



Territory of Guam
Territorio Guam

OFFICE OF THE GOVERNOR
L. FISINAN I MAGALAHI
AGANA, GUAM 96910 U.S.A.

OCT 26 1988

The Honorable Franklin J.A. Quitugua
Speaker, 19th Guam Legislature
PO Box CB-1
Agana, GU 96910

Dear Mr. Speaker:

I am pleased to transmit herewith Bill No. 729, which I have this date signed into law as Public Law 19-28.

This bill brings the child support laws of the Territory of Guam into compliance with federal guidelines, ensuring that a person paying child support does not find him or herself faced with massive retroactive payments, while at the same time, protecting the rights of the parent receiving child support payments.

Further, this bill allows the Superior Court of Guam to set up separate funds for jury and appointed counsel fees.

It is vital that the machinery of child support be kept in fine tune. The facts of life are unavoidable. Divorce happens. Single-parent households exist. But if the single parent, having to raise children on his or her own, is not receiving support payments because the machinery has broken down, the tragedy is compounded.

This is a quality piece of legislation and one of great import to many people. I am pleased, therefore, to be able to sign Bill No. 729 into law as Public Law 19-28.

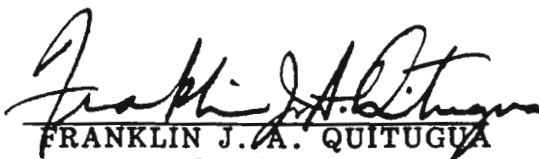
Sincerely,

Joseph F. Ada
JOSEPH F. ADA
Governor


NINETEENTH GUAM LEGISLATURE
1988 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

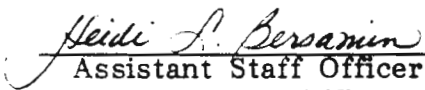
This is to certify that Substitute Bill No. 729, "AN ACT TO AMEND §2820 OF TITLE 10, GUAM CODE ANNOTATED TO CHANGE THE EFFECTIVE DATE FOR RETROACTIVE MODIFICATION OF SUPPORT ORDERS, AND TO ADD NEW SECTIONS 680.9a AND 680.9b TO THE CODE OF CIVIL PROCEDURE TO ESTABLISH JURY AND APPOINTED COUNSEL TRUST FUNDS," was on the 7th day of October, 1988, duly and regularly passed.


FRANKLIN J.A. QUITUGUA
Speaker

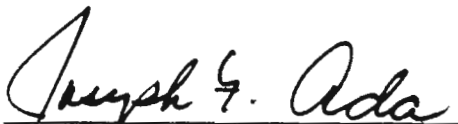
Attested:


PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 14th day of Oct., 1988,
at 12:00 o'clock p.m.


Assistant Staff Officer
Governor's Office

APPROVED:


JOSEPH F. ADA
Governor of Guam

Date: October 26, 1988

Public Law No. 19-28

NINETEENTH GUAM LEGISLATURE
1988 (SECOND) Regular Session

Bill No. 729 (LS)
Substituted by
Committee on Rules

Introduced by:

P. C. Lujan
F. R. Santos
T. S. Nelson

E. P. Arriola
M. Z. Bordallo
H. D. Dierking
F. J. Gutierrez
M. K. Hartsock
D. Parkinson
F. J. A. Quitugua
J. T. San Agustin
A. J. Shelton

AN ACT TO AMEND §2820 OF TITLE 10,
GUAM CODE ANNOTATED TO CHANGE THE
EFFECTIVE DATE FOR RETROACTIVE
MODIFICATION OF SUPPORT ORDERS, AND
TO ADD NEW SECTIONS 680.9a AND 680.9b
TO THE CODE OF CIVIL PROCEDURE TO
ESTABLISH JURY AND APPOINTED COUNSEL
TRUST FUNDS.

