

MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

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Bill No. 362 (EC)

Introduced by:

B.J.F. Cruz
J.P. Guthertz
R.J. Respicio

AN ACT TO AMEND ITEM (a) OF § 34128 OF CHAPTER 34 OF TITLE 5, GUAM CODE ANNOTATED AND TO AMEND ITEM (f) OF CHAPTER 34 OF TITLE 5, GUAM CODE ANNOTATED; RELATIVE TO ENFORCING HEALTHCARE INSURANCE COVERAGE FOR CHILDREN AS PROVIDED THROUGH A COURT ORDER OR DIVORCE DECREE.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Item (a) of § 34128 of Chapter 34, Title 5, Guam Code Annotated is hereby *amended* to read:

“(a) Whenever the Superior Court of Guam issues or modifies an order concerning child support, including provisions for child support in divorce decrees, the court shall include health care insurance coverage for the child or children as part of both parents obligation of support for health insurance from either or from both parents in the best interest of the child or children. Any order for healthcare insurance shall be enforceable against the custodial parent and/or the non-custodial parent.”

Section 2. Item (f) of § 34118 of Chapter 34, Title 5, Guam Code Annotated is hereby *amended* to read:

(f) Either parent of a child for whom child support has been previously ordered may petition the Family Court, Hearings Division or the

1 Child Support Enforcement Agency *not* more than once every three (3) years
2 for review and adjustment of the child support order without having to show
3 a change of circumstances. Either parent may petition the Family Court,
4 Hearings Division *or* the Child Support Enforcement Agency for review and
5 adjustment of the child support order more than once in any three (3) year
6 period *if* the second *or* a subsequent request is supported by proof of a
7 substantial *or* material change of circumstances. *If* the custodial parent is
8 receiving *or* has received assistance from a state program funded by Title
9 IV, Part A of the Social Security Act, the Child Support Enforcement
10 Agency *shall* review every three (3) years, and, *if* appropriate, *shall* file in
11 Superior Court either a motion *or* stipulation to adjust the order. Regardless
12 of whether the custodial parent is receiving *or* has received public
13 assistance, the Child Support Enforcement Agency *shall* review every three
14 (3) years, and, *if* warranted, *shall* file in Superior Court a motion *or*
15 stipulation to adjust an order by applying the Child Support Enforcement
16 Agency guidelines *or* by applying a Cost of Living Adjustment to the order.
17 The Child Support Enforcement Agency may use automated methods to
18 identify orders to review and adjust pursuant hereto.

19 **Section 2. Severability.** If any provision, clause or phrase of this Act, or the
20 application thereof to any person, circumstances or any legal entity is held invalid,
21 such invalidity shall not affect other provisions or application of this Act which
22 may be given effect without the invalid provision or application and all provisions
23 of this Act are declared to be separable.