undergo a criminal history report and a child abuse and neglect registry check from the states they have lived in.
	When will the applicant be issued the CCDF Provider Certification? A CCDF Provider Certification will be issued upon validation of documentation and successful completion of the preliminary requirements to include but not limited to: undergo a preliminary facility inspection, criminal history background check, and pre-service orientation of health and safety standards.



Home Evaluation and Placement Services
Bureau of Child Care Services
Division of Children's Wellness
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: (Pis. 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.



**DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIVISION OF CHILDREN'S WELLNESS
BUREAU OF CHILD CARE SERVICES
155 Hesler Place
Hagatna, Guam 96910-5052
Telephone No: (671) 735-7344/7256**



CHARACTER REFERENCE FORM

Note: Please type or print legibly in black or blue ink.

NAME OF APPLICANT/PETITIONER/PARTY: _____

Type of Case: Adoption/TPR Custody Foster
 Child Care Center

The information submitted in this character reference form will assist the Social Worker in assessing the above-named individual as a suitable caretaker of child(ren).

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 individual.

Answer the following questions below: *(Use an additional sheet of paper if necessary)*

A. What is your relationship to the individual?

B. How long have you known the individual?

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

Rules and Regulations Governing Child Care Facilities



DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES

GOVERNMENT OF GUAM
P. O. BOX 2816
HAGATNA, GUAM 96932



**RULES AND REGULATIONS
GOVERNING
CHILD CARE FACILITIES**

PART 1.0.00

GENERAL PROVISIONS

SECTION 1.1.00 General

1.1.01 Definitions

- (a) **“Child”** shall mean a person under 18 years of age.
- (b) **“Child Care Facility”** shall mean 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 the day or night, or both.
- (c) **“Construction Permit”** shall mean a permit issued by the Department of Public Health and Social Services giving permission to construct, extend, alter, or modify a structure or building to be used or being used as child care facility.
- (d) **“Child Care Center/Nursery”** shall mean a group care facility operated under public or private auspices, serving 13 or more children for a portion of a 24 hour day.
- (e) **“Department”** shall mean the Guam Department of Public Health and Social Services or his designated representative.
- (f) **“Director”** shall mean the Director of Public Health and Social Services or his designated representative.
- (g) **“Division”** shall mean the Division of Environmental Health, Department of Public Health and Social Services.
- (h) **“Facility Director”** shall mean the person who has the prime responsibility to administer the facility and to develop the total program.
- (i) **“Family Day Care Home”** shall mean a family home in which one but not more than 6 children are received for care and supervision in a family setting during a portion of a 24 hour day.
- (j) **“Family Foster Home”** shall mean a home which provides substitute family care on a 24 hour basis for no more than 6 minor children under 18 years of age who are living apart from their parents or guardians.
- (k) **“Group Foster Home”** – A home which provides family-like care for a group of seven or more, but not more than twelve children during a portion of the 24 hour day. This day care program is located in a modified or extended family residence and ideally should be found within the neighborhood of the family needing day care services.
- (l) **“Group Day Care Home”** shall mean a home which provides family-like care for a group of at least 7 but not more than 12 children during a portion of a 24 hour day.
- (m) **“Hazardous Substances”** shall refer to definitions in Public Law 15-96, Subchapter M, Section 9620 (b).

- (n) **“Health Certificate”** – A certificate issued to a person employed within any institutional facility.
- (o) **“Inspection”** A regulatory evaluation of a health regulated establishment for the purpose of determining the level of compliance with applicable regulations for safe and sanitary operating conditions.
- (p) **“Person”** shall mean any individual, company, corporation or other business entity.
- (q) **“Residential Treatment Facility”** for children shall mean a group care treatment facility staffed and equipped for professional therapy or treatment, casework and diagnostic services for children with special emotional, behavioural, or medical problems.
- (r) **“Sanitary Permit”** shall mean a written document issued by the Department of Public Health and Social Services giving a designated person permission to operate a child care facility for a time period not to exceed 12 months on a permanent basis.
- (s) **“Sanitize”** shall mean an effective bacterial treatment of clean surfaces of equipment, utensils, and linens by a process which has been approved by the Department of Public Health and Social Services as a means of destroying microorganisms, including pathogens.
- (t) **“Staff Members”** shall mean child care personnel or members of the operator’s family who assist at the center, or volunteer workers excluding staff for cooking and maintenance who shall not be counted in child/staff ration.
- (u) **“Temporary Sanitary Permit”** shall mean a Sanitary Permit issued in conjunction with the Provisional License from the Child Welfare Services and which is valid for no more than six months.

