

I Mina'trentai Ocho Na Liheslaturan Guåhan
BILL STATUS

| BILL NO. | SPONSOR | TITLE | DATE INTRODUCED | DATE REFERRED | CMTE REFERRED | FISCAL NOTES | PUBLIC HEARING DATE | DATE COMMITTEE REPORT FILED | NOTES |
|--------------|-----------------|---|---|---------------|---------------|--------------|---------------------|-----------------------------|-------|
| 219-38 (COR) | Shelly V. Calvo | AN ACT TO <i>AMEND</i> SUBSECTION (K) OF §82A201 OF ARTICLE 2; TO <i>ADD</i> NEW § 82A402, § 82A403, AND § 82A404 TO ARTICLE 4; AND TO <i>AMEND</i> § 82A501 OF ARTICLE 5; ALL OF CHAPTER 82A, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING PETITIONING AUTHORITY FOR ASSISTED OUTPATIENT TREATMENT UNDER THE BABY ALEXYA LAW; AND TO CITE THIS ACT AS THE "BABY ALEXYA LAW REFORM ACT OF 2025. | 11/7/25 10:25 a.m. ^11/18/25 3:40 p.m. | | | | | | |

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

Bill No. 219-38 (COR)

Introduced by:

Shelly Vargas Calvo



AN ACT TO AMEND SUBSECTION (K) OF §82A201 OF ARTICLE 2; TO ADD NEW § 82A402, § 82A403, AND § 82A404 TO ARTICLE 4; AND TO AMEND § 82A501 OF ARTICLE 5; ALL OF CHAPTER 82A, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING PETITIONING AUTHORITY FOR ASSISTED OUTPATIENT TREATMENT UNDER THE BABY ALEXYA LAW; AND TO CITE THIS ACT AS THE “BABY ALEXYA LAW REFORM ACT OF 2025.

BE IT ENACTED BY THE PEOPLE OF GUAM:

SECTION 1. Short Title. This Act shall be cited as the “Baby Alexya Law Reform Act of 2025.”

SECTION 2. Legislative Findings and Intent. *I Liheslaturan Guåhan* affirms that Guam’s Baby Alexya Law, Public Law 33-71, was enacted in 2015 to prevent violence and protect public safety by enabling Assisted Outpatient Treatment (AOT) for individuals with serious, treatable mental illnesses. Nearly a decade later, a persistent procedural gap remains in Guam’s mental health framework: many individuals exhibiting clear signs of psychiatric crisis continue to enter the justice system before they are ever seen by behavioral health providers.

1 *I Liheslaturan Guåhan* notes that the current statute limits petitioning
2 authority to the Director of the Guam Behavioral Health and Wellness Center
3 (GBHWC), or their designee, in conjunction with the treating psychiatrist or
4 physician, creating delays in intervention and narrowing pathways for advocacy.

5 Consequently, *I Liheslaturan Guåhan* acknowledges that family members,
6 roommates, and the Public Guardian often have direct and sustained insight into a
7 person’s condition and can identify escalating behavior that warrants intervention
8 before tragedy occurs. Similarly, legal advocates such as the Attorney General and
9 Public Defender, along with parole and probation officers, frequently encounter
10 individuals with untreated mental illness and are uniquely positioned to advocate
11 for early, community-based outpatient care.

12 Accordingly, *I Liheslaturan Guåhan* appreciates the unique position of trusted
13 individuals and legal officers to identify these high-risk individuals and advocate for
14 early outpatient treatment. Involving these individuals and professionals in the
15 petitioning process can lead to earlier intervention, reduced cycles of incarceration or
16 hospitalization, and improved long-term outcomes for individuals and communities
17 alike.

18 *I Liheslaturan Guåhan* further finds that jurisdictions such as California, New
19 York, and Pennsylvania demonstrate the effectiveness of granting petitioning
20 authority to a diverse array of stakeholders, resulting in reduced hospitalization rates,
21 improved treatment adherence, and enhanced public safety. Specifically, New York’s
22 Kendra’s Law allows trusted individuals—such as family members, licensed mental
23 health providers, and law enforcement officers—to request the filing of AOT
24 petitions, fostering early, community-based responses to mental health crises.

