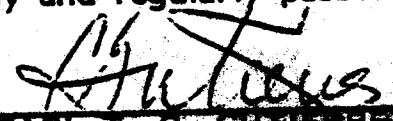


SEVENTEENTH GUAM LEGISLATURE  
1983 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 78, AN ACT TO REPEAL THE JUVENILE COURT LAW AND ENACT A NEW FAMILY COURT LAW AS PART OF THE GUAM CODE ANNOTATED, AND TO AMEND 9 GCA §7.10(a) TO CONFORM THEREWITH, was on the 15th day of June 1983, duly and regularly passed.

  
CARL T. C. GUTIERREZ  
Speaker

Attested:

  
ELIZABETH P. ARRIOLA  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 20<sup>th</sup> day of June 1983, at 11:25 o'clock A.m.

  
Assistant Staff Officer  
Governor's Office

~~RICARDO J. BORDALLO  
Governor of Guam~~

Date: June 20, 1983  
6:55 AM

PUBLIC LAW 17-12

SEVENTEENTH GUAM LEGISLATURE  
1983 (FIRST) Regular Session

Bill No. 78

Introduced by:

E. D. Ramsey  
E. P. Arriola  
M. Hartsock

---

AN ACT TO REPEAL THE JUVENILE COURT LAW AND ENACT A NEW FAMILY COURT LAW AS PART OF THE GUAM CODE ANNOTATED, AND TO AMEND 9 GCA §7.10(a) TO CONFORM THEREWITH.

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

2 Section 1. Sections 250 through 282, inclusive, of the Code of Civil  
3 Procedure are repealed, subject to the provisions contained within 19 GCA  
4 §5131 and §5132 as enacted by Section 2 of this Act.

5 Section 2. A new Chapter 5 of Title 19 of the Guam Code Annotated  
6 is added to read as follows:

7 "TITLE 19

8 GUAM CODE ANNOTATED

9 CHAPTER 5

10 FAMILY COURT ACT

- 11 §5101. Creation of Family Court.  
12 §5102. Definitions.  
13 §5103. Jurisdiction.  
14 §5104. Transfer of Cases When Defendant a Minor.  
15 §5105. Continuing Jurisdiction.  
16 §5106. Certification for Criminal Proceedings.  
17 §5107. Petition to Court to Act; Contents.  
18 §5108. Summons Issued to Bring Child Into Court.  
19 §5109. Summons; Service.  
20 §5110. Warrant Issued If Summons Disobeyed.  
21 §5111. Custody: Provisions Governing.  
22 §5112. Hearings.  
23 §5113. Referees in the Family Division.

- 1            §5114.    Decrees and Orders of Court.
- 2            §5115.    Awarding Custody.
- 3            §5116.    Support of Child in Custody.
- 4            §5117.    Jurisdiction Over Adults.
- 5            §5118.    Procedure for Prosecution of Adults.
- 6            §5119.    Permanent Custody.
- 7            §5120.    Penalties for Violation by an Adult.
- 8            §5121.    Fees Not to be Charged.
- 9            §5122.    Records.
- 10           §5123.    Limited Disclosure of Records.
- 11           §5124.    Sealing and Destruction of Records.
- 12           §5125.    Appeals.
- 13           §5126.    Assistance to Court by Public and Private
- 14                      Bodies.
- 15           §5127.    Juvenile Conference Committee.
- 16           §5128.    Fingerprints and Photographing.
- 17           §5129.    Construction of This Chapter.
- 18           §5130.    Appropriations Authorized.
- 19           §5131.    Repealer.
- 20           §5132.    Effective Date.
- 21           §5133.    Title.

22           §5101.    Creation of Family Court.    There is hereby created for the  
 23 territory of Guam a division of the Superior Court which shall be called the  
 24 'Family Division' of the Superior Court.    This Division of the Superior  
 25 Court shall be a court of record, having a seal, and the judge, clerk and  
 26 referees thereof shall be personnel of the Superior Court.

27           §5102.    Definitions.    When used in this Chapter, unless the context  
 28 otherwise requires:

- 29           (a) 'Court' means the Family Division of the Superior Court.
- 30           (b) 'Judge' means a judge of the Superior Court sitting, either
- 31 permanently or temporarily, as judge of the Family Division.
- 32           (c) 'Adult' means a person eighteen (18) years of age or older.
- 33           (d) For the purposes of §5103(a)(4) only, a 'child' or 'minor' means a

1 person less than eighteen (18) years of age on the date legal proceedings  
2 are first commenced against him. For all other purposes, a 'child' or  
3 'minor' is a person who is less than eighteen (18) years of age.