SECTION 1.2.00 Authority

1.2.01 General

Public Law 15-96, Environmental Health Act, Subchapter F, Section 9550.0 through 9550.4 authorizes the Department to establish rules and regulations governing all child care facilities and to ensure that all provisions of Public Law 15-96 regarding permit issuance are carried out. The Department may inspect homes, centers, institutions, or places where any child care service is being provided.

SECTION 1.3.00 Permits

1.3.01 Sanitary Permit

- (a) No person shall directly or indirectly conduct, control, manage, maintain or operate a child care facility unless said person has obtained and posted a valid Sanitary Permit issued by the Department to operate such specific child care facility.
- (b) An application for a Sanitary Permit to operate a child care center shall be made in writing on a form prescribed by the Department and signed by the applicant or his authorized agent.
- (c) Before an applicant for a Sanitary Permit shall be approved, the Division shall verify through an inspection report that the facility meets the minimum sanitary requirements and standards. This will involve right of entry and inspection.
- (d) Application for Sanitary Permit or renewal of same for child care facilities, shall include the payment of a non-refundable fee according to the following category:
 - i. Family Foster Home – No charge
 - ii. Family Day Care – \$ 5.00
 - iii. Group Day Care Home – \$ 60.00

- iv. Child Care Center – \$ 60.00
 - v. Group Care Home – \$ 60.00
 - vi. Residential Treatment Facility for Children – \$ 60.00
- (e) If upon inspection the Division is satisfied that the applicant and the facility reasonably meet the qualifications and standards prescribed, a non-transferable Sanitary Permit designating the type of facility shall be issued. Said Sanitary Permit shall be posted in the facility. All Sanitary Permits shall be valid for 12 months and renewed on June 30 of each year. Fees for Sanitary Permits shall be prorated to reflect an adequate charge to June 30.
 - (f) If the initial inspection or renewal inspection for a Sanitary Permit indicates that the facility does not meet the applicable standards, the Sanitary Permit shall be denied or terminated.
 - (g) An application for renewal of Sanitary Permit shall be filed 15 days prior to its expiration date, and upon approval by the Division, a new Sanitary Permit shall be issued.
 - (h) Failure to comply with any rule or regulation or refusal to renew the current Sanitary Permit of any child care facility is reason for revocation, suspension, or disapproval to issue a new sanitary permit.
 - (i) Any child care facility whose sanitary permit is denied, or has been revoked for cause, may appeal the Director's action. The appeal shall be in accordance with Subchapter B, Section 9510.8, of Public Law 15-96.
 - (j) A temporary sanitary permit shall be issued in conjunction with the Provisional License issued by the Child Welfare Services.
 - i. Conditions regarding the issuance of the temporary sanitary permit will be determined by the circumstances at the time of application and be reviewed by the DEH, CWS and establishment representatives.

1.3.02 Construction Permit

- (a) No person shall be allowed to construct a building or structure to be used as a child care facility, or extend, alter, or modify any structure used or to be used as a child care facility without first submitting the plans and specifications to the Division of Environmental Health.
- (b) A construction Permit shall not be issued until detailed plans and specifications of the child care center have been submitted for review and approval.
- (c) After the issuance of a Construction Permit, field inspections shall be made during the construction in order to determine compliance with all plans and specifications submitted.