25 It is therefore the intent of *I Liheslaturan Guåhan* to expand the petitioning
26 authority under Guam’s Baby Alexya Law, Chapter 82A of Title 10, GGA, to
27 include designated individuals such as adult family members, roommates, licensed

1 mental health professionals, agency directors, hospital administrators, legal officers,
2 peace officers, parole and probation officers, and the Guam Public Guardian.

3 Furthermore, it is also the intent of *I Liheslaturan Guåhan* to ensure that all
4 petitions filed by new authorized entities are accompanied by current psychiatric
5 evaluations and clinical affirmations of treatment necessity, maintaining alignment
6 with medical best practices. This safeguard fosters greater inter-agency collaboration
7 among behavioral health professionals, legal advocates, and judicial authorities to
8 holistically address the intersection of untreated mental illness and public safety.
9 Thus, the process ensures that individuals are not denied potentially life-saving
10 treatment due to procedural limitations while preserving the due process and clinical
11 integrity of the AOT framework.

12 Correspondingly, *I Liheslaturan Guåhan* emphasizes the importance of a clear
13 and structured petition filing process, including the requirement for an affirmation or
14 affidavit of a treating professional and the conditions under which the petition can be
15 filed. The petitioner must also provide written notice of the petition to the subject of
16 the petition and other relevant parties. In addition, the subject of the petition shall
17 have the right to be represented by counsel and a prompt hearing to contest the
18 petition.

19 Lastly, *I Liheslaturan Guåhan* finds that enhancing judicial flexibility is
20 essential in ensuring timely intervention. In cases where the subject of an AOT
21 petition has received proper notice yet fails to appear despite reasonable efforts to
22 elicit attendance, the court may proceed with the hearing in the subject's absence.
23 Such in absentia proceedings shall be authorized only when the court finds, and sets
24 forth on record, the factual basis for conducting the hearing without the individual
25 present.

26 By creating an inclusive and responsive AOT framework that reflects the
27 realities of Guam's justice and healthcare systems and empowers qualified

1 individuals to act in the interest of safety and recovery, *I Liheslaturan Guåhan*
2 reaffirms its commitment to preventing avoidable harm, supporting vulnerable
3 residents, and strengthening Guam’s behavioral health continuum.

4 **SECTION 3.** § 82A201(k) of Article 2, Chapter 82A, Title 10, Guam
5 Code Annotated, is hereby *amended* as follows:

6 “(k) Petitioner shall ~~only mean the Director of the Guam Behavioral~~
7 ~~Health and Wellness Center or his or her designee, in conjunction with the~~
8 ~~treating psychiatrist or physician who has examined the respondent and who~~
9 ~~shall file the petition:~~

10 ~~(1) *Respondent* means the person who is the subject of a~~
11 ~~petition or certificate~~

12 (1) A person eighteen (18) years of age or older with whom the
13 person who is the subject of the petition resides;

14 (2) A person who is the parent, spouse, or sibling or child
15 eighteen (18) years of age or older of the person who is the subject of
16 the petition;

17 (3) The director of a public or private agency, treatment facility,
18 charitable organization, or licensed residential care facility providing
19 mental health services to the person who is the subject of the petition
20 in whose institution the subject of the petition resides;

21 (4) The director of a hospital in which the person who is the
22 subject of the petition is hospitalized;

23 (5) A licensed mental health treatment provider who is either
24 supervising the treatment of, or treating for a mental illness, the
25 person who is the subject of the petition;

26 (6) A peace officer, parole officer, or probation officer assigned
27 to supervise the person who is the subject of the petition;

1 (7) The Guam Public Guardian, acting pursuant to Chapter 72
2 of Title 15, GCA, or any other lawful appointment;

3 (8) A judge before whom the person who is the subject of the
4 petition appears;

5 (9) The Attorney General of Guam, upon establishing probable
6 cause that the individual poses a significant threat to public safety due
7 to untreated mental illness; or

8 (10) A licensed attorney acting as a public defender, guardian
9 ad litem, or other court-appointed legal representative, upon
10 establishing that AOT would serve the best interests of the individual
11 and community.

12 **SECTION 4.** A new § 82A402 of Article 4, Chapter 82A, Title 10, Guam
13 Code Annotated, is hereby *added* to read as follows:

14 **“§ 82A402. Petition to the Court.**

15 (a) A petition for an order authorizing assisted outpatient
16 treatment (AOT) may be filed in the Superior Court of Guam.

