

LOURDES A. LEON GUERRERO  
GOVERNOR



JOSHUA F. TENORIO  
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN  
OFFICE OF THE GOVERNOR OF GUAM

**Via Hand Delivery**  
**and E-mail: [speaker@guamlegislature.org](mailto:speaker@guamlegislature.org)**

January 21, 2021

**HONORABLE THERESE TERLAJE**

*Speaker*

*I Mina'trentai Sais Na Liheslaturan Guåhan*

*36<sup>th</sup> Guam Legislature*

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

**RE: Executive Order No. 2021-02**

*Hafa Adai* Madame Speaker:

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

**EXECUTIVE ORDER NO. 2021-02: Relative to Declaring an  
Emergency Regarding the Operational State of the Child  
Protective Services**

Thank you.

*Senseremente,*

**SOPHIA SANTOS DIAZ**

*Legal Counsel*

Enclosure: Executive Order No. 2021-02

cc via email: *Maga'hāgan Guåhan*  
*Sigundo Maga'lāhen Guåhan*  
Hon. F. Philip Carbullido, Chief Justice of Guam  
Compiler of Law  
Central Files  
Cabinet Members



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OFFICE OF THE GOVERNOR  
HAGÁTÑA, GUAM 96932  
U.S.A.**

**EXECUTIVE ORDER NO. 2021-02**

**RELATIVE TO DECLARING AN EMERGENCY REGARDING THE  
OPERATIONAL STATE OF THE CHILD PROTECTIVE SERVICES**

**WHEREAS**, the Child Protective Services (“CPS”) is statutorily established within the auspices of the Department of Public Health and Social Services (“DPHSS”) as the designated government of Guam entity responsible for receiving and investigating complaints of child abuse and neglect; and

**WHEREAS**, among its statutory duties, CPS is required to commence investigations of reported allegations of child abuse or neglect within seventy-two (72) hours of their receipt; and

**WHEREAS**, in Fiscal Year 2020, CPS reported receiving 1,142 referrals, including fifty seven (57) that included allegations serious enough to warrant assignment to the CPS Crisis Intervention Unit, which is intended to address the most egregious incidents of child abuse and neglect; and

**WHEREAS**, since the declaration of a public health emergency last year in response to the COVID-19 global pandemic, several portions of our community that are particularly vulnerable to the effects of the pandemic have been identified -- among them is our island’s homeless population; and

**WHEREAS**, Executive Order Nos. 2020-23 and 2020-37 reconstituted the Interagency Council for Coordinating Homeless Programs (“Council”), which is chaired by Lt. Governor Joshua F. Tenorio, and established the Office of Homelessness Assistance and Poverty Prevention; and

**WHEREAS**, the Council has met regularly throughout the duration of the public health emergency to understand and address homeless concerns in our community; and

**WHEREAS**, at its meeting on July 30, 2020, the Council received an overview of CPS services and programs where Lt. Governor Tenorio, understanding the articulated requests for additional staffing and resources, asked that CPS take advantage of tools and resources made available through legislative and administrative efforts to provide fast-track recruitment options for social workers and prioritize procurement needs for ensuring the group foster home was appropriately prepared for occupancy and operation; and

**WHEREAS**, since that July 2020 meeting, Lt. Governor Tenorio has been in in regular discussions with DPHSS leadership regarding efforts to ensure that CPS is appropriately staffed and that its referrals are properly reviewed, investigated, and resolved in timely manner and in accordance with statutory mandates; and

**WHEREAS**, in December of 2020, Lt. Governor Tenorio, DPHSS leadership and leadership from two critical CPS partners, the Guam Behavioral Health and Wellness Center and the Department of Youth Affairs (“DYA”), reviewed data regarding outstanding CPS referrals in an effort to find methods to increase efficiencies and effectiveness and help guard against systemic failures; and

**WHEREAS**, this review has resulted in an identification of potential shortfalls of supervision and administration of CPS such that the result has been a failure to identify and therefore address, serious and significant instances of child abuse, maltreatment, and neglect; and



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**WHEREAS**, a more thorough investigation is necessary to ensure that responsible personnel are identified, resource recommendations are made, and appropriate actions are taken to place CPS in the best position to fulfill its statutory responsibilities and do what it is intended to do -- that is, provide a safety net for some of the most vulnerable members of our community; and

**WHEREAS**, during the current public health emergency, DPHSS serves as the designated Public Health Authority and, as such, is the lead agency for direction and coordination of the whole-of-government response; and

**WHEREAS**, as efforts to continue mass testing and vaccination of the population continue, it is imperative that DPHSS maintain its focus on addressing the numerous issues and concerns surrounding the pandemic; and

**WHEREAS**, while this investigation is being conducted, the work of CPS continues and in order to ensure there are no further delays in addressing referrals made to CPS, it is appropriate for additional personnel resources to be directed to CPS.

**NOW, THEREFORE, I, LOURDES A. LEON GUERRERO**, *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. A state of emergency with regard to the operations of the Child Protective Services agency within the Department of Public Health and Social Services is hereby declared.
2. The Department of Youth Affairs shall temporarily serve as administrative custodian for CPS for the duration of this emergency period. As administrative custodian, DYA shall have oversight of all CPS operations, including case and referral management, staffing and coordination, and funding and related account and financial information.
  - a. DYA shall, on a regular basis and as requested, make reports to the Director of the Department of Public Health and Social Services regarding the operations of CPS. Any decisions required under Guam law to be made by the appointing authority shall continue to be the responsibility of the Director of DPHSS.
3. The Director of Youth Affairs, or her designee, and such other employees of DYA as may be suitable and appropriate, shall be deputized to serve in additional necessary capacities with the DPHSS to ensure that confidential information related to particular CPS referrals is not disseminated outside of those legally authorized to receive the same.

**SIGNED AND PROMULGATED** at Hagåtña, Guam, this 21<sup>st</sup> day of January 2021.

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

Attested by:

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

