


EIGHTEENTH GUAM LEGISLATURE
1985 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 382 (COR), "AN ACT TO AMEND, REPEAL AND ADD VARIOUS SECTIONS TO ARTICLE 4 OF 10 GCA CHAPTER 2 AND TITLE V OF THE CODE OF CIVIL PROCEDURE RELATIVE TO ENFORCEMENT OF CHILD AND SPOUSAL SUPPORT", was on the 23rd day of September 1985, duly and regularly passed.



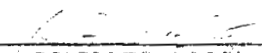
CARL T. C. GUTIERREZ
Speaker

Attested:



ELIZABETH P. ARRIOLA
Senator and Legislative Secretary

This Act was received by the Governor this 23rd day of September 1985, at 5:07 o'clock a.m.



Assistant Staff Officer
Governor's Office

APPROVED:



EDWARD D. REYES
Acting Governor of Guam

10:00 AM

Date: 10/5/85

Public Law No. 18-17

EIGHTEENTH GUAM LEGISLATURE
1985 (FIRST) Regular Session

Bill No. 382 (COR)
Substitute by Committee on
Health, Welfare and Ecology

Introduced by:

E. P. Arriola
H. D. Dierking
D. Parkinson

AN ACT TO AMEND, REPEAL AND ADD VARIOUS
SECTIONS TO ARTICLE 4 OF 10 GCA CHAPTER 2 AND
TITLE V OF THE CODE OF CIVIL PROCEDURE
RELATIVE TO ENFORCEMENT OF CHILD AND SPOUSAL
SUPPORT.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
2 Section 1. Legislative Intent and Severability. The legislative intent
3 of this Act is to increase the efficiency of the Child Support Enforcement
4 Office and to lighten the burden of taxpayers who are supporting children
5 on public assistance. This Act also intends to make possible new legal
6 procedures designed to increase the likelihood that parents absent from
7 their children shall nevertheless contribute to the support of their children.
8 This Act should be liberally construed to those ends. If any portion of
9 this Act is declared invalid for any reason by any court of law the
10 remainder of this Act shall remain in effect.

11 Section 2. Subsection (a) of 10 GCA §2802 is amended to read:

12 "(a) a duly authorized official of the Attorney General's Office
13 or the Child Support Enforcement Office in the course of his official
14 duties; or"

15 Section 3. A new Subsection (d)(7) is added to 10 GCA §2803 to
16 read:

17 "(7) The absent parent has been ordered to support his child
18 and without good cause has failed to comply with the order."

1 Section 4. Section 143.1 of the Civil Code, as enacted in Public Law
2 16-10, is repealed.

3 Section 5. Subsection (a) of 10 GCA §2805 is repealed and reenacted
4 to read:

5 "(a) Whenever the Department refers a case to the Attorney
6 General, the Department shall furnish the Attorney General with the
7 names, ages and addresses of the persons for whom support is being
8 sought; the name and address of the custodial parent; the name and
9 address of the absent parent; the legal basis of the duty of support;
10 the amount of public assistance expended by the Department up until
11 that time, if any; the needs of the family according to welfare
12 budgetary standards; the amount due and owing under an existing
13 court order or agreement, if any; the existence of any factors
14 described in Subsection (d) of 10 GCA §2803, and any other pertinent
15 information."

16 Section 6. Subsection (b) of 10 GCA §2805 is repealed and reenacted
17 to read:

18 "(b) After receiving this information, the Attorney General shall
19 immediately take all steps necessary to obtain an order of support."

20 Section 7. Subsection (a) of 10 GCA §2808 is repealed and reenacted
21 to read:

22 "(a) All agencies, departments, bureaus and divisions shall
23 cooperate in locating absent parents who are not supporting their
24 children, and shall provide to the Department or the Attorney General,
25 on request, all the information it has about the income, location and
26 property of the absent parent, notwithstanding other provisions of law
27 which make such information confidential. The Department and the
28 Attorney General may use this information only to obtain child support
29 from absent parents and shall make no disclosures of it except for that
30 purpose."

31 Section 8. 10 GCA §2809 is repealed and reenacted to read:

32 "§2809. Assistance by Private Parties. Upon request, any
33 employer in Guam, including government departments, agencies or
34 entities, shall furnish to the Department or the Attorney General the

1 last known address, social security number and any information it has
2 concerning wages, salary and income of any absent parent."

3 Section 9. A new 10 GCA §2812 is added to read:

4 "§2812. Authority to Contract for Services. In order to fulfill
5 its obligations imposed by this Chapter, the Child Support Enforcement
6 Office may contract with any government of Guam agency, any federal
7 government agency or any other person to aid in collecting or to
8 collect support obligations."

9 Section 10. A new 10 GCA §2813 is added to read:

10 "§2813. Late Charges. If an absent parent fails to meet his
11 obligation of support in any given month or months, the Department
12 may impose on him a late charge of six percent (6%) (annual
13 percentage rate) of the amount for which the absent parent is
14 delinquent at the time the late charge is assessed. This charge may
15 be assessed only in addition to and after full payment of the overdue
16 support and only if its imposition shall not directly or indirectly result
17 in a decrease in the amount of support which is paid to the child or
18 spouse to whom, or on whose behalf, it is owed."

19 Section 11. A new 10 GCA §2814 is added to read:

20 "§2814. Flat Fee. The Child Support Enforcement Office shall
21 collect a flat fee of twenty-five dollars (\$25.00) from every non-AFDC
22 client it represents when:

23 (1) It files an initial complaint to establish either paternity
24 or a defendant's obligation of child support, or

25 (2) It initiates a complaint in a URISA action.

26 No plaintiff shall be charged more than one fee for the initiation
27 of a single proceeding."

28 Section 12. A new 10 GCA §2815 is added to read:

29 "§2815. Inability to pay because of unreasonable obligations
30 voluntarily incurred shall not constitute a defense in contempt
31 proceedings for violation of the duty to support."

32 Section 13. A new 10 GCA §2816 is added to read:

33 "§2816. Assignment of Support Rights by Applicants for Public
34 Assistance. An applicant for assistance under this Chapter is deemed

1 to have assigned to the Department at the time of application all rights
2 to child support from any other person the applicant may have on his
3 own behalf or on behalf of any child for whom application is made.

4 The assignment:

5 (1) is effective as to both current and accrued child
6 support obligations;

7 (2) takes effect upon a determination that the applicant is
8 eligible for assistance under this Chapter; and

9 (3) terminates when an applicant ceases to receive public
10 assistance except with respect to the amount of any unpaid
11 support obligation accrued under the assignment.

12 Whenever an applicant to whom a duty to support is owed applies
13 for assistance, the Department shall give him notice that these support
14 rights will be assigned. If the applicant accepts support in money or
15 in kind from the obligor after applying for public assistance, the
16 applicant shall reimburse the Department for the amount of support so
17 received. The Child Support Enforcement Office has authority to
18 enforce this right on the Department's behalf."

19 Section 14. A new 10 GCA §2817 is added to read:

20 "§2817. Payment Schedule. (a) The Department of Public
21 Health and Social Services shall adopt pursuant to the Administrative
22 Adjudication Law a schedule of normal child support payments required
23 to be paid by a non-custodial parent to a custodial parent.

24 (b) Unless the parties voluntarily and reasonably stipulate
25 otherwise in a stipulation approved by the Court:

26 (1) Said schedule shall be considered by the court in
27 setting child support in proceedings for support initiated after
28 the schedule is adopted involving support of children on Guam.

29 (2) Said schedule shall be considered by the court in
30 setting child support in cases involving children who are not on
31 Guam in all proceedings for support filed in the Superior Court of
32 Guam after the schedule is adopted in actions brought under the
33 Uniform Reciprocal Enforcement of Support Act.

1 (c) The schedule shall take into account the necessary and
2 reasonable expenses and debts of each of the parties, the needs of the
3 child or children, the needs of the custodial parent as to assistance in
4 caring for the minor child or children, and the ability of each parent
5 to pay. The schedule shall contain definitions as to income, expenses
6 and other matters in order that the schedule be as clear and
7 understandable as possible in order to minimize litigation over child
8 support."

9 Section 15. A new Subsection (e) is added to 10 GCA §2804 to read:

10 "(e) Whenever the Department establishes paternity on the part
11 of an obligor, and the dependent child has been receiving public
12 assistance prior to the establishment of paternity, judgment for the
13 Department shall include a reasonable sum towards reimbursement for
14 the amount of assistance the Department expended on behalf of the
15 child before the order of support was established. This sum shall be
16 calculated according to the usual factors in determining the amount of
17 child support to be paid, such as the obligor's income and the number
18 of dependents."

19 Section 16. A new 10 GCA §2818 is added to read:

20 "§2818. Trial of Paternity and Standard of Proof. When the
21 paternity of a child born out of wedlock is disputed, the determination
22 of paternity shall be made by the court without a jury. The trial
23 shall be a civil trial and there shall be no right to a criminal trial on
24 the issue of paternity. The standard of proof shall be by clear and
25 convincing evidence."

26 Section 17. A new 10 GCA §2819 is added to read:

27 "§2819. Failure to Provide Visitation Rights a Separate Issue.
28 The existence or enforcement of a duty of support owed by an absent
29 parent for the support of a minor child shall not be affected by a
30 failure or refusal by the custodial parent to implement any rights as to
31 custody or visitation granted by a court to the absent parent."

