



JUN 07 2016

The Honorable Judith T. Won Pat, Ed.D.

Speaker

I Mina'Trentai Tres Na Liheslaturan Guahan

155 Hesler Place

Hagatna, Guam 96910

VIA: *fol: J.C.O.*
The Honorable Rory J. Respicio

Chairperson, Committee on Rules

RE: Committee Report on Bill No. 291-33 (COR), As Substituted by the Committee

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 291-33 (COR), *As Substituted by the Committee* - An act to add a new chapter 39a, to article 3, title 7, Guam Code Annotated, relative to custody and visitation of deployed military parents.

Committee votes are as follows:

- 5 TO DO PASS
- 1 TO NOT PASS
- 3 TO REPORT OUT ONLY
- 1 TO ABSTAIN
- 1 TO PLACE IN INACTIVE FILE

2016 JUN 10 PM 4: 14
AS

Respectfully,

[Signature]
SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary
I Mina'Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature

Senator
FRANK B. AGUON, JR.
Chairman

Senator
Thomas C. Ada
Vice Chairman

Vice-Speaker
Benjamin J.F. Cruz
Member

Senator
Rory J. Respicio
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Senator
Dr. Nerissa B. Underwood, Ph.D.
Member

Senator
V. Anthony Ada
Member

Senator
Frank F. Blas Jr.
Member

Senator
James V. Espaldon
Member

Senator
Brant T. McCreadie
Member

Speaker
Dr. Judith T. Won Pat, Ed.D.
Ex-Officio



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Dr. Judith T. Won Pat, Ed.D.
Ex-Officio

COMMITTEE

REPORT

ON

BILL NO. 291-33 (COR)

As Substituted by the Committee

“An act to add a new chapter 39a, to article 3, title 7, Guam Code Annotated, relative to custody and visitation of deployed military parents.”



JUN 07 2016

MEMORANDUM

Senator
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Member

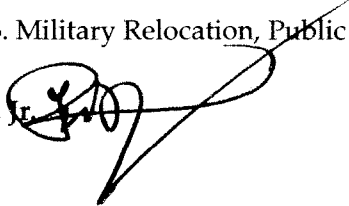
Senator
Frank F. Blas Jr.
Member

Senator
James V. Espaldon
Member

Senator
Brant T. McCreadie
Member

Speaker
Dr. Judith T. Won Pat, Ed.D
Ex-Officio

To: ALL MEMBERS
Committee on Guam U.S. Military Relocation, Public Safety, and Judiciary

From: Senator Frank B. Aguon, Jr. 
Committee Chairperson

Subject: Committee Report on Bill No. 291-33 (COR), *As Substituted by the Committee*

Transmitted herewith for your consideration is the Committee Report on Bill No. 291-33 (COR), *As Substituted by the Committee* – (An act to add a new chapter 39a, to article 3, title 7 Guam Code Annotated, relative to custody and visitation of deployed military parents.)

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 291-33 (COR)
- Copy of Bill No. 291-33 (COR), *As Substituted by the Committee*
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Referral of Bill No. 291-33 (COR)
- Notices of Public Hearing
- Copy of Public Hearing Agenda
- Related News Report

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os Ma'åse'!



COMMITTEE VOTING SHEET

Bill No. 291-33 (COR), As Substituted by the Committee – "An act to add a new chapter 39a, to article 3, title 7, Guam Code Annotated, relative to custody and visitation of deployed military parents." sponsored by Senator M.C. Torres.

Senator FRANK B. AGUON, JR. Chairman

Senator Thomas C. Ada Vice Chairman

Vice-Speaker Benjamin J.F. Cruz Member

Senator Rory J. Respicio Member

Senator Dennis G. Rodriguez, Jr. Member

Senator Dr. Nerissa B. Underwood, Ph.D. Member

Senator V. Anthony Ada Member

Senator Frank F. Blas Jr. Member

Senator James V. Espaldon Member

Senator Brant T. McCreddie Member

Speaker Dr. Judith T. Won Pat, Ed.D. Ex-Officio

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
AGUON, FRANK B., JR. Committee Chairperson		✓	✓			
ADA, THOMAS C. Committee Vice Chairperson		✓				
VICE-SPEAKER CRUZ, BENJAMIN J. F. Committee Member		✓				
RESPICIO, RORY J. Committee Member						
RODRIGUEZ, DENNIS G. JR. Committee Member				✓		
UNDERWOOD, NERISSA B. Ph.D. Committee Member						
ADA, V. ANTHONY Committee Member				✓		
BLAS, FRANK F., JR. Committee Member						
ESPALDON, JAMES V. Committee Member			✓	✓		
MCCREADDIE, BRANT T. Committee Member			✓			
SPEAKER WON PAT, JUDITH T. Ed. D. Committee Member		✓				



COMMITTEE REPORT DIGEST

Senator
FRANK B. AGUON, JR.
Chairman

Senator
Thomas C. Ada
Vice Chairman

Vice-Speaker
Benjamin J.F. Cruz
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Member

Speaker
Dr. Judith T. Won Pat. Ed.D
Ex-Officio

I. **OVERVIEW**

Bill No. 291-33 (COR) was introduced on April 5, 2016, by Senator Mary Camacho Torres and was subsequently referred by the Committee on Rules to the Committee on Guam US Military Relocation, Public Safety and Judiciary on April 06, 2016.

The Committee on Guam US Military Relocation, Public Safety and Judiciary convened a public hearing on Bill No. 291-33 (COR) on a Wednesday, May, 25, 2016 at 11:00AM in I *Liheslatura's* Public Hearing Room.

Public Notice Requirements

Public Hearing notices were disseminated via e-mail to all senators and all main media broadcasting outlets on Wednesday, May 18, 2016 (5-Day Notice), and again on Monday, May 22, 2016 (48-Hour Notice).

Senators Present

Senator Frank B. Aguon, Jr., Chairman
Senator Tom Ada, Vice Chairman
Speaker Judith T. Won Pat. Ed.D, Ex-Officio
Vice Speaker B.J. Cruz, Committee Member
Senator Brant McCreadie, Committee Member
Senator V. Anthony Ada, Committee Member
Senator Frank F. Blas, Jr., Committee Member
Senator Mary Torres
Senator Tommy Morrison

The public hearing was Called-to-Order at 11:00 AM.

II. **SUMMARY OF TESTIMONY & DISCUSSION**

Chairman Aguon:

Welcome to our people who are watching this particular session. This public hearing sponsored by the Committee on Guam, Public Safety, and Judiciary is hereby convened. In today's agenda we do have several items. The initial legislation or the bills that will be discussed are Bill No. 291-33 relative to custody and visitation of deployed military parents.

Chairman Aguon:

Bill No. 296-33, relative to training requirements for concealed carry licenses. Bill No. 309-33, which is relative to compensation or promotional opportunities for our law enforcement within the Guam Police Department and Bill No. 311-33 relative to unlawful distribution of images of persons depicted in a state of nudity or engaged in sexual activities otherwise known as revenge pornography. For the purposes of the discussion this morning, I am going to move the items around just slightly. We will entertain Bill No. 309-33 initially. We do have the Chief of Police and several individuals who would like to provide testimony and I know that the Chief of Police and his personnel are providing security for our off island delegations from Fest Pac, so we want to insure that they are given that opportunity to return and continue to carry out that particular mission. Aside from that we will go back to the sequence of the agenda. I would like to thank the Vice Chair Senator Tom Ada to my left. Thank you very much Mr. Vice Chair for joining us this morning. Senator Mary Torres. Thank you senator and Senator Brant McCreadie for joining us this morning. Thank you.

We are going to proceed with the agenda items. We now are proceeding with Bill No. 291-33 relative to custody and visitation of deployed military parents and I need to extend an apology to the sponsor of this particular legislation. Senator Mary Torres. There was a mistype in recognizing the sponsor of this legislation. Senator Torres, if you would like to provide comments on this we do have for the record, we have received written testimony from General Rodrick Leon Guerrero with the Guam National Guard and that has been accepted and we will continue to receive written testimony for the ten calendar days Subsequent to this hearing. Senator Torres.

Senator Torres:

Si Yu'us Ma'ase Mr. Chairman and I will proceed by reading the title of Bill No. 291-33. This is an act to add a new chapter 39a, to article 3, title 7, Guam Code Annotated, relative to the custody and visitation of deployed military parents. What this bill is is a uniform deployed parent's custody and visitation act, which protects our community's military parent's custody and visitation rights in the event of a deployment. The goal of this law is to facilitate the expeditious and fair disposition of cases involving the custody rights of a member of the military. This uniform deployed parent's custody and visitation act is intended to facilitate resolution of the child custody issue that arise when the parent is deployed for the military or other national service on orders that do not permit that person to have his family members with him. The act also seeks to insure that parents who serve their country are not penalized for their service while still giving adequate wait to the interest of the other parent and most importantly the interest of the child. So for clarity, this bill applies to military parents who are active duty National Guard and Reserves who may be single, divorced, or remarried and have custody or visitation rights with their minor children. It comes into play when a service member is deployed for a period lasting 3 months, 90 days, and 18 months and they are not permitted to have their family members with them. A deployment could include a temporary military assignment for example to Cuba or Afghanistan or aboard a ship that heads toward the South China Sea. It could also be something like basic training or other lengthy military training and professional development courses that a service member might have to attend without bringing his family with him. Why is this necessary to have a uniform law is this act is one that seeks to establish the same law on a subject among various jurisdictions. As a result, it simplifies individual's lives and facilitates business transactions by providing consistent rules and procedures from state to state.

Senator Torres:

So the more that states and territories adopt this uniform law, the easier it is on our military families because they know they will be playing with the same set of rules no matter where their duties take them and currently this legislation has been adopted by twelve states and is pending in three more states not including Guam. I am going to give an overview of what this law provides and there is five basic parts to this uniform law. Article 1 has the definitions and provisions that apply generally to custody matters and service members. It includes notice provisions requiring parents to communicate about custody and visitation issues as soon as possible after they learn about deployment. Another provision in this article integrates with the uniform child custody jurisdiction and enforcement act to declare that the residence of the deploying parents cannot be changed by the reason of the deployment. It also provides that when eminent deployment is not an issue, a court may not use a parents past deployment or future possible deployment as a negative factor in determining the best interest of the child during a custody proceeding. Articles 2 and 3 of the law apply to custody issues that arise on notice of and during deployment. It sets out an article to an easy procedure for parents to agree to a custody arrangement during deployment to resolve these issues by an out of court agreement. In the absence of parents reaching an agreement on their own, Article 3 provides expedited resolution of a custody arrangement in court. It also allows the court in request of a deploying parent to grant the service member's portion of custodial responsibility in the form of care taking authority to an adult who is either a family member or with whom the child has a close and substantial relationship when it serves in the child's best interest such as a grandparent or a step parent. It also in Article 3 declares that no permanent custody order can be entered before or during deployment without the service member's consent. Article 4 of this act governs the termination of the temporary custody arrangements following the service member's deployment, return from deployment. So it has different scenarios that it deals with and all to the benefit of the parents. It has procedures that apply when parents mutually agree to temporary custody. Should that be terminated, it also applies to parents who mutually agree that a temporary custody order entered by a court should be terminated and there's a third set that applies to when parents reach no agreement regarding termination of temporary custody and requires a court to resolve whether the custody arrangement returned to it is appropriate. We've had a lot of support from this bill to date since it was introduced including a couple of articles that were written by a local family law attorney, Bill Pesch. We also have on file a memo of support from Dr. Laura Crehan who is the regional state liaison for the Department of Defense State Liaison Office, Office of the Deputy Assistant Secretary of the Department of Defense for Military Community and Family Policy. We also have on record a resolution of support from the American Academy of Matrimonial Lawyers and we have signed up today also a letter of support from our local National Guard and our Brigadier General. I just want to point out that many in our military families are familiar with the service members civil relief act and wonder why this law would apply or what this law does and the short answer is that this law provides greater protections for our military families. So it is intended to compliment the act that is presently in the books for us. We are going to, for the record going to be doing some minor tweaks to the title of the act and we are also working with the legal council of the legislature to ensure that nothing in this act, because it is a uniform act that's applied from state to state that nothing in the sat has any contradiction with local Guam Law or that it negates anything in our current statutes, but Mr. Chairman what this is essentially is an act in the protection.

Senator Torres:

A greater level of protection for military families particularly those service members who would otherwise struggle with custody issues or custody disputes. It adds one barrier to any further stresses that these service members that are being deployed or their minor children would have to otherwise encounter because there aren't uniform rules that they can anticipate. Si Yu'us Ma'ase.

Chairman Aguon:

Thank you very much Senator Torres. The committee recognizes that the general has submitted written testimony as well as the other individuals that is highlighted by the sponsor. And the committee will continue to receive written testimony subsequent to this public hearing for ten calendar days.

The public hearing adjourned at 1:22 PM

II. WRITTEN TESTIMONY

The following individuals submitted written testimonies to the Committee on Guam U.S Military Relocation, Public Safety, and Judiciary before or after the scheduled public hearing on Wednesday, May 25th 2016 at 11:00AM in *I Liheslatura's* Public Hearing Room.

1. Dr. Laurie Crehan, Department of Defense State Liaison Office, Regional State Liaison
2. Mr. Roderick Leon Guerrero, Guam National Guard, Brigadier General

IV. FINDINGS & RECOMMENDATIONS

The Committee on Guam U.S Military Relocation, Public Safety, and Judiciary hereby reports out Bill No. 291-33(COR), *As Substituted by the Committee* with the recommendation To Do Pass.

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

Bill No. 291 - 33 (COR)

Introduced by:

Mary Camacho Torres *McL*

**AN ACT TO *ADD* A NEW CHAPTER 39A, TO ARTICLE
3, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO
CUSTODY AND VISITATION OF DEPLOYED
MILITARY PARENTS.**

2016 APR -5 PM 3:07

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

2

3 **Section 1. Legislative Findings Intent.** *I Liheslaturan Guåhan* finds that
4 the Uniform Deployed Parents Custody and Visitation Act (UDPCVA) addresses
5 the wide variability in the ways that states handle child custody and visitation issues
6 that arise when service members are deployed. Over 16,000 Servicemembers,
7 comprised of Active Duty, Reserve, National Guard, Air Force, Army, Coast Guard,
8 Marine Corps and Navy service their nation here on Guam. The operational tempo
9 remains high for our military members and they are frequently called upon by our
10 nation to deploy, leaving their homes for lengthy periods of time to fulfill their
11 mission.