SECTION 1.4.00 Advertising

1.4.01 General

A child care facility under permit by the Division may publish advertisements of the services for which it has been specifically given a Sanitary Permit.

SECTION 1.5.00 Exemptions

1.5.01 General

No Sanitary Permit is required for the following conditions:

- (a) Care of a relative, friend, or neighbor's children with or without compensation where the person furnishing such care does not regularly engage in such activity and does not advertise or hold himself/herself out as conducting a child care facility, or

- (b) Parents who on a mutually cooperative basis exchange one another's children, or care of children in their own home, or
- (c) Facilities operated in connection with a shopping center where children are received without compensation while parents are on the premises, or
- (d) Facilities operated in connection with a church, hospital, clinic or educational institutions where children are received without compensation while parents are on the premises, or
- (e) Kindergarten or nursery schools operated by public or private elementary or secondary level school systems.

SECTION 1.6.00 Health Certificates

1.6.01 General

- (a) Each staff member of a child care facility must possess a valid health certificate that must be renewed annually and shall be displayed prominently in the facility.
- (b) All staff members shall have had a physical examination from a licensed physician indicating that the individual is free from any communicable disease and is on good health. This examination shall be renewed annually and shall be kept on file in the facility.

SECTION 1.7.00 Administration

1.7.01 General

Each center shall have a written statement of operating policies and procedures. The statement shall include name of the owner, purposes and goals of centers, ages of children accepted, hours of operation, information regarding meals, maximum number of children, fees and plans of payments, regulations regarding procedures, and staff-child ratios.

1.7.02 Child-Staff Ratio

The number of children per staff member, excluding staff for cooking and maintenance shall not exceed:

- (a) 5 children under 1 year of age; or
- (b) 8 children age 1 to 2 years old; or
- (c) 10 children age 2 to 3 years old; or
- (d) 15 children age 3 to 4 years old; or
- (e) 20 children age 4 to 5 years old; or
- (f) 25 children age 5 years and up.

SECTION 1.8.00 Location and Premises

1.8.01 Location

- (a) The day care center shall be located in quiet surroundings, away from excessive noise, odors, dust, smoke, traffic, or other hazardous environmental conditions which would interface with the children's comfort, health and safety.
- (b) No day care center shall be located in a private family residence unless that portion of the residence to which children have access is separated from the usual living quarters of the family.

1.8.02 Waste Disposal

- (a) Centers shall be clean and sanitary with proper means of waste disposal and plumbing outlets connected to a septic tank or sewer system and shall conform with Public Law 15-96, Subchapter T, and GEPA Wastewater Regulations.
- (b) All garbage and trash shall be kept in tight, easily cleanable receptacles which are covered with tight-fitting lids while pending removal and shall be removed from the premises as often as necessary to prevent health hazards.

SECTION 1.9.00 Design and Construction

1.9.01 General

- (a) It shall be the responsibility of the operator to meet the standards which conform to the construction standards of the current local building codes.
- (b) Adherence to the latest editions of the Uniform Plumbing Code, Uniform Building Code, Uniform Mechanical Code, National Electrical Code, and the Guam Fire Prevention Code shall be required for all new construction, remodeling or renovation.
- (c) The building shall have a sunny exposure, be well-lighted, and well-ventilated.
- (d) Walls and ceilings shall be of washable materials and shall be light in color.
- (e) Floors and steps shall be free of safety hazards and shall be constructed of or surfaced with non-slippery materials.
- (f) No furnishings or decorations of an explosive or high flammable material shall be used. Curtains and draperies shall be flame resistant.
- (g) Exit doors shall open outward. "Exit" signs where necessary shall conform with requirements of the current Guam Building Code.
- (h) All stairways, exit corridors and passageways shall be illuminated at all times with at least ten foot-candles of light to facilitate egress.
- (i) Hallways, passageways, or corridors shall be free and clear of obstructions.
- (j) Extension cords shall not exceed 10 feet in length; shall not extend from one room to another; shall not be stapled, nailed or otherwise permanently fastened to walls, floors, or ceilings; and shall not be placed under rugs or carpets.