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

2 Section 1. 10 GCA §2820 is amended to read:

3 "§2820. Vacation or Modification Orders. An order for child
4 support is a final judgement as to any installment or payment of money
5 which has accrued up to the time the hearing has been had on motion
6 of either party to set aside, alter, or modify the order. The
7 provisions of any order respecting maintenance or support may be
8 modified only as to installments accruing subsequent to the hearing on
9 the motion for modification and only upon a showing of a substantial
10 and material change of circumstances. Furthermore, any order
11 directing the payment of money for support or maintenance of the
12 spouse or minor child or children shall not be suspended nor the
13 execution of the order stayed pending an appeal. The Superior Court
14 of Guam shall have the authority to modify any order, award,

1 stipulation or agreement as to child support (whether or not merged or
2 integrated into a decree of divorce or separation) upon a showing of
3 substantial and material change of circumstances. Inability to provide
4 support or need for increased support because of unreasonable
5 obligations voluntarily incurred shall not constitute a showing of
6 substantial and material change of circumstances."

7 Section 2. A new Section 680.9a is hereby added to the Code of Civil
8 Procedure to read:

9 "\$680.9a. Jury Trust Fund. There is hereby established a Jury
10 Trust Fund (the "Fund") to carry out the provisions of Sections 680.4
11 and 680.9 of this Code. The Fund shall be replenished annually by
12 appropriation of the Legislature paid directly to the Fund. All
13 expenses related to jury services shall be accounted for in the Fund
14 which shall be maintained separate and apart from other funds of the
15 Superior Court."

16 Section 3. A new Section 680.9b is hereby added to the Code of Civil
17 Procedure to read:

18 "\$680.9b. Appointed Counsel Trust Fund. There is hereby
19 established an Appointed Counsel Trust Fund (the "Fund") under the
20 Superior Court of Guam. The Fund shall be maintained and accounted
21 for separately from other funds of the Superior Court. The Fund
22 shall be replenished annually by appropriation of the Legislature. All
23 fees and expenses related to the legal defense of indigent persons
24 conducted pursuant to the Judicial Council Rules for the Appointment
25 of Counsel of Indigent Defendants shall be paid out of the Fund."

19-28

NINETEENTH GUAM LEGISLATURE

ROLL CALL SHEET

Bill No. 727

DATE: 10/7/88

Res. No. _____

QUESTION: _____

SENATOR	<u>AYE</u>	<u>NAY</u>	<u>NOT VOTING</u>	<u>ABSENT</u>
<u>E. P. Arriola</u>	✓			
<u>J. G. Bamba</u>			✓	
<u>M. Z. Bordallo</u>	✓			
<u>H. D. Dierking</u>	✓			
<u>E. R. Duenas</u>			✓	
<u>E. M. Espaldon</u>			✓	
<u>F. J. Gutierrez</u>	✓			
<u>M. K. Hartsock</u>	✓			
████████████████████	✓	✓	✓	✓
<u>P. C. Lujan</u>	✓			
<u>M. D. A. Manibusan</u>			✓	
<u>J. G. Miles</u>			✓	
<u>T. S. Nelson</u>	✓			
<u>D. Parkinson</u>	✓			
████████████████████	✓	✓	✓	✓
<u>F. J. Quitugua</u>	✓			
<u>J. M. Rivera</u>			✓	
<u>M. C. Ruth</u>			✓	
<u>J. T. San Agustin</u>	✓			
<u>F. R. Santos</u>	✓			
<u>A. J. Shelton II</u>	✓			

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NINETEENTH GUAM LEGISLATURE
1988 (SECOND) REGULAR SESSION

JAN 21 '88

BILL NO. 729(LS)

INTRODUCED BY:

P.C. LUJAN *PL*
F.R. SANTOS
T.S. NELSON

AN ACT TO AMEND 10 GCA §2820 TO CHANGE
THE EFFECTIVE DATE FOR RETROACTIVE
MODIFICATION OF SUPPORT ORDERS.

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5 to the time [either party makes a motion] the hearing has been had on motion of either
6 party to set aside, later, or modify the order. The provisions of any order respecting
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14 divorce or separation) upon a showing of substantial and material change of
15 circumstances. Inability to provide support or need for increased support because
16 of unreasonable obligations voluntarily incurred shall not constitute a showing of
17 substantial and material change of circumstances.