12 Many of our Servicemembers are parents and, like many families, have child
13 custody and visitation issues that they deal with on a daily basis. Because of the
14 mobile nature of military service, and because a child's other parent will often live
15 in or move to a different state than the deployed service member, bringing the child

1 with them, there are many times that that these custody issues involve two or more
2 states. Yet different states now apply very different substantive law and court
3 procedures from one another when custody issues arise on a parent’s deployment.
4 The resulting patchwork of rules makes it difficult for the parents to resolve these
5 important issues quickly and fairly, hurts the ability of deploying parents to serve
6 the country effectively, and interferes with the best interest of children. The
7 UDPCVA provides uniform, expeditious, and fair disposition of cases involving the
8 custody rights of a member of the military. The UDPCVA ensures a proper balance
9 of interests— protecting the rights of the servicemember, the other parent, and,
10 above all, the best interest of the children involved.

11 **Section 2.** A new Chapter 39A is hereby *added* to Title 7 Guam Annotated
12 Code, to read as follows:

13 **“CHAPTER 39A**
14 **UNIFORM DEPLOYED PARENTS CUSTODY AND VISITATION ACT**

15 **ARTICLE 1**
16 **General Provisions**

- 17 § 39A101. Short Title.
- 18 § 39A102. Definitions.
- 19 § 39A103. Remedies for Noncompliance.
- 20 § 39A104. Jurisdiction.
- 21 § 39A105. Notification Required of Deploying Parent.
- 22 § 39A106. Duty to Notify of Change of Address.
- 23 § 39A107. General Consideration in Custody Proceeding of Parent’s
24 Military Service.

25 **ARTICLE 2**
26 **AGREEMENT ADDRESSING CUSTODIAL RESPONSIBILITY DURING**
27 **DEPLOYMENT**

- 1 § 39A201. Form of Agreement.
2 § 39A202. Nature of Authority Created by Agreement.
3 § 39A203. Modification of Agreement.
4 § 39A204. Power of Attorney.
5 § 39A205. Filing Agreement of Power of Attorney with Court.

6 ARTICLE 3

7 JUDICIAL PROCEDURE FOR GRANTING CUSTODIAL RESPONSIBILITY
8 DURING DEPLOYMENT

- 9 §39A301. Definition.
10 § 39A302. Proceeding for Temporary Custody Order.
11 § 39A303. Expedited Hearing.
12 § 39A304. Testimony by Electronic Means.
13 § 39A305. Effect of Prior Judicial Order or Agreement.
14 § 39A306. Grant of Caretaking or Decision-Making Authority to Non-
15 Parent.

16 ARTICLE 4

17 RETURN FROM DEPLOYMENT

- 18 § 39A401. Procedure for Terminating Temporary Grant of Custodial
19 Responsibility Established by Agreement.
20 § 39A402. Consent Procedure for Terminating Temporary Grant of
21 Custodial Responsibility Established by Court Order.
22 § 39A403. Visitation Before Termination of Temporary Grant of Custodial
23 Responsibility.
24 § 39A404. Termination by Operation of Law of temporary Grant of
25 Custodial Responsibility Established by Court Order.

26 ARTICLE 5

27 MISCELLANEOUS PROVISIONS

1 § 39A501. Uniformity of Application and Construction.

2 § 39A502. Relation to Electronic Signatures in Global and National
3 Commerce Act.

4 § 39A503. Savings Clause.

5

6 **§ 39A101. Short Title.** Sections 2 through 33, inclusive, of this Act shall be
7 known and may be cited as the Uniform Deployed Parents Custody and Visitation
8 Act (UDPCVA).

9 **§ 39A102. Definitions.**

10 (a) *Adult* means an individual who has attained eighteen (18) years of age or
11 an emancipated minor.

12 (b) *Caretaking authority* means the right to live with and care for a child on
13 a day-to day basis. The term includes physical custody, parenting time, right to
14 access, and visitation.

15 (c) *Child* means:

16 (1) an unemancipated individual who has not attained eighteen (18)
17 years of age; or

18 (2) an adult son or daughter by birth or adoption, or under law of this
19 state other than this act, who is the subject of a court order concerning
20 custodial responsibility.

21 (d) *Court* means a tribunal, including an administrative agency, authorized
22 under law of Guam other than this act to make, enforce, or modify a decision
23 regarding custodial responsibility.

24 (e) *Custodial responsibility* includes all powers and duties relating to
25 caretaking authority and decision-making authority for a child. The term includes
26 physical custody, legal custody, parenting time, right to access, visitation, and
27 authority to grant limited contact with a child.

1 (f) *Decision-making authority* means the power to make important decisions
2 regarding a child, including decisions regarding the child’s education, religious
3 training, health care, extracurricular activities, and travel. The term does not
4 include the power to make decisions that necessarily accompany a grant of
5 caretaking authority.

6 (g) *Deploying parent* means a service member, who is deployed or has been
7 notified of impending deployment and is:

8 (1) a parent of a child under law of this state other than this act; or

9 (2) an individual who has custodial responsibility for a child under
10 law of this state other than this act;

11 (h) *Deployment* means the movement or mobilization of a service member
12 for more than ninety (90) days, but less than eighteen (18) months pursuant to
13 uniformed service orders that:

14 (1) are designated as unaccompanied;

15 (2) do not authorize dependent travel; or

16 (3) otherwise do not permit the movement of family members to the
17 location to which the service member is deployed.

18 (i) *Family member* means a sibling, aunt, uncle, cousin, stepparent,
19 grandparent, or legal guardian of a child or an individual recognized to be in a
20 familial relationship with a child under law of this state other than this act.

21 (j) *Limited contact* means the authority of a nonparent to visit a child for a
22 limited time. The term includes authority to take the child to a place other than the
23 residence of the child.

24 (k) *Nonparent* means an individual other than a deploying parent or other
25 parent.

26 (l) *Other parent* means an individual who, in common with a deploying
27 parent, is:

1 (1) a parent of a child under law of this state other than this act; or
2 (2) an individual who has custodial responsibility for a child under
3 law of this state other than this [act].

4 (m) *Record* means information that is inscribed on a tangible medium or that
5 is stored in an electronic or other medium and is retrievable in perceivable form.

6 (n) *Return from deployment* means the conclusion of a service member's
7 deployment as specified in uniformed service orders.

8 (o) *Service member* means a member of a uniformed service.

9 (p) *Sign* means, with present intent to authenticate or adopt a record:

10 (1) to execute or adopt a tangible symbol; or

11 (2) to attach to or logically associate with the record an electronic
12 symbol, sound, or process.

13 (q) *State* means a state of the United States, the District of Columbia,
14 American Samoa, Guam, Northern Marianas Islands, Puerto Rico, the United
15 States Virgin Islands, or any territory or insular possession subject to the
16 jurisdiction of the United States.

17 (r) *Uniformed service* means:

18 (1) active and reserve components of the Army, Navy, Air Force,
19 Marine Corps, or Coast Guard of the United States;

20 (2) the United States Merchant Marine;

21 (3) the commissioned corps of the United States Public Health
22 Service;

23 (4) the commissioned corps of the National Oceanic and Atmospheric
24 Administration of the United States; or

25 (5) the National Guard of a state or U.S Territory or Possession.

26 **§ 39A103. Remedies for Noncompliance.** In addition to other remedies under
27 law of Guam other than this act, if a court finds that a party to a proceeding under

1 this act has acted in bad faith or intentionally failed to comply with this act or a
2 court order issued under this act, the court may assess reasonable attorney's fees
3 and costs against the party and order other appropriate relief.

4 **§39A104. Jurisdiction.**

5 (a) A court may issue an order regarding custodial responsibility under this
6 act only if the court has jurisdiction under the Uniform Child Custody Jurisdiction
7 and Enforcement Act.

8 (b) If a court has issued a temporary order regarding custodial responsibility
9 pursuant to Article 3, the residence of the deploying parent is not changed by
10 reason of the deployment for the purposes of the Uniform Child Custody
11 Jurisdiction and Enforcement Act during the deployment.

12 (c) If a court has issued a permanent order regarding custodial responsibility
13 before notice of deployment and the parents modify that order temporarily by
14 agreement pursuant to Article 2, the residence of the deploying parent is not
15 changed by reason of the deployment for the purposes of the Uniform Child
16 Custody Jurisdiction and Enforcement Act.

17 (d) If a court in another state has issued a temporary order regarding
18 custodial responsibility as a result of impending or current deployment, the
19 residence of the deploying parent is not changed by reason of the deployment for
20 the purposes of the Uniform Child Custody Jurisdiction and Enforcement Act.

21 (e) This section does not prevent a court from exercising temporary
22 emergency jurisdiction under the Uniform Child Custody Jurisdiction and
23 Enforcement Act.

24 **§ 39A105. Notification Required of Deploying Parent.**

25 (a) Except as otherwise provided in subsection (d) and subject to subsection
26 (c), a deploying parent shall notify in a record the other parent of a pending
27 deployment not later than seven (7) days after receiving notice of deployment

1 unless reasonably prevented from doing so by the circumstances of service. If the
2 circumstances of service prevent giving notification within
3 the seven (7) days, the deploying parent shall give the notification as soon as
4 reasonably possible.

5 (b) Except as otherwise provided in subsection (d) and subject to subsection
6 (c), each parent shall provide in a record the other parent with a plan for fulfilling
7 that parent's share of custodial responsibility during deployment. Each parent
8 shall provide the plan as soon as reasonably possible after notification of
9 deployment is given under subsection (a).

10 (c) Disclosure of addresses and contact information *shall* comply with 19
11 GCA §§ 5122-5123. If a court order currently in effect prohibits disclosure of the
12 address or contact information of the other parent, notification of deployment
13 under subsection (a), or notification of a plan for custodial responsibility during
14 deployment under subsection (b), may be made only to the issuing court. If the
15 address of the other parent is available to the issuing court, the court shall forward
16 the notification to the other parent. The court shall keep confidential the address or
17 contact information of the other parent.

18 (d) Notification in a record under subsection (a) or (b) is not required if the
19 parents are living in the same residence and both parents have actual notice of the
20 deployment or plan.

21 (e) In a proceeding regarding custodial responsibility, a court may consider
22 the reasonableness of a parent's efforts to comply with this section.

23 **§ 39A106. Duty to Notify of Change of Address.**

24 (a) Except as otherwise provided in subsection (b), an individual to whom
25 custodial responsibility has been granted during deployment pursuant to Articles 2
26 or 3 shall notify the deploying parent and any other individual with custodial
27 responsibility of a child of any change of the individual's mailing address or

1 residence until the grant is terminated. The individual shall provide the notice to
2 any court that has issued a custody or child support order concerning the child
3 which is in effect.

4 (b) If a court order currently in effect prohibits disclosure of the address or
5 contact information of an individual to whom custodial responsibility has been
6 granted, a notification under subsection (a) may be made only to the court that
7 issued the order. The court shall keep confidential the mailing address or residence
8 of the individual to whom custodial responsibility has been granted.

9 **§ 39A107. General Consideration in Custody Proceeding of Parent's Military**
10 **Service.** In a proceeding for custodial responsibility of a child of a service
11 member, a court may not consider a parent's past deployment or possible future
12 deployment in itself in determining the best interest of the child but may consider
13 any significant impact on the best interest of the child of the parent's past or
14 possible future deployment.

15 **ARTICLE 2.**

16 **AGREEMENT ADDRESSING CUSTODIAL RESPONSIBILITY DURING** 17 **DEPLOYMENT.**

18 **§ 39A201. Form of Agreement.**

19 (a) The parents of a child may enter into a temporary agreement under this
20 article granting custodial responsibility during deployment.

21 (b) An agreement under subsection (a) must be:

22 (1) in writing; and

23 (2) signed by both parents and any nonparent to whom custodial
24 responsibility is granted.

25 (c) Subject to subsection (d), an agreement under subsection (a), if feasible,
26 must:

1 (1) identify the destination, duration, and conditions of the
2 deployment that is the basis for the agreement;

3 (2) specify the allocation of caretaking authority among the deploying
4 parent, the other parent, and any nonparent;

5 (3) specify any decision-making authority that accompanies a grant of
6 caretaking authority;

7 (4) specify any grant of limited contact to a nonparent;

8 (5) if under the agreement custodial responsibility is shared by the
9 other parent and a nonparent, or by other nonparents, provide a process to
10 resolve any dispute that may arise;

11 (6) specify the frequency, duration, and means, including electronic
12 means, by which the deploying parent will have contact with the child, any
13 role to be played by the other parent in facilitating the contact, and the
14 allocation of any costs of contact;

15 (7) specify the contact between the deploying parent and child during
16 the time the deploying parent is on leave or is otherwise available;

17 (8) acknowledge that any party's child-support obligation cannot be
18 modified by the agreement, and that changing the terms of the obligation
19 during deployment requires modification in the appropriate court;

20 (9) provide that the agreement will terminate according to the
21 procedures under Article 4 after the deploying parent returns from
22 deployment; and

23 (10) if the agreement must be filed pursuant to § 39A205, specify
24 which parent is required to file the agreement.

25 (d) The omission of any of the items specified in subsection (c) does not
26 invalidate an agreement under this section.

27 **§ 39A202. Nature of Authority Created by Agreement.**

1 (a) An agreement under this article is temporary and terminates pursuant to
2 Article 4 after the deploying parent returns from deployment, unless the agreement
3 has been terminated before that time by court order or modification under
4 §39A203. The agreement does not create an independent, continuing right to
5 caretaking authority, decision-making authority, or limited contact in an individual
6 to whom custodial responsibility is given.

7 (b) A nonparent who has caretaking authority, decision-making authority, or
8 limited contact by an agreement under this article has standing to enforce the
9 agreement until it has been terminated by court order, by modification under
10 §39A203, or under Article 4.

11 **§ 39A203. Modification of Agreement.**

12 (a) By mutual consent, the parents of a child may modify an agreement
13 regarding custodial responsibility made pursuant to this article.

14 (b) If an agreement is modified under subsection (a) before deployment of a
15 deploying parent, the modification must be in writing and signed by both parents
16 and any nonparent who will exercise custodial responsibility under the modified
17 agreement.

18 (c) If an agreement is modified under subsection (a) during deployment of a
19 deploying parent, the modification must be agreed to in a record by both parents
20 and any nonparent who will exercise custodial responsibility under the modified
21 agreement.

22 **§ 39A204. Power of Attorney.** A deploying parent, by power of attorney, may
23 delegate all or part of custodial responsibility to an adult nonparent for the period
24 of deployment if no other parent possesses custodial responsibility under law of
25 this state other than this act, or if a court order currently in effect prohibits contact
26 between the child and the other parent. The deploying parent may revoke the
27 power of attorney by signing a revocation of the power.”

