


THIRTEENTH GUAM LEGISLATURE
1975 (FIRST) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 334, "An Act amending Section 376 of the Civil Procedure of Guam relative to the survival of tort actions, actions for injury to children, and actions for wrongful death", was on the 25 day of September, 1975, duly and regularly passed.



JOSEPH F. ADA
Speaker

ATTESTED:



CONCEPCION CRUZ BARRETT
Legislative Secretary

This Act was received by the Governor this 2nd day of
October, 1975 at 11:30 o'clock A.M.

/s/ Ruth F. Won-Pat

RUTH F. WON PAT
Assistant Staff Officer
Governor's Office

APPROVED:

/s/ RUDOLPH G. SABLAN

ACTING Governor of Guam

DATED: OCT 8 1975

8:30 A.M.

P.L. 13-61

THIRTEENTH GUAM LEGISLATURE
1975 (FIRST) Regular Session

Bill No. 334

Introduced by

J. F. Ada

AN ACT AMENDING SECTION 376 OF THE CIVIL
PROCEDURE OF GUAM RELATIVE TO THE SURVIVAL
OF TORT ACTIONS, ACTIONS FOR INJURY TO
CHILDREN, AND ACTIONS FOR WRONGFUL DEATH.

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

2 Section 1. Section 376 of the Code of Civil Procedure of
3 Guam is hereby amended to read as follows:

4 "Section 376. Parents; injuries to child; failure of
5 one (1) parent to join as plaintiff; service on parent not
6 joining; illegitimate child; ward; parties defendant; death
7 of defendant, child or ward; damages; consolidation of in-
8 jury and death action. The parents of an unmarried minor
9 child, acting jointly, may maintain an action for injury to
10 such child caused by the wrongful act or neglect of another.
11 If either parent shall fail on demand to join as plaintiff
12 in such action or is dead or cannot be found, then the other
13 parent may maintain such action and the parent, if living,
14 who does not join as plaintiff must be joined as a defendant
15 and, before trial or hearing of any question of fact, must
16 be served with summons either personally or by sending a
17 copy of the summons and complaint by registered mail with
18 proper postage prepared address to such parent's last known
19 address with request for a return receipt. If service is
20 made by registered mail the production of a return receipt
21 purporting to be signed by the addressee shall create a
22 rebuttable presumption that such summons and complaint have
23 been duly served. In the absence of personal service or
24 service by registered mail, as above provided, service may
25 be made as provided in Sections 412 and 413 of this Code.

1 The respective rights of the parents to any award shall be
2 determined by the court.

3 A mother may maintain an action for such an injury to
4 her illegitimate unmarried minor child. A guardian may
5 maintain an action for such an injury to his ward.

6 Any such action may be maintained against the person
7 causing the injury, or if such person be dead, then against
8 his personal representatives. If any other person is res-
9 ponsible for any such wrongful act or neglect the action
10 may also be maintained against such other person, or his
11 personal representatives in case of his death. The death
12 of the child or ward shall not abate the parents' or
13 guardians' cause of action for his injury as to damages
14 accruing before his death.

15 In every action under this Section, such damages may
16 be given as under all of the circumstances of the case may
17 be just; provided that in any action maintained after the
18 death of the child or ward, damages recoverable hereunder
19 shall not include damages for pain, suffering, or disfigure-
20 ment nor punitive or exemplary damages nor compensation
21 for loss of prospective profits or earnings after the date
22 of death.

23 If an action arising out of the same wrongful act or
24 neglect may be maintained pursuant to Section 377 of this
25 Code for wrongful death of any child, the action authorized
26 by this Section shall be consolidated therewith for trial
27 on motion of any interested party."