4 §5103. Jurisdiction. Except as otherwise provided herein, the court  
5 shall have exclusive jurisdiction in proceedings:

6 (a) Concerning any child living or found within the territory of  
7 Guam:

8 (1) is neglected as to proper or necessary support or  
9 education as required by law, or remedial, psychiatric, psy-  
10 chological or other care necessary for his well-being; or who is  
11 abandoned by his parent or other custodian;

12 (2) whose occupation, behavior, condition, environment, or  
13 association is such as to injure or endanger his welfare or that of  
14 others;

15 (3) who is beyond the control of his parent or other cus-  
16 todian;

17 (4) who is alleged to have violated any territorial law;  
18 provided, that, the Family Division shall not have jurisdiction  
19 with respect to any child sixteen (16) years or age or older who  
20 is alleged to have committed any offense under the Vehicle Code  
21 (Title 24 of the Government Code) if such offense is within the  
22 jurisdiction of the Traffic Division of this Court; and

23 (5) who is an "habitual truant" as defined by §11461 of the  
24 Government Code.

25 (b) To determine the custody or guardianship of the person of  
26 any child living within the territory of Guam; for adoption of a minor;  
27 for the determination parentage of any child; and to terminate parental  
28 rights in connection with adoption, custody, or guardianship  
29 proceedings.

30 (c) For judicial consent to the marriage of a child, when such  
31 consent is required by law.

32 (d) For the treatment or commitment of a mentally defective or  
33 mentally disordered or emotionally disturbed child.

34 The Presiding Judge of the Superior Court may assign such other

1 matters relating to the family, including divorce and probate proceedings,  
2 to the Family Division as he deems proper.

3 Nothing contained in this Chapter shall deprive other courts of the  
4 right to determine the custody of children upon writs of habeas corpus, or  
5 to determine the custody or guardianship of children when such custody or  
6 guardianship is incidental to the determination of causes pending in such  
7 other courts. Such other courts, however, may certify said questions to  
8 the Family Division for hearing and determination or recommendation.

9 §5104. Transfer of Cases When Defendant a Minor. If, during the  
10 pendency of a criminal or quasi-criminal charge against any person in any  
11 other court, it shall be ascertained that such person is a minor, it shall be  
12 the duty of such court forthwith to transfer the case, together with all  
13 papers, documents and testimony connected therewith, to the Family  
14 Division of this Court. The court making such transfer shall order the  
15 minor to be taken forthwith to the place of detention designated by the  
16 Family Division or to that Court itself, or shall release such minor to the  
17 custody of some suitable person to be brought before the Family Division at  
18 a time designated. The Family Division shall then proceed as provided in  
19 this Chapter.

20 §5105. Continuing Jurisdiction. (a) Where jurisdiction shall have  
21 been obtained by the Court in the case of any child, such jurisdiction shall  
22 be retained by the court for the purposes of this Chapter until such child  
23 becomes eighteen (18) years of age, unless he is discharged prior thereto  
24 by the court, or until the age of twenty-one (21) years if he has been  
25 committed to and received by any public institution or department or agency  
26 maintained by the government of Guam, or if the child is subject to an  
27 order of probation issued by the court; and the court may retain  
28 jurisdiction over a child placed by the court with such public institution or  
29 agency for temporary observation and care. Any decree or order of the  
30 court may be modified at any time, except as otherwise provided by law.

31 (b) Where jurisdiction shall have been obtained by the court through  
32 §5103(a)(4) in the case of any child, such jurisdiction may be retained by  
33 the court until such child becomes twenty-one (21) years of age, unless he  
34 is discharged prior thereto by the court. Any decree or order of the court

1 may be modified at any time, except as otherwise provided by law.

2 (c) With respect to any such child who becomes eighteen (18) years  
3 of age while under the jurisdiction of the court, and who has at such time  
4 been committed to a juvenile facility by the court, the court may, upon  
5 motion of the territory, the child, or upon its own motion, and after a  
6 hearing, commit the child to the custody of the Director of Corrections for  
7 confinement in the adult facility, or in any suitable public institution,  
8 agency, or department. Any decree or order of the court may be modified  
9 at any time, except as otherwise provided by law.

10 §5106. Certification for Criminal Proceedings. (a) If a child is  
11 sixteen (16) years of age or older at the time he committed the offense for  
12 which he is charged, and if the conduct is a misdemeanor or a felony of the  
13 third degree, and if the court after full investigation deems it contrary to  
14 the best interest of such child or of the public to retain jurisdiction, the  
15 court may, in its discretion, certify such child for proper criminal  
16 proceedings to any court which would have trial jurisdiction of such offense  
17 if committed by an adult. A child who is sixteen (16) years of age or older  
18 at the time he committed the offense for which he is charged shall  
19 automatically be charged as an adult for any act which would constitute a  
20 felony of the first or second degree along with any acts which are  
21 misdemeanors or felonies of the third degree which are part of the same  
22 scheme of criminal activity as the felony. If a child is certified as an  
23 adult, the same judge shall not, in turn, preside over the criminal  
24 proceedings against such child.