1 § 39A205. **Filing Agreement of Power of Attorney with Court.** An agreement
2 or power of attorney under this article must be filed within a reasonable time with
3 any court that has entered an order on custodial responsibility or child support that
4 is in effect concerning the child who is the subject of the agreement or power. The
5 case number and heading of the pending case concerning custodial responsibility
6 or child support must be provided to the court with the agreement or power.

7 **ARTICLE 3**

8 **JUDICIAL PROCEDURE FOR GRANTING CUSTODIAL**
9 **RESPONSIBILITY DURING DEPLOYMENT.**

10 § 39A301. **Definition.** In this article, *close and substantial relationship* means a
11 relationship in which a significant bond exists between a child and a nonparent.

12 § 39A302. **Proceeding for Temporary Custody Order.**

13 (a) After a deploying parent receives notice of deployment and until the
14 deployment terminates, a court may issue a temporary order granting custodial
15 responsibility unless prohibited by the Servicemembers Civil Relief Act, 50 U.S.C.
16 Appendix Sections 521 and 522. A court may not issue a permanent order granting
17 custodial responsibility without the consent of the deploying parent.

18 (b) At any time after a deploying parent receives notice of deployment,
19 either parent may file a motion regarding custodial responsibility of a child during
20 deployment. The motion must be filed in a pending proceeding for custodial
21 responsibility in a court with jurisdiction under § 39A104 or, if there is no pending
22 proceeding in a court with jurisdiction under § 39A104 in a new action for granting
23 custodial responsibility during deployment.

24 § 39A303. **Expedited Hearing.** If a motion to grant custodial responsibility is
25 filed under §39A302 (b) before a deploying parent deploys, the court shall conduct
26 an expedited hearing.

1 § 39A304. **Testimony by Electronic Means.** In a proceeding under this article, a
2 party or witness who is not reasonably available to appear personally may appear,
3 provide testimony, and present evidence by electronic means unless the court finds
4 good cause to require a personal appearance.

5 § 39A305. **Effect of Prior Judicial Order or Agreement.** In a proceeding for a
6 grant of custodial responsibility pursuant to this article, the following rules apply:

7 (a) A prior judicial order designating custodial responsibility in the event of
8 deployment is binding on the court unless the circumstances meet the requirements
9 of law of this state other than this act for modifying a judicial order regarding
10 custodial responsibility.

11 (b) The court shall enforce a prior written agreement between the parents for
12 designating custodial responsibility in the event of deployment, including an
13 agreement executed under Article 2, unless the court finds that the agreement is
14 contrary to the best interest of the child.

15 § 39A306. **Grant of Caretaking or Decision-Making Authority to Non-Parent.**

16 (a) On motion of a deploying parent and in accordance with law of this state
17 other than this act, if it is in the best interest of the child, a court may grant
18 caretaking authority to a nonparent who is an adult family member of the child or
19 an adult with whom the child has a close and substantial relationship.

20 (b) Unless a grant of caretaking authority to a nonparent under subsection (a)
21 is agreed to by the other parent, the grant is limited to an amount of time not
22 greater than:

23 (1) the amount of time granted to the deploying parent under a
24 permanent custody order, but the court may add unusual travel time
25 necessary to transport the child; or

26 (2) in the absence of a permanent custody order that is currently in
27 effect, the amount of time that the deploying parent habitually cared for the

1 child before being notified of deployment, but the court may add unusual
2 travel time necessary to transport the child.

3 (c) A court may grant part of a deploying parent's decision-making authority,
4 if the deploying parent is unable to exercise that authority, to a nonparent who is an
5 adult family member of the child or an adult with whom the child has a close and
6 substantial relationship. If a court grants the authority to a nonparent, the court
7 shall specify the decision-making powers granted, including decisions regarding
8 the child's education, religious training, health care, extracurricular activities, and
9 travel.

10 **§ 39A307. Grant of Limited Contact.** On motion of a deploying parent, and in
11 accordance with law of this state other than this act unless the court finds that the
12 contact would be contrary to the best interest of the child, a court shall grant
13 limited contact to a nonparent who is a family member of the child or an
14 individual with whom the child has a close and substantial relationship.

15 **§ 39A308. Nature of Authority Created by Temporary Custody Order.**

16 (a) A grant of authority under this article is temporary and terminates under
17 Article 4 after the return from deployment of the deploying parent, unless the grant
18 has been terminated before that time by court order. The grant does not create an
19 independent, continuing right to caretaking authority, decision-making authority,
20 or limited contact in an individual to whom it is granted.

21 (b) A nonparent granted caretaking authority, decision-making authority, or
22 limited contact under this article has standing to enforce the grant until it is
23 terminated by court order or under Article 4.

24 **§ 39A309. Content of Temporary Custody Order.**

25 (a) An order granting custodial responsibility under this article must:

26 (1) designate the order as temporary; and

1 (2) identify to the extent feasible the destination, duration, and
2 conditions of the deployment.

3 (b) If applicable, an order for custodial responsibility under this article must:

4 (1) specify the allocation of caretaking authority, decision-making
5 authority, or limited contact among the deploying parent, the other parent,
6 and any nonparent;

7 (2) if the order divides caretaking or decision-making authority
8 between individuals, or grants caretaking authority to one individual and
9 limited contact to another, provide a process to resolve any dispute that may
10 arise;

11 (3) provide for liberal communication between the deploying parent
12 and the child during deployment, including through electronic means, unless
13 contrary to the best interest of the child, and allocate any costs of
14 communications;

15 (4) provide for liberal contact between the deploying parent and the
16 child during the time the deploying parent is on leave or otherwise available,
17 unless contrary to the best interest of the child;

18 (5) provide for reasonable contact between the deploying parent and
19 the child after return from deployment until the temporary order is
20 terminated, even if the time of contact exceeds the time the deploying parent
21 spent with the child before entry of the temporary order; and

22 (6) provide that the order will terminate pursuant to Article 4 after the
23 deploying parent returns from deployment.

24 **§ 39A310. Order for Child Support.** If a court has issued an order granting
25 caretaking authority under this article, or an agreement granting caretaking
26 authority has been executed under Article 2, the court may enter a temporary order

1 for child support consistent with law of this state other than this act if the court has
2 jurisdiction under the Uniform Interstate Family Support Act.

3 **§ 39A311. Modifying or Terminating Grant of Custodial Responsibility to**
4 **Nonparent.**

5 (a) Except for an order under §39A305, except as otherwise provided in
6 subsection (b), and consistent with the Servicemembers Civil Relief Act, 50 U.S.C.
7 Appendix Sections 521 and 522, on motion of a deploying or other parent or any
8 nonparent to whom caretaking authority, decision-making authority, or limited
9 contact has been granted, the court may modify or terminate the grant if the
10 modification or termination is consistent with this article and it is in the best
11 interest of the child. A modification is temporary and terminates pursuant to
12 Article 4 after the deploying parent returns from deployment, unless the grant has
13 been terminated before that time by court order.

14 (b) On motion of a deploying parent, the court shall terminate a grant of
15 limited contact.

16 **ARTICLE 4**

17 **RETURN FROM DEPLOYMENT**

18 **§ 39A401. Procedure for Terminating Temporary Grant of Custodial**
19 **Responsibility Established by Agreement.**

20 (a) At any time after return from deployment, a temporary agreement
21 granting custodial responsibility under Article 2 may be terminated by an
22 agreement to terminate signed by the deploying parent and the other parent.

23 (b) A temporary agreement under Article 2 granting custodial responsibility
24 terminates:

25 (1) if an agreement to terminate under subsection (a) specifies a date
26 for termination, on that date; or

1 (2) if the agreement to terminate does not specify a date, on the date
2 the agreement to terminate is signed by the deploying parent and the other
3 parent.

4 (c) In the absence of an agreement under subsection (a) to terminate, a
5 temporary agreement granting custodial responsibility terminates under Article 2
6 sixty (60) days after the deploying parent gives notice to the other parent that the
7 deploying parent returned from deployment.

8 (d) If a temporary agreement granting custodial responsibility was filed with
9 a court pursuant to Section 205, an agreement to terminate the temporary
10 agreement also must be filed with that court within a reasonable time after the
11 signing of the agreement. The case number and heading of the case concerning
12 custodial responsibility or child support must be provided to the court with the
13 agreement to terminate.

14 **§ 39A402. Consent Procedure for Terminating Temporary Grant of Custodial**
15 **Responsibility Established by Court Order.** At any time after a deploying
16 parent returns from deployment, the deploying parent and the other parent may file
17 with the court an agreement to terminate a temporary order for custodial
18 responsibility issued under Article 3. After an agreement has been filed, the court
19 shall issue an order terminating the temporary order effective on the date specified
20 in the agreement. If a date is not specified, the order is effective immediately.

21 **§ 39A403. Visitation Before Termination of Temporary Grant of Custodial**
22 **Responsibility.** After a deploying parent returns from deployment until a
23 temporary agreement or order for custodial responsibility established under Article
24 2 or 3 is terminated, the court shall issue a temporary order granting the deploying
25 parent reasonable contact with the child unless it is contrary to the best interest of
26 the child, even if the time of contact exceeds the time the deploying parent spent
27 with the child before deployment.

1 **§ 39A404. Termination by Operation of Law of temporary Grant of**
2 **Custodial Responsibility Established by Court Order.**

3 (a) If an agreement between the parties to terminate a temporary order for
4 custodial responsibility under Article 3 has not been filed, the order terminates 60
5 days after the deploying parent gives notice to the other parent and any nonparent
6 granted custodial responsibility that the deploying parent has returned from
7 deployment.

8 (b) A proceeding seeking to prevent termination of a temporary order for
9 custodial responsibility is governed by law of this state other than this act.

10 **ARTICLE 5**

11 **MISCELLANEOUS PROVISIONS.**

12 **§ 39A501. Uniformity of Application and Construction.** In applying and
13 construing this uniform act, consideration must be given to the need to promote
14 uniformity of the law with respect to its subject matter among states that enact it. §

15 **39A502. Relation to Electronic Signatures in Global and National Commerce**
16 **Act.** This act modifies, limits, or supersedes the Electronic Signatures in Global
17 and National Commerce Act, 15 U.S.C. Section 7001 et seq., but does not modify,
18 limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or
19 authorize electronic delivery of any of the notices described in Section 103(b) of
20 that act, 15 U.S.C. Section 7003(b).

21 **§ 39A503. Savings Clause.** This act does not affect the validity of a temporary
22 court order concerning custodial responsibility during deployment which was
23 entered before.”

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

Bill No. 291- 33 (COR)

As Substituted by the Committee
On Guam U.S. Military Relocation,
Public Safety, & Judiciary

Introduced by:

Mary Camacho Torres

**AN ACT TO *ADD* A NEW CHAPTER 39A TO DIVISION
3 OF TITLE 7, GUAM CODE ANNOTATED, RELATIVE
TO CUSTODY AND VISITATION OF DEPLOYED
MILITARY PARENTS.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings Intent. *I Liheslaturan Guåhan* finds that the Uniform Deployed Parents Custody and Visitation Act (UDPCVA) addresses the wide variability in the ways that states handle child custody and visitation issues that arise when service members are deployed. Over sixteen thousand (16,000) U.S. service members, comprised of Active Duty, Reserve, National Guard, Air Force, Army, Coast Guard, Marine Corps and Navy, serve their island and nation here on Guam. The operational tempo remains high for our military members and they are frequently called upon by our nation to deploy, leaving their homes for lengthy periods of time to fulfill their missions.

Many of our service members are parents and, like many families, have child custody and visitation issues that they deal with on a daily basis. Because of the mobile nature of military service, and because a child's other parent will often live in or move to a different state than the deployed service member, bringing the child with them, there are many times that that these custody issues involve two (2)

1 or more states. Yet different states now apply very different substantive law and
2 court procedures from one another when custody issues arise on a parent’s
3 deployment. The resulting patchwork of rules makes it difficult for the parents to
4 resolve these important issues quickly and fairly, hurts the ability of deploying
5 parents to serve the country effectively, and interferes with the best interest of
6 children. The UDPCVA provides uniform, expeditious, and fair disposition of
7 cases involving the custody rights of a member of the military. The UDPCVA
8 ensures a proper balance of interests—protecting the rights of the service member,
9 the other parent, and above all, the best interest of the children involved.

10 **Section 2.** A new Chapter 39A is hereby *added* to Division 3 of Title 7,
11 Guam Annotated Code, to read as follows:

12 **“CHAPTER 39A**

13 **UNIFORM DEPLOYED PARENTS CUSTODY AND VISITATION ACT**

14 **ARTICLE 1**

15 **General Provisions**

16 **§ 39A101. Short Title.**

17 **§ 39A102. Definitions.**

18 **§ 39A103. Remedies for Noncompliance.**

19 **§ 39A104. Jurisdiction.**

20 **§ 39A105. Notification Required of Deploying Parent.**

21 **§ 39A106. Duty to Notify of Change of Address.**

22 **§ 39A107. General Consideration in Custody Proceeding of Parent’s**

23 **Military Service.**

24 **ARTICLE 2**

25 **AGREEMENT ADDRESSING CUSTODIAL RESPONSIBILITY**

26 **DURING DEPLOYMENT**

27 **§ 39A201. Form of Agreement.**

- 1 § 39A202. Nature of Authority Created by Agreement.
- 2 § 39A203. Modification of Agreement.
- 3 § 39A204. Power of Attorney.
- 4 § 39A205. Filing Agreement of Power of Attorney with Court.

5 ARTICLE 3

6 JUDICIAL PROCEDURE FOR GRANTING CUSTODIAL
7 RESPONSIBILITY DURING DEPLOYMENT

- 8 § 39A301. Definition.
- 9 § 39A302. Proceeding for Temporary Custody Order.
- 10 § 39A303. Expedited Hearing.
- 11 § 39A304. Testimony by Electronic Means.
- 12 § 39A305. Effect of Prior Judicial Order or Agreement.
- 13 § 39A306. Grant of Caretaking or Decision-Making Authority to
14 Non-Parent.
- 15 § 39A307. Grant of Limited Contact.
- 16 § 39A308. Nature of Authority Created by Temporary Custody
17 Order.
- 18 § 39A309. Content of Temporary Custody Order.
- 19 § 39A310. Order for Child Support.
- 20 § 39A311. Modifying or Terminating Grant of Custodial
21 Responsibility to Nonparent.

22 ARTICLE 4

23 RETURN FROM DEPLOYMENT

- 24 § 39A401. Procedure for Terminating Temporary Grant of Custodial
25 Responsibility Established by Agreement.
- 26 § 39A402. Consent Procedure for Terminating Temporary Grant of
27 Custodial Responsibility Established by Court Order.

1 § 39A403. Visitation Before Termination of Temporary Grant of
2 Custodial Responsibility.

3 § 39A404. Termination by Operation of Law of Temporary Grant of
4 Custodial Responsibility Established by Court Order.