32 Section 18. A new 10 GCA §2820 is added to read:

33 "§2820. Vacation or Modification of Orders. An order for child
34 support is a final judgment as to any installment or payment of money

1 which has accrued up to the time either party makes a motion to set
2 aside, alter or modify the order. The provisions of any order
3 respecting maintenance or support may be modified only as to
4 installments accruing subsequent to the motion for modification and
5 only upon a showing of a substantial and material change of
6 circumstances. Furthermore, any order directing payment of money
7 for support or maintenance of the spouse or the minor child or
8 children shall not be suspended nor the execution of the order stayed
9 pending an appeal. The Superior Court of Guam shall have authority
10 to modify any order, award, stipulation, or agreement as to child
11 support (whether or not merged or integrated into a decree of divorce
12 or separation) upon a showing of substantial and material change of
13 circumstances. Inability to provide support or need for increased
14 support because of unreasonable obligations voluntarily incurred shall
15 not constitute a showing of substantial and material change of
16 circumstances."

17 Section 19. A new 10 GCA §2821 is added to read:

18 "§2821. Registration of Foreign Support Orders. If the duty of
19 support is based upon a foreign support order, the obligee and the
20 Department have the additional remedies provided in the following
21 Subsections:

22 (a) The obligee or the Department may register the foreign
23 support order in the Superior Court of Guam in the manner, with the
24 effect, and for the purposes herein provided.

25 (b) The Clerk of the Superior Court shall maintain a Registry of
26 Foreign Support Orders in which he shall file foreign support orders.

27 (c) An obligee or the Department, when seeking to register a
28 foreign support order in the Superior Court, shall transmit to the
29 Clerk of the Superior Court (1) three certified copies of the order
30 with all modifications thereof, (2) one copy of the Reciprocal
31 Enforcement of Support Act of the state in which the order was made,
32 (3) a statement verified and signed by the obligee or the Department,
33 showing the mailing address of the obligee, the last known place of
34 residence and mailing address of the absent parent, the amount of

1 support remaining unpaid, a description and the location of any
2 property of the absent parent available upon execution, and a list of
3 the states in which the order is registered. Upon receipt of these
4 documents the Clerk of the Superior Court shall file them in the
5 Registry of Foreign Support Orders. The filing constitutes
6 registration under this Act.

7 (d) Promptly upon registration, the Clerk of the Superior Court
8 shall send by certified or registered mail to the absent parent at the
9 address given a notice of the registration with a copy of the
10 registered support order and the mailing address of the obligee. He
11 shall notify the Attorney General of this action and the Attorney
12 General shall proceed diligently to enforce the order."

13 Section 20. A new 10 GCA §2822 is added to read:

14 "§2822. Effect of Registration; Enforcement Procedure. (a)
15 Upon registration, the registered foreign support order shall be
16 treated in the same manner as a support order issued by the Superior
17 Court. It shall have the same effect and be subject to the same
18 procedures, defenses, and proceedings for reopening, vacating, or
19 staying as a support order of this Territory and may be enforced and
20 satisfied in like manner, except as otherwise provided in this Chapter.

21 (b) The obligor has twenty (20) days after mailing of the notice
22 of the registration in which to petition the court to vacate the
23 registration or for other relief. If he does not so petition the court,
24 the registered support order is confirmed.

25 (c) At the hearing to enforce the registered court order the
26 obligor may present only matters that would be available to him as
27 defenses in an action to enforce a foreign money judgment. If he
28 shows to the court that an appeal from the order is pending or will be
29 taken or that a stay of execution has been granted, the court shall
30 stay enforcement of the order until the appeal is concluded, the time
31 for appeal has expired, or the order is vacated, upon satisfactory
32 proof that the obligor has furnished security for payment of the
33 support order as required by the rendering state. If he shows to the
34 court any ground upon which enforcement of a support order of this

1 Territory may be stayed, the court shall stay enforcement of the order
2 for an appropriate period if the obligor furnishes the same security for
3 payment of the support order that is required for a support order of
4 this Territory."

5 Section 21. A new 10 GCA §2823 is added to read:

6 "§2823. Mandatory Attachment of Territorial Income Tax Refund.

7 (a) Whenever an obligor is delinquent in the amount of One
8 Hundred Fifty Dollars (\$150) or more, the Department shall send
9 written notice by certified mail, return receipt requested, to the
10 obligor that withholding will be made from any tax refund which the
11 government of Guam owes him. The written notice shall inform the
12 obligor that he may request a hearing with the Department of Public
13 Health and Social Services on the issue of his delinquency and inform
14 him about the time, place and manner of doing so. The notice shall
15 also inform him that, if he filed a joint return for the year in
16 question, the person who filed with him may request a hearing under
17 Subsection (d) of this Section. The obligor shall have ten (10) days
18 after he receives the notice to either satisfy the delinquency in full or
19 to request a hearing. If the delinquency is satisfied in full, the Child
20 Support Enforcement Office shall make no further attempt to attach the
21 obligor's tax refund. The request for a hearing must be in writing on
22 a form to be prescribed by the Director of the Department of Public
23 Health and Social Services. The hearing shall be conducted in
24 accordance with Chapter Two of the Administrative Adjudication Law
25 except that the Director of the Department of Public Health and Social
26 Services may authorize an employee of the Department to sit as hearing
27 officer. The only two issues which may be contested or resolved at
28 the hearing shall be whether or not the obligor is delinquent and the
29 amount of the delinquency.

30 (b) If the delinquency is not paid in full or if no hearing is
31 requested within ten (10) days after the obligor receives notice, the
32 Department shall immediately notify the Director of Revenue and
33 Taxation of the delinquency. If a hearing is held, the Department
34 shall notify the Director of the existence of any delinquency within ten

1 (10) days after the Director of the Department of Public Health and
2 Social Services approves the hearing decision.

3 (c) Whenever the Department notifies the Director of Revenue
4 and Taxation under Subsection (b) of this Section, it shall inform him
5 that the obligor has been given the opportunity to contest the validity
6 of the charge of delinquency and its amount in an administrative
7 proceeding and also provide him with the obligor's social security
8 number and address. The Director of Revenue and Taxation shall
9 then determine if the obligor is owed any money by the government of
10 Guam as part of a tax refund. If there is such a debt, the Director
11 of Revenue and Taxation shall withhold from the obligor an amount
12 equal to the amount of support owed and pay it over to the Clerk of
13 the Superior Court and shall simultaneously notify the obligor by
14 certified mail, return receipt requested, that this amount is being
15 withheld.

16 (d) If a delinquent obligor filed a joint return for the year in
17 question and an amount is withheld from his tax refund, the Director
18 of Revenue and Taxation at the same time he notifies the obligor
19 pursuant to Subsection (c) of this Section, shall also notify by
20 certified mail, return receipt requested, the person who filed with the
21 obligor and advise that person that he must file with the Department
22 of Revenue and Taxation a claim for his share of the refund. The
23 notice shall contain information about the time, place and manner of
24 doing so. The claim must be filed on a form prescribed by the
25 Director of Revenue and Taxation. The Director of Revenue and
26 Taxation shall examine the claim and pay the claimant his proper share
27 of the income tax refund. Any claimant dissatisfied with the amount of
28 his award may request a hearing with the Department of Revenue and
29 Taxation within ten (10) days after he is notified of his award. The
30 hearing shall be conducted according to Chapter Two of the
31 Administrative Adjudication Law."

1 Section 22. A new 10 GCA §2824 is added to read:

2 "§2824. When Bond is Required. (a) If an obligor fails to make
3 three (3) or more child support payments as required by court order,
4 the court, in addition to other remedies provided by this Chapter, may
5 order the person to either execute a bond, subject to the approval of
6 the court, or to pay security to the court, the bond or security to be
7 conditioned on the payment of past due and future child support
8 payments as required by the court order. If the obligor fails to make
9 a child support payment as required by the court order after having
10 executed a bond or having paid security to the court, the court shall
11 collect on the bond or may seize all or a portion of the security. An
12 amount collected from a bond or an amount of forfeited security shall
13 be paid to the obligee for the benefit of the child and shall be applied
14 to the outstanding indebtedness of the absent parent. However, the
15 application of bond or security funds to the obligor's indebtedness is
16 not a defense in a contempt of court proceeding.

17 (b) The court may order an obligor to execute a bond or pay
18 security to the court only upon motion of the obligee and after notice
19 is given to the obligor by certified mail, return receipt requested.
20 The obligor shall have ten (10) days in which to request a hearing.
21 If there is no request for a hearing, the court may order him to
22 execute the bond or pay the security. The only defenses which may
23 be raised at the hearing are mistakes of fact concerning the order,
24 existence of arrearages and their amount."

25 Section 23. A new 10 GCA §2825 is added to read:

26 "§2825. Advertising. The Child Support Enforcement Office
27 shall, from time to time, advertise itself and the services it provides
28 to the public by such means and through such media as it chooses."

29 Section 24. A new 10 GCA 2826 is added to read:

30 "§2826. Medical Costs Mandatory. Whenever the Superior Court
31 issues or modifies an order concerning child support, it shall include
32 medical costs for the child as part of the absent parent's obligation of
33 support if medical insurance is available to the absent parent at a
34 reasonable cost."