25 (b) If a person over the age of eighteen (18) years, over whom the  
26 court retains jurisdiction under this Title, is subject to a commitment or  
27 probation order of the Family Division and is charged with any offense  
28 against the laws of Guam not triable in the Traffic Division of the Court,  
29 such person shall be tried and punished as an adult. If, during the  
30 pendency of such adult proceedings, the person would be entitled to bail as  
31 an adult, the Superior Court shall, instead of releasing such person,  
32 remand him to the custody of the department, agency, or institution to  
33 which he was committed at the time of the bail proceedings. If such person  
34 was not committed under this Title, but was on probation, he may be  
35 admitted to bail and the conditions of his probation under this Title made a  
36 part of the conditions of his bail. Nothing in this section shall prevent the

1 Family Division, upon the appropriate proceedings, from taking action  
2 against such person based upon a violation of his conditions of probation.

3 (c) Should the adult proceedings against any person described in  
4 subsection (b), above, be terminated for any reason, or such person  
5 released from the judgment of the adult court, including by the completion  
6 of any adult sentence, before the person has reached his twenty-first  
7 (21st) birthday, such person shall be remanded to the jurisdiction of the  
8 Family Division for the completion of his original juvenile disposition. Upon  
9 such remand, the judge of the Family Division may determine, in light of all  
10 the circumstances then existing, whether this person shall be returned to  
11 the custody of the juvenile institution to which he had been committed at  
12 the time he was sentenced as an adult or, whether, because of such  
13 conviction and other circumstances, a modification of the juvenile  
14 commitment, or discharge from the jurisdiction of the Family Division,  
15 should be made. The court may continue the juvenile confinement, or may  
16 release the person from the jurisdiction of the Family Court, or may modify  
17 the order previously issued in any manner the court deems necessary.

18 §5107. Petition to Court to Act; Contents. Whenever any person  
19 informs the court that a child is within the purview of this Chapter, the  
20 court shall make a preliminary inquiry to determine whether the interest of  
21 the public or of the child requires that further action be taken.  
22 Thereupon the court may make such informal adjustment as is practicable  
23 without a petition, or may authorize a petition to be filed by any person.  
24 If informal adjustments are made, they may be made only with the consent  
25 of the juvenile and any other parties who may be involved in the carrying  
26 out of such informal adjustments. The petition and all subsequent docu-  
27 ments shall be entitled 'In the interest of \_\_\_\_\_, a minor.'

28 The petition shall be verified and may be upon information and belief.  
29 It shall set forth plainly:

- 30 1. the facts which bring the child within the purview of this  
31 Chapter;
- 32 2. the name, age and residence of the child;
- 33 3. the names and residences of the parents, if known;
- 34 4. the name and residence of the legal guardian, if any, of the

1 person or persons having custody or control of the child, or of the  
2 nearest known relative if no parent or guardian can be found. If any  
3 of the facts herein required are not known by the petitioner, the  
4 petition shall so state.

5 §5108. Summons Issued to Bring Child Into Court. After a  
6 petition shall have been filed and after such further investigation as the  
7 court may direct, unless the parties hereinafter named shall appear  
8 voluntarily, the court shall issue a summons reciting briefly the substance  
9 of the petition and requiring the person or persons who have custody or  
10 control of the child to appear personally and bring the child before the  
11 court at a time and place stated. If the person so summoned shall be other  
12 than a parent or guardian of the child, then the parent or guardian or  
13 both shall also be notified of the pending case and of the time and place  
14 appointed, by personal service before the hearing, except as hereinafter  
15 provided. Summons may be issued requiring the appearance of any other  
16 person whose presence, in the opinion of a judge, is necessary.

17 If it appears that the child is in such conditions or surroundings that  
18 his welfare requires that his custody be immediately assumed by the court,  
19 the judge may order by endorsement upon the summons, that the officer  
20 serving the same shall at once take the child into custody.

21 §5109. Summons; Service. Service of summons shall be made  
22 personally be the delivery of an attested copy thereof to the person  
23 summoned; provided, that if the judge is satisfied that it is impracticable to  
24 serve personally such summons or the notice provided for the preceding  
25 Section, he may order service by registered or certified mail addressed to  
26 the last known address, or by publication thereof, or both. It shall be  
27 sufficient to confer jurisdiction if service is effected at least forty-eight  
28 (48) hours before the time fixed in the summons for the return thereof. If  
29 the child is in custody at the times required for serving of the summons,  
30 and at the time of the hearing to which which the summons refers, no such  
31 summons is required to obtain jurisdiction over the child.

32 Service by summons, process or notice required by this Chapter may  
33 be made by any suitable person under the direction of the court and upon  
34 request of the court, shall be made by any police officer. The judge may



1 authorize the payment of necessary traveling expenses incurred by any  
2 person summoned or otherwise required to appear at the hearing of any  
3 case coming within the purview of this Chapter, and such expenses when  
4 approved by the judge shall be a charge upon the government of Guam.

