

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

Via Hand Delivery
and E-mail: speaker@guamlegislature.org

October 29, 2021

HONORABLE THERESE M. TERLAJE

Speaker

I Mina'trentai Sais Na Liheslaturan Guåhan

36th Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

RE: Executive Order No. 2021-26

Hafa Adai Madame Speaker:

Pursuant to Public Law 34-16, transmitted herewith is the following Executive Order:

**EXECUTIVE ORDER NO. 2021-26: Relative to Establishing
the Division of Children's Wellness within the Department of
Public Health and Social Services**

Thank you.

Senseremente,

A handwritten signature in blue ink that reads "Sophia Santos Diaz".

SOPHIA SANTOS DIAZ

Legal Counsel

Enclosure: Executive Order No. 2021-26

cc via email: *Maga'hågan Guåhan*
Sigundo Maga'låhen Guåhan
Hon. F. Philip Carbullido, Chief Justice of Guam
Compiler of Law
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**ISLAND OF GUAM
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EXECUTIVE ORDER NO. 2021-26

**RELATIVE TO ESTABLISHING THE DIVISION OF
CHILDREN'S WELLNESS WITHIN THE
DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES**

WHEREAS, on January 21, 2021, in Executive Order No. 2021-02, I declared an emergency regarding the operational state of the Child Protective Services ("CPS") at the Department of Public Health and Social Services ("DPHSS"), recognizing significant shortfalls in resources directed to serving Guam's vulnerable children and families; and

WHEREAS, Executive Order No. 2021-02 designated the Department of Youth Affairs ("DYA") as the administrative custodian of CPS on a temporary basis, assigning to DYA oversight over CPS operations; and

WHEREAS, since January, CPS and DYA have worked diligently to reduce CPS's significant backlog in addressing referrals; and

WHEREAS, since March 2020, Guam has been in a state of public health emergency due to the dangers posed by COVID-19; and

WHEREAS, among the unfortunate adverse impacts of the pandemic is a noted destabilization of employment, especially in Guam's tourism and hospitality industries; and

WHEREAS, economic pressures often impact familial relationships and lead to increased pressures in our home lives; and

WHEREAS, thousands of Guam families urgently need child care support and services as a result of the Coronavirus pandemic; and

WHEREAS, the current child care capacity on Guam available to the community does not adequately meet child care needs of our island residents, with existing child care center capacity filling only six percent (6%) of our community needs; and

WHEREAS, the existing child care market is in a fragile state, and funds are needed to improve, protect, and sustain operations in this volatile industry; and

WHEREAS, Guam receives approximately \$10 million each fiscal year to administer the Child Care and Development Block Grant program to provide child care assistance to low-income families to access affordable, high-quality child care and before-and after-school programs, so that families may seek and maintain employment, and attend job training and/or educational programs; and



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WHEREAS, Guam secured approximately \$96 million in one-time supplemental federal funding under the Coronavirus Aid, Relief and Economic Security Act, Coronavirus Response and Relief Supplemental Appropriations Act, and the American Rescue Plan Act. This one-time supplemental funding is available to help improve, expand, and sustain much-needed child care programs in Guam; and

WHEREAS, current child care programs do not address the expansion of eligibility requirements by which more Guam residents qualify for child care assistance, nor do current programs focus on increasing child care supply by fostering and expanding in-home or relative child care provider programs, forcing thousands of Guam families to utilize family members to meet their current child care needs; and

WHEREAS, the government of Guam seeks to prioritize our child care programs, and recognizing that child care programs are critical in providing benefits to thousands of Guam residents in desperate need of child care as they navigate the COVID-19 pandemic; and

WHEREAS, governmental agencies or instrumentalities receiving federal funding to operate after school programs for school-aged children must network and work collaboratively to eliminate duplication of services; and

WHEREAS, we urgently need to develop a comprehensive plan to manage the millions of dollars in federal grant funds earmarked to improve, protect, and sustain child care programs in Guam. This comprehensive plan will emphasize expanding child care eligibility and increasing child care supply so that more families may return to work, pursue higher education, or to receive training in pursuit of gainful employment; and

WHEREAS, when we support families in their return to work, we help relieve some of the stressors that often lead to child abuse and neglect; and

WHEREAS, child care support is a key component in stabilizing our fragile workforce and will help stabilize Guam's economy.

