

19 GCA PERSONAL RELATIONS
CH. 15 PREVENTION AND TREATMENT

CHAPTER 15
PREVENTION AND TREATMENT

SOURCE: This Chapter was added by P.L. 24-239:34 (Aug. 14, 1998). Pursuant to the authority granted by 1 GCA § 1606, numbers and/or letters were altered to adhere to the Compiler's alpha-numeric scheme.

2013 NOTE: Pursuant to P.L. 32-024:2 (May 6, 2013) which renamed the Department of Mental Health and Substance Abuse (DMHSA) to the Guam Behavioral Health and Wellness Center, all references to DMHSA were altered to the Guam Behavioral Health and Wellness Center.

- § 15101. Public Health Plan for Reducing Family Violence.
- § 15102. Standards for Healthcare Facilities, Practitioners, and Personnel; Specialized Procedures and Curricula Concerning Family Violence.
- § 15103. Notice of Rights of Victims and Remedies and Services Available; Required Information.
- § 15104. Hospitals Required to Provide Certain Information to Parents.
- § 15105. Regulation of Programs of Intervention for Perpetrators; Required Provisions; Duties of Providers.
- § 15106. Continuing Education for Peace Officers Concerning Family Violence; Content of Course.
- § 15107. Continuing Education of Judges and Court Personnel; Content of Course.
- § 15108. Community Education.
- § 15109. Continuing Education for Attorneys.
- § 15110. Required Curricula for Education System.
- § 15111. Continuing Education for Other Government of Guam Agencies.

§ 15101. Public Health Plan for Reducing Family Violence.

(a) Under the leadership of the Family Violence Task Force; the Guam Police Department; the Office of the Attorney General; the Department of Public Health and Social Services, including but not limited to Adult Protective Services and Child Protective Services; the Guam Behavioral and Wellness Center; the Guam Memorial Hospital Authority; and the Superior Court of Guam, in the spirit of networking, cooperation and coordination, shall:

- (1) assess the impact of family violence on public health; and

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(2) write a public health plan for reducing the incidence of family violence in Guam.

(b) The public health plan:

(1) shall include, but is not limited to, public education, including use of the various communication media to set forth the public health perspective on family violence;

(2) shall include a plan for the assessment of family members of victims of family violence by a mental health professional regarding the need for counseling services and a recommendation regarding how such services shall be provided;

(3) shall be developed in consultation with public and private agencies that provide programs for victims of family violence, advocates for victims, non-profit family violence coalitions or organizations, and persons who have demonstrated expertise and experience in providing health care to victims of family violence and their children; and

(4) shall be completed on or before April 30, 1999.

(c) The Department of Public Health and Social Services and the Guam Behavioral and Wellness Center shall:

(1) transmit a copy of the public health plan to *I Maga'lahaen Guåhan* and the members of *I Liheslaturan Guåhan*, and *I Maga'lahaen Guåhan* through his executive order shall implement the plan within ninety (90) days of submission; and

(2) review and update the public health plan every two (2) years.

SOURCE: Subsection (b)(4) amended by P.L. 25-003:IV:13.

§ 15102. Standards for Healthcare Facilities, Practitioners, and Personnel; Specialized Procedures and Curricula Concerning Family Violence.

(a) Under the leadership of the Family Violence Task Force, the Guam Police Department, the Office of the Attorney General, the Department of Public Health and Social Services, the Guam Behavioral and Wellness Center, the Guam Memorial Hospital Authority and the Superior Court of Guam, in the spirit of networking, cooperation and coordination, shall promulgate standards for healthcare facilities, practitioners and

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personnel in the facilities, including specialized procedures and curricula concerning family violence.

(b) The procedures and curricula must be developed in consultation with public and private agencies that provide programs for victims of family violence, advocates for victims, non-profit family violence coalitions or organizations, and persons who have demonstrated expertise and experience in providing health care to victims of family violence and their children.

§ 15103. Notice of Rights of Victims and Remedies and Services Available; Required Information.

(a) The Department of Public Health and Social Services shall make available to practitioners and health care facilities a written notice of the rights of victims and remedies and services available to victims of family violence in accordance with this Chapter and § 30.32 of Title 9 of the Guam Code Annotated.

(b) A practitioner who becomes aware that a patient is a victim of family violence shall provide to the patient and every health care facility shall make available to all patients the notice provided pursuant to this Chapter and as prescribed in Subsection (d) of § 30.32 of Title 9 of the Guam Code Annotated.