1 Section 25. A new 10 GCA §2827 is added to read:

2 "§2827. Order Reduced to Judgment. Whenever the Superior
3 Court makes a finding that an obligor is delinquent in child support
4 payments and incorporates that finding in an order, the order shall be
5 automatically reduced to judgment. That judgment shall be entered
6 and enforceable in accordance with Chapters VII and IX of the Code of
7 Civil Procedure as well as any other relevant parts thereof.

8 (a) The Child Support Enforcement Office may enforce such a
9 judgment on behalf of any child it is otherwise authorized to represent
10 or on behalf of the Department of Public Health and Social Services if
11 there has been an assignment of support rights."

12 Section 26. A new 10 GCA §2828 is added to read:

13 "§2828. Reports to Consumer Reporting Agencies. Whenever an
14 obligor is delinquent on child support payments in the amount of One
15 Thousand Dollars (\$1000) or more, the Child Support Enforcement
16 Office shall release information pertaining to that obligor, including the
17 size of the delinquency, to any consumer reporting agency which
18 requests such information. When the amount of such a delinquency is
19 less than One Thousand Dollars (\$1,000), the Child Support
20 Enforcement Office has the option of releasing such information to a
21 consumer reporting agency that requests it.

22 (a) Before the Child Support Enforcement Office releases this
23 information, it must inform the obligor that it is about to release the
24 information, inform him of the amount of the delinquency and that he
25 has ten (10) days in which to make an appointment with the head of
26 the Child Support Enforcement Office to contest the accuracy of the
27 information about to be released. If no meeting is requested within
28 ten (10) days the Child Support Enforcement Office shall release the
29 information. If a meeting is requested and held, the head of the Child
30 Support Enforcement Office shall state his findings about the accuracy
31 of the information in writing, retain a copy of his findings and send
32 another copy to the absent parent.

1 (b) Whenever the Child Support Enforcement Office releases this
2 information to a consumer reporting agency, it may charge that agency
3 a fee of Five Dollars (\$5.00) for doing so.

4 (c) As used in this section, the term 'consumer reporting
5 agency' means any person or business which, for monetary fees, dues,
6 or on a cooperative nonprofit basis, regularly engages in whole or in
7 part in the practice of assembling or evaluating consumer credit
8 information or other information on consumers for the purpose of
9 furnishing consumer reports to third parties, and which uses any
10 means or facility of interstate commerce for the purpose of preparing
11 or furnishing consumer reports."

12 Section 27. A new 10 GCA §2829 is added to read:

13 "§2829. Definitions. As used in Sections 2829 through 2835 of
14 this Title:

15 (a) 'wages' means compensation paid or payable for personal
16 services, whether denominated as wages, salary, commission,
17 bonus, or otherwise, and includes periodic payments pursuant to
18 a pension or retirement program.

19 (b) 'employer' means any person, including the federal
20 government or any department, agency, or instrumentality of the
21 government of Guam, and

22 (c) 'person' shall include, but is not limited to, individuals,
23 partnerships, joint ventures, and corporations."

24 Section 28. A new 10 GCA §2830 is added to read:

25 "§2830. Mandatory Wage Assignment. In any proceeding where
26 the court has ordered either or both parents to pay any amount which
27 is being enforced by the Child Support Enforcement Office, the court
28 shall order either or both parents to assign to the Clerk of the
29 Superior Court that portion of the salary or wages of that parent due
30 or to be due in the future as will be sufficient to pay the amount
31 ordered by the court for the support, maintenance, and education of
32 the minor child. The order shall operate as an assignment and shall
33 be binding upon any existing or future employer of the defaulting
34 parent upon whom a copy of the order is served. Such a wage

1 assignment shall be a continuing lien and levy against the wages of the
2 obligor.

3 (a) The order shall contain the amount and duration of the
4 assignment, the notices required by other subsections of this section,
5 the style and docket number of the suit, the name and address of
6 assignor's employer, the name and address of the obligee, a
7 requirement that the assignor promptly notify the obligee or the Child
8 Support Enforcement Office of any change in circumstance affecting the
9 assignment, and any other information deemed necessary by the court.
10 The court shall require the assigned amount to be paid to the Clerk of
11 the Superior Court.

12 (b) The assignment becomes effective fifteen (15) days after
13 service of the order upon the employer. Service of the order shall be
14 issued and served as in other civil cases, including by certified or
15 registered mail, return receipt requested. After the effective date,
16 the assigned amount, less any administrative fee, shall be remitted to
17 the Clerk of the Superior Court on each regular due date or pay date.
18 The employer may deduct from the assigned amount an administrative
19 fee of not more than Two Dollars (\$2.00) per month.

20 (c) Hearings under this section may be joined with any other
21 hearing in any suit affecting the parent-child relationship.

22 (d) When a wage assignment concerning child support is ordered
23 against an assignor, it shall take precedence over any other legal
24 process against the same wages."

25 Section 29. A new 10 GCA §2831 is added to read:

26 "§2831. Termination of Wage Assignment. No wage assignment
27 ordered pursuant to this law by the Superior Court shall terminate
28 until one of the following events occurs:

- 29 (1) the death of the assignor;
30 (2) the death of the child on whose behalf the support is owed;
31 (3) the child on whose behalf the support is owed reaches his
32 majority or marries or becomes emancipated;
33 (4) the absent parent is given custody of the child under a
34 valid court order;

1 (5) the adoption by a third party of the child on whose behalf
2 support is owed;

3 (6) the court order expires under its own terms;

4 (7) the obligor's employment terminates.

5 Whenever a wage assignment terminates because of one of these
6 events, it shall terminate in regard to child support payments due in
7 the future only and assignor shall remain liable for any payments that
8 accrue before that event occurs."

9 Section 30. A new 10 GCA §2832 is added to read:

10 "§2832. Multiple Wage Assignments. The Superior Court shall
11 consider the fact that an employee may be subject to two (2) or more
12 wage assignments. Upon motion by any party to the suit or suits, or
13 upon the court's own motion, the court may, after notice to all parties
14 to the suit or suits and a hearing, modify an assignment under this
15 section for the purpose of making new assignments for the benefit of
16 all of the children whom the assignor is obligated to support, in order
17 to avoid assigning more than the maximum amount permitted under
18 these sections."

19 Section 31. A new 10 GCA §2833 is added to read:

20 "§2833. Spousal Support. The Department may seek spousal
21 support on behalf of any custodial spouse who is eligible for its
22 assistance under the terms of Section 454(6) of the Social Security Act
23 by using the wage assignment procedures and other Guam laws dealing
24 with child support. It may also charge any such spouse who is not
25 receiving public assistance a flat fee of Twenty-five Dollars (\$25) when
26 it initiates proceedings on behalf of such spouse."

27 Section 32. A new 10 GCA §2834 is added to read:

28 "§2834. Maximum Amount Assignable. (a) Whenever the Superior
29 Court orders a wage assignment under this Title, the maximum amount
30 it may order assigned for spousal and child support taken together is
31 sixty percent (60%) of the obligor's disposable earnings. However, if
32 the obligor is also supporting either a spouse or dependent child who
33 is not the subject of a support order, the Superior Court may order

1 that up to fifty percent (50%) of the obligor's disposable earnings be
2 assigned.

3 (b) If the obligor is liable for arrearages, the Superior Court
4 still may not order him to pay more than the maximum amount allowed
5 by this Section."

6 Section 33. A new 10 GCA §2835 is added to read:

7 "§2835. Employer's Rights and Responsibilities. (a) An
8 employer who is properly served with an order of wage assignment
9 under this Article, and who fails to comply with that order within the
10 time specified, shall be liable to the obligee of that order in the
11 amount not paid in compliance with that order as well as for court
12 costs and reasonable attorney's fees. Every such order so served
13 must contain notice of this provision. An employer who is served with
14 two (2) or more such orders concerning the same employee shall
15 comply with all such orders, giving priority to the one first served
16 upon him. However, he may also combine all the payments he is
17 supposed to make to the Clerk of the Superior Court in one payment
18 for each of his pay periods provided that he designates how much
19 money is being paid on behalf of each employee and in regard to which
20 cases.

21 (b) No employer may terminate or otherwise discipline any
22 employee because that employee's earnings are subject to a wage
23 assignment. An employer who violates this Section may be required to
24 make full restitution to the aggrieved employee, including
25 reinstatement, back pay, all benefits accruing on account of
26 employment, as well as court costs and reasonable attorney's fees
27 incurred by the employee in an action to enforce his rights under this
28 Section. Also, in a proceeding to enforce the aggrieved employee's
29 rights, the court may impose a fine of up to Two Hundred Dollars
30 (\$200.00) on the employer. This fine shall be payable to the General
31 Fund. Every order of wage assignment must contain notice of this
32 provision.

1 (c) No employer may be forced to change his pay schedules or
2 the dates on which he pays his employees pursuant to a court ordered
3 wage assignment pursuant to this Article. However, every employer
4 must be ordered to comply with the order within fifteen (15) days
5 after he is served with the order.

6 (d) Nothing in this Article shall be construed to limit the use of
7 any other civil or criminal remedies to enforce child or spousal support
8 obligations."