SECTION 1.10.00 Capacity and Occupancy

1.10.01 General

- (a) For daytime care, there shall be a minimum of 35 square feet per child of indoor area, excluding bathroom, kitchen, closet space, and hallways.
- (b) For night-time care, there shall be a minimum of 50 square feet per child of indoor area, excluding bathroom, kitchen, closet space, and hallways.
- (c) Separate cots shall be provided. If the floor is carpeted, mats or pads may be used. Cots, mats, or pads shall be placed at least 2 feet apart when in use.
- (d) A lanai with a roof to provide for safe activity may be counted as indoor or outdoor space.
- (e) An isolation room or area must be made available for sick children.

SECTION 1.11.00 Toilet and Handwashing Facilities

1.11.01 General

- (a) The center shall be provided with inside toilet rooms equipped with securely fastened and supported wash basins and flush toilets. Toilet rooms shall be located on the same floor as inside play areas, in close proximity to indoor and outdoor play areas, and shall not exceed 50 feet from these areas.
- (b) For every 15 children, there shall be a minimum of 1 toilet and 1 basin conveniently located. Facilities shall be separated to each sex.
- (c) Toilets and wash basins shall be of suitable height and size and so equipped as to be readily accessible to the children. If child-size toilets and wash basins are not available, steps or platforms shall be provided to encourage self-help and independence.
- (d) Toilet and handwashing facilities shall be provided for the staff and other adults when child-size facilities are provided for the children.
- (e) Soap, toilet tissue, and individual sanitary paper towels shall be provided.
- (f) The floor in the toilet room shall be water resistant and non-absorbent.
- (g) Adequate facilities for sanitizing potty chairs and toilet seats after each use shall be provided.
- (h) Hot water shall be provided for handwashing through mixing faucets but shall not exceed a temperature of 110 degrees F to prevent injury to children.

SECTION 1.12.00 Kitchen Facilities

1.12.01 General

Adequate facilities and proper methods for the preparation, serving, refrigeration, and storage of food shall be provided in conformance with applicable Public Health regulations for eating and drinking establishments.

SECTION 1.13.00 Water Supply, Sewage, and Plumbing

1.13.01 General

- (a) There shall be an approved potable water supply and the delivery system shall conform with the requirements of the Uniform Plumbing Code.
- (b) There shall be an approved child-size drinking facilities provided. If drinking fountains are not available, individual disposable cups from a sanitary dispenser shall be provided.
- (c) Hot and cold running water shall be provided in all lavatories and kitchen areas. The temperature of the hot water shall not exceed 110°F in lavatories and bathtubs.
- (d) All liquid wastes must be discharged to a public sanitary sewer or to an individual sewage disposal system approved by the GEPA.
- (e) The plumbing system shall be operated and maintained so that no health hazards are created.
- (f) The potable water supply system shall not be directly connected with any non-potable water supply system.
- (g) There shall be no possibility of back-siphonage.

SECTION 1.14.00 Lighting and Ventilation

1.14.01 Lighting

- (a) A minimum of 20 foot candle light intensity shall be provided in the kitchen and on all other working surfaces and at least 10 foot candles in all other areas in the halls, stairways and laundry areas. Study and play areas shall be provided with at least 30 foot candles of light.
- (b) When natural light is insufficient, it shall be supplemented by artificial light, properly diffused and distributed. Adequate light must be available at all times in rooms, halls and stairways.

1.14.02 Ventilation

- (a) In air conditioned and mechanically ventilated buildings, the number of windows may be reduced but not to the extent that children are unable to observe the outside during indoor activities.
- (b) All windows, doors, ventilators, and other outside openings shall be protected against insects. Screened doors and windows shall be equipped with close fitting screens of 16 mesh.

SECTION 1.15.00 Maintenance and Housekeeping

1.15.01 General

- (a) The premises of the facility shall be maintained in a clean, neat and sanitary condition and in a good state of repair.
- (b) Rooms shall not be swept or dusted while occupied by children.
- (c) All areas, facilities, and equipment shall be kept in a neat, clean, and sanitary condition.