§ 15104. Hospitals Required to Provide Certain Information to Parents.

The Department of Public Health and Social Services shall provide information to practitioners and health care facilities, including, but not limited to, the effect of family violence on children and available services for the prevention and treatment of family violence. Hospitals shall provide information concerning family violence to parents of newborn infants and to parents of hospitalized minors.

§ 15105. Regulation of Programs of Intervention for Perpetrators; Required Provisions; Duties of Providers.

(a) Under the leadership of the Family Violence Task Force, the Guam Police Department, the Office of the Attorney General, the Department of Public Health and Social Services, the Guam Behavioral and Wellness Center, the Guam Memorial Hospital Authority and the Superior Court of Guam shall promulgate rules and regulations for programs of intervention for perpetrators of family violence. The rules and regulations must be promulgated after consultation with public and private agencies that

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provide programs for victims of family violence and programs of intervention for perpetrators, with advocates for victims, and with persons who have demonstrated expertise and experience in providing services to victims and perpetrators of family violence and their children. If the government of Guam licenses or provides money to a program of intervention for perpetrators, the government of Guam shall review compliance with the rules and regulations promulgated pursuant to this Subsection.

(b) The rules and regulations must include:

- (1) standards of treatment for programs of intervention;
- (2) criteria concerning a perpetrator's appropriateness for the program;
- (3) systems for communication and evaluation among the referring court, the public and private agencies that provide programs for victims of family violence, and the programs of intervention for perpetrators; and
- (4) required education and qualifications of providers of intervention.

(c) The standards must include, but are not limited to, the following principles:

- (1) the focus of the program must be stopping the acts of violence and ensuring the safety of the victim and any children or other family or household members;
- (2) recognition that violence is a behavior for which the perpetrator must be held accountable; and
- (3) recognition that substance abuse is a problem separate from family violence which requires specialized treatment.

(d) Providers of programs of intervention for perpetrators:

(1) shall require a perpetrator who is ordered into the program by the Court to sign the following releases:

- (A) allowing the provider to inform the victim and victim's advocates that the perpetrator is in treatment with the provider,

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and to provide information for safety to the victim and victim's advocates;

(B) allowing prior and current treating agencies to provide information about the perpetrator to the provider; and

(C) allowing the provider to provide information about the perpetrator to relevant legal entities, including courts, parole officers, probation officers, and child and adult protective services.

(2) Shall report to the Court and the victim any assault, failure to comply with the program, failure to attend the program, and threat of harm by the perpetrator.

2013 NOTE: Pursuant to the authority granted by 1 GCA § 1606, numbers and/or letters were altered in subsection (d)(1) to adhere to the Compiler's alpha-numeric scheme.

§ 15106. Continuing Education for Peace Officers Concerning Family Violence; Content of Course.

(a) The Guam Community College in administering the peace officers standards and training program and in coordination with the Guam Police Department and the Family Violence Task Force, must provide forty-five (45) hours of initial education to all prospective peace officers concerning family violence.

(b) The Guam Police Department with the Family Violence Task Force shall administer twenty (20) hours in-service training as part of their Family Violence Continuation Training Program for assigned peace officers.

(c) The course of instruction and the objectives in learning and performance for the education of peace officers required pursuant to Subsections (a) and (b) must be developed and presented in consultation with public and private providers of programs for victims of family violence and programs of intervention for perpetrators, persons who have demonstrated expertise in training and education concerning family violence, and the non-profit family violence coalitions or organizations.

(d) The course of instruction must include, but is not limited to:

(1) the investigation and management of cases involving family violence and writing of reports in such cases;

(2) the nature, extent and causes of family violence;

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(3) practices designed to promote the safety of officers investigating family violence;

(4) practices designed to promote the safety of the victims of family violence and other family and household members, including safety plans;

(5) the legal rights and remedies available to victims of family violence, including, but not limited to, rights and compensation of victims of crime and enforcement of civil and criminal remedies;

(6) the services available to victims of family violence and their children;

(7) sensitivity to cultural, racial, and gender issues and the effect of cultural, racial and gender bias on the response of peace officers and the enforcement of laws relating to family violence; and

(8) the provisions of this Chapter and other applicable statutes concerning family violence.

§ 15107. Continuing Education of Judges and Court Personnel; Content of Course.

(a) The Superior Court of Guam shall develop and present courses of continuing education concerning family violence for judicial officers and court personnel.