9 Section 34. A new 10 GCA §2836 is added to read:

10 "§2836. Income Withholding: Generally. (a) Purpose: The
11 purpose of §§2836 through 2846 of this Title is to enhance the
12 enforcement of support obligations by providing a quick and effective
13 procedure for the withholding of income derived in this jurisdiction to
14 enforce support orders of other jurisdictions and by requiring that
15 income withholding to enforce the support orders of this jurisdiction be
16 sought in other jurisdictions. These sections shall be liberally
17 construed to effect that purpose.

18 (b) Definitions. As used in §§2836 through 2846 of this Title:

19 (1) 'Support order' means any order, decree, or judgment
20 for the support, or for the payment of arrearages on such
21 support, of a child, spouse, or former spouse issued by a court
22 or agency of another jurisdiction, whether interlocutory or final,
23 whether incidental to a proceeding for divorce, judicial or legal
24 separation, separate maintenance, paternity, guardianship, civil
25 protection or otherwise.

26 (2) 'Jurisdiction' means any state or political subdivision,
27 territory or possession of the United States, the District of
28 Columbia, the Commonwealth of Puerto Rico and the Commonwealth
29 of the Northern Mariana Islands or any foreign country with whom
30 the United States has reciprocity.

31 (3) 'Child' means any child, whether above or below the
32 age of majority, with respect to whom a support order exists.

1 (4) 'Obligor' means any person required to make payments
2 under the terms of a support order for a child, spouse or former
3 spouse.

4 (5) 'Obligee' means any person or entity which is entitled
5 to receive support under an order of support and shall include an
6 agency of another jurisdiction to which a person has assigned his
7 or her right to support.

8 (6) 'Income' means wages as defined in Section 2829 of this
9 Title.

10 (7) 'Employer' means any payor of income.

11 (8) 'Income derived in this jurisdiction' means any income,
12 the payor of which is subject to the jurisdiction of this territory
13 for the purpose of imposing and enforcing income withholding
14 under §§2829 through 2835 of this Title.

15 (9) 'Court' or 'agency', when the context requires, means
16 either the court or agency of any other jurisdiction with functions
17 similar to those defined in this Article, including the issuance and
18 enforcement of support orders.

19 (c) Remedies Additional to Those Now Existing. The remedies
20 provided in §§2837 through 2846 of this Title are in addition to, and
21 not in substitution for, any other remedy otherwise available to
22 enforce a support order of this or of another jurisdiction. Relief
23 under this Act shall not be denied, delayed, or otherwise affected
24 because of the availability of other remedies, nor shall relief under
25 any other statute be delayed or denied because of the availability of
26 this remedy."

27 Section 35. A new 10 GCA §2837 is added to read:

28 "§2837. Initiation of Wage Assignments and Cooperation with
29 Other Jurisdictions. On behalf of any client for whom the Department
30 is already providing services, or on application of a resident of Guam,
31 or on behalf of the Department if the obligee has assigned support
32 rights, the Department shall promptly request the agency of another
33 jurisdiction in which the obligor of a support order derives income to
34 enter that order for the purpose of obtaining income withholding

1 against such income. The Department shall compile and transmit
2 promptly to the agency of the other jurisdiction all documentation
3 required there to enter a support order for this purpose. The
4 Department shall also transmit immediately to the agency of the other
5 jurisdiction a certified copy of any subsequent modifications of the
6 support order."

7 Section 36. A new 10 GCA §2838 is added to read:

8 "§2838. Responsibilities for Entering a Support Order of Another
9 Jurisdiction for Purposes of Income Withholding. (a) Upon receiving
10 a support order of another jurisdiction with the documentation
11 specified in Subsection (b) of this Section from an agency of another
12 jurisdiction, the Department shall file these documents with the Clerk
13 of the Superior Court. The Clerk of the Superior Court shall accept
14 the documents filed and such acceptance shall constitute registration of
15 the support order under this Article.

16 (b) The following documentation is required for the registration
17 of a support order of another jurisdiction:

18 (1) a certified copy of the support order with all
19 modifications;

20 (2) a certified copy of an income withholding order or
21 notice, if any, still in effect;

22 (3) a copy of the portion of the income withholding statute
23 of the jurisdiction which issued the support order which states
24 the requirements for obtaining income withholding under the law
25 of that jurisdiction;

26 (4) either a sworn statement of the obligee or a certified
27 statement of the agency of the arrearages and the assignment of
28 support rights, if any;

29 (5) a statement of:

30 (i) the name, address, and social security number of
31 the obligor, if known;

1 (ii) the name and address of the obligor's employer or
2 of any other source of income of the obligor derived in
3 the territory of Guam against which income withholding
4 is sought, if known;

5 (iii) the name and address of the agency or person to
6 whom support payments collected by income withholding
7 shall be transmitted.

8 (c) If the documentation received by the Department under
9 Subsection (a) of this Section does not conform to the requirements of
10 Subsection (b) of this Section, the Department shall remedy any defect
11 which it can without the assistance of the requesting agency or
12 person. If the Department is unable to make such corrections, it shall
13 immediately notify the requesting agency, court or person of the
14 necessary additions or corrections. In neither case shall the
15 documentation be returned. The Department and the Superior Court
16 shall accept the documentation required by Subsections (a) and (b) of
17 this Section even if it is not in the usual form required by local rules,
18 so long as the substantive requirements of these Subsections are met.
19 Defects of form shall not constitute a valid defense.

20 (d) A support order entered under Subsection (a) of this
21 Section shall be enforceable by income withholding against income
22 derived on Guam in the manner and with the effect as set forth in
23 §§2829 through 2835 of this Title. Entry of the order shall not confer
24 jurisdiction on the Superior Court of Guam for any purpose other than
25 income withholding."

26 Section 37. A new 10 GCA §2839 is added to read:

27 "§2839. Notice of Foreign Support Order. (a) On the date a
28 support order is entered pursuant to §2838 of this Title, the Superior
29 Court shall serve upon the obligor, in accordance with §2830 of this
30 Title, notice of a proposed income withholding. That notice shall
31 contain the same information required in §2830 of this Title. The
32 notice shall also advise the obligor that the income withholding was
33 requested on the basis of a support order of another jurisdiction.
34 The date of serving notice on the obligor shall be the equivalent as

1 that specified in §2830 of this Title for the purpose of measuring time
2 for holding a hearing and rendering a decision."

3 Section 38. A new 10 GCA §2840 is added to read:

4 "§2840. Income Withholding Hearing. (a) At any hearing
5 contesting proposed income withholding based on a support order
6 entered under §2838 of this Title, the entered order, accompanying
7 sworn or certified statement, and a certified copy of an income
8 withholding order, if any, still in effect, shall constitute prima facie
9 proof, without further proof or foundation, that the support order is
10 valid, that the amount of current support payments and arrearages is
11 as stated, and that the obligee would be entitled to income withholding
12 under the law of the jurisdiction which issued the support order.

13 (b) Once a prima facie case has been established, the obligor
14 may raise only the following defenses:

15 (1) that withholding is not proper because of a mistake of
16 fact that is not res judicata concerning such matters as an error
17 in the amount of current support owed or arrearage that had
18 accrued, mistaken identity of the obligor, or error in the amount
19 of income to be withheld;

20 (2) that the court or agency which issued the support
21 order entered under this Act lacked personal jurisdiction over the
22 obligor;

23 (3) that the statute of limitations under §2846 of this Title
24 precludes enforcement of all or part of the arrearages. The
25 burden shall be on the obligor to establish these defenses.

26 (c) If the obligor presents evidence which constitutes a full or
27 partial defense, the court shall, at the request of the obligee,
28 continue the case to permit further evidence relative to the defense to
29 be adduced by either party. However, if the obligor acknowledges
30 liability sufficient to entitle the obligee to income withholding, the
31 court shall require income withholding for the payment of current
32 support payments under the support order and of so much of any
33 arrearage as is not in dispute, while continuing the case with respect
34 to those matters still in dispute. The court shall determine which

1 necessary procedures to amend or modify the income withholding order
2 of this territory which was based upon the entered support order.
3 The court shall amend or modify the income withholding order to
4 conform to the modified support order.

5 (b) Changes in jurisdiction. If the Department determines that
6 the obligor has obtained employment in another state or has a new or
7 additional source of income in another state, it shall notify the agency
8 which requested the income withholding of the changes within five (5)
9 working days of receiving that information and shall forward to that
10 agency all information it has or can obtain with respect to the obligor's
11 new address and the name and address of the obligor's new employer
12 or other source of income. The Department shall include with the
13 notice a certified copy of the income withholding order in effect in this
14 territory."

15 Section 44. A new 10 GCA §2846 is added to read:

16 "§2846. Choice of Law. (a) The local law of this territory shall
17 apply in all actions and proceedings concerning the issuance,
18 enforcement and duration of income withholding orders issued by a
19 court of this territory, which is based upon a support order of
20 another jurisdiction entered pursuant to §2838 of this Title except as
21 provided in Subsections (b) and (c) of this Section.

22 (b) The law of the jurisdiction which issued the support order
23 shall govern the following: arrearages which are enforceable by
24 income withholding, including but not limited to interest, attorney's
25 fees, court costs, and costs of paternity testing.