SECTION 1.16.00 Sleeping Facilities

1.16.01 General

- (a) Individual cribs, beds, cots, or suitable sleeping mats shall be covered with a non-absorbent washable material and sanitized at frequent intervals. Cots and cribs shall be of cleanable construction and in good repair. Mattresses shall be aired weekly.
- (b) Sufficient individual bedding and linens shall be provided. Bedding and linen for each child shall be laundered and sanitized as needed to keep them always clean; and upon change of occupancy.
- (c) Where bedding or linen are laundered on the premises, an electric or gas dryer shall be used to ensure adequate sanitization.

SECTION 1.17.00 Outdoor Space

1.17.01 General

- (a) There shall be a minimum of 75 square feet of outdoor space available per child.
- (b) The outdoor space shall be fenced or protectively enclosed. the entire area shall be easily supervised.
- (c) The outdoor play area shall be well drained. Both sunny and shady areas shall be provided.

SECTION 1.18.00 Fire Protection

1.18.01 General

- (a) The facility shall be equipped with a functioning fire extinguisher. However, for more than 50 children, an automatic fire extinguisher, fire alarm, or detector system shall be provided. The top of any fire extinguisher shall not be highest than 5 feet above the floor level. All staff members shall be instructed in the use and locations of extinguishers provided.
- (b) All flammable liquids shall be kept in tight or sealed containers when not in use and shall be stored on the premises only in such quantities as needed and in an approved place which is also inaccessible to children.
- (c) Approved fire escapes shall be provided.
- (d) The facility shall be kept free from fire hazards and combustible materials shall not be permitted to accumulate upon the premises. Dust and grease shall not be allowed to accumulate on hoods above stoves and other equipment. Storage areas shall be kept clean and free of any flammable substances.
- (e) Outside the building, at least one 3/4-inch diameter hose bib faucet shall be provided.
- (f) Smoking shall be permitted only in specifically designated areas away from children and food.
- (g) A written and rehearsed plan of evacuation in the event of fire or other emergency must be developed and instruction in same must be given to the staff. Regular drills by the staff and children in this procedure shall be held at least every month. Drill records shall be maintained.

SECTION 1.19.00 Safety

1.19.01 General

- (a) Adequate protection shall be provided to ensure that all poisons, dangerous chemicals, and hazardous substances shall be kept out of the reach of children.
- (b) Standard first-aid equipment shall be accessible to all staff members but kept out of the reach of children.
- (c) Telephone or other suitable means of communication for emergency purposes, or adequate means of transportation shall be provided.
- (d) Gates at the head of the stairs shall be provided and handrails on the stairways shall be within reach of children. These shall be maintained free of obstructions. Use of circular staircases as a means of egress is prohibited.
- (e) All windows and outside doors that are hazardous to children shall be equipped with screens or guards which shall be attached in such a way that they may either be removed from the inside or broken into from the outside without the use of tools during normal operating hours.
- (f) Electrical outlets shall be provided with protective covering or insulation.
- (g) Plastic bags and sharp tools shall not be in an area accessible to children.
- (h) Stoves and cooking equipment shall be equipped with safety devices on the burners and all handles on the pots and pans shall be turned so that a child can not reach them from floor level. Children shall not be permitted to play or sleep in the kitchen.

- (i) Crib bars shall be constructed that infants cannot be trapped between the bars.
- (j) Toys shall be safe, non-toxic, or non-shatterable material, without sharp points, easily cleanable, and large enough not to be swallowed.
- (k) All corrosive agents, insecticides, rodenticides, herbicides, bleaches, detergents, polishes, items containing petroleum products, any product which is under pressure in an aerosol dispensing container, and any substance which may be toxic to a child if ingested, inhaled, or handled shall be stored in a locked cabinet and in an area not accessible to the children.
- (l) No surfaces covered with lead paint shall be accessible to the children.
- (m) No poisonous plants shall be located on the premises.