5 ARTICLE 5

6 MISCELLANEOUS PROVISIONS

7 § 39A501. Uniformity of Application and Construction.

8 § 39A502. Relation to Electronic Signatures in Global and National
9 Commerce Act.

10 § 39A503. Savings Clause.

11 ARTICLE 1

12 § 39A101. Short Title. §§ 39A102 through 39A503, inclusive, of
13 this Act *shall* be known and may be cited as the “Uniform Deployed Parents
14 Custody and Visitation Act (UDPCVA).”

15 § 39A102. Definitions.

16 (a) Adult means an individual who has attained eighteen (18) years
17 of age or an emancipated minor.

18 (b) Caretaking authority means the right to live with and care for a
19 child on a day-to-day basis. The term includes physical custody, parenting
20 time, right to access, and visitation.

21 (c) Child means:

22 (1) an unemancipated individual who has not attained
23 eighteen (18) years of age; or

24 (2) an adult son or daughter by birth or adoption, or under
25 law of this state other than this Act, who is the subject of a court order
26 concerning custodial responsibility.

1 (d) Court means a tribunal, including an administrative agency,
2 authorized under law of Guam other than this Act to make, enforce, or
3 modify a decision regarding custodial responsibility.

4 (e) Custodial responsibility includes all powers and duties relating
5 to caretaking authority and decision-making authority for a child. The term
6 includes physical custody, legal custody, parenting time, right to access,
7 visitation, and authority to grant limited contact with a child.

8 (f) Decision-making authority means the power to make important
9 decisions regarding a child, including decisions regarding the child's
10 education, religious training, health care, extracurricular activities, and
11 travel. The term does not include the power to make decisions that
12 necessarily accompany a grant of caretaking authority.

13 (g) Deploying parent means a service member who is deployed or
14 has been notified of impending deployment, and is:

15 (1) a parent of a child under law of this state other than this
16 Act; or

17 (2) an individual who has custodial responsibility for a child
18 under law of this state other than this Act.

19 (h) Deployment means the movement or mobilization of a service
20 member for more than ninety (90) days, but less than eighteen (18) months
21 pursuant to uniformed service orders that:

22 (1) are designated as unaccompanied;

23 (2) do not authorize dependent travel; or

24 (3) otherwise do not permit the movement of family
25 members to the location to which the service member is deployed.

1 (i) Family member means a sibling, aunt, uncle, cousin, stepparent,
2 grandparent, or legal guardian of a child or an individual recognized to be in
3 a familial relationship with a child under law of this state other than this Act.

4 (j) Limited contact means the authority of a nonparent to visit a
5 child for a limited time. The term includes authority to take the child to a
6 place other than the residence of the child.

7 (k) Nonparent means an individual other than a deploying parent or
8 other parent.

9 (l) Other parent means an individual who, in common with a
10 deploying parent, is:

11 (1) a parent of a child under law of this state other than this
12 Act; or

13 (2) an individual who has custodial responsibility for a child
14 under law of this state other than this Act.

15 (m) Record means information that is inscribed on a tangible
16 medium or that is stored in an electronic or other medium and is retrievable
17 in perceivable form.

18 (n) Return from deployment means the conclusion of a service
19 member's deployment as specified in uniformed service orders.

20 (o) Service member means a member of a uniformed service.

21 (p) Sign means, with present intent to authenticate or adopt a
22 record:

23 (1) to execute or adopt a tangible symbol; or

24 (2) to attach to or logically associate with the record an
25 electronic symbol, sound, or process.

26 (q) State means a state of the United States, the District of
27 Columbia, American Samoa, Guam, the Commonwealth of the Northern

1 Mariana Islands, Puerto Rico, the United States Virgin Islands, or any
2 territory or insular possession subject to the jurisdiction of the United States.

3 (r) *Uniformed service* means:

4 (1) active and reserve components of the Army, Navy, Air
5 Force, Marine Corps, or Coast Guard of the United States;

6 (2) the United States Merchant Marine;

7 (3) the commissioned corps of the United States Public
8 Health Service;

9 (4) the commissioned corps of the National Oceanic and
10 Atmospheric Administration of the United States; or

11 (5) the National Guard of a state or U.S. territory or
12 possession.

13 **§ 39A103. Remedies for Noncompliance.** In addition to other
14 remedies under law of Guam other than this Act, if a court finds that a party
15 to a proceeding under this Act has acted in bad faith or intentionally failed to
16 comply with this Act or a court order issued under this Act, the court may
17 assess reasonable attorney's fees and costs against the party and order other
18 appropriate relief.

19 **§ 39A104. Jurisdiction.**

20 (a) A court may issue an order regarding custodial responsibility
21 under this Act only if the court has jurisdiction under the Uniform Child
22 Custody Jurisdiction and Enforcement Act.

23 (b) If a court has issued a temporary order regarding custodial
24 responsibility pursuant to Article 3, the residence of the deploying parent is
25 not changed by reason of the deployment for the purposes of the Uniform
26 Child Custody Jurisdiction and Enforcement Act during the deployment.

1 (c) If a court has issued a permanent order regarding custodial
2 responsibility before notice of deployment and the parents modify that order
3 temporarily by agreement pursuant to Article 2, the residence of the
4 deploying parent is not changed by reason of the deployment for the
5 purposes of the Uniform Child Custody Jurisdiction and Enforcement Act.

6 (d) If a court in another state has issued a temporary order
7 regarding custodial responsibility as a result of impending or current
8 deployment, the residence of the deploying parent is not changed by reason
9 of the deployment for the purposes of the Uniform Child Custody
10 Jurisdiction and Enforcement Act.

11 (e) This Section does not prevent a court from exercising
12 temporary emergency jurisdiction under the Uniform Child Custody
13 Jurisdiction and Enforcement Act.

14 **§ 39A105. Notification Required of Deploying Parent.**

15 (a) Except as otherwise provided in Subsection (d) and subject to
16 Subsection (c), a deploying parent shall notify in a record the other parent of
17 a pending deployment not later than seven (7) days after receiving notice of
18 deployment unless reasonably prevented from doing so by the circumstances
19 of service. If the circumstances of service prevent giving notification within
20 the seven (7) days, the deploying parent shall give the notification as soon as
21 reasonably possible.

22 (b) Except as otherwise provided in Subsection (d) and subject to
23 Subsection (c), each parent shall provide in a record the other parent with a
24 plan for fulfilling that parent's share of custodial responsibility during
25 deployment. Each parent shall provide the plan as soon as reasonably
26 possible after notification of deployment is given under Subsection (a).

1 (c) Disclosure of addresses and contact information shall comply
2 with 19 GCA §§ 5122-5123. If a court order currently in effect prohibits
3 disclosure of the address or contact information of the other parent,
4 notification of deployment under Subsection (a), or notification of a plan for
5 custodial responsibility during deployment under Subsection (b), may be
6 made only to the issuing court. If the address of the other parent is available
7 to the issuing court, the court shall forward the notification to the other
8 parent. The court shall keep confidential the address or contact information
9 of the other parent.

10 (d) Notification in a record under Subsections (a) or (b) is not
11 required if the parents are living in the same residence and both parents have
12 actual notice of the deployment or plan.

13 (e) In a proceeding regarding custodial responsibility, a court may
14 consider the reasonableness of a parent's efforts to comply with this Section.

15 **§ 39A106. Duty to Notify of Change of Address.**

16 (a) Except as otherwise provided in Subsection (b), an individual to
17 whom custodial responsibility has been granted during deployment pursuant
18 to Articles 2 or 3 shall notify the deploying parent and any other individual
19 with custodial responsibility of a child of any change of the individual's
20 mailing address or residence until the grant is terminated. The individual
21 shall provide the notice to any court that has issued a custody or child
22 support order concerning the child which is in effect.

23 (b) If a court order currently in effect prohibits disclosure of the
24 address or contact information of an individual to whom custodial
25 responsibility has been granted, a notification under Subsection (a) may be
26 made only to the court that issued the order. The court shall keep

1 confidential the mailing address or residence of the individual to whom
2 custodial responsibility has been granted.

3 **§ 39A107. General Consideration in Custody Proceeding of**
4 **Parent's Military Service.** In a proceeding for custodial responsibility of a
5 child of a service member, a court may *not* consider a parent's past
6 deployment or possible future deployment in itself in determining the best
7 interest of the child but may consider any significant impact on the best
8 interest of the child of the parent's past or possible future deployment.

9 **ARTICLE 2**

10 **AGREEMENT ADDRESSING CUSTODIAL RESPONSIBILITY**

11 **DURING DEPLOYMENT**

12 **§ 39A201. Form of Agreement.**

13 (a) The parents of a child may enter into a temporary agreement
14 under this Article granting custodial responsibility during deployment.

15 (b) An agreement under Subsection (a) must be:

16 (1) in writing; and

17 (2) signed by both parents and any nonparent to whom
18 custodial responsibility is granted.

19 (c) Subject to Subsection (d), an agreement under Subsection (a), if
20 feasible, must:

21 (1) identify the destination, duration, and conditions of the
22 deployment that is the basis for the agreement;

23 (2) specify the allocation of caretaking authority among the
24 deploying parent, the other parent, and any nonparent;

25 (3) specify any decision-making authority that accompanies
26 a grant of caretaking authority;

27 (4) specify any grant of limited contact to a nonparent;

1 (5) if under the agreement custodial responsibility is shared
2 by the other parent and a nonparent, or by other nonparents, provide a
3 process to resolve any dispute that may arise;

4 (6) specify the frequency, duration, and means, including
5 electronic means, by which the deploying parent will have contact
6 with the child, any role to be played by the other parent in facilitating
7 the contact, and the allocation of any costs of contact;

8 (7) specify the contact between the deploying parent and
9 child during the time the deploying parent is on leave or is otherwise
10 available;

11 (8) acknowledge that any party's child-support obligation
12 cannot be modified by the agreement, and that changing the terms of
13 the obligation during deployment requires modification in the
14 appropriate court;

15 (9) provide that the agreement will terminate according to
16 the procedures under Article 4 after the deploying parent returns from
17 deployment; and

18 (10) if the agreement must be filed pursuant to § 39A205,
19 specify which parent is required to file the agreement.

20 (d) The omission of any of the items specified in Subsection (c)
21 does not invalidate an agreement under this Section.

22 **§ 39A202. Nature of Authority Created by Agreement.**

23 (a) An agreement under this Article is temporary and terminates
24 pursuant to Article 4 after the deploying parent returns from deployment,
25 unless the agreement has been terminated before that time by court order or
26 modification under § 39A203. The agreement does not create an
27 independent, continuing right to caretaking authority, decision-making

1 authority, or limited contact in an individual to whom custodial
2 responsibility is given.

3 (b) A nonparent who has caretaking authority, decision-making
4 authority, or limited contact by an agreement under this Article has standing
5 to enforce the agreement until it has been terminated by court order, by
6 modification under § 39A203, or under Article 4.

7 **§ 39A203. Modification of Agreement.**

8 (a) By mutual consent, the parents of a child may modify an
9 agreement regarding custodial responsibility made pursuant to this Article.

10 (b) If an agreement is modified under Subsection (a) before
11 deployment of a deploying parent, the modification must be in writing and
12 signed by both parents and any nonparent who will exercise custodial
13 responsibility under the modified agreement.

14 (c) If an agreement is modified under Subsection (a) during
15 deployment of a deploying parent, the modification must be agreed to in a
16 record by both parents and any nonparent who will exercise custodial
17 responsibility under the modified agreement.

18 **§ 39A204. Power of Attorney.** A deploying parent, by power of
19 attorney, may delegate all or part of custodial responsibility to an adult
20 nonparent for the period of deployment if no other parent possesses custodial
21 responsibility under law of this state other than this Act, or if a court order
22 currently in effect prohibits contact between the child and the other parent.
23 The deploying parent may revoke the power of attorney by signing a
24 revocation of the power.

25 **§ 39A205. Filing Agreement of Power of Attorney with Court.**
26 An agreement or power of attorney under this Article must be filed within a
27 reasonable time with any court that has entered an order on custodial

1 responsibility or child support that is in effect concerning the child who is
2 the subject of the agreement or power. The case number and heading of the
3 pending case concerning custodial responsibility or child support must be
4 provided to the court with the agreement or power.

5 ARTICLE 3

6 JUDICIAL PROCEDURE FOR GRANTING CUSTODIAL 7 RESPONSIBILITY DURING DEPLOYMENT

8 § 39A301. Definition. In this Article, *close and substantial*
9 *relationship* means a relationship in which a significant bond exists between
10 *a child and a nonparent.*

11 § 39A302. Proceeding for Temporary Custody Order.

12 (a) After a deploying parent receives notice of deployment and
13 until the deployment terminates, a court may issue a temporary order
14 granting custodial responsibility unless prohibited by the Servicemembers
15 Civil Relief Act, 50 U.S.C. Appendix Sections 521 and 522. A court may
16 not issue a permanent order granting custodial responsibility without the
17 consent of the deploying parent.

18 (b) At any time after a deploying parent receives notice of
19 deployment, either parent may file a motion regarding custodial
20 responsibility of a child during deployment. The motion must be filed in a
21 pending proceeding for custodial responsibility in a court with jurisdiction
22 under § 39A104 or, if there is no pending proceeding in a court with
23 jurisdiction under § 39A104, in a new action for granting custodial
24 responsibility during deployment.

25 § 39A303. Expedited Hearing. If a motion to grant custodial
26 responsibility is filed under § 39A302 (b) before a deploying parent deploys,
27 the court shall conduct an expedited hearing.

1 § 39A304. Testimony by Electronic Means. In a proceeding under
2 this Article, a party or witness who is not reasonably available to appear
3 personally may appear, provide testimony, and present evidence by
4 electronic means unless the court finds good cause to require a personal
5 appearance.

6 § 39A305. Effect of Prior Judicial Order or Agreement. In a
7 proceeding for a grant of custodial responsibility pursuant to this Article, the
8 following rules apply:

9 (a) A prior judicial order designating custodial responsibility
10 in the event of deployment is binding on the court unless the
11 circumstances meet the requirements of law of this state other than
12 this Act for modifying a judicial order regarding custodial
13 responsibility.

14 (b) The court *shall* enforce a prior written agreement
15 between the parents for designating custodial responsibility in the
16 event of deployment, including an agreement executed under Article
17 2, unless the court finds that the agreement is contrary to the best
18 interest of the child.

19 § 39A306. Grant of Caretaking or Decision-Making Authority to
20 Non-Parent.

21 (a) On motion of a deploying parent and in accordance with law of
22 this state other than this Act, if it is in the best interest of the child, a court
23 may grant caretaking authority to a nonparent who is an adult family
24 member of the child or an adult with whom the child has a close and
25 substantial relationship.