26 (c) The court shall apply the statute of limitations for
27 maintaining an action on arrearages of support payments of either the
28 local law of this territory or of the jurisdiction which issued the
29 support order entered under this Article, whichever is longer."

30 Section 45. A new Section 417 is added to the Code of Civil Procedure
31 to read:

32 "§417. Jurisdiction over Non-Resident Defendants. A court of
33 this territory may exercise jurisdiction on any basis not inconsistent
34 with the Organic Act or the Constitution of the United States."

1 Section 46. A new Section 418 is added to the Code of Civil Procedure
2 to read:

3 "§418. Jurisdiction over Non-Resident Defendants in Suits
4 Affecting Parent-Child Relationships. In a suit affecting the
5 parent-child relationship, the courts may exercise personal jurisdiction
6 over a person on whom service of citation is required or over the
7 person's personal representative, although the person is not a resident
8 or domiciliary of this territory, if:

9 (1) the child was conceived in Guam and the person on
10 whom service is required is a parent or an alleged or probable
11 father of the child;

12 (2) the child resides in Guam as a result of the acts or
13 directives or with the approval of the person on whom service is
14 required;

15 (3) the person on whom service is required has resided
16 with the child in Guam; or

17 (4) notwithstanding Subsections (1), (2), or (3) of this
18 Section there is any basis consistent with the Organic Act or the
19 Constitution of the United States for the exercise of personal
20 jurisdiction."

21 Section 47. A new 10 GCA §2847 is added to read:

22 "§2847. All remedies contained in this Article specifically
23 available to the Department of Public Health and Social Services will
24 also be available to persons represented by the Public Defender
25 Service Corporation, Guam Legal Services Corporation, or privately
26 retained attorneys, in the discretion of the Superior Court of Guam.
27 However, whenever the Superior Court issues or modifies an order of
28 support in such a case, the order shall include a provision that wage
29 withholding is available as a remedy upon motion of the custodial
30 parent if the absent parent is in arrears. The Superior Court may
31 grant such a motion, in its discretion, if the defendant is in arrears
32 in an amount equal to or greater than one month's support."

1 Section 48. A new 1022.2 is added to the Civil Procedure Code to
2 read:

3 "Section 1022.2. Attorneys fees may be awarded in all domestic
4 cases against any person who is found by the Superior Court of Guam
5 to have willfully withheld and failed to pay child support, or who is
6 found to have wrongfully refused visitation to a noncustodial parent."

7 Section 49. A new 10 GCA §2848 is added to read:

8 "§2848. The provisions of this Article shall be applicable to all
9 actions for child support, annulment, divorce, and separate
10 maintenance unless specifically excluded or specifically made available
11 only to the Department of Public Health and Social Services."

12 Section 49. The effective date of this Act shall be October 1, 1985.

13 Section 50. Notwithstanding any other law, the Department of
14 Vocational Rehabilitation may expend the Two Thousand Seven Hundred
15 Seventy Eight Dollars (\$2,778.00) appropriated pursuant to Section 20 of
16 Public Law 18-10 to purchase a van and custodial equipment for the
17 Developmental Disabilities Division.

18 Section 52. Subsection (b) of 4 GCA §4302 is amended to read:

19 "(b) The Director of Administration shall, no later than March 1,
20 1986, promulgate rules and regulations setting forth the other
21 information he requires from the companies or legal entities and the
22 method by which such information shall be reported. This information
23 shall be equitably required of each company and shall be submitted no
24 less than ten (10) days before any negotiations or active consideration
25 of proposals commences. Materials submitted in fulfillment of this
26 requirement shall not be considered public records."

27 Section 53. Subsection (d) of 4 GCA §4302 is amended to read:

28 "(d) All contracts for health insurance or the provision of health
29 care to be available to the employees of the government of Guam shall
30 provide for a minimum benefit package and may provide for additional
31 benefits. The minimum benefit package shall be developed by the
32 Director of Administration through procedures established by the
33 Administrative Adjudication Law no later than March 1, 1986."

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Section 54. Subsection (f) of 4 GCA §4302 is amended to read:

"(f) No health insurance company or health care provider contracted to provide health care to government of Guam employees may deny coverage to the employee or dependents on the basis of a congenital anomaly. Congenital anomalies will be covered and may be subject to a maximum limitation."

EIGHTEENTH GUAM LEGISLATURE

18-17

ROLL CALL SHEET

Bill No.: 382

DATE: 7/23/25

Resolution No.: _____

QUESTION: _____

<u>SENATOR</u>	<u>AYE</u>	<u>NAY</u>	<u>NOT VOTING</u>	<u>ABSENT</u>
J. F. Ada	✓			
J. P. Aguon	✓			
E. P. Arriola	✓			
J. G. M. Bamba	✓			
F. F. Blas	✓			
H. D. Dierking	✓			
E. R. Duenas	✓			
C. T. C. Gutierrez	✓			
F. J. Gutierrez	✓			
A. C. Lamorena III	✓			
P. C. Lujan	✓			
M. D. A. Manibusan	✓			
██████████				
T. S. Nelson	✓			
D. Parkinson	✓			
F. J. Quitugua	✓			
J. M. Rivera	✓			
J. T. San Agustin	✓			
F. R. Santos	✓			
T. V. C. Tanaka	✓			
A. R. Unpingco				✓

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EIGHTEENTH GUAM LEGISLATURE

CHAIRPERSON, COMMITTEE ON HEALTH, WELFARE & ECOLOGY

P.O. Box CB-1 Agana, Guam 96910

Tel.: 472-3438/9 - 477-3442

Herminia D. Dierking
Vice Chairman
on Tourism, Transportation
and Communication

Handwritten signature

MEMBER:

- Committee on Energy, Utilities and Consumer Protection
- Committee on Education
- Committee on Ways and Means
- Committee on Rules

August 21, 1985

The Honorable Carl T.C. Guterrez
Speaker
Eighteenth Guam Legislature
P.O. Box CB-1
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Health, Welfare and Ecology to which Bill No. 382 was referred has had such under consideration; and hereby transmits to the full Legislature Bill No. 382 as substituted by the Committee on Health, Welfare and Ecology with a recommendation for passage of the Act in its entirety.

The Committee voting record for the passage of Bill No. 382, is as follows:

TO DO PASS	4
NOT TO PASS	0
TO REPORT OUT ONLY	3
TO PLACE IN INACTIVE FILE	0

A copy of the Committee Report and all pertinent documents are attached for your information.

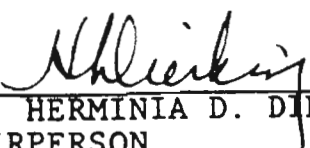
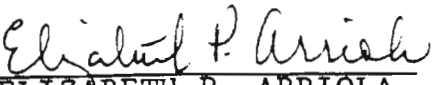
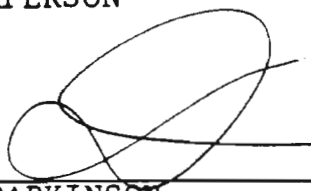
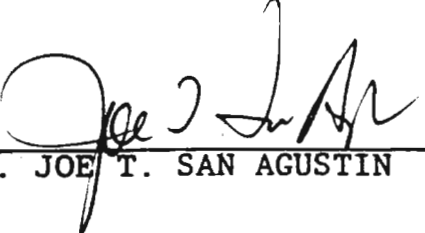
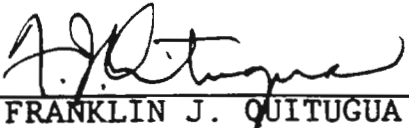

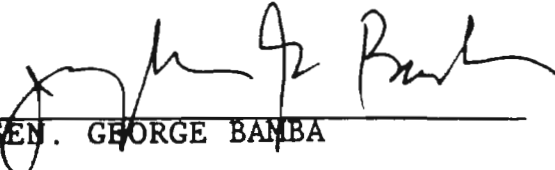
Sincerely yours,

Handwritten signature of Herminia D. Dierking
HERMINIA D. DIERKING

COMMITTEE ON HEALTH, WELFARE AND ECOLOGY
 ON BILL NO. 382
 SUBSTITUTE- TWO

AN ACT TO AMEND, REPEAL AND ADD VARIOUS SECTIONS TO
 ARTICLE 4 OF 10 GCA CHAPTER 2 AND TITLE V OF THE
 CODE OF CIVIL PROCEDURE RELATIVE TO ENFORCEMENT OF
 CHILD AND SPOUSAL SUPPORT

Introduced by: E.P. Arriola
 H.D. Dierking
 D. Parkinson

<u>SENATORS</u>	<u>TO DO PASS</u>	<u>TO NOT PASS</u>	<u>TO REPORT OUT ONLY</u>	<u>TO PLACE IN INACTIVE FILE</u>
 SEN. HERMINIA D. DIERKING, CHAIRPERSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 SEN. ELIZABETH P. ARRIOLA, VICE-CHAIRPERSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 SEN. DON PARKINSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 SEN. JOE T. SAN AGUSTIN	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
 SEN. FRANKLIN J. QUITUGUA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 SEN. MARILYN D.A. MANIBUSAN	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
 SEN. GEORGE BAMBA	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

COMMITTEE ON HEALTH, WELFARE, AND ECOLOGY

COMMITTEE REPORT

BILL NO. 382

SUBSTITUTED BY THE COMMITTEE
ON HEALTH, WELFARE, AND ECOLOGY

A Public Hearing on Bill no. 382 was held on Thursday, June 27, 1985 at 9:30 a.m., in the Legislative Session Hall.