5 §5110. Warrant Issued If Summons Disobeyed. If any person  
6 summoned as herein provided shall, without reasonable cause, fail to  
7 appear, he may be proceeded against for contempt of court. In case the  
8 summons cannot be served, or the party served failed to obey the same, or  
9 in case when it shall be made to appear to the judge that the service will  
10 be ineffectual, or that the welfare of the child requires that he be brought  
11 forthwith into custody of the court, a warrant or copies may be issued for  
12 the parent or guardian or the child.

13 §5111. Custody: Provisions Governing. (a) When any child found  
14 violating any law or any rule or regulation with the force and effect of law,  
15 or whose surroundings are such as to endanger his welfare, is taken into  
16 custody, such taking into custody shall not be termed an arrest. The  
17 jurisdiction of the court shall attach from the time of such taking into  
18 custody. When a child is so taken into custody, such officer shall cause  
19 the parent, guardian or custodian of the child to be notified as soon as  
20 possible. Whenever possible, unless otherwise ordered by the court, such  
21 child shall be released to the custody of his parent or other responsible  
22 adult upon the written promise, signed by such person, to bring the child  
23 to the court at a stated time or at such time as the court may direct. Such  
24 written promise, accompanied by a written report by the officer, shall be  
25 submitted to the court as soon as possible. If such person shall fail to  
26 produce the child as agreed or upon notice from the court, a summons or  
27 warrant may be issued for the apprehension of such person or of the child.

28 (b) If the child is not released hereinabove provided, such child shall  
29 be taken without unnecessary delay to the court or to the place of  
30 detention designated by the court, and as soon as possible thereafter the  
31 fact of such detention shall be reported to the court, accompanied by a  
32 written report by the officer taking the child into custody stating:

33 (1) The facts of the offense; and

34 (2) The reason why the child is not released to the parent.

1 Pending further disposition of the case, the court may release such  
2 child to the custody of the parent or other person or may detain the child  
3 in such place as the court shall designate; subject to further order, but no  
4 child shall be held in a detention longer than two (2) days, excluding  
5 Sundays and holidays, unless an order for such detention is signed by the  
6 judge.

7 (c) No child shall be transported in any police vehicle which also  
8 contains adults under arrest, unless the child is alleged to have been  
9 involved with the adult also being transported in the same illegal activity or  
10 course of conduct; provided, that a child may be transported in the same  
11 police vehicle if, under the circumstances, other transportation is not  
12 available. No child shall at any time be detained in any police station,  
13 lockup, jail or prison; except, that by order of the judge in which reason  
14 therefor shall be specified, a child sixteen (16) years of age, but under  
15 eighteen (18) years of age whose conduct or condition is such as to  
16 endanger his safety or welfare or that of others in the detention facility for  
17 children, may be placed in a jail or other place of detention for adults, but  
18 in a room or ward entirely separate from adults confined thereon; provided  
19 that this Section shall not prohibit the interrogation of a child with respect  
20 to any felonious activity.

21 (d) Provisions regarding bail shall not be applicable to children  
22 detained in accordance with the provisions of this Chapter.

23 §5112. Hearings. (a) All cases of children shall be dealt with by  
24 the court at separate hearings without a jury. The hearing shall be  
25 conducted in an informal manner, and may be adjourned, from time to time.  
26 Stenographic notes or other transcript of the hearing shall be required.  
27 The general public shall be excluded and only such person admitted as the  
28 judge shall find to have a direct interest in the case or in the work of the  
29 court. The presence of the child in court may be waived by the court at  
30 any stage of the proceedings. Any child may be represented by legal  
31 counsel and the Attorney General may take part in any hearing.

32 (b) In all hearings arising out of §5103(a)(4), the court shall conduct  
33 the hearings pursuant to the Guam Rules of Evidence, and other safeguards  
34 required by the constitution of the United States and the Organic Act of

1 Guam, but the court may waive provisions of the Rules of Evidence as it  
2 deems necessary considering the age and intelligence of any child who may  
3 be called as a witness in the proceedings.

4 §5113. Referees in the Family Division. The presiding judge of the  
5 Superior Court may appoint one (1) or more Family Division referees to  
6 serve on a full-time or part-time basis. A Family Division referee shall  
7 serve at the pleasure of the appointing judge, and unless the appointing  
8 judge makes his order terminating the appointment of a Family Division  
9 referee, such referee shall serve as such until the appointment of his  
10 successor. The amount and rate of compensation to be paid Family Division  
11 referees, qualifications of court referees, and their duties and powers shall  
12 be fixed by the Judicial Council provided, however, that the individual  
13 appointed as a referee shall be an attorney licensed to practice law in  
14 Guam.