1 **(b) Unless a grant of caretaking authority to a nonparent under**
2 **Subsection (a) is agreed to by the other parent, the grant is limited to an**
3 **amount of time not greater than:**

4 **(1) the amount of time granted to the deploying parent under**
5 **a permanent custody order, but the court may add unusual travel time**
6 **necessary to transport the child; or**

7 **(2) in the absence of a permanent custody order that is**
8 **currently in effect, the amount of time that the deploying parent**
9 **habitually cared for the child before being notified of deployment, but**
10 **the court may add unusual travel time necessary to transport the child.**

11 **(c) A court may grant part of a deploying parent’s decision-making**
12 **authority, if the deploying parent is unable to exercise that authority, to a**
13 **nonparent who is an adult family member of the child or an adult with whom**
14 **the child has a close and substantial relationship. If a court grants the**
15 **authority to a nonparent, the court shall specify the decision-making powers**
16 **granted, including decisions regarding the child’s education, religious**
17 **training, health care, extracurricular activities, and travel.**

18 **§ 39A307. Grant of Limited Contact.** On motion of a deploying
19 parent, and in accordance with law of this state other than this Act unless the
20 court finds that the contact would be contrary to the best interest of the child,
21 a court shall grant limited contact to a nonparent who is a family member of
22 the child or an individual with whom the child has a close and substantial
23 relationship.

24 **§ 39A308. Nature of Authority Created by Temporary Custody**
25 **Order.**

26 **(a) A grant of authority under this Article is temporary and**
27 **terminates under Article 4 after the return from deployment of the deploying**

1 parent, unless the grant has been terminated before that time by court order.
2 The grant does not create an independent, continuing right to caretaking
3 authority, decision-making authority, or limited contact in an individual to
4 whom it is granted.

5 (b) A nonparent granted caretaking authority, decision-making
6 authority, or limited contact under this Article has standing to enforce the
7 grant until it is terminated by court order or under Article 4.

8 **§ 39A309. Content of Temporary Custody Order.**

9 (a) An order granting custodial responsibility under this Article
10 must:

11 (1) designate the order as temporary; and

12 (2) identify to the extent feasible the destination, duration,
13 and conditions of the deployment.

14 (b) If applicable, an order for custodial responsibility under this
15 Article must:

16 (1) specify the allocation of caretaking authority, decision-
17 making authority, or limited contact among the deploying parent, the
18 other parent, and any nonparent;

19 (2) if the order divides caretaking or decision-making
20 authority between individuals, or grants caretaking authority to one
21 individual and limited contact to another, provide a process to resolve
22 any dispute that may arise;

23 (3) provide for liberal communication between the deploying
24 parent and the child during deployment, including through electronic
25 means, unless contrary to the best interest of the child, and allocate
26 any costs of communications;

1 (4) provide for liberal contact between the deploying parent
2 and the child during the time the deploying parent is on leave or
3 otherwise available, unless contrary to the best interest of the child;

4 (5) provide for reasonable contact between the deploying
5 parent and the child after return from deployment until the temporary
6 order is terminated, even if the time of contact exceeds the time the
7 deploying parent spent with the child before entry of the temporary
8 order; and

9 (6) provide that the order will terminate pursuant to Article 4
10 after the deploying parent returns from deployment.

11 **§ 39A310. Order for Child Support.** If a court has issued an order
12 granting caretaking authority under this Article, or an agreement granting
13 caretaking authority has been executed under Article 2, the court may enter a
14 temporary order for child support consistent with law of this state other than
15 this Act if the court has jurisdiction under the Uniform Interstate Family
16 Support Act.

17 **§ 39A311. Modifying or Terminating Grant of Custodial**
18 **Responsibility to Nonparent.**

19 (a) Except for an order under § 39A305, except as otherwise
20 provided in Subsection (b), and consistent with the Servicemembers Civil
21 Relief Act, 50 U.S.C. Appendix Sections 521 and 522, on motion of a
22 deploying or other parent or any nonparent to whom caretaking authority,
23 decision-making authority, or limited contact has been granted, the court
24 may modify or terminate the grant if the modification or termination is
25 consistent with this Article and it is in the best interest of the child. A
26 modification is temporary and terminates pursuant to Article 4 after the

1 deploying parent returns from deployment, unless the grant has been
2 terminated before that time by court order.

3 (b) On motion of a deploying parent, the court shall terminate a
4 grant of limited contact.

5 **ARTICLE 4**

6 **RETURN FROM DEPLOYMENT**

7 **§ 39A401. Procedure for Terminating Temporary Grant of**
8 **Custodial Responsibility Established by Agreement.**

9 (a) At any time after return from deployment, a temporary
10 agreement granting custodial responsibility under Article 2 may be
11 terminated by an agreement to terminate signed by the deploying parent and
12 the other parent.

13 (b) A temporary agreement under Article 2 granting custodial
14 responsibility terminates:

15 (1) if an agreement to terminate under Subsection (a)
16 specifies a date for termination, on that date; or

17 (2) if the agreement to terminate does not specify a date, on
18 the date the agreement to terminate is signed by the deploying parent
19 and the other parent.

20 (c) In the absence of an agreement under Subsection (a) to
21 terminate, a temporary agreement granting custodial responsibility
22 terminates under Article 2 sixty (60) days after the deploying parent gives
23 notice to the other parent that the deploying parent returned from
24 deployment.

25 (d) If a temporary agreement granting custodial responsibility was
26 filed with a court pursuant to § 39A205, an agreement to terminate the
27 temporary agreement also must be filed with that court within a reasonable

1 time after the signing of the agreement. The case number and heading of the
2 case concerning custodial responsibility or child support must be provided to
3 the court with the agreement to terminate.

4 **§ 39A402. Consent Procedure for Terminating Temporary**
5 **Grant of Custodial Responsibility Established by Court Order.** At any
6 time after a deploying parent returns from deployment, the deploying parent
7 and the other parent may file with the court an agreement to terminate a
8 temporary order for custodial responsibility issued under Article 3. After an
9 agreement has been filed, the court *shall* issue an order terminating the
10 temporary order effective on the date specified in the agreement. If a date is
11 *not* specified, the order is effective immediately.

12 **§ 39A403. Visitation Before Termination of Temporary Grant of**
13 **Custodial Responsibility.** After a deploying parent returns from
14 deployment until a temporary agreement or order for custodial responsibility
15 established under Article 2 or 3 is terminated, the court *shall* issue a
16 temporary order granting the deploying parent reasonable contact with the
17 child unless it is contrary to the best interest of the child, even if the time of
18 contact exceeds the time the deploying parent spent with the child before
19 deployment.

20 **§ 39A404. Termination by Operation of Law of Temporary**
21 **Grant of Custodial Responsibility Established by Court Order.**

22 (a) If an agreement between the parties to terminate a temporary
23 order for custodial responsibility under Article 3 has *not* been filed, the order
24 terminates sixty (60) days after the deploying parent gives notice to the other
25 parent and any nonparent granted custodial responsibility that the deploying
26 parent has returned from deployment.

1 (b) A proceeding seeking to prevent termination of a temporary
2 order for custodial responsibility is governed by law of this state other than
3 this Act.

4 ARTICLE 5

5 MISCELLANEOUS PROVISIONS

6 § 39A501. Uniformity of Application and Construction. In
7 applying and construing this Uniform Act, consideration must be given to
8 the need to promote uniformity of the law with respect to its subject matter
9 among states that enact it.

10 § 39A502. Relation to Electronic Signatures in Global and
11 National Commerce Act. This Act modifies, limits, or supersedes the
12 Electronic Signatures in Global and National Commerce Act, 15 U.S.C.
13 Section 7001 et seq., but *does not* modify, limit, or supersede Section 101(c)
14 of that Act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of
15 any of the notices described in Section 103(b) of that Act, 15 U.S.C. Section
16 7003(b).

17 § 39A503. Savings Clause. This Act *does not* affect the validity of
18 a temporary court order concerning custodial responsibility during
19 deployment which was entered before.”

COMMITTEE ON GUAM U.S. MILITARY RELOCATION, PUBLIC SAFETY & JUDICIARY

I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature



SENATOR FRANK B. AGUON, JR. CHAIRMAN



Bill No. 291-33 (COR) - An act to add a new chapter 39a, to article 3, title 7, Guam Code Annotated, relative to custody and visitation of deployed military parents.
(Sponsor: M.C. Torres)

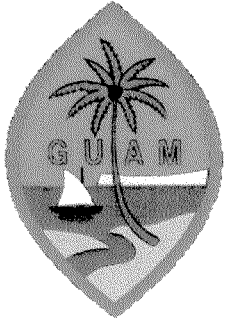
Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
Roderick Llan Gusterson	BNG	688-8241	✓	✓	✓	

COMMITTEE ON GUAM U.S. MILITARY RELOCATION, PUBLIC SAFETY & JUDICIARY

I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature



SENATOR FRANK B. AGUON, JR. CHAIRMAN



Bill No. 291-33 (COR) - An act to add a new chapter 39a, to article 3, title 7, Guam Code Annotated, relative to custody and visitation of deployed military parents.

(Sponsor: M.C. Torres)

Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
Raymond Perez	Even National Guard	727-2299	NO	NO	✓	



OFFICE OF THE DEPUTY ASSISTANT SECRETARY OF DEFENSE
(MILITARY COMMUNITY AND FAMILY POLICY)

4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

DoD-State Liaison Office

May 23, 2016

Bill 291-33 Letter of Support

I Mina'trentai Tres Na Liheslaturnan Guåhan:

On behalf of the Deputy Assistant Secretary of Defense, Military Community and Family Policy, I submit this letter of support for the policies in Bill 291-33, a bill relating to military deployment and its impact on child custody.

Many divorced Service members have custody of, or visitation rights with, children whose other parent is not the Service member's current spouse. Many of these Service members who are deployed away from their family find that States do not consider the unique aspects of military service when making custody decisions. These absences due to military service can undermine and disrupt existing arrangements, creating stress on parents and children.

Although the Department of Defense believes the welfare of the child is paramount, it also believes the demands of military service should not abrogate the parent's rights. The Department thinks states are in the best position to balance such equities and believes there are several protections in the Uniform Law Commission language incorporated into Bill 291-33 which would serve both the parent's rights and the welfare of the children. We believe these additional protections assist in addressing the unique aspects of military service involved in decisions about child custody and will strengthen Guam's policy in this regard.

Please feel free to contact me if you have any questions.

Dr. Laurie Crehan

Regional State Liaison, Department of Defense State Liaison Office

Office of the Deputy Assistant Secretary of Defense, Military Community and Family Policy

703-380-6538

Laura.j.crehan.civ@mail.mil

I read the Bill to refine custody and visitation of deployed military parents and the bill looks good.

I do have some questions that may refine the language of the bill.

In Section **39A306** of the bill, Grant of Caretaker Authority to a Non-Parent.

This section of the bill appears to allow a nonparent to have a custody or visitation if it is in the best interest of the child.

We had two case in our largest deployment where the deploying Soldier had custody and the child was highly involved with their grandparents. The non-deploying parent then obtained custody and cut off visitation with the grandparents.

I ask that you consider some type of language that allows grandparents visitation rights if Non-parents are given custody during a deployment

In Section **39A307** Grant of Limited Contact.

Upon motion by the deploying parent, the court may grant limited contact to the child by the non-parent.

Does this mean a grandparent or other family member will may have limited contact?

Roderick Leon Guzman
GVAM National Guard



COMMITTEE ON RULES

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Member


V. Anthony Ada
MINORITY LEADER

Mary C. Torres
MINORITY MEMBER

June 15, 2016

Memorandum

To: Rennae Meno
Clerk of the Legislature

From: Senator Rory J. Respicio 
Chairperson of the Committee on Rules

Subject: Fiscal Note

Hafa Adai!

Attached please find the fiscal note for the bill number listed below.
Please note that the fiscal note is issued on the bill as introduced.

FISCAL NOTE:
Bill No. 291-33(COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Si Yu'os ma'åse'!

2016 JUN 15 AM 11:51

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 291-33 (COR)**

AN ACT TO ADD A NEW CHAPTER 39A, TO ARTICLE 3, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO CUSTODY AND VISITATION OF DEPLOYED MILITARY PARENTS.

Department/Agency Appropriation Information	
Dept./Agency Affected: Unified Judiciary of Guam	Dept./Agency Head: Robert J. Torres, Chief Justice
Department's General Fund (GF) appropriation(s) to date:	33,043,444
Department's Other Fund (Specify) appropriation(s) to date: Safe Streets Fund	145,468
Total Department/Agency Appropriation(s) to date:	333,188,912

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2015 Unreserved Fund Balance		\$0	\$0
FY 2016 Adopted Revenues	\$0	\$0	\$0
FY 2016 Appro. (P.L. 33-66 thru _____)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2016 (if applicable)	FY 2017	FY 2018	FY 2019	FY 2020
General Fund	1/	\$0	\$0	\$0	\$0	\$0
Judicial Building Fund	1/	\$0	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0	\$0

- | | | | |
|---|---------|-------------------------------|----------------------------|
| 1. Does the bill contain "revenue generating" provisions?
If Yes, see attachment | | / / Yes | /x/ No |
| 2. Is amount appropriated adequate to fund the intent of the appropriation?
If no, what is the additional amount required? \$ _____ | /x/ N/A | / / Yes | / / No |
| 3. Does the Bill establish a new program/agency?
If yes, will the program duplicate existing programs/agencies?
Is there a federal mandate to establish the program/agency? | /x/ N/A | / / Yes
/ / Yes
/ / Yes | /x/ No
/ / No
/x/ No |
| 4. Will the enactment of this Bill require new physical facilities? | | / / Yes | /x/ No |
| 5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason:
/ / Requested agency comments not received by due date | | /x/ Yes | / / No |
| | | / / Other: | |

Analyst: <u>Dina P. Rivera</u> Dina P. Rivera	Date: <u>6-14-16</u>	Director: <u>J. S. Calvo</u> Jose S. Calvo, Director	Date: <u>6-14-16</u>
--	----------------------	---	----------------------

Footnotes:
1/ Based on information from the Judiciary of Guam, since there is already a "Uniform Child-Custody Jurisdiction and Enforcement Act" in existence, it does not have any concerns regarding the proposal on the "Uniform Deployed Parents Custody and Visitation Act (UDPCVA) which would address the wide variability in the ways that states handle child custody and visitation issues that arise when service members are deployed. Any associated operational costs to carry out the intent of the UDPCVA would be absorbed by the Judiciary. See attachment on projected multi-year revenues anticipated for custody actions based on filing fees, issuance of summons, motion fees etc.

