

I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN
2005 (FIRST) REGULAR SESSION

Bill No. 138 (EC)

Introduced by:

B.J.F. Cruz
R. Klitzkie

AN ACT TO AMEND SECTION 8319 OF CHAPTER 8,
ARTICLE 3 OF TITLE 19 OF THE GUAM CODE
ANNOTATED RELATIVE TO COURT FINDINGS AS
TO THE RESIDENCY OF ANY PARTY TO A
DIVORCE OR DISSOLUTION OF MARRIAGE

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1.** Section 8319 of Chapter 8, Article 3 of Title 19 of the
3 Guam Code Annotated is amended as follows:

4 **"§8319. Residence, no presumption of jurisdiction.** In actions
5 for dissolution of marriage, neither the domicile nor residence
6 of the husband shall be deemed to be the domicile or residence
7 of the wife. For the purposes of such an action, each may have a
8 separate domicile or residence depending upon proof of the
9 fact and not upon legal presumptions. Physical presence in
10 Guam for ninety (90) days next preceding the commencement
11 of the action or next preceding the entry of the final decree of

1 divorce shall give rise to a conclusive presumption of residence
2 in Guam as required by §8318 of this Chapter. Allegations and
3 proof of residence or other compliance with the requirements of
4 §8318 of this Chapter ~~need not~~ shall be plead or proved in any
5 divorce or dissolution of marriage granted upon the consent of
6 the Defendant, and the court ~~need~~ shall make ~~no~~ findings as to
7 residency of any party to a divorce or dissolution of marriage
8 or as to compliance with the requirements of §8318 of this
9 Chapter in any divorce or dissolution of marriage granted upon
10 the consent of the Defendant. Residency must be pled and
11 proved in all divorces or other actions for dissolutions of
12 marriage, ~~to which the defendant does not consent. Only the~~
13 ~~parties (i.e., the husband or wife), and not other~~ Any interested
14 ~~person~~ or the court can raise the issue of ~~no~~ or object to the
15 jurisdiction of the Superior Court of Guam in an action for
16 divorce or dissolution of marriage, residence of the parties, or
17 other compliance with §8318 of this Chapter in any case even
18 where the defendant has consented to the divorce or
19 dissolution of marriage. The Superior Court of Guam is not
20 presumed to have jurisdiction over any action for divorce or
21 dissolution of marriage which may be filed in the Superior
22 Court of Guam ~~and to which~~ because the defendant consents.

23 ~~(b) The preceding subsection (a) shall take effect sixty (60) days~~

1 ~~after the effective date of this Act, shall be prospective in effect,~~
2 ~~and shall effect only divorces filed more than sixty (60) days~~
3 ~~after the effective date of this Act. All divorces filed prior to~~
4 ~~such effective date of subsection a) of this section shall be~~
5 ~~governed by the law in effect on the date filed."~~