15 §5114. Decrees and Orders of Court. When a child is found by the  
16 court to have committed any acts specified by §5103(a) or is found to be in  
17 a condition specified in §5103(a) of this Title, the court shall so decree,  
18 and in its decree shall make a finding of the facts upon which the court  
19 exercises its jurisdiction over said child. Upon such decree the court may,  
20 by order duly entered, proceed as follows:

21 (a) Place the child on probation or under supervision in his own  
22 home or in the custody of a suitable person elsewhere, upon such  
23 conditions as the court shall determine. Probation shall mean casework  
24 services during a continuance of the case. Probation shall not be  
25 ordered or administered as a punishment, but as a measure for the  
26 protection, guidance and well-being of the child and his family.

27 (b) Commit the child to the custody or to the guardianship of a  
28 public or private institution or agency authorized to care for children,  
29 including the Department of Youth Affairs, or to place them in family  
30 homes, or under the guardianship of a suitable person. Such  
31 commitment shall be for a definite period, which may be extended,  
32 after motion and hearing, for compelling cause shown, but in no event  
33 shall continue beyond the child's twenty-first birthday. In committing  
34 a child to a private institution or agency, the court shall select one

1 that is approved by the Governor of Guam.

2 (c) The court may cause any child concerning whom a petition has  
3 been filed to be examined or treated by a physician, psychiatrist or  
4 psychologist, and for that purpose may place a child in a hospital or other  
5 suitable facility.

6 (d) Order such care and treatment as the court may deem best,  
7 except as herein otherwise provided. In support of any order or decree  
8 the court may require the parents or other persons having the custody of  
9 the child, or any other person who has been found by the court to be  
10 encouraging, causing or contributing to the acts or conditions which bring  
11 the child within the purview of this Chapter, to do or omit to do any acts  
12 required or forbidden by law, when the judge deems such requirements  
13 necessary for the welfare of the child. In case of failure to comply with  
14 such requirement, the court may proceed against such person for contempt.

15 (e) The court may dismiss the petition or otherwise terminate its  
16 jurisdiction at any time.

17 No adjudication by the court of the status of any child shall be deemed  
18 a conviction, nor shall such adjudication operate to impose any of the civil  
19 disabilities ordinarily resulting from conviction, nor shall any child be  
20 found guilty or be deemed a criminal by reason of such adjudication, nor  
21 shall any child be charged with crime or convicted in any court except as  
22 provided in §5105 of this Chapter. The disposition made of a child, or any  
23 evidence given in the court, shall not operate to disqualify the child in any  
24 civil service or military application or appointment.

25 Whenever the court shall commit a child to any institution or agency,  
26 including the Department of Youth Affairs, it shall transmit with the order  
27 or commitment a summary of its information concerning the child and such  
28 institution or agency or the Department of Youth Affairs shall give to the  
29 court such information concerning such child as the court at any time  
30 requires.

31 §5115. Awarding Custody. The court may, if it appears to be in  
32 the best interest of the child, place the child with the most appropriate  
33 agency, institution or person under the circumstances then prevailing.

34 §5116. Support of Child in Custody. (a) Whenever a child is

1 committed by the court to the custody other than that of his parents, or is  
2 given medical, psychological or psychiatric treatment under order of the  
3 court, and no provisions are otherwise made by law for the support of such  
4 child or payment for such treatment, compensation for the care and  
5 treatment of such child, when approved by order of the court, shall be a  
6 charge upon the government of Guam. The court may, after giving the  
7 parent a reasonable opportunity to be heard, order and decree that such  
8 parent shall pay, in such manner as the court may direct, such sum, within  
9 his ability to pay, as will cover in whole or in part the support and  
10 treatment of such child. If such parent shall wilfully fail or refuse to pay  
11 such sum, the court may proceed against him as for contempt.

12 (b) The parent, guardian, or any other adult person having the care  
13 and custody of a person under the age of eighteen (18) years shall pay any  
14 fines or financial reparations which that person under the age of eighteen  
15 (18) years may incur.

16 §5117. Jurisdiction Over Adults. (a) Any person who knowingly  
17 commits any act or knowingly omits the performance of any duty, which act  
18 or omission causes or tends to cause or encourage a child to become in need  
19 of the care and protection of the Family Division of the Superior Court, is  
20 guilty of a misdemeanor.

21 (b) The court shall have original jurisdiction over any adult charged  
22 with violation of this Section. All proceedings under this section shall be  
23 conducted under the law and Rules of the Superior Court governing  
24 criminal cases committed by adults.

25 §5118. Procedure for Prosecution of Adults. All provisions of this  
26 Chapter relative to procedure in cases of children, when not inconsistent  
27 with provisions of law relating to the conduct of adult cases, shall so far as  
28 practicable also apply to cases against adults brought under §5116 of this  
29 Chapter. With the consent of the defendant, the court may make  
30 preliminary investigation and may make such adjustment as is practicable.  
31 On the request of the court, or on his own initiative, the Attorney General  
32 shall prepare and prosecute any case within the purview of §5116 of this  
33 Chapter.