Bureau of Budget & Management Research
Attachment to Fiscal Note No. 291-33 (COR)
(for revenue generating provisions)

Projected Multi-Year Revenues					
	Year 1	Year 2	Year 3	Year 4	Year 5
General Fund	\$0	\$0	\$0	\$0	\$0
Judicial Building Fund	\$1,870	\$1,870	\$1,870	\$1,870	\$1,870
Total	\$1,870	\$1,870	\$1,870	\$1,870	\$1,870

Comments:

Per information provided by the Judiciary of Guam, in 2015 there were 657 Domestic cases filed. Of that number, 56 were Custody cases. The filing fee for every complaint filed is \$300.00 and \$14.00 for the issuance of a summon. Other filing fees may include motion fees at \$20.00 per motion or total possible fees of \$334. Therefore, assuming the same amount of custody cases and if 10% are related to custody and visitation by deployed military parents, an estimated \$1,870 ($\$334 \times 56 \text{ cases} \times 10\%$) in revenues could be generated by the Judiciary of Guam annually.



COMMITTEE ON RULES

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Certification of Waiver of Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **Bill No. 291-33 (COR) – Mary Camacho Torres, "AN ACT TO ADD A NEW CHAPTER 39A, TO ARTICLE 3, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO CUSTODY AND VISITATION OF DEPLOYED MILITARY PARENTS,"**– on April 8, 2016. COR hereby certifies that BBMR confirmed receipt of this request April 8, 2016 at 3:49 P.M.

COR further certifies that a response to this request was not received. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 291-33 (COR) to be included in the committee report on said bill, is hereby waived.**

Certified by:

Senator Thomas C. Ada
Acting Chairperson of the Committee on Rules

June 10, 2016
Date



COMMITTEE ON RULES

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Mary C. Torres
MINORITY MEMBER

April 8, 2016

VIA E-MAIL

joey.calvo@bbmr.guam.gov

Jose S. Calvo
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Note – Bill No. 291-33(COR)

Hafa Adai Mr. Calvo:

Transmitted herewith is a listing of *I Mina'trentai Tres Na Liheslaturan Guåhan's* most recently introduced bill. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal note for the referenced bill.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio
Chairperson of the Committee on Rules

Attachment (1)

Cc: Clerk of the Legislature

Bill No.	Sponsor	Title
291-33 (COR)	Mary Camacho Torres	AN ACT TO ADD A NEW CHAPTER 39A, TO ARTICLE 3, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO CUSTODY AND VISITATION OF DEPLOYED MILITARY PARENTS.



COMMITTEE ON RULES

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V. Anthony Ada

MINORITY LEADER

Mary C. Torres

MINORITY MEMBER

April 7, 2016

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio**
Chairperson of the Committee on Rules

Subject: Referral of Bill No. 291-33(COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 291-33(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Tres Na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

I Mina'Trentai Tres Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
291-33 (COR)	Mary Camacho Torres	AN ACT TO ADD A NEW CHAPTER 39A, TO ARTICLE 3, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO CUSTODY AND VISITATION OF DEPLOYED MILITARY PARENTS.	04/05/16 3:07 p.m.	04/06/16	Committee on the Guam U.S. Military Relocation, Public Safety and Judiciary			



Guam U.S Military Relocation | Public Safety | Judiciary

I MINA' TRENTAI TRES NA LIHESLATURAN GUÅHAN | 33rd GUAM LEGISLATURE



Notified Stakeholders

Senator
FRANK B. AGUON, JR.
Chairman

Senator
Thomas C. Ada
Vice Chairman

Vice-Speaker
Benjamin J.F. Cruz
Member

Senator
Roy J. Respicio
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Senator
Dr. Nerissa B. Underwood,
Ph.D.
Member

Senator
V. Anthony Ada
Member

Senator
Frank F. Blas Jr.
Member

Senator
James V. Espaldon
Member

Senator
Brant T. McCreddie
Member

Speaker
Dr. Judith T. Won Pat, Ed.D
Ex-Officio

- **All Senators / Stakeholders / Media**
- **Governor Eddie B. Calvo**
- **Lieutenant Governor Ray Tenorio**
- **Congresswoman Madeleine Z. Bordallo**
- **Chief Justice Robert J. Torres**
 - Joshua Tenorio, Administrator of the Courts
- **Special Assistant to the Governor on Military Buildup & Infrastructure**
 - Mark Calvo
- **Guam Customs & Quarantine Agency**
 - Philip Tajjeron, Assistant Chief
- **Guam Police Department**
 - Joseph I. Cruz, Chief
- **Antonio Won Pat International Airport**
 - Charles Ada, General Manager
 - Edward Untalan, Chairman of the Board
- **Guam Airport Police**
 - Bob Camacho, Chief
- **Guam Port Authority Police**
 - Doris Aguero, Chief
- **Guam Fire Department**
 - Joey San Nicolas, Chief
- **Department of Corrections**
 - Jose A. San Agustin, Director
 - Carla Borja, Deputy Director
- **Guam Department of Parks and Recreation**
 - Robert Lizama, Director
- **Office of the Attorney General**
 - Attorney Elizabeth Barrett-Anderson
- **Public Defender Service Corporation**
 - Stephen Hattori, Public Defender
- **Department of Land Management**
 - Michael JB Borja, Director
 - David V. Camacho, Deputy Director
 - Marvin Q. Aguilar, Chief Planner
- **Guam National Guard**
 - Brigadier General Roderick R. Leon Guerrero, Adjutant General
- **Department of Administration**
 - Christine Baletto, Director
- **Attorney Bill Pesch**

SUITE 503, DNA BLDG. 238 ARCHBISHOP FLORES STREET HAGATNA, GUAM 96910
PHONE: (671) 475-GUM1/2 (4861/2) | FAX: (671) 475-GUM3 (4863) |
EMAIL: AGUON4GUAM@GMAIL.COM



Niel Tirador <committee@frankaguonjr.com>

1ST Notice – Public Hearing and Roundtable on Wednesday, May 25, 2016

1 message

Office of Senator Frank Aguon, Jr. Admin <admin@frankaguonjr.com>

Wed, May 18, 2016 at 8:38 AM

To: "Office of Senator Frank B. Aguon, Jr." <admin@frankaguonjr.com>

Cc: "Frank Aguon, Jr." <aguon4guam@gmail.com>, Committee <committee@frankaguonjr.com>, Lourdes Eclavea <staff@frankaguonjr.com>, Senator Aguon's Assistant <officeassistant@frankaguonjr.com>, Tricia Benavente <media@frankaguonjr.com>

May 18, 2016

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: SENATOR FRANK B. AGUON, JR.

Subject: 1ST Notice – Public Hearing and Roundtable on Wednesday, May 25, 2016

In accordance with the *Open Government Law of Guam*, relative to notice for public meetings, please be advised that the *Committee on Guam U.S. Military Relocation, Public Safety & Judiciary*, will convene a **Public Hearing and Roundtable on Wednesday, May 25, 2016**, in the *I Liheslatura* Public Hearing Room with the following schedule:

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- **Bill No. 309-33 (LS):** - An act to add a new section 3a to chapter xiv of Public Law 33-66. (*Sponsors: Senators B.T. McCreadie, V.A. Ada, F.F. Blas, Jr., F.B. Aguon, Jr., D.G. Rodriguez, Jr., T. Morrison, R.J. Respicio*)
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Roundtable at 3:30 P.M. – Included on the agenda are the following:

- Public Defender Service Corporation 2016~2019 Strategic Planning Presentation

Office of Senator Frank B. Aguon, Jr. | 1ST NOTICE - Public Hearing and Roundtable on Wednesday, May 23, 2016
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www.guamlegislature.com.

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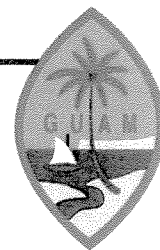
—
Thanks!

Office of Senator Frank B. Aguon, Jr.

Committee on Guam US Military Relocation, Public Safety, and Judiciary
SUITE 503, DNA BLDG. 238 ARCHBISHOP FLORES STREET HAGÁTÑA, GUAM 96910
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 **1ST NOTICE PUBLIC HEARING 25-MAY-16.pdf**
502K



May 18, 2016

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: SENATOR FRANK B. AGUON, JR.

Subject: 1ST Notice – Public Hearing and Roundtable on Wednesday, May 25, 2016

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Respectfully,

SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary

I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature

SUITE 503, DNA BLDG. 238 ARCHBISHOP FLORES STREET HAGATNA, GUAM 96910

PHONE: (671) 475-GUM1/2 (4861/2) | FAX: (671) 475-GUM3 (4863) | EMAIL: AGUON4GUAM@GMAIL.COM

WWW.FRANKAGUONJR.COM

Senator
FRANK B. AGUON, JR.
Chairman

Senator
Thomas C. Ada
Vice Chairman

Vice-Speaker
Benjamin J.F. Cruz
Member

Senator
Rory J. Respicio
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Senator
James V. Espaldon
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Senator
Brant T. McCreddie
Member

Speaker
Dr. Judith T. Won Pat. Ed.D
Ex-Officio



Niel Tirador <committee@frankaguonjr.com>

2ND Notice – Public Hearing and Roundtable on Wednesday, May 25, 2016

1 message

Office of Senator Frank Aguon, Jr. Admin <admin@frankaguonjr.com>

Mon, May 23, 2016 at 8:19 AM

To: "Office of Senator Frank B. Aguon, Jr." <admin@frankaguonjr.com>

Cc: "Frank Aguon, Jr." <aguon4guam@gmail.com>, Committee <committee@frankaguonjr.com>, Lourdes Eclavea <staff@frankaguonjr.com>, Senator Aguon's Assistant <officeassistant@frankaguonjr.com>, Tricia Benavente <media@frankaguonjr.com>

May 23, 2016

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: SENATOR FRANK B. AGUON, JR.

Subject: 2ND Notice – Public Hearing and Roundtable on Wednesday, May 25, 2016

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–

Thanks!

Office of Senator Frank B. Aguon, Jr.

Committee on Guam US Military Relocation, Public Safety, and Judiciary

SUITE 503, DNA BLDG. 238 ARCHBISHOP FLORES STREET HAGÁTÑA, GUAM 96910

Tel: (671) 475-GUM1/2 (4861/2)

Fax: (671) GUM3 (4863)

aguon4guam@gmail.com | www.frankaguonjr.com

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 **2ND NOTICE PUBLIC HEARING 25-MAY-16.pdf**
502K



May 23, 2016

MEMORANDUM

To: All Senators, Media, and Stakeholders
Fr: SENATOR FRANK B. AGUON, JR.

Subject: 2ND Notice - Public Hearing and Roundtable on Wednesday, May 25, 2016

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Respectfully,

Handwritten signature of Senator Frank B. Aguon, Jr.

SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary

I Mina' Trentaj Tres Na Liheslaturan Guahan | 33rd Guam Legislature

SUITE 503, DNA BLDG. 238 ARCHBISHOP FLORES STREET HAGATNA, GUAM 96910

PHONE: (671) 475-GUM1/2 (4861/2) | FAX: (671) 475-GUM3 (4863) | EMAIL: AGUON4GUAM@GMAIL.COM

WWW.FRANKAGUONJR.COM

Senator FRANK B. AGUON, JR. Chairman

Senator Thomas C. Ada Vice Chairman

Vice-Speaker Benjamin J.F. Cruz Member

Senator Rory J. Respicio Member

Senator Dennis G. Rodriguez, Jr. Member

Senator Dr. Nerissa B. Underwood, Ph.D. Member

Senator V. Anthony Ada Member

Senator Frank F. Blas Jr. Member

Senator James V. Espaldon Member

Senator Brant T. McCreddie Member

Speaker Dr. Judith T. Won Pat. Ed.D Ex-Officio



May 18, 2016

The Honorable Edward J. Calvo
Governor of Guam

513 West Marine Corps Drive
Ricardo J. Bordallo Complex
Hagåtña, Guam 96910
Sent via email to: governor@guam.gov

Subject: **INVITATION** – Public Hearing and Roundtable on Wednesday, May 25, 2016

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Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary
I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature

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May 18, 2016

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Ex-Officio

The Honorable Ray Tenorio
Lieutenant Governor of Guam

513 West Marine Corps Drive
Ricardo J. Bordallo Complex
Hagåtña, Guam 96910

Sent via email to: ray.tenorio@guam.gov

Subject: **INVITATION** – Public Hearing and Roundtable on Wednesday, May 25, 2016

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Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary
I Mina' Trentai Tres Na Liheslaturaan Guahån | 33rd Guam Legislature

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WWW.FRANKAGUONJR.COM



May 18, 2016

**Honorable Madeleine Z. Bordallo
Congresswoman**

120 Father Duenas Avenue, Suite 107
Hagåtña, Guam 96910

Transmitted via Email to: gu00ima@mail.house.gov

Subject: INVITATION – Public Hearing and Roundtable on Wednesday, May 25, 2016

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I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature

SUITE 503, DNA BLDG. 238 ARCHBISHOP FLORES STREET HAGATNA, GUAM 96910
PHONE: (671) 475-GUM1/2 (4861/2) | FAX: (671) 475-GUM3 (4863) | EMAIL: AGUON4GUAM@GMAIL.COM

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Rory J. Respicio
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May 18, 2016

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The Honorable Robert J. Torres, Jr.
Chief Justice of Guam
Judiciary of Guam

Suite 300, Guam Judicial Center 120 West O'Brien Drive
Hagåtña, Guam 96910
Sent via email to: rjtorres@guamsupremecourt.com

Subject: INVITATION – Public Hearing and Roundtable on Wednesday, May 25, 2016

In accordance with the *Open Government Law of Guam*, relative to notice for public meetings, please be advised that the *Committee on Guam U.S. Military Relocation, Public Safety & Judiciary*, will convene a **Public Hearing and Roundtable on Wednesday, May 25, 2016**, in the *I Liheslatura* Public Hearing Room with the following schedule:

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Respectfully,


SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary
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Mr. Joshua Tenorio
Administrator of Courts
Judiciary of Guam
Suite 300, Guam Judicial Center 120 West O'Brien Drive
Hagåtña, Guam 96910
Sent via email to: jtenorio@guamcourts.org

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The Honorable Elizabeth Barrett Anderson
Attorney General of Guam
590 S. Marine Corps Drive
ITC Bldg., Suite 706
Tamuning, Guam 96913
Sent via email to: ebanderson@guamag.org

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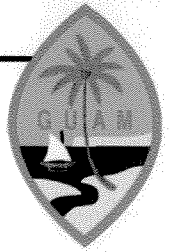
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May 18, 2016

Brigadier General Roderick R. Leon Guerrero
Adjutant General
Guam National Guard

Transmitted via Email to: roderick.r.leonguerrero.mil@mail.mil

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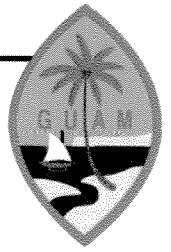
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Chief Joseph I. Cruz

Chief of Police

Guam Police Department

Bldg 13-16A Mariner Ave.