Committee members present during the public hearing included the following: Senator Herminia D. Dierking, Chairperson, Senator Elizabeth P. Arriola, Vice-Chairperson, Senator Franklin J. Quitugua, and Senator Marilyn Manibusan.

BACKGROUND

Bill No. 382 was introduced by Senators E.P. Arriola, H.D. Dierking, and Don Parkinson on May 1, 1985. Subsequent to the Bill's introduction, on June 10, 1985 a list of suggested changes to the Bill was received from the staff of the Attorney General's Office for inclusion in the discussion of the Bill at a public hearing. The Public Hearing on the Bill was held on June 27, 1985. At this hearing two additional amendments were suggested during the course of testimony by staff members of the Attorney General's Office. These amendments were considered by the Committee and incorporated into a Substitute version of the Bill which was recommended for passage by the Legislative Body. On August 12, 1985 Assistant Legal Counsel, Bruce King, presented the Committee with a second substitute version of the Bill which incorporated technical changes involving the code citations of the Bill. At Session on August 19, 1985 the both substitute versions of the Bill were inadvertently passed out to Senators for consideration. This created confusion as to which Bill should actually be considered and resulted in the Bill's being referred once again to Committee for clarification. To eliminate the confusion surrounding Bill no. 382 this Committee report incorporates all versions of the Bill including additional information with regards

to the Fiscal impact of the Bill and additional amendments proposed by Senator Don Parkinson.

The legislative intent of Bill No. 382 states the following: "The legislative intent of this Act is to increase the efficiency of the Child Support Enforcement Office and to lighten the burden of taxpayers who are supporting children on public assistance. This Act also intends to make possible new legal procedures designed to increase the likelihood that parents absent from their children shall nevertheless contribute to the support of their children. This Act should be liberally construed to those ends." The Bill additionally provides for mandatory wage assignments, jurisdiction over non-resident defendants in civil actions, as well as new court procedures in support matters.

A section by section analysis of the contents of Bill no. 382 as substituted for a second time by the committee is provided as "Attachment A" of this report.

The substituted version of the Bill recommended by the Committee for adoption is presented as "Attachment B".

Sections 2, 3, 4, 8, 9, 10, 12, 16, and 18 of Substitute Bill No. 382 represent amendments to the local child support statute existing as Public Law 16-10.

These sections provide for changes in the administrative provisions governing the filing for support, gathering of information, the assignment of support rights and other similar items.

Sections 13 and 17 of the Bill are added as new sections to the existing law.

Section 13 allows for the Child Support Enforcement Office to contract for services in the collection of support obligations and in the administration of the program. Section 17 requires absent parents to make their financial statements available to the CSEO in the determination of support assignments.

Sections 21 through 29 of Bill No. 382 also provide amendments to Public Law 16-10. These amendments pertain to court procedures, the registration of foreign support orders, the yearly adjustment of support orders as well as defining who may bring suit and which elements of a suit shall be considered

in the determination of support matters.

Federally mandated child support amendments are provided for in Sections 14, 15, 19, and 30 through 35 of the Bill. These sections address the collection of fees, legal standards on which to base support determinations, the attachment of tax refunds, posting of bond, provision of medical insurance costs, advertising and the use of credit reporting agencies. Federally directed mandatory wage assignment provisions are established in Sections 36 to 43 of the Bill. Sections 44 through 54 provide the federally required interstate income withholding procedures. Section 55 of the Bill provides for an amendment to the Code of Civil Procedure enabling courts of Guam to exercise jurisdiction over non-resident defendants in the pursuit and collection of child support obligations. Section 56 addresses jurisdiction over non-resident defendants in suits affecting parent-child relationships.

Sections 57 through 59 address the applicability of the remedies of the Act to persons represented by the Public Defender Service Corporation, or private attorneys, the awarding of attorney fees in cases where the obligor has willfully withheld and failed to pay child support, and provides for the provisions of the Act to be applicable in actions of child support, annulment, divorce, and separate maintenance unless specifically excluded or available only to the Department of Public Health and Social Services.

Fiscal analysis of the impact of Bill no. 382 was conducted by the Bureau of Budget and Management Research and the Committee on Ways and Means. The analyses are attached to the report as "Attachments K and L". The Committee on Ways and Means Fiscal Impact Analysis indicates that the regulations incorporated in the Bill will not involve any additional cost to the current program as the new regulations serve to streamline current procedures and formally enact them into Law. The BBMR fiscal note indicates that the Bill amends current laws requiring revenues collected by the program to be deposited in the General Fund. Instead

these monies will be deposited in the Revenue Generating Fund of the CSEO. They also indicated that the Bill also authorizes the program to expend all revenues collected by the program and should this result in an impact it would be experienced on the bottom line tally of the General Fund Account.

TESTIMONY

Testimony on Bill No. 382 was heard on Thursday, June 27, 1985 at 9:30 a.m. in the Legislative Session Hall. Those presenting testimony included Carmen Pearson, Acting Director of DPHSS, Harold Parker, Public Defender Corporation; Director, David Highsmith, Assistant Attorney General, and Nancy Nye, Assistant Attorney General.

Carmen Pearson testified in support of Bill No. 382 indicating that the Bill was drafted by the Attorney General's Office at the request of the Department of Public Health. The bill was designed to meet the mandates of Public Law 98-348 and is essential in that the Department stands to lose 70% of its child support funding and 90% of its funding to computerize current operations. Ms. Pearson's testimony concluded that the proposed bill was financially necessary for our future which lies in our children.

Assistant Attorney General David Highsmith also testified in support of Bill No. 382. As author of the Bill Mr. Highsmith indicated that many of the features of the Legislation have been mandated by Public Law 98-378. Mr. Highsmith provided a point by point enumeration of the sections of the bill which are required by federal law, followed by an enumeration of the sections designed to make the child support collection process more efficient through amendments to existing local legislation. Mr. Highsmith concluded his testimony by recommending that several amendments to the bill be included before the enactment of the bill into law. The amendments stem from a more thorough review of the bill since its initial preparation.

Nancy Nye of the Attorney General's Office was also present at the hearing

on Bill No. 382 however, rather than providing testimony Ms. Nye indicated that she was present to assist in the answering of questions on the proposed legislation as she was familiar with the legislation as well as the current child support program operations. It should be noted that Ms. Nye did submit written comments on July 5, 1985 in response to the comments and concerns raised by Mr. Harold Parker's testimony.

Lastly, Mr. Harold Parker of the Public Defender's Office submitted written comments on Bill No. 382. Mr. Parker indicated areas of the bill which he felt might be construed as problematic along with some recommendations for the improvement of these areas. He concluded that on the whole the bill appeared to be reasonable although some absent parents might disagree.

COMMITTEE FINDINGS

The Committee on Health, Welfare and Ecology hereby finds the following:

(1) The provisions of Bill No. 382 result from the federal mandates on child support found in Public Law 98-348.

(2) The provisions of Bill No. 382 are aligned with these federal mandates.

(3) The continuance of federal program funds for local child support programs is dependent on the enactment of the provisions of Bill No. 382 prior to October 1, 1985.

(4) Enactment of Bill No. 382 into law will enhance local program efforts to secure the necessary child and spousal support obligations upon which the children of our Territory depend.

(5) The amendments suggested and discussed at the Public Hearing are necessary for the clarification of various provisions provided in the initial bill submitted for the committee's consideration.

(6) The substituted version of the bill clearly addresses both the legal and programmatic aspects necessary for the enactment of a comprehensive child

support statute which meets the mandates of federal law while at the same time enhancing local program implementation efforts.

COMMITTEE RECOMMENDATIONS

In view of the positive impact of Bill No. 382 upon the current child support program and the required enactment of the federally mandated statutes prior to October 1, 1985 deadline, the committee recommends the passage of Bill No. 382, as presented in its second substitute version.

LIST OF EXHIBITS

- A - Section by Section Analysis of Substitute 2 of Bill No. 382
- B - Substitute 2 of Bill No. 382
- C - Technical Changes in Substitute 2 of Bill No. 382.
- D - Substitute 1 of Bill No. 382
- E - Original Bill No. 382 as introduced.
- F - Suggested Amendments to original Bill No. 382 as introduced.
- G - Testimony of Carmen Pearson, Dept. of Public Health and Social Services
- H - Testimony of David Highsmith, Assistant Attorney General
- I - Letter of Nancy Nye in response to Harold Parker's comments
- J - Comments of Mr. Harold Parker, Director, Public Defender's Office
- K - Bureau of Budget and Management Research Fiscal Note
- L - The Committee on Ways and Means Fiscal Impact Analysis
- M - Amendments by Sen. Don Parkinson
- N - Comments from the Attorney General's office on Parkinson's Amendments

Section by Section Analysis On Bill No. 382,
as substituted by the Committee on Health,
Welfare and Ecology

Section 1. Legislative Intent and Severability.

This section provides the legislative intent to increase the efficiency of the Child Support Enforcement Office and to lighten the burden of taxpayers supporting children on public assistance through new legal procedures increasing the likelihood that absent parents will contribute to child support. The section further provides that if any section is declared invalid for any reason by court, the remaining sections are in effect.