SECTION 1.20.00 Grounds and Playground Equipment

1.20.01 General

- (a) Grass or other soft media shall be used under swings, slides, jungle gyms, and similar outdoor play equipment, or other protective measures shall be taken.
- (b) Playground equipment shall be placed at least 6 feet from obstructions such as fences or walls.
- (c) All equipment and materials shall be of sufficient quantity and variety suited to the size, needs, and abilities of the children.
- (d) Equipment shall be of safe construction and material, easily cleaned, kept in good condition, free from sharp, loose or pointed parts; and where paint is used, it shall be of safe quality.

SECTION 1.21.00 Pets

1.21.01 General

- (a) Housing of all pets, animals, and fowl shall be maintained in a safe and sanitary manner at all times and located in an area inaccessible to children. Dogs must be leashed and cats, if unconfined, must be declared.
- (b) No vicious animals, insects, arthropods, etc. that are dangerous to health and safety, shall be kept on the premises.

SECTION 1.22.00 Insect and Rodent Control

1.22.01 General

Care should be taken to eliminate harborage and food sources for rodents and insects. Should a building become infested, a certified commercial exterminator shall be employed. Only approved chemicals and chemical control method shall be used.

SECTION 1.23.00 Care of Children

1.23.01 General

- (a) There shall be a daily health inspection of each child upon arrival at the home.
- (b) A child who becomes ill after he/she has arrived at the facility shall be separated from the rest of the group but within call of an adult until the parents come to pick-up the child.

- (c) Specific instructions obtained from a physician for the feeding and care of children with special problems shall be written into their records and followed.
- (d) Under no circumstances shall a child care provider give medication of any kind unless prescribed by a physician.
 - i. Should she/he accept this responsibility, the medication shall be kept in the original container bearing the prescription label which shows the date filled, physician's directions for use, the physician's name, and the child's name.
 - ii. Medication shall be kept out of reach of the children and returned to parents when no longer needed.

SECTION 1.24.00 Health

1.24.01 General

- (a) Information should be obtained regarding the health history of child care providers including a written statement from a physician regarding their general health, specific illnesses or disabilities, and written reports of chest x-rays.
- (b) It should be determined that other adults or children 12 years and older in the household, do not present hazards to a child in placement through communicable disease or other illness.
- (c) Annual physical examinations are required.

PART 2.0.00

CHILD CARE CENTERS/NURSERIES

2.0.01 General

Requirements for Child Care Centers/Nurseries are the same as those found in Sections 1.7.00 to 1.24.00 of Part 1.0.00

PART 3.0.00

FAMILY DAY CARE AND GROUP DAY CARE

SECTION 3.1.00 Capacity Restrictions

3.1.01 Family Day Care Home

- (a) Infancy through 6 years. No more than 2 children under 2 years old and no more than 6 in total including the family day care mothers' own children under fourteen years of age.
- (b) Three through 14 years, no more than 6 children including the family day care mothers' own children under fourteen years of age.

3.1.02 Group Day Care Home may range up to 12 children but the child-staff ratio will be the same as those established for child care centers/nurseries.

SECTION 3.2.00 Requirement

3.2.01 Requirements for family day care and group day care homes are the same as those found in Sections 1.7.00 to 1.24.00, Part 1.0.00 of these rules and regulations.

PART 4.0.00

FAMILY FOSTER HOME AND FOSTER GROUP HOME

SECTION 4.1.00 Description

4.1.01 General

- (a) A family foster home is one which provides substitute family care for a planned period for a child when his/her own family cannot care for him/her for a temporary or extended period.
- (b) A group foster home is a single dwelling in which there is on-going family life and where a couple either lives in their own home or are employed as staff in a home. It has a primary purpose of providing care and training on a 24-hour basis for a group of children with special needs who can relate to a family as part of a group and whose experience of a family life can on this way be enhanced.