34 Upon conviction in any case the court shall have power to impose

1 sentence as provided by law; it may suspend sentence or the execution  
2 thereof and place the defendant on probation, and may by order impose  
3 such duty upon him as shall be deemed by the court to be for the best  
4 interests of the child or other persons concerned. The court may require  
5 the defendants to give security by bond, with surety or sureties approved  
6 by the court for compliance of such order.

7 §5119. Permanent Custody. (a) Whenever in the course of the  
8 proceeding instituted under §5107 of this Chapter, it shall appear to the  
9 court that the parents or the surviving parent of a child, or the mother of  
10 the child born out of wedlock, had abandoned such child for one (1) year  
11 or more or had substantially and continuously or repeatedly or being  
12 financially able, have neglected to give such child parental care and  
13 protection; or that such parent or parents are unfit by reason of their  
14 conduct or condition which is seriously detrimental to the said child, the  
15 court shall have jurisdiction to transfer the permanent care, control and  
16 custody of such child to some other person, agency or institution, and may  
17 terminate all rights of such parent or parents with reference to such child,  
18 and also may appoint a guardian for the person of such child. Such  
19 transfer or termination shall be made only after hearing before the court,  
20 and the court shall cause notice of the time, place and purpose of such  
21 hearing to be served on such parent or parents personally at least ten (10)  
22 days prior to the date of hearing; or if the court is satisfied that personal  
23 service cannot be effected, then such notice may be given by publication  
24 thereof in a newspaper of general circulation in Guam once a week for three  
25 (3) weeks prior to the date of the hearing.

26 (b) If a child is abandoned or neglected by one (1) parent, the  
27 rights of only such parent with reference to such child may be terminated  
28 as provided in Paragraph (a) above without affecting the rights of the  
29 other parent.

30 (c) Upon the application of the parents or the surviving parent of a  
31 child or the mother of a child born out of wedlock, the court may order the  
32 transfer of the permanent care, control and custody of such child, and if it  
33 appears wise, the termination of all rights of a parent with reference to  
34 such child, provided that the court after a hearing finds such transfer or

1 termination to be in the best interest of the child.

2 (d) Every order of the court transferring the permanent care, control  
3 and custody of a child, or terminating the rights of the parents or a parent  
4 with reference to a child, shall be in writing and shall recite the  
5 jurisdictional facts. Every such order shall be conclusive and binding on  
6 all persons and in all proceedings after date of entry thereof.

7 (e) If, in the case of a child born out of wedlock, the father is  
8 known, the court shall give the father the same notice as required to be  
9 given to the mother by this Section and shall afford the father the  
10 opportunity to be heard with respect to his relationship with the child.  
11 The court may award custody to the father if it appears that the father had  
12 a continuing relationship with the child sufficient to warrant granting  
13 permanent custody to him and that the father is willing and able to  
14 undertake the permanent care of the child.

15 §5120. Penalties for Violation by an Adult. Any adult who  
16 wilfully violates, neglects or refuses to obey or perform any lawful order of  
17 the court or who violates any provisions of this Chapter may be proceeded  
18 against for contempt of court, unless another penalty is provided in this  
19 Chapter. Any adult found in contempt of court may be punished by a fine  
20 not to exceed Five Hundred Dollars (\$500) or by imprisonment not to exceed  
21 to fifty (50) days, or by both such fine and imprisonment. This Section  
22 shall not limit the inherent power of the court to enforce its orders through  
23 civil contempt.

24 §5121. Fees Not to be Charged. In proceedings under this  
25 Chapter, no court fees shall be charged against and no witness fees shall  
26 be allowed to any party to a petition. No employee of the government of  
27 Guam shall be entitled to receive any fee for the service of process or for  
28 attendance in court in any such proceedings. All other persons acting  
29 under orders of the court may be paid for service of process and  
30 attendance or service as witness, the fees provided by law for like services  
31 in cases before Superior Court, to be paid from the appropriation provided  
32 when the allowances are certified by the judge.

33 §5122. Records. The court shall make and keep records of all  
34 cases brought before it, and shall devise and cause to be printed such

1 forms for social and legal records and such other papers as may be  
2 required. The court's official records shall be opened to inspection only as  
3 provided by §5123 or by order of the judge to persons having a legitimate  
4 interest therein. All information obtained and social records prepared in  
5 the discharge of official duty by any employee of the government of Guam at  
6 the request of the court, or by the Department of Youth Affairs, shall be  
7 privileged and shall not be disclosed directly, or indirectly to anyone other  
8 than the judge or others entitled under this Chapter to receive such  
9 information, except as provided by §5123 of this Chapter or unless and  
10 until otherwise ordered by the judge.

11 §5123. Limited Disclosure of Records. Those official records of the  
12 court, and the police reports in connection therewith, dealing with the  
13 violation by a child (except when the violation is the first offense) of any  
14 territorial law or a regulation having the force and effect of law shall be  
15 open to inspection.