Section 2. Amends Subsection (a) of 10 GCA 2802

Amends the enabling legislation of the Child Support Enforcement Program changing the word unit to Office in reference to the Child Support Enforcement Office.

Section 3. Repeals and Reenacts Subsection (c) of 10 GCA 2803

Repeals and reenacts the section such that the 45 day lapse between the date of filing for assistance and the date of referral of the case to the Attorney General's Office will have no bearing on the case if the deadline is not met.

Section 4. Repeals and Reenacts Subsection (d)(6) of 10 GCA 2803

This section redefines a factor for the Department to refer a case to the Attorney General's Office such that failure to comply with support without good cause shall warrant a case's referral. This eliminates the need for the absent parent to enter into an agreement of support with the Department and become delinquent for 60 days before the case is referred.

Section 5. Adds a new Subsection (d) to 10 GCA 2806

This section provides the Department with an additional avenue by which they might take action in seeking support on behalf of any dependent child including the establishment of paternity.

Exhibit A

Section 6. Amends 10 GCA 2806

The amendment has the effect of establishing a Revenue Generating Account of the Child Support Enforcement Office and separates proceeds of judgments or settlements which would normally be deposited into the General Fund.

Section 7. Repeals Section 143.1 of the Civil Code

This section repeals the authorization for garnishment for support as it is replaced by the mandatory wage assignment provisions of Bill No. 382.

Section 8. Repeals Subsection (g) of 10 GCA 2810

This section repeals the Authority for the Department to ascertain the ability of an absent parent to contribute to child support using a child support formula as it is replaced by the court determined support provisions of Bill No. 382.

Section 9. Repeals and Reenacts Subsection (a) of 10 GCA 2805

This section eliminates the need for the Department to file an affidavit when providing information regarding a case required to be referred to the Attorney Generals Office. This alleviates the need for unnecessary paperwork on behalf of the Department. All other provisions of the new section are basically the same as the repealed section.

Section 10. Repeals and Reenacts Subsection (b) of 10 GCA 2805

This section eliminates any delays in the processing of a child support case as the Attorney General's Office does not need to defer action on cases in which a child is being considered for adoption and can begin processing without awaiting an investigation of the question of support.

Section 11. Repeals and Reenacts Subsection (a) of 10 GCA 2808

This section is basically the same as the repealed section. The language of the statute has been simplified but the content and effect remain similar to that of the repealed version. The need for the child to be on public assistance from the Department in requesting this information is eliminated.

Section 12. Repeals and Reenacts 10 GCA 2809

This section allows the Department and the Attorney General's Office to seek assistance by private parties relative to locating absent parents of all children and not only those receiving public assistance. The section as reenacted is now more general in its scope.

Section 13. Adds a new Section 2812 to 10 GCA

This section provides the Authority for the Child Support Enforcement Office to contract with private or governmental entities for aid in collecting or to collect child support obligations and to administer the child support program established by federal statutes.

Section 14. Adds a new Section 2813 to 10 GCA

This section provides the Authority for the Department to impose a late charge of 6% of the amount for which an absent parent is delinquent in support payments at the time the charge is assessed. The late charge is assessed **only** in addition to and after full payment of overdue support and only when it does not result in a direct or indirect decrease in the amount of support paid.

Section 15. Adds a new Section 2814 to 10 GCA

This section authorizes the CSEO to charge and collect a fee of \$25 or an amount prescribed by the Director for every non-AFDC client represent and one fee per single proceeding initiated.

Section 16. Adds a new Section 2815 to 10 GCA

This section provides that evidence of inability to pay due to the voluntary increase of unreasonable obligations can not be used as a defense in contempt procedures for violation of support.

Section 17. Adds a new Section 2816 to 10 GCA

This section requires persons who have neglected their child support responsibilities to file under oath a monthly income and 12-month financial statement along with other relevant information pertinent to determining their ability to support children or the

custodial parent. This statement is to be filed upon demand by CSEO or the Attorney General and annually if assistance is granted on behalf of a child. Failure to comply with this provision shall constitute a misdemeanor.

Section 18. Adds a new Section 2817 to 10 GCA

This section requires applicants for public assistance to assign all rights to child support to the Department. The section applies to both current and accrued obligations and is effective when eligibility for assistance has been determined. The provision terminates when an applicant ceases to receive public assistance or unpaid accrued support obligations have been met. The Department is to inform applicants of the assignments and the obligation to reimburse the Department for receipt of support directly from the obligor. The CSEO is to enforce this provision.

Section 19. Adds a new Section 2818 to 10 GCA

This section requires the Presiding Judge of the Superior Court to designate the Judge responsible for the calender of domestic and family cases to prepare a draft of a schedule indicating normal child support payments to be paid by non-custodial parents. Authority for the use of a committee to assist on drafting the payment schedule is also provided. The Judicial Council shall after a public hearing and modification issue final approval of the schedule. Once approved the schedule shall be disseminated. Subsection (a) further provides for the schedule of payments to be followed in setting child support amounts for cases initiated after the effective date of the Act unless persuasive evidence of exceptional circumstances for not following the schedule is presented to the Court. Subsection (d) requires the schedule to take into account reasonable expenses and debts and include clear definition to minimize obligation over child support. The Presiding Judge may order the schedule to be revised and the Judicial Council is authorized to promulgate rules and regulations deemed necessary to implement this section.

Section 20. Adds a new Subsection (e) to 10 GCA 2804

This section requires the reimbursement of the Department for public assistance in cases where paternity of the obligor is established and the dependent child had been receiving public assistance prior to establishment of paternity and the order of child support.

Section 21. Adds a new Section 2819 to 10 GCA

This section provides for the continuous funding of the CSEO in the event that Federal financial participation ceases. Funds for the office are to be appropriated from the General Fund less office collectors for welfare expended.

Section 22. Adds a new Section 2820 to 10 GCA

This section serves to define who may bring a suit for child support or declaration of paternity.

Section 23. Adds a new Section 282.1 to 10 GCA

This section provides that the court shall determine the paternity of a child born out of wedlock without a jury. The trial is to be a civil trial whose standard of proof shall be by a preponderance of the evidence.

Section 24. Adds a new Section 2822 to 10 GCA

This section provides that the existence or enforcement of a duty of support shall not be affected by a failure to implement rights as to custody or visitation granted by a court to an absent parent.

Section 25. Adds a new Section 2823 to 10 GCA

This section provides for payment of delinquent child support as judgment and payment may be forced in the same manner as a final decree.

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Section 26. Adds a new Section 2824 to 10 GCA

This section provides for support orders to be adjusted by 5% annually if justified by inflation, changes in the obligors income or other changes in circumstances.

Section 27. Adds a new Section 2825 to 10 GCA

This section provides that child support orders are final judgements until either party makes a motion to set aside, alter or modify the order. Modifications to the order may only be made with a subsequent motion after showing of a substantial and material change of circumstances. The section further provides that orders may not be suspended or execution stayed pending an appeal. Inability to provide support because of unreasonable obligations voluntarily incurred will not constitute a substantial and material change

Section 28. Adds a new Section 2826 to 10 GCA

This section provides for additional remedies to duty of support based upon foreign support orders. These include registering of the order, maintaining a registry of these orders, filing a copy of the Reciprocal Enforcement Support Act with the state in which the order was made along with relevant information on the absent parent, and enforcement of the order by the Attorney General.

Section 29. Adds a new Section 2827 to 10 GCA

This section provides that registered foreign support orders shall be treated, have the same affect, and be subject to the same procedures as a support order of the Territory including enforcement and satisfaction. Obligor of these orders are provided 20 days to petition the court to vacate the registration or other relief. At hearings to enforce the order, obligor may only present matters available to him as defenses in an action to enforce a foreign money judgement. The order is to be enforced unless further court action results in a stay of enforcement or satisfactory proof that the obligor has furnished security for payment of the order.

Section 30. Adds a new Section 2828 to 10 GCA

This section provides for the attachment of the Territorial Tax Refund of an obligor delinquent by \$150 or more. The obligor may request a delinquency hearing or satisfy Payment of delinquency in full. Only the issue of delinquency or amount of delinquency may be contested at the hearing. The amount of delinquency shall be withheld from the tax refund if owed and paid to the Superior Court. In the case of joint returns, the obligor's share of the return shall be held and parties to the return informed of the withholding.

Section 31. Adds a new Section 2829 to 10 GCA.

This section provides for obligors delinquent by 3 or more child support payments to be ordered by the Court to execute a bond or pay security to the Court conditioned on payment of past due and future support. Failure to make payment after execution of bond or payment of security shall result in collection on the bond or seizure of the security. Ordering of bond or security may come only after motion of the obligee and after notice to the obligor. A hearing may be requested by the obligor on the court requirements , however, defenses which can be raised are limited.

Section 32. Adds a new Section 2830 to 10 GCA

This section provides authority for CSEO to advertise its services.

Section 33. Adds a new Section 2831 to 10 GCA

This section provides for the court to require the payment of medical costs for the child as part of the absent parent's obligation if medical insurance is available to the absent parent at reasonable cost.