Tiyan, Barrigada, Guam 96913

Sent via email to: joseph.i.cruz@gpd.guam.gov

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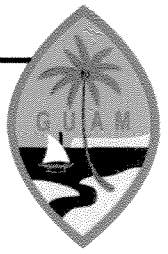

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May 18, 2016

Mrs. Christine Baletto
Director, Department of Administration
590 South Marine Corps Drive
Suite 224, ITC Building
Tamuning, Guam 96913
Transmitted via Email to: Christine.baletto@doa.guam.gov

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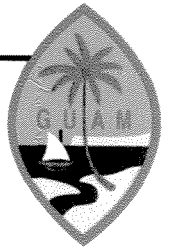
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Attorney William (Bill) Pesch
173 Aspinall Avenue,
Ada Plaza Building, Suite 203,
Hagatna, GU 96910
Sent via email to: guamfamilylawoffice@gmail.com

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Attorney Stephen P. Hattori
Executive Director, Public Defender Service Corporation
MVP Sinajana Commercial Bldg., Unit B
Sinajana, Guam 96910
Sent via email to: sphattori@quamapd.net

Subject: **INVITATION** – Public Hearing and Roundtable on Wednesday, May 25, 2016

In accordance with the *Open Government Law of Guam*, relative to notice for public meetings, please be advised that the *Committee on Guam U.S. Military Relocation, Public Safety & Judiciary*, will convene a **Public Hearing and Roundtable on Wednesday, May 25, 2016**, in the *I Liheslatura* Public Hearing Room with the following schedule:

Public Hearing at 11:00 A.M—Included on the agenda are the following Bills:

- **Bill No. 291-33 (COR):** - An act to add a new chapter 39a, to article 3, title 7, Guam Code Annotated, relative to custody and visitation of deployed military parents. (*Sponsor: Senator M.C. Torres*)
- **Bill No. 296-33 (COR):** - An act to amend §60109.1(a)(8) of chapter 60 of 10gca relative to training requirements for concealed carry licenses. (*Sponsor: Senator V.A. Ada*)
- **Bill No. 309-33 (LS):** - An act to add a new section 3a to chapter xiv of Public Law 33-66. (*Sponsors: Senators B.T. McCreadie, V.A. Ada, F.F. Blas, Jr., F.B. Aguon, Jr., D.G. Rodriguez, Jr., T. Morrison, R.J. Respicio*)
- **Bill No. 311-33 (COR):** - An act to add a new § 28.110. to chapter 28 of title 9, Guam Code Annotated, relative to unlawful distribution of images of persons depicted in a state of nudity or engaged in sexual activities, otherwise known as "revenge pornography." (*Sponsor: Speaker J.T. Won Pat, Ed. D.*)

Roundtable at 3:30 P.M. — Included on the agenda are the following:

- Public Defender Service Corporation 2016~2019 Strategic Planning Presentation

The Committee requests that, if written testimonies are to be presented at the Public Hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr. at Suite 503 DNA Bldg. 238 Archbishop Flores St. Hagatña, Guam, via fax to 475-GUM3(4863), or via email to: aguon4guam@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *I Liheslatura Guahân*'s website at: www.guamlegislature.com. Individuals requiring special accommodations, auxiliary aids, or services should contact Lawrence Alcairo/Niel Tirador at 475-4861/2 or email at committee@frankaguonjr.com. Please feel free to contact my office should you have any additional questions or concerns. We look forward to your participation and attendance.

Respectfully,


SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary
I Mina' Trentai Tres Na Liheslatura Guahan | 33rd Guam Legislature

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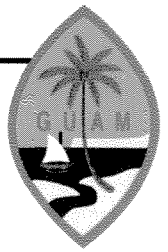
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Updated: May 9, 2016

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PUBLIC HEARING AGENDA

Wednesday, May 25, 2016 at 11:00 AM

I Liheslaturan Guahan's Public Hearing Room, Hagåtña

AGENDA

Senator
FRANK B. AGUON, JR.
Chairman

Senator
Thomas C. Ada
Vice Chairman

Vice-Speaker
Benjamin J.F. Cruz
Member

Senator
Rory J. Respicio
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Senator
Dr. Nerissa B. Underwood, Ph.D.
Member

Senator
V. Anthony Ada
Member

Senator
Frank F. Blas Jr.
Member

Senator
James V. Espaldon
Member

Senator
Brant T. McCreddie
Member

Speaker
Dr. Judith T. Won Pat, Ed.D.
Ex-Officio

I. Call to Order at 11:00AM

II. Opening remarks/Announcements

- **Bill No. 291-33 (COR)** - An act to add a new chapter 39a, to article 3, title 7, Guam Code Annotated, relative to custody and visitation of deployed military parents. (*Sponsor: Senator M.C. Torres*)
- **Bill No. 296-33 (COR)** - An act to amend §60109.1(a)(8) of chapter 60 of 10gca relative to training requirements for concealed carry licenses. (*Sponsor: Senator V.A. Ada*)
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III. Closing Remarks

IV. Adjournment



SENATOR MARY CAMACHO TORRES

Minority Whip

Vice Chair Committee on Finance and Taxation, General Government Operations and Youth Development
I Mina'trentai Tres Na Liheslaturan Guåhan

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Senator Torres Introduces Bill 291-33 in Honor of the Month of the Military Child

FOR IMMEDIATE RELEASE

April 6, 2016

Senator Mary Camacho Torres joins the Department of Defense and the military community in celebrating the Month of the Military Child with her introduction of Bill 291-33, which seeks to add the Uniform Deployed Parents Custody and Visitation Act (UDPCVA) to the Guam Code Annotated.

The legislation – which applies to Active Duty, Guard and Reserve - protects military members' child custody and visitation rights when they are deployed for more than 90 days, but fewer than 18 months.

The UDPCVA helps establish a nationwide standard for military members, providing an extra element of stability for military families. Perhaps, most importantly, it protects the best interests of military children during deployments.

Some of the key provisions of the legislation include:

- Encouraging mutual, temporary custody arrangements between parents during a deployment;
- Providing for expedited child custody orders in the event of a deployment;
- Allowing courts to temporarily grant the deploying military member's portion of custodial responsibility to a non-parent family member or adult with whom the child has a close and substantial relationship at the military member's request;
- Does not permit a permanent custody order to be entered into prior to or during a deployment without the deploying military member's consent;
- Provides protections that a military member's past deployments or possible future deployments can be used against him or her when determining custody without giving serious consideration as to whether a child's best interest would be truly be compromised.

The UDPCVA is currently law in 10 states and pending legislation in 10 more, including Guam.

- *Contact the Office of Senator Mary Camacho Torres at 588-6300 or via email at kurtzman.guamlegis@gmail.com for more information -*

Deployment and custodial issues are difficult, need uniform ground rules

Bill Pesch 10:22 p.m. ChST April 24, 2016



(Photo: PDN file)

Serving in the military and raising children aren't always compatible tasks. This is especially true when a parent gets deployed. The situation can be even more complicated, and unsettling, when the parents are divorced or separated.

If the deploying parent has custody of the child, who should care for the child during the military member's absence? Should the other parent automatically take custody of the child, or should the military member with custody be able to designate someone else to serve as a temporary custodian?

Unfortunately, the answer to this question often depends on the laws of the state that has jurisdiction over the custody issue. And, because each state has the right to make its own laws governing custody decisions, the answer may differ from one state to another. When the parents live in different states, conflicts in law may arise.

The situation can be very confusing, even for lawyers. What's a military parent to do?



PACIFIC DAILY NEWS

[Perks, and drawbacks, of the military child lifestyle](#)

<http://www.guampdn.com/story/life/2016/04/10/perks-and-drawbacks-military-child-lifestyle/82548016/>

This is the type of situation where the services of the Uniform Law Commission, or ULC, come into play. Established in 1892, the ULC is a nonprofit organization that provides states with nonpartisan legislation that helps to bring uniformity, clarity and stability across the nation to certain areas of law. A total of 300 volunteer lawyers serve as uniform law commissioners. They are responsible for drafting the legislation.

The commissioners come from all 50 states, the District of Columbia, Puerto Rico and the U.S. Virgin Islands. For some reason, Guam does not have a commissioner on the ULC. This oversight should be immediately remedied.

Working together, the commissioners draft model statutes in areas of the law where uniformity among the states is desirable. Over the past 124 years, the ULC has drafted more than 300 uniform laws in a wide variety of legal fields. Typically, these fields include commercial law, family law, real property law, estate and probate law, business organization law, health law and conflicts of interest.

The ULC's model laws are only proposals. Legislatures from each state must decide whether to pass the legislation. A state legislature may adopt the proposed model law exactly as written by the ULC, or the legislature may modify the law as it sees fit. Obviously, the ULC strongly recommends that legislatures keep the law as close to the original version as possible to assure uniformity across all state and territory borders.



PACIFIC DAILY NEWS

[No uniform surrogacy laws](#)

<http://www.guampdn.com/story/opinion/columnists/2016/01/03/no-uniform-surrogacy-laws/78198896/>

Several years ago, the ULC turned its attention to the plight of military service members trying to juggle their military duties along with their parental obligations. This delicate juggling act is complicated by the fact that many service members with children are single and exercise primary physical custody over their children. In such a situation, orders to deploy can lead to severe anxiety and confusion on how best to address the situation.

As a result, the Department of Defense expressed concern for the fact that custodial uncertainties can undermine the overall war effort and interfere with a service member's ability to satisfactorily complete assigned missions.

Family law attorneys and judges have also expressed their collective frustration with the fact that there are no established uniform ground rules to resolve custodial issues that cross state and territorial boundaries.

For several years, the ULC worked on model legislation to address these concerns. In 2012, the ULC unveiled the Uniform Deployed Parent Custody and Visitation Act. So far, 10 states have passed the act. Most of the remaining states have the legislation pending or have passed similar legislation.



PACIFIC DAILY NEWS

[Humanities council helps female veterans share their stories](http://www.guampdn.com/story/life/2015/06/06/women-warriors-oral-history-0607/28595457/)

[\(http://www.guampdn.com/story/life/2015/06/06/women-warriors-oral-history-0607/28595457/\)](http://www.guampdn.com/story/life/2015/06/06/women-warriors-oral-history-0607/28595457/)

Sen. Mary Camacho Torres has recently introduced the Uniform Deployed Parent Custody and Visitation Act in the Guam Legislature as Bill 291.

In Section 1 of the Bill, she notes that "over 16,000 service members, comprised of active duty, reserve, National Guard, Air Force, Army, Coast Guard, Marine Corps and Navy, serve their nation here on Guam. ... Many of our service members are parents, and in some cases, have primary or sole custody over their children. ... Many times ... custody issues involve two or more states. A patchwork of rules makes it difficult for the parents to resolve these important issues quickly and fairly, hurts the ability of deploying parents to serve the country effectively, and interferes with the best interest of children."

I encourage the community to take the time to read and discuss this important legislation. With so many Guamanians serving in the military, we need to address this matter now rather than later. Next week, I'll go over the bill's highlights.

Bill Pesch is a family law attorney with the Guam Family Law Office in Hagåtña. You can contact him through his website: GuamFamilyLawOffice.com.

Read or Share this story: <http://www.guampdn.com/story/opinion/columnists/2016/04/24/deployment-and-custodial-issues-difficult-need-uniform-ground-rules/83455404/>



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WHY STATES SHOULD ADOPT THE UNIFORM DEPLOYED PARENTS CUSTODY AND VISITATION ACT

The Uniform Deployed Parents Custody and Visitation Act (UDPCVA) addresses the wide variability in the ways that states handle child custody and visitation issues that arise when service members are deployed. Because of the mobile nature of military service, and because a child's other parent will often live in or move to a different state than the deployed service member, bringing the child with them, there are many times that these custody issues involve two or more states. Yet different states now apply very different substantive law and court procedures from one another when custody issues arise on a parent's deployment. The resulting patchwork of rules makes it difficult for the parents to resolve these important issues quickly and fairly, hurts the ability of deploying parents to serve the country effectively, and interferes with the best interest of children.

The UDPCVA provides uniform, expeditious, and fair disposition of cases involving the custody rights of a member of the military. The UDPCVA ensures a proper balance of interests—protecting the rights of the service member, the other parent, and above all the best interest of the children involved.

Among its attributes that will improve state law, the UDPCVA:

- Encourages and facilitates mutual agreement between parents to a custody arrangement during deployment
- Provides a set of expedited procedures for entry of a temporary custody order during deployment
- Integrates with the Uniform Child Custody Jurisdiction and Enforcement Act, and declares the residence of the deploying parent not changed by reason of the deployment, thus protecting against jurisdictional litigation
- Allows the court, at the request of a deploying parent, to grant the service member's portion of custodial responsibility in the form of caretaking authority to an adult nonparent who is either a family member or with whom the child has a close and substantial relationship when it serves the child's best interest
- Declares that no permanent custody order can be entered before or during deployment without the service member's consent
- Guards against the possibility that courts will use past or possible future deployment as a negative factor in determining custody by service members without serious consideration of whether the child's best interest was or would be truly compromised by such deployment

Pass deployment custody act

Bill Pesch 7:24 p.m. ChST May 1, 2016



(Photo: PDN file)

In the military community, April is celebrated as the Month of the Military Child. All too often, in the rush to support our active-duty service members, the plight of their children is overlooked.

Although military life offers kids many advantages, such as travel and adventure, the transient lifestyle also has disadvantages, such as having to say goodbye to old friends, having to make new friends, and having to adjust to new schools.

In an environment of constant change, family stability is the key to keeping military kids secure and well grounded. Achieving and maintaining stability in such an environment is often challenging. Military life can be rough on marriages and rough on internal family relationships. If a divorce, deployment and a custody battle are added to the mix, a child's emotional well-being can be undermined.

Bill 291

For this reason, among others, I was pleased to learn Sen. Mary Camacho Torres recently introduced Bill 291, the Uniform Deployed Parents Custody and Visitation Act. The act's goal is to assist courts throughout the United States to reach quicker, fairer and more uniform resolutions of cases involving custody rights over a minor when a military parent is facing imminent deployment. I am hopeful the act will not only help parents navigate the custodial issues that arise in a deployment situation, but will also work to the advantage of military dependents caught in the crosshairs of a potentially nasty custody battle.