16 §5124. Sealing and Destruction of Records. (a) All government  
17 records concerning proceedings under §5103(a) shall be sealed upon the  
18 juvenile's attaining 18 years of age, or upon attaining 21 years of age in  
19 the case of any person over whom jurisdiction is retained pursuant to  
20 Section 5105(b). Any person whose record has been sealed pursuant to  
21 this Section may answer in the negative any question concerning such  
22 proceedings on any official form or document or upon any application for  
23 public or private employment.

24 (b) Sealed records may only be divulged to the juvenile, a court for  
25 the purpose of sentencing or to the court as otherwise provided by law, or  
26 to law enforcement agencies in the performance of their duties. This  
27 Subsection applies to incident reports in the custody of law enforcement  
28 agencies.

29 (c) Ten years after the filing of any juvenile proceedings pursuant to  
30 Section 5103(a), all government records concerning such proceedings shall  
31 be destroyed. This Subsection shall not apply to incident reports in the  
32 custody of any law enforcement agency. This Subsection does not apply to  
33 statistical data which does not identify and is not likely to identify, the  
34 juvenile concerned. This subsection shall not apply to any records kept



1 with respect to proceedings granting permanent custody of a child to one  
2 not his parents, nor to proceedings terminating parental rights.

3 (d) It shall be unlawful for any person knowingly to require, or to  
4 inquire into, as a condition of employment, continued employment, or  
5 promotion, any information with respect to whether or not any person has  
6 been the subject of juvenile proceedings under Section 5103(a). Acts done  
7 contrary to this Subsection shall be a violation.

8 §5125. Appeals. (a) Any interested party aggrieved by order or  
9 decree of the Family Division may appeal said order or decree to the  
10 Appellate Division of the District Court of Guam.

11 The pendency of appeal shall not suspend the order of the Family  
12 Division regarding a child nor shall it discharge the child from custody of  
13 that court or of the person, institution, or agency, including the  
14 Department of Youth Affairs, into whose care such child shall have been  
15 committed.

16 If the District Court does not dismiss the proceedings and discharge  
17 the child, it shall affirm or modify the order of the Family Division and  
18 remand the child to the jurisdiction of that court for supervision and care,  
19 and thereafter the child shall be and remain under the jurisdiction of the  
20 Family Division or of the institution to which he has been committed in the  
21 same manner as if no appeal had been taken.

22 (b) A child may appeal from a decision of the Family Division to  
23 certify him as an adult, but such appeal may be taken only if the child is  
24 convicted of the underlying offense. The Government may not appeal from  
25 a decision of the Family Division not to certify the child. If the decision to  
26 certify the child is upheld, any remand shall be deemed to be a remand to  
27 the court which had jurisdiction over such child at the time the appeal was  
28 taken.

29 §5126. Assistance to Court by Public and Private Bodies. It is  
30 hereby made the duty of every public official or department to render all  
31 assistance and cooperation within his or its jurisdictional power which may  
32 further the objects of this Chapter. The Family Division is authorized to  
33 seek the cooperation of all societies or organizations having for their object  
34 the protection or aid of children. The Division is further authorized to

1 request the aid of the several commissioners of Guam to assist in the  
2 supervision of minors over whom the Division is exercising its jurisdiction.

3 §5127. Juvenile Conference Committee. The presiding judge shall  
4 appoint men and women from the various districts and municipalities within  
5 Guam who shall be representative of their respective municipalities or  
6 districts and may include but are not limited to, commissioners, probation  
7 officers, police or educational personnel, to serve as members of juvenile  
8 conference committees at the pleasure of the court. One such committee  
9 may serve two (2) or more adjacent municipalities or districts, provided  
10 that all such municipalities or districts are ultimately represented in such a  
11 committee.

12 All appearances before such a committee shall be voluntary on the part  
13 of all concerned and there shall be no compulsion to so appear. If it shall  
14 appear that satisfactory adjustment through voluntary cooperative procedure  
15 cannot be obtained, or that any party to the proceeding is not satisfied,  
16 the matter shall be referred or returned to the court as the case may be.  
17 Such committee shall serve as a friend of the court in making a special  
18 study and investigation of each juvenile offender referred to it by the  
19 court, which referral may be by general classification of subject matter or  
20 specific cases. Such committee shall attempt to determine what factors  
21 brought about the anti-social behavior complained of, and shall devise ways  
22 and means of setting up an individualized plan or program to aid such  
23 juvenile so that he may be trained and developed into an acceptable member  
24 of society and a good citizen and so as not to become a confirmed  
25 delinquent or criminal. It shall be the committee's duty to supervise the  
26 program of adjustment and to keep the court advised.

27 All matters coming before such a committee shall be held in strict  
28 confidence and shall under no circumstances become public. Every person  
29 appointed to a committee established pursuant to this Section shall be duly  
30 instructed by the judge as to the secrecy and confidential nature of such  
31 service, and shall take an oath to preserve such information inviolate.

