FOURTEENTH CUAN LEGISLATURE 1978 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE COVERNOR

This is to certify that Till No. 596, "An Act to amend Section 377 of the Code of Civil Procedure to breaden the rights of survivors of those who die by means of the wrongful act of another", was on the Ind day of June, 1978, duly and regularly passed.

JOSEPH F. ADA
Speaker

ATTESTED:

EXALSTO M. ESPALION
Logislative Secretary

Assistant Staff Officer Governor's Office

APPROVED:

/#/ RICARDO J. BORDALLO

RICARDO J. BORDALLO Covernor of Guam

DATED:

Luise-17,1978

Public Fam 14-129

9

FOURTHENTH GUAM LEGISLATURE 1973 (SECOND) Regular Session

3ill No. 596

1

2

3

.1

5

Ġ

7

ŝ

9

10

11

12

13_

14

15

16

17

13

19

20

21

22

Introduced	by
------------	----

.i. Trapp

AN ACT TO AMEND SECTION 377 OF THE CODE OF CIVIL PROCEDURE TO PROADEN THE RIGHTS OF SURVIVORS OF THOSE WHO DIE BY MEANS OF THE WRONGFUL ACT OF ANOTHER.

Section 1. Section 377 of the Code of Civil Procedure of Guam is hereby amended to read as follows:

"Section 377. Wrongful death; action by personal representative; death of wrongdoor; damages; consolidation of actions. (a) When the death of a person is caused by the wrongful act or neglect of another, his or her heirs or personal representatives on their behalf may maintain an action for damages against the person causing the death, or in case of the death of such wrongdoer, against the personal representative of such wrongdoer, whether the wrongdoer dies before or after the death of the person injured. If any other person is responsible for any such wrongful act or neglect, the action may also be maintained against such other person, er in case of his or her death, his or her personal representatives. In every action under this section, such damages may be given as, under all the circumstances of the case, may be just, but shall not include damages recoverable under Section 956 of the Civil Code. respective rights of the heirs in any award shall be determined by the court. Any action brought by the

personal representatives of the decedent pursuant to the provisions of Section 956 of the Civil Gode may be joined with an action arising out of the same wrongful act or neglect brought pursuant to the provisions of this section. If an action be brought pursuant to the provisions of this section, and a separate action arising out of the same wrongful act or neglect be brought pursuant to the provisions of Section 956 of the Civil Gode, such actions shall be consolidated for trial on the motion of any interested party.

- (b) For the purposes of subsection (a), 'heirs' mean only the following:
 - (1) those persons who would be entitled to succeed to the property of the decedent according to the provisions of Division II (commencing with Section 200) of the Probate Code;
 - (1), if they were dependent on the decedent, the putative spouse, children of the putative spouse, step-children, and parents. As used in this paragraph, 'putative spouse' means the surviving spouse of a void or voidable marriage who is found by the court to have believed in good faith that the marriage to the decedent was valid; and
 - (3) minors, whether or not qualified under paragraphs (1) or (2), if, at the time of the decedent's death, they resided for the previous 180 days in the decedent's household and were dependent upon the decedent for one-half or more of their support.

Nothing in this subsection (b) shall be construed to change or modify the definition of 'heirs' under any other provision of law."

G

24 •

<u>د</u> د