SECTION 4.2.00 Capacity Restrictions

4.2.01 Family Foster Home

- (a) A family foster home may care for not more than 6 children, including the foster parents' own children under 5 years of age.
- (b) There shall be no more than 2 children under the age of 2 years including the foster parents' own children.

4.2.02 Group Foster Home

A group care home may care for 7 to 12 children generally from varying ages over 3 years. It should be available for children with special needs.

SECTION 4.3.00 Location

4.3.01 General

Family foster and group foster homes and residential treatment facilities should be located where school, church, recreational, and other community facilities are reasonably accessible.

SECTION 4.4.00 Housing and Sleeping Arrangements

4.4.01 General

- (a) Physical facilities of the facility should present no hazard to the safety of any child in placement.
- (b) Sleeping arrangements should be such that a separate bed can be provided for each child.
- (c) There should be sufficient sleeping space so that neither the foster family's own children or child in placement share the bedroom of any adult. However, cultural practices of the foster child and foster parents should be taken into consideration regarding sleeping arrangements.
- (d) Sleeping rooms shall not be shared by children of opposite sexes.

- (e) Except for infants, sleeping arrangements shall be such that a space is provided within the sleeping room for the child's personal possessions and for a reasonable degree of privacy.

SECTION 4.5.00 Other Requirements

4.5.01 General

Other requirements for family foster homes and group foster homes follow those of Sections 1.3.00 to 1.17.00 Part 1.0.00 of these rules and regulations.

**PART 5.0.00
SEPARABILITY**

If any phrase, clause, sentence, section, subsection, provision, or part of these regulations or its application to any person or circumstances, if for any reason be held to be unconstitutional or invalid, the remaining portion of these regulations or the application of these regulations to other person or circumstances shall not be affected.


**PART 6.0.00
EXEMPTIONS**

In the event that an establishment or person is unable to comply with certain requirements of these regulations, the Director may authorize and exempt that particular section, but shall be augmented by increased requirements in other sections in order to provide adequate protection for the children. These requirements will be determined by representatives of the DEH, CWS and the establishment on a case by case basis.

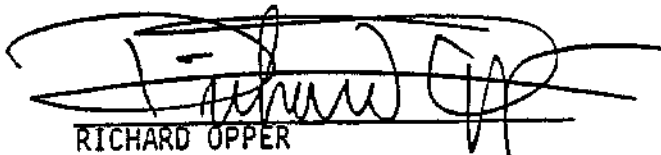
**PART 7.0.00
REPEALER**

These regulation supersede any previously passed regulations regarding child care facilities issued by the Division.

Adopted this 10th day of March, 1984.


DENNIS G. RODRIGUEZ
Director

APPROVED:



RICHARD OPPER
Attorney General

Date: 4/9/84

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ATTORNEY GENERAL'S OFFICE

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
 DIVISION OF CHILDREN'S WELLNESS
 BUREAU OF CHILD CARE SERVICES
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: DPHSS Application for License	COMPLETED <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	MISSING DOCUMENTS
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 / 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 	<input type="checkbox"/> Yes <input type="checkbox"/> No <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 • 3 for Early Childhood Assistant Director, 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 • Early Childhood Assistant Director, 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 • Early Childhood Assistant Director, 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 Pediatric CPR Certification	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
Policies and Procedures for Center Operations	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Parent Handbook	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Schedule of Center Activities	<input type="checkbox"/> Yes <input type="checkbox"/> No	
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	
List of children with current immunizations	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Other documents for changes made during the year (N/A for New Applications). Specify:	<input type="checkbox"/> Yes <input type="checkbox"/> None	

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Acknowledged by Child Care Staff: Pls. Print:	Signature:	Date:
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FOR DPHSS OFFICE USE ONLY:		
Pls. check: <input type="checkbox"/> Application Complete <input type="checkbox"/> Application Incomplete		
Licensing Unit Staff (Pls. Print): HEIDI J. QUINATA	Signature:	Date:

Cc: Licensing Unit, BCCS