32 §5128. Fingerprints and Photographing. (a) The department  
33 of Public Safety may photograph and fingerprint any child who is believed  
34 based upon probable cause to have committed a violation of territorial law

1 and is in police custody.

2 (b) Within thirty (30) days of the failure of the government to  
3 prosecute the juvenile or a finding that the juvenile is not a ward of the  
4 court, then the Department of Public Safety shall destroy any fingerprint  
5 or photograph taken pursuant to subsection (a).

6 §5129. Construction of This Chapter. This Chapter shall be  
7 liberally construed to the end that each child coming within the jurisdiction  
8 of the court shall receive such care, guidance and control, preferably in  
9 his home, as will enhance the child's welfare and be in the best interest of  
10 the Territory, and then when such child is removed from the control of his  
11 parents the court shall secure care as nearly as possible equivalent to that  
12 which should have been given to him by them.

13 §5130. Appropriations Authorized. There are hereby authorized to  
14 be appropriated such sums as may be necessary to carry out the provisions  
15 of this Chapter.

16 §5131. Repealer. On the effective date of this Title, and subject to  
17 the provisions of §5132, Sections 250 through 282, inclusive, of the Code of  
18 Civil Procedure are hereby repealed.

19 §5132. Effective Date. This Act shall take effect 90 days after  
20 being signed into law. Upon this act's taking effect, it shall apply to all  
21 proceedings under Section 5103, regardless of when commenced, provided  
22 that this act shall only apply to proceedings under Section 5103(a)(4)  
23 wherein the date of the conduct charged is on or after the effective date of  
24 this Act.

25 §5133. Title. This Chapter may be cited as the 'Family Court Act.'

26 Section 3. 9 GCA (Crimes & Corrections) §7.10(a) is amended to  
27 read:

28 "(a) his age at the time he is charged with an offense  
29 places him within the exclusive jurisdiction of the Family Division of  
30 the Superior Court."

31 Section 4. Section 14010(c) of the Government Code, as amended, is  
32 further amended to read:

33 "(c) Notwithstanding any other provision of law, the manager,  
34 assistant managers, the manager's secretary, the comptroller and assistant

1 comptroller shall be within the unclassified service of the government of  
 2 Guam and shall be hired, compensated and employed under the terms and  
 3 conditions fixed by and at the pleasure of the Board."

4 Section 5. The Department of Education is hereby exempted from  
 5 requirements of Section (4)(e)(1) and (2), Chapter 1, of Public Law 16-111  
 6 for Fiscal Year 1983 Budget.

7 Section 6. Part XI of Public Law 16-111 is hereby amended, only in  
 8 respect to the categories specifically mentioned in this Public Law, all other  
 9 categories remaining the same, to read:

10 "PART XI

11 DEPARTMENT OF EDUCATION

	<u>General</u> <u>Fund</u>	<u>Other</u> <u>Local</u> <u>Fund</u>	<u>Federal</u> <u>Fund</u>	<u>TOTAL</u>
A. For the Director's Office				
1. Personnel Services	\$ 272,683			\$ 272,683
C. For Federal Programs				
1. Personnel Services	108,341			108,341
D. For Business Services				
1. Personnel Services	3,490,161			3,490,161
2. Operating Expenses	1,224,059		\$ 2,876,678	4,100,737
3. Utilities				
a. Power	1,913,033			1,913,033
b. Water	209,979			209,979
E. For Research, Planning and Evaluation				
1. Personnel Services	122,808			122,808
F. For Personnel Administration				
1. Personnel Services	268,807			268,807
G. For Facilities and Maintenance				
1. Personnel Services	1,394,550			1,394,550
2. Operating Expenses	1,665,376			1,665,376
3. Capital Outlay	443,000			443,000
H. For Pupil Personnel				

1	1. Personnel Services	171,564	171,564
2	I. For the Learning Resources Center		
3	1. Personnel Services	158,974	158,974
4	J. For Curriculum and Instruction		
5	1. Personnel Services	594,630	594,630
6	K. For Chamorro/Bilingual Studies		
7	1. Personnel Services	1,284,354	1,284,354
8	L. For Elementary Education		
9	1. Personnel Services	16,951,478	16,951,478
10	2. Operating Expenses	644,247	644,247
11	M. For Secondary Education		
12	1. Personnel Services	12,469,497	12,469,497
13	2. Operating Expenses	708,263	708,263
14	3. Capital Outlay	919,052	919,052
15	N. For Special Education		
16	1. Personnel Services	2,442,150	2,442,150

17 The purpose of the above amendment is to authorize the Bureau of Budget  
18 and Management Research to reappropriate funds within said budget for the  
19 purpose of procuring, in advance, textbooks and other school supplies for  
20 School Year 1983-84, maintenance of school building, constructing and  
21 maintaining of school bus shelters and other urgent programs as determined  
22 by the Director and the Territorial Board of Education."