NOW, THEREFORE, I, LOURDES A. LEON GUERRERO, *I Maga'hågan Guåhan*, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, and the laws of Guam, do order as follows:

1. **DIVISION OF CHILDREN'S WELLNESS.** As recommended by DPHSS, there is hereby established the **Division of Children's Wellness** within DPHSS, as a division alongside the existing divisions of Environmental Health, Public Health, General Administration, Senior Citizens, and Public Welfare. The Division of Children's Wellness shall include:
 - a. **BUREAU OF SOCIAL SERVICES.** The Division of Children's Wellness will include the Bureau of Social Services and all its component units and offices, including CPS; and



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- b. **BUREAU OF CHILD CARE SERVICES.** The Bureau of Child Care Services is a new bureau, which will include the Child Care Development Fund (“CCDF”) Section, currently organized under the Bureau of Management Support. The Bureau of Child Care Services shall be responsible for the general administration of all federally funded child care programs or grant funds received from the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Care.

All federal grant programs related to child care and their corresponding funding will now be under the purview and authority of the **Division of Children’s Wellness**, including all federal funding and personnel funded under these respective child care grant programs and the child care licensing program.

The Bureau of Child Care Services shall be responsible for the following:

1. Expanding eligibility requirements such as income eligibility so that more Guam families may qualify for child care assistance as Guam navigates the COVID pandemic.
2. Expanding of child care supply in Guam, with a focus on increasing in-home and relative child care providers. As many Guam residents are part of the “extended” family network, the use of relatives to provide stable child care is a common practice. Streamlining and simplifying the application process to increase the supply of in-home and relative child care providers to be utilized as valid childcare alternatives are essential. Allowing more families, the access and choice to obtain license-exempt child care provider status and to receive child care block grant subsidy payments will expand and strengthen the child care supply in Guam.
3. Developing an operating plan that will expeditiously release funds to support and sustain the existing child care market and aggressively issue subgrants to or enter into appropriate agreements with established and eligible child care providers for the provision of financial assistance.
4. Collaborate with other governmental agencies, such as the Guam Department of Education, which oversees afterschool programs such as the Community Learning Centers and the After School Program for Instructional Remediation and Enrichment program, and incorporate their programs in the overall plan to sustain child care programs island-wide.

To meet the urgent need to push federal funds out to the community in the form of child care subsidies, provide financial support to existing child care providers, and expand programs that will help increase child care supply and support child care in underserved populations, the Division of Children’s Wellness shall launch and manage CCDF grants no later than **January 1, 2022**.



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2. **EMERGENCY EXPENSES.** In accordance with Section 22402, Title 5 of Guam Code Annotated, up to Two Hundred Fifty Thousand Dollars (\$250,000.00) may be utilized to address the continuing emergency at CPS.
3. **COMPENSATION FOR CHILD WELFARE SERVICES PROFESSIONS.** As recommended by DYA in concurrence with DPHSS, the Department of Administration is directed to develop a differential and premium incentive pay policy for employees of DYA and DPHSS whose primary focus is child welfare services. Such compensation policy shall allow for such positions to accrue overtime, hazardous, and night differential under appropriate circumstances and recognize the specialized and critical nature of these positions.
4. **SEVERABILITY.** If any provision of this Executive Order or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Order that can be given effect without the invalid provision or application, and to this end, the provisions of this order are severable.

SIGNED AND PROMULGATED at Hagåtña, Guam, this 29th day of October 2021.

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

Attested by:

JOSHUA F. TENORIO
Sigundo Maga'låhen Guåhan
Lt. Governor of Guam

