

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session
VOTING RECORD

NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator V. Anthony Ada	✓					
Senator Frank Blas Jr.	✓					
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator James C. Moylan	✓					
Vice Speaker Tina Rose Muña Barnes	✓					
Senator Telena Cruz Nelson	✓					
Senator Sabina Flores Perez	✓					
Senator Clynton E. Ridgell	✓					
Senator Joe S. San Agustin	✓					
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓					
Senator Jose "Pedo" Terlaje	✓					
Speaker Therese M. Terlaje	✓					
Senator Mary Camacho Torres	✓					

Speaker Antonio R. Unpingco Legislative Session Hall
Guam Congress Building
December 16, 2022

TOTAL

15

0

Aye

Nay


Not
Voting/
Abstained

Out
During
Roll Call

Absent

Excused

CERTIFIED TRUE AND CORRECT:



RENNAE V. C. MENO
Clerk of the Legislature

I = Pass

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÁHAN
2022 (SECOND) Regular Session

Bill No. 312-36 (COR)

As amended by the Committee on Health,
Land, Justice, and Culture and further amended on the Floor.

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Introduced by:

Mary Camacho Torres
Tina Rose Muña Barnes
Christopher M. Dueñas
Jose “Pedo” Terlaje
Telena Cruz Nelson
James C. Moylan
V. Anthony Ada
Frank Blas Jr.
Joe S. San Agustin
Amanda L. Shelton
Sabina Flores Perez
Therese M. Terlaje
Joanne Brown
Telo T. Taitague
Clynton E. Ridgell

**AN ACT TO *AMEND* §§ 40103 AND 40105 OF ARTICLE
1, CHAPTER 40, TITLE 7, GUAM CODE ANNOTATED,
RELATIVE TO EXPANDING NECESSARY
PROTECTIONS FOR VICTIMS OF ABUSE TO
MAINTAIN THE SAFETY AND BASIC NEEDS OF THE
VICTIM OR THE MINOR CHILD OR CHILDREN IN
COMMON WITH THE DEFENDANT.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1.** § 40103 of Article 1, Chapter 40, Title 7, Guam Code Annotated,

3 is hereby *amended* to read:

1 **“§ 40103. Commencement of Proceedings.**

2 (a) A person may seek relief under this Chapter for himself or herself
3 or on behalf of another person if he or she has personal knowledge that such
4 person has been abused, or any parent or adult household member may seek
5 relief under this Chapter on behalf of minor children by filing a petition with
6 the court alleging abuse by the defendant.

7 (b) Victim advocates, as defined in 6 GCA, Chapter 9, § 9102(a),
8 shall be allowed to accompany the victim and confer with the victim, unless
9 otherwise directed by the court. The court shall allow victim advocates to
10 assist victims of abuse in the preparation of petitions for abuse protection
11 orders. Communications between the petitioner and a victim advocate are
12 protected as provided by 6 GCA Chapter 9, § 9102(b).

13 (c) A plaintiff or witness may request, without the need for a motion
14 or good cause determination, that the court allow appearance by telephone,
15 videoconference or by other two (2)-way electronic communication device.
16 The court shall consider whether the safety or welfare of the plaintiff or
17 witness would be threatened if testimony were required to be provided in
18 person at a proceeding.

19 (d) No fees for filing or service of process may be charged by a
20 public agency to petitioners seeking relief under this Chapter. Petitioners shall
21 be provided the necessary number of certified copies at no cost.”

22 **Section 2.** § 40105 of Article 1, Chapter 40, Title 7, Guam Code Annotated,
23 is hereby *amended* to read:

24 **“§ 40105. Relief.**

25 (a) The court shall be empowered to grant protection by appropriate
26 order or approve any consent agreement to bring about a cessation of abuse
27 of the plaintiff or minor children, which are not limited to, but may include:

1 (1) directing the defendant to refrain from abusing the
2 plaintiff or minor children;

3 (2) granting possession to the plaintiff of the residence or
4 household to the exclusion of the defendant by evicting the defendant
5 or restoring possession to the plaintiff when the residence or household
6 is jointly owned or leased by the parties;

7 (3) when the defendant has a duty to support the plaintiff or
8 minor children living in the residence or household and the defendant
9 is the sole owner or lessee, granting possession to the plaintiff of the
10 residence or household to the exclusion of the defendant by evicting the
11 defendant to restoring possession to the plaintiff or by consent
12 agreement allowing the defendant to provide suitable, alternative
13 housing;

14 (4) when the plaintiff and defendant are spouses, or persons
15 who have a minor child or children in common and who live together,
16 and if necessary to maintain the safety and basic needs of the plaintiff
17 or the minor child or children in common of the plaintiff and defendant,
18 prohibiting the defendant from:

19 (A) taking any action that could result in the termination
20 of any necessary utility services or services related to the family
21 dwelling or the dwelling of the plaintiff; or

22 (B) taking any action that could result in the
23 cancellation, change of coverage, or change of beneficiary of any
24 health, automobile, or homeowners insurance policy to the
25 detriment of the plaintiff or the dependent child or children in
26 common of the plaintiff and defendant;

1 (5) when the plaintiff and defendant are spouses, or persons
2 who have a dependent child or children in common and who live
3 together, and if necessary to maintain the safety and basic needs of the
4 plaintiff or the minor child or children in common of the plaintiff and
5 defendant, providing the plaintiff with temporary possession of an
6 automobile, checkbook, documentation of health, automobile or
7 homeowners insurance, a document needed for purposes of proving
8 identity, a key, or other necessary specified personal effects; or
9 directing the defendant to:

10 (A) make rent or mortgage payments on the family
11 dwelling or the dwelling of the plaintiff and the minor child or
12 children in common of the plaintiff and defendant;

13 (B) maintain utility services or other necessary services
14 related to the family dwelling or the dwelling of the plaintiff and
15 the minor child or children in common of the plaintiff and
16 defendant;

17 (C) maintain all existing health, automobile, or
18 homeowners insurance coverage without change in coverage or
19 beneficiary designation; or

20 (D) provide financial support for the benefit of any
21 minor child or children in common of the plaintiff and the
22 defendant; provided, that the defendant has a legal duty to
23 support such child or children and the ability to pay; or

24 (6) awarding temporary custody or establishing temporary
25 visitation rights with regard to minor children.

26 (b) Any protection order or approved consent agreement shall be for
27 a fixed period of time as the court deems appropriate. The court may amend

1 its order or agreement at any time upon subsequent petition or motion filed by
2 either party. These provisions are intended to provide victims of family
3 violence immediate relief, and not intended to replace the legal processes for
4 support, custody, or divorce.

5 (c) No order or agreement under this Chapter shall in any manner
6 affect title to any real property.”

7 **Section 2. Effective Date.** This Act shall be effective upon enactment.

8 **Section 3. Severability.** If any provision of this Act or its application to any
9 person or circumstance is found to be invalid or contrary to law, such invalidity shall
10 not affect other provisions or applications of this Act that can be given effect without
11 the invalid provision or application, and to this end the provisions of this Act are
12 severable.