17 (b) The petition shall state:

18 (1) each of the criteria for AOT as set forth in § 82A401
19 of this Chapter;

20 (2) facts which support the petitioner’s belief that the
21 subject of the petition meets each criterion, provided that the
22 hearing on the petition need not be limited to the stated facts;
23 and

24 (3) that the subject of the petition is present, or is
25 reasonably believed to be present, in Guam.

26 (c) The petition shall include a clinical affirmation or affidavit
27 that AOT is medically appropriate, with supporting documentation,

1 from a qualified mental health professional, who shall not be the
2 petitioner, stating either that:

3 (1) such licensed professional has personally examined
4 the subject of the petition no more than seven (7) days prior to
5 the submission of the petition, recommends AOT for the
6 subject of the petition, and is willing and able to testify at the
7 hearing on the petition; or

8 (2) no more than seven (7) days prior to the filing of the
9 petition, such licensed professional, or his or her designee, has
10 made appropriate attempts but has not been successful in
11 eliciting the cooperation of the subject of the petition to submit
12 to an examination, such professional has reason to suspect that
13 the subject of the petition meets the criteria for AOT, and such
14 professional is willing and able to examine the subject of the
15 petition and testify at the hearing on the petition.

16 **SECTION 5.** A new § 82A403 of Article 4, Chapter 82A, Title 10, Guam
17 Code Annotated, is hereby *added* to read as follows:

18 **“§ 82A403. Service.**

19 The petitioner shall cause written notice of the petition to be given to
20 the subject of the petition and a copy thereof to be given personally or by
21 mail to:

22 (a) the respondent;

23 (b) the respondent’s legal guardian or conservator, if known;

24 (c) the qualified mental health professional whose affirmation or
25 affidavit accompanied the petition; and

26 (d) the Director of the Guam Behavioral Health and Wellness Center,
27 or his or her designee.

1 **SECTION 6.** A new § 82A404 of Article 4, Chapter 82A, Title 10, Guam
2 Code Annotated, is hereby *added* to read as follows:

3 **“§ 82A404. Right to Counsel.**

4 The subject of the petition shall have the right to be represented by
5 counsel. In the event that the subject is unable to afford legal representation,
6 counsel shall be appointed for them in accordance with applicable law. ”

7 **SECTION 7.** § 82A501 of Article 5, Chapter 82A, Title 10, Guam Code
8 Annotated, is hereby *amended* to read as follows:

9 ~~“§ 82A501. Continuance~~ **Assisted Treatment Hearing.**

10 (a) Upon receipt of the petition, the court shall fix the date for a
11 hearing. Such date shall be no later than three (3) days from the date such
12 petition is received by the court, excluding Saturdays, Sundays and holidays.

13 (b) Adjournments shall be permitted only for good cause shown. In
14 granting adjournments, the court shall consider the need for further
15 examination by a licensed professional or the potential need to provide
16 assisted outpatient treatment expeditiously. The court may, for good cause,
17 order a continuance of up to forty-eight (48) hours or, if this period ends on
18 a Saturday, Sunday or holiday, to the end of the next day on which the court
19 is open. The continuance shall extend the emergency treatment/observation
20 period or any temporary treatment order until the time of the hearing.

21 (c) The court shall cause the subject of the petition, any other person
22 receiving notice as set forth in § 82A403 of this Chapter, the petitioner, the
23 qualified mental health professional whose affirmation or affidavit
24 accompanied the petition, and such other persons as the court may determine
25 to be advised of such date. Upon such date, or upon such other date to which
26 the proceeding may be adjourned, the court shall hear testimony and, if it be

1 deemed advisable and the subject of the petition is available, examine the
2 subject of the petition in or out of court.

3 (d) If the subject of the petition does not appear at the hearing, and
4 appropriate attempts to elicit the attendance of the subject have failed, the
5 court may conduct the hearing in the subject's absence. In such case, the
6 court shall set forth the factual basis for conducting the hearing without the
7 presence of the subject of the petition."

8 **SECTION 8. Effective Date.** This Act shall become effective upon
9 enactment.

10 **SECTION 9. Severability.** If any provision of this Act or its application to
11 any person or circumstance is found to be invalid or inorganic, such invalidity shall
12 not affect other provisions or applications of this Act that can be given effect
13 without the invalid provision or application, and to this end the provisions of this
14 Act are severable.