(b) The courses must be prepared and presented in consultation with public and private agencies that provide programs for victims of family violence and programs of intervention for perpetrators, advocates for victims, non-profit family violence coalitions and organizations and the Family Violence Task Force.

(c) Each judicial officer and each court employee who comes into contact with either party in family violence cases must have a minimum of four (4) hours of education in family violence.

(d) The courses must include, but are not limited to, the following topics:

(1) the nature, extent and causes of family violence;

(2) practices designed to promote safety of the victim and other family and household members, including safety plans;

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- (3) resources available for victims and perpetrators of family violence;
- (4) sensitivity to cultural, racial and gender issues; and
- (5) the lethality of family violence.

§ 15108. Community Education.

(a) The University of Guam and/or the Guam Community College shall provide community education courses concerning family violence.

(b) The courses must be prepared and presented in consultation with public and private agencies that provide programs for victims of family violence and programs of intervention for perpetrators, advocates for victims, non-profit family violence coalitions or organizations, and the Family Violence Task Force.

(c) The courses must include, but are not limited to, the following topics:

- (1) the nature, extent and causes of family violence;
- (2) practices designed to promote safety of the victim and other family and household members, including safety plans;
- (3) resources available for victims and perpetrators of family violence;
- (4) sensitivity to cultural, racial and gender issues; and
- (5) the lethality of family violence.

§ 15109. Continuing Education for Attorneys.

(a) The Superior Court of Guam shall provide or contract to provide in-service training.

(b) The courses must be prepared and presented in consultation with persons who have demonstrated expertise and experience in providing legal assistance to victims and perpetrators of family violence, advocates for victims, non-profit family violence coalitions or organizations, the Family Violence Task Force and the Guam Bar Association.

(c) The courses must include, but are not limited to, the following topics:

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- (1) the nature, extent and causes of family violence;
- (2) practices designed to promote safety of the victim and other family and household members, including safety plans;
- (3) resources available for victims and perpetrators of family violence;
- (4) sensitivity to cultural, racial and gender issues; and
- (5) the lethality of family violence.

§ 15110. Required Curricula for Education System.

(a) The Department of Education shall select or develop:

- (1) curricula for pupils concerning family violence that are appropriate for various ages;
- (2) curricula for school counselors, health-care personnel, administrators and teachers concerning family violence; and
- (3) curricula for Department of Public Works Bus Operations employees.

(b) The curricula must be selected or developed in consultation with public and private agencies that provide programs for victims of family violence and programs of intervention for perpetrators of family violence, advocates for victims, non-profit family violence coalitions or organizations, persons who have demonstrated expertise and experience in education and family violence, and the Family Violence Task Force.

(c) The curricula must include, but are not limited to:

- (1) the nature, extent and causes of family violence;
- (2) issues of family violence concerning children;
- (3) the prevention of the use of violence by children;
- (4) sensitivity to cultural, racial and gender issues;
- (5) violence in dating and other social relationships of boys and girls;
- (6) practices designed to promote safety of the victim and other family and household members, including safety plans;

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(7) legal reporting requirements concerning abuse or neglect of children; and

(8) the lethality of family violence.

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

§ 15111. Continuing Education for Other Government of Guam Agencies.

(a) Training shall also be offered to other employees and agency heads of Guam Memorial Hospital Authority, Department of Public Health and Social Services, Guam Behavioral and Wellness Center, Guam Housing and Urban Renewal Authority, Department of Youth Affairs, Public Defender Service Corporation and Guam Fire Department, as well as *I Liheslaturan Guåhan*, and village mayors.

(b) The courses must be prepared and presented in consultation with public and private agencies that provide programs for victims of family violence, persons who have demonstrated expertise in education and family violence, advocates for victims, non-profit family violence coalitions or organizations, and the Family Violence Task Force.

(c) The courses must, include but are not limited to, the following topics:

- (1) the nature, extent and causes of family violence;
- (2) practices designed to promote safety of the victim and other family and household members, including safety plans;
- (3) issues of family violence concerning children;
- (4) sensitivity to cultural, racial and gender issues;
- (5) legal reporting requirements concerning abuse or neglect of children; and
- (6) the lethality of family violence.

2013 NOTE: Pursuant to P.L. 32-024:2 (May 6, 2013) which renamed the Department of Mental Health and Substance Abuse (DMHSA) to the Guam Behavioral Health and Wellness Center, and all references to DMHSA were altered to the Guam Behavioral Health and Wellness Center pursuant to P.L. 32-024:4.

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