PACIFIC DAILY NEWS

Deployment and custodial issues are difficult, need uniform ground rules

(<http://www.guampdn.com/story/opinion/columnists/2016/04/24/deployment-and-custodial-issues-difficult-need-uniform-ground-rules/83455404/>)

The act requires a deploying parent to give the other parent written notice of the deployment orders not later than seven days after receiving them. Following this notice, both parents are required to provide the other parent with a written plan for fulfilling custodial responsibilities during the deployment.

The primary goal for requiring timely notice and sharing custodial plans is to encourage parents to voluntarily enter into a temporary custodial agreement that identifies and addresses such matters as:

- Specifying how long the agreement will remain in effect.
- Designating the appropriate caretaker.
- Allocating caretaking authority among the deploying parent, the other parent and any nonparent.
- Specifying any grant of limited contact of a non-parent.
- In a shared custodial arrangement, providing a process to resolve any potential dispute.
- Describing the contact arrangements to be maintained between the deploying parent and the child or children.

The act also provides guidelines for modifying the agreement if changes are needed during deployment.

If the parties can't reach an agreement, either may file a motion with the appropriate court. The act helps to identify where such a motion can be filed. If a court has already issued a temporary or permanent order regarding custody before the notice of deployment, the residence of the deploying parent isn't changed by reason of deployment. Applying this standard across the country will help parties and courts more easily identify which state or territory has jurisdiction.

Once a motion for custody is filed, the court is required to act quickly and can only issue a temporary order. Deployment in and of itself isn't grounds for a permanent custody change. Under the act, if a party or witness can't attend the court hearing, the judge may take testimony by electronic means, such as video conferencing. The judge must enforce any prior court order or written agreement that addresses deployment custodial arrangements, <http://www.guampdn.com/story/opinion/columnists/2016/05/01/pass-deployment-custody-act/83746078/>

unless it is contrary to the child's best interest.



PACIFIC DAILY NEWS

Perks and drawbacks of the military child lifestyle

(<http://www.guampdn.com/story/life/2016/04/10/perks-and-drawbacks-military-child-lifestyle/82548016/>)

In a major shift from the tradition of granting custody only to a parent, the act authorizes a judge to grant caretaking authority to a "nonparent who is an adult family member of the child or an adult with whom the child has a close and substantial relationship." I believe this means that a step-parent (the current spouse of the deploying servicemember) could be awarded temporary custody. This might be appropriate in a situation where the deploying parent had physical custody of the child prior to deployment. Arguably, this affords the child greater stability by allowing the child to continue to live in a familiar home and to attend the same school.

In response to a shift in custodial care, a court may temporarily modify child support.

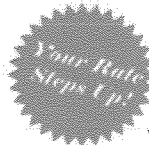
Hopefully, as the Legislature considers this important bill, my legal colleagues, and others affected by this legislation, will voice their opinions and offer suggestions for improvement. Next April, let's give military children something to celebrate.

Bill Pesch is a family law attorney with the Guam Family Law Office in Hagåtña. You can contact him through his website: GuamFamilyLawOffice.com.

Read or Share this story: <http://www.guampdn.com/story/opinion/columnists/2016/05/01/pass-deployment-custody-act/83746078/>

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**Resolution Supporting Passage of the Uniform
Deployed Parents Custody and Visitation Act**
Adopted by the American Academy of Matrimonial Lawyers

WHEREAS, deployment of men and women in the national uniformed services generate child custody issues that are not adequately dealt with by the law in most states;

WHEREAS, notice of deployment may be sudden as to make it difficult to resolve parenting and custody issues before deployment by alternate dispute resolution methods or post-judgment motions;

WHEREAS, the overseas deployment of a parent raises special and complex problems with the parent-child relationship during a parent's absence;

WHEREAS, return from deployment requires parents to negotiate and resolve the termination of a temporary custody situation and when the permanent custody arrangement resumes;

WHEREAS, there is a need to ensure that parents who serve their country are not penalized for their service, while giving adequate weight to the legal interests of the other parent, and, most importantly, the best interests of the child;

WHEREAS, national service in the military may mean that a child will live in or move to different states than the deployed service member, federal and state custody issues may thereby involve two or more states;

WHEREAS, variance in state laws concerning child custody and modification may significantly affect the consistency and efficacy of parenting orders;

WHEREAS, some states have adopted statutes that specifically address custody issues for service members, but these statutes provide significantly different degrees of protection to service members and children;

WHEREAS, other states have adopted no laws that specifically apply to custody issues relating to service member;

WHEREAS, a uniform law would substantially increase predictability and certainty for families, and ensure that the same standards no matter where the parents live or a family is posted before deployment; and

WHEREAS, the Uniform Deployed Parents Custody and Visitation Act (UDPCVA) provides a comprehensive and consistent solution to child custody and visitation when parents are deployed in national service;

NOW, THEREFORE, IT IS RESOLVED that the American Academy of Matrimonial Lawyers urges the States to adopt this Uniform Act and recommends that its Chapters support the passage of the Uniform Deployed Parents Custody and Visitation Act.



ENSURE STATES CONSIDER UNIQUENESS OF MILITARY SERVICE WHEN DETERMINING CHILD CUSTODY

Many service members (SM) have custody of, or visitation rights with, children whose other parent is not the SM's current spouse. Absences due to military service can undermine and disrupt existing arrangements, creating stress on parents and children.

KEY MESSAGE: Department believes the welfare of the child is paramount, it also believes that absence due to military service should never be the sole basis for a loss of custody or diminished visitation rights (even though the effects of such absences could be an appropriate consideration).



DISCUSSION POINTS:

- “Best practice” protections include these substantive points:
 - (1) No permanent orders altering existing custody arrangements should be entered while the custodial parent is unavailable due to military service.
 - (2) Past, current, or possible future absences due to military service should not serve as the sole basis for altering a custody order in place prior to the absence.
 - (3) The custody order in place before the absence of a military parent should be reinstated within a set time upon the return of the military parent, absent proof that the best interests of the child would be undermined. The non-absent parent should bear the burden of proof.
 - (4) A SM with visitation rights should be allowed to petition the court to allow those visitation rights to be delegated to a third person during the SM's absence due to military service.
- Additionally, states frequently include the following important procedural protections:
 - (1) Allow expedited hearings upon the request of a service member
 - (2) Let the court use electronic testimony when the SM is unavailable, if it is in the best interest of the SM.

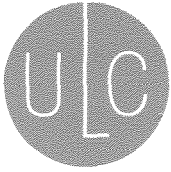
Currently 42 states have provisions to ensure military service is not considered as the not the sole reason for custody decisions.

Thirty-seven states include provisions to ensure that custody decisions made as a result of a deployment are not permanent.

Thirty-six states require temporary custody order reverts back to the previous circumstances within a set time.

Thirty-five include provisions covering delegation of visitation rights.

Thirty-seven allow for expedited hearings and thirty-three support the use of electronic testimony.



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UNIFORM DEPLOYED PARENTS CUSTODY AND VISITATION ACT

- Summary -

The increased deployment of service members has raised difficult child custody issues that profoundly affect both children's welfare and service members' ability to serve their country efficiently. Stories of service members struggling to balance their military duties with their parental duties have in recent years become commonplace. Because a significant proportion of service members are single parents, the Department of Defense indicates that problems related to child custody and visitation while the parent is deployed detrimentally impact the overall war effort and can impact the ability for service members to complete assigned missions

The only existing federal statutory protection for single-parent service members is the Servicemembers Civil Relief Act ("SCRA"), which governs the general legal rights of a deploying service member. Under the SCRA, judges must grant stays of legal proceedings, including custody proceedings, when military service materially affects the service member's ability to participate in the proceedings. Yet such stays are mandatory only for the first 90 days after deployment. After that time passes, entry of such stays are discretionary and are often overridden by the interests of the affected children in having custody issues resolved. Furthermore, the SCRA provides no procedures to facilitate entry of a temporary custody arrangement for the many service members who recognize that it is in their child's interests for custody to be settled during their absence. Additionally, the SCRA give courts no guidance regarding how to balance service members' interests against other relevant interests, including the best interests of the child.

The SCRA notwithstanding, issues of child custody and visitation are the proper province of state law under the constructs of federalism. Currently, state courts vary considerably in their approach to custody issues on a parent's deployment. Many courts will grant custody to the other natural parent for the duration of the deployment, even over the wishes of the deploying parent. Other courts will grant custody to the person that the service member wishes to designate as custodian, such as a grandparent. Further, at the end of a deployment, some courts have been reluctant to return custody to the deploying parent – even when the custody arrangement during deployment had been deemed only “temporary” – unless the service member can show the child to be significantly worse off living with the other parent.

To resolve these difficult issues, some states have enacted statutes that address custody issues facing service members. However, most of these statutes address only a small range of issues that impact cases involving the custody rights of service members. Furthermore, these statutes vary considerably with one another in both their scope and substantive provisions. Finally, many states have adopted no statutes on this issue.

The result is a system of considerable variability among states when it comes to the treatment of deploying parents, and in which deploying parents are sometimes penalized for their service without clear gains for their children. Because of the mobile nature of military service, and because a child's other parent will often live in or move to a different state than the deployed service member, bringing the child with them, there are many times that custody issues relating to the child of a service member will involve two or more states.

Responding to the critical need for uniformity and for efficient and just resolution of custody issues when a service member deploys, the Uniform Law Commission drafted the Uniform Deployed Parents Custody and Visitation Act (UDPCVA) in 2012. The goal of the UDPCVA is to facilitate expeditious and fair disposition of cases involving the custody rights of a member of the military. The UDPCVA ultimately promotes a just balance of interests—protecting the rights of the service member, the other parent, and above all the best interest of the children involved.

The UDPCVA is organized into five articles. Article 1 contains definitions and provisions that apply generally to custody matters of service members. It includes a notice provision requiring parents to communicate about custody and visitation issues as soon as possible after a service member learns of deployment. Another provision in this article integrates with the Uniform Child Custody Jurisdiction and Enforcement Act to declare the residence of the deploying parent not changed by reason of the deployment. The article also provides that when imminent deployment is not an issue, a court may not use a parent's past deployment or possible future deployment itself as a negative factor in determining the best interests of the child during a custody proceeding.

Articles 2 and 3 apply to custody issues that arise on notice of and during deployment. Article 2 sets out an easy procedure for parents who agree to a custody arrangement during deployment to resolve these issues by an out-of-court agreement. In the absence of the parents reaching an agreement, Article 3 provides for an expedited resolution of a custody arrangement in court. Article 3 also declares that no permanent custody order can be entered before or during deployment without the service member's consent.

Article 4 governs termination of the temporary custody arrangement following the service member's return from deployment. This article contains one set of procedures that applies when the parents mutually agree that a temporary custody agreement should be terminated; another set applies when the parents mutually agree that a temporary custody order entered by a court should be terminated; a third set applies when the parents reach no agreement regarding the termination of the temporary custody arrangement and require a court to resolve whether a return to the permanent custody arrangement is appropriate. Finally, Article 5 contains an effective date provision, a transition provision, and boilerplate provisions common to all uniform acts.

http://www.postguam.com/forum/featured_columnists/let-s-adopt-a-uniform-deployed-parents-custody-and-visitation/article_408c5a4e-fba2-11e5-9cec-6be68da1a0db.html

Let's adopt a uniform deployed parents custody and visitation law for Guam

In Other Words by Sen. Mary Camacho Torres Apr 7, 2016

The old adage “An ounce of prevention is worth a pound of cure” means so much more when it comes to family matters that involve the custody and care of our children. This month, as we celebrate April as the Month of the Military Child, I've introduced legislation that can help ensure that the best interests of our military children and their parents who serve in active duty, the guard or reserves are protected upon deployment. Bill 191-33 is an act to add a new chapter 39A, to Article 3, Title 7 of the Guam Code Annotated, relative to custody and visitation of deployed military parents.

Guam is noted for having a high per capita number of uniformed services members. At present, more than 16,000 service members, comprised of active duty, Reserve, National Guard, Air Force, Army, Coast Guard, Marine Corps and Navy live and serve our nation on Guam. Of these individuals, many will be deployed off island multiple times, leaving their homes and children for lengthy periods to fulfill their missions. A large number of these service members are parents, and like so many other family members, they too have child custody and visitation issues that they deal with on a daily basis. It can be particularly difficult when the parent is separated, divorced or unmarried, and the child's other parent resides in another jurisdiction or is deployed to an area where family members are not permitted to live with them.

A growing number of states have adopted the Uniform Deployed Parents Custody and Visitation Act (UDPCVA) to address the wide variability in child and visitation issues that arise when service members are deployed. The UDPCVA provides a proper balance in resolving issues, taking into consideration the rights of the service member, the other parent and the best interest of the children involved. According to the American Academy of Matrimonial Lawyers, an organization that advocates for the passage of the UDPCVA, such a law would provide the same standards and substantially increase predictability and certainty for families, no matter where the parent lives or where a family is posted before deployment.

I didn't realize the magnitude of this issue and how deep it cuts into the lives of certain service members until I read a paper titled "Military Custody and Visitation: Twists and Turns" that was written by retired Army Reserve JAG Col. Mark E. Sullivan. It discusses actual cases where uniformed service personnel lost custody of their children while mobilized or deployed overseas. Custody battles can become ugly and brutal when a parent's military duty is used against them and/or decisions are made in their absence and without their consent. There's no doubt the threat of permanently losing custody of a child as a direct result of deployment is heart-wrenching for a parent.

I was reminded about the role of military children in support of our service members and the many sacrifices they endure. These children relocate every one to three years and attend on average six to nine different schools between kindergarten and 12th grade. Well-rounded and adaptable, the symbolic flower of the military child is the dandelion – a hardy flower that puts down its roots almost anywhere and thrives. Military children must also cope with multiple deployments of a parent, so it's important that states and territories adopt a model rule for the handling of custody issues to protect them and their service-member parent when they are deployed for 90 days to 18 months.

Key provisions of the UDPCVA legislation include:

- Encouraging mutual temporary custody arrangements between parents during deployment;
- Providing for expedited child custody orders in the event of a deployment;
- Allowing courts to temporarily grant the deployment military member's portion of custodial responsibility to a nonparent family member or adult with whom the child has a close and substantial relationship at the military member's request;
- Does not permit a permanent custody order to be entered into prior to or during a deployment without the deploying military member's consent; and
- Provides protections that a military member's past deployments or possible future deployments can be used against him or her when determining custody without giving serious consideration as to whether a child's best interest would be truly compromised.

I join the Department of Defense and our military community in celebrating the Month of the Military Child and invite all interested parties to support this new legislation. Our military children play an important role in support of their parent's service in the armed forces. We owe it to them to offer another form of stability in an otherwise fluid and ever-changing lifestyle.