Section 34. Adds a new Section 2832 to 10 GCA

This section provides that court findings of delinquency on the part of the obligor's shall be reduced to judgement. Such judgement shall be enforceable under the Code of Civil Procedure and the CSEO is authorized to enforce such a judgement on behalf

of the Department if there has been an assignment of support rights.

Section 35. Adds a new Section 2833 to 10 GCA

This section provides for the CSEO to release information pertaining to an obligor to any consumer reporting agency if child support payments are delinquent by \$1000 or more. CSEO has the option of releasing such information if such delinquency is less than \$1000. It also provides that before the release of such information, the obligor shall be informed and provided the opportunity of a meeting to contest the information to be released. CSEO may charge \$5 for releases of information to consumer reporting agencies.

Section 36. Adds a new Section 2834 to 10 GCA

This section provides definitions of terms regarding mandatory wage assignments.

Section 37. Adds a new Section 2835 to 10 GCA

This section provides the authority for the court to order a mandatory wage assignment as a continuing lien and levy against the wages of an obligor for application towards child support payments. Other provisions of this section specify the details regarding the issuance and implementation of a court order regarding mandatory wage assignment.

Section 38. Adds a new Section 2836 to 10 GCA

This section provides a listing of the manner in which a mandatory wage assignment can be terminated.

Section 39. Adds a new Section 2837 to 10 GCA

This section provides the provisions for addressing multiple wage assignments on an obligor.

Section 40. Adds a new Section 2838 to 10 GCA

This section describes the defenses an obligor may use in order to show cause as to

why a wage assignment should not be assigned if one was not ordered as a part of the support order.

Section 41. Adds a new Section 2839 to 10 GCA

This section authorizes the Department to seek spousal support on behalf of custodial spouses eligible for assistance. The authority extends to the use of wage assignment and other Guam laws dealing with child support.

Section 42. Adds a new Section 2840 to 10 GCA

This section defines the maximum amount which can be withheld as a wage assignment for child or spousal support. The maximum is 60% of disposable earnings or up to 50% if obligor is providing dual support.

Section 43. Adds a new 2841 to 10 GCA

This section stipulates the employer's rights and responsibilities with regard to compliance with wage assignment orders.

Section 44. Adds a new Section 2842 to 10 GCA

This section states the purpose and provides a definition of terms regarding income withholding to enforce support orders both in and outside of jurisdiction of the Territory.

Section 45. Adds a new Section 2843 to 10 GCA

This section provides the authority for the Department to initiate wage assignments and cooperation from agencies of other jurisdictions for the purpose of obtaining income withholding towards child support obligations due to residents or clients of the Department.

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Section 46. Adds a new Section 2844 to 10 GCA

This section outlines the procedures and manner in which support orders of another jurisdiction are to be filed with the Superior Court so as to be enforceable by income withholding against income derived on Guam and due as child support in another jurisdiction.

Section 47. Adds a new Section 2845 to 10 GCA

This section outlines the manner in which the Court shall notify obligors of support orders of other jurisdictions and the proposed income withholding.

Section 48. Adds a new Section 2846 to 10 GCA

This section describes the manner and defenses an obligor may use in contesting proposed income withholding based on a support order of another jurisdiction. It also establishes the procedures by which the Court will handle income withholding disputes or request courts of other jurisdictions to hold income withholding hearings regarding disputes against orders issued off-island.

Section 49. Adds a new Section 2847 to 10 GCA

This section gives the Court authority to issue an income withholding order for support orders which have been issued by other jurisdictions.

Section 50. Adds a new Section 2848 to 10 GCA

This section provides that employer rights and responsibilities shall apply to income withholding based on a support order of another jurisdiction which has been filed on Guam.

Section 51. Adds a new Section 2849 to 10 GCA

This section provides the manner in which the Court is to distribute support payments paid directly to the Court to obligees.

Section 52. Adds a new Section 2850 to 10 GCA

This section provides for obligors to obtain voluntary income withholding upon request to the Court.

Section 53. Adds a new Section 2851 to 10 GCA

This section provides for the Court to amend or modify income withholding orders based on modifications issued by jurisdictions other than Guam. It also provides for the Department to notify the jurisdictions ordering support of an obligor in Guam when the person has relocated from Guam.

Section 54. Adds a new Section 2852 to 10 GCA

This section describes the manner in which Laws of the Territory or laws of other jurisdictions shall apply in actions and proceedings concerning income withholding based on orders issued by another jurisdiction.

Section 55. Adds a new Section 417 to the Code of Civil Procedure.

This section allows a court of the Territory to exercise jurisdiction over non-resident defendants.

Section 56. Adds a new Section 418 to the Code of Civil Procedure.

This section describes the manner in which the Courts of Guam may exercise personal jurisdiction over a person who is not a resident of the Territory under certain circumstances.

Section 57. Adds a new Section 2853 to 10 GCA

This section provides that the remedies of this Act shall also be available to persons represented by the public defender's office or private attorneys.

Section 58. Adds a new Section 1022.2 to the Code of Civil Procedure.

This section provides for the Court to award attorney fees in cases against persons found to have willfully withheld and failed to pay child support or wrongfully refused

visitation to a non-custodial parent .

Section 59. Adds a new Section 2854 to 10 GCA

This section makes the Act applicable to all actions of child support, annulment, divorce, and separate maintenance unless specified as applicable only to the Department of Public Health and Social Services.

EIGHTEENTH GUAM LEGISLATURE
1985 (FIRST) Regular Session

Introduced

MAY 17 '85

Bill No. 362 (COR)

Introduced by:

E. P. Arriola
H. D. Dierking
~~D. Partinon~~

[Handwritten signatures and initials]

AN ACT TO FACILITATE THE ESTABLISHMENT OF OBLIGATIONS AND THE COLLECTION OF MONIES IN REGARD TO CHILD AND SPOUSAL SUPPORT BY FACILITATING THE OPERATIONS OF THE CHILD SUPPORT ENFORCEMENT OFFICE, INTRODUCING NEW COURT PROCEDURES IN SUPPORT MATTERS BY PROVIDING FOR MANDATORY WAGE ASSIGNMENTS AND BY PROVIDING FOR JURISDICTION OVER NON-RESIDENT DEFENDANTS IN CIVIL ACTIONS

- 1 Section 1 Repeals and Re-enacts Section 9120.51(a) of the Government Code of Guam.
- 2 Section 2 Repeals and Re-enacts Section 9120.52(c) of the Government Code of Guam.
- 3 Section 3 Repeals and Re-enacts Section 9120.52(d) (6) of the Government Code of Guam.
- 4 Section 4 Adds Section 9120.53(d) to the Government Code of Guam.
- 5 Section 5 Repeals and Re-enacts Section 9120.55 of the Government Code of Guam.
- 6 Section 6 Repeals Section 143.1 of the Civil Code of Guam.
- 7 Section 7 Repeals Section 9120.59(g) of the Government Code of Guam.
- 8 Section 8 Repeals and re-enacts Sections 9120.54(a) and (b) of the Government Code of Guam.
- 9 Section 9 Repeals and re-enacts Section 9120.57(a) of the Government Code of Guam.
- 10 Section 10. Repeals and re-enacts Section 9120.58 of the Government Code of Guam.
- 11 Section 11 Adds Section 9120.61 to the Government Code. Authority to Contract for Services.

1	Section 12	Adds Section 9120.62 to the Government Code. Late Charges.
2	Section 13	Adds Section 9120.63 to the Government Code. Flat Fee.
3	Section 14	Adds Section 9120.64 to the Government Code. Child Support a Primary Debt.
4	Section 15	Adds Section 9120.65 to the Government Code. Financial Statement Required.
5	Section 16	Adds Section 9120.66 to the Government Code. Assignment of Support Rights by Applicants for Public Assistance.
6	Section 17	Adds Section 9120.67 to the Government Code. Standards for Determining Ability to Support.
7	Section 18	Adds Section 9120.68 to the Government Code. Report to the Legislature.
8	Section 19	Adds Section 9120.69 to the Government Code. Conditional Appropriation.
9	Section 20	Adds Section 9120.70 to the Government Code. Who May Bring Suit.
10	Section 21	Adds Section 9120.71 to the Government Code. Trial of Paternity and Burden of Proof.
11	Section 22	Adds Section 9120.72 to the Government Code. Visitation Rights a Separate Issue.
12	Section 23	Adds Section 9120.73 to the Government Code. Provisions Court Can Make After Suit and Before Decree.
13	Section 24	Adds Section 9120.74 to the Government Code. Orders Adjusted Yearly.
14	Section 25	Adds Section 9120.75 to the Government Code. Vacation or Modification of Orders.
15	Section 26	Adds Section 9120.76 to the Government Code. Registration of Foreign Support Orders.
16	Section 27	Adds Section 9120.77 to the Government Code. Effect of Registration.

- 1 Section 28 Adds Section 9120.78 to the Government Code. Mandatory Attachment of Territorial Income Tax Refund.
- 2 Section 29 Adds Section 9120.79 to the Government Code. When Bond is Required.
- 3 Section 30 Adds Section 9120.80 to the Government Code. Advertising.
- 4 Section 31 Adds Section 9120.81 to the Government Code. Medical Costs Mandatory.
- 5 Section 32 Adds Section 9120.82 to the Government Code. Order reduced to Judgment.
- 6 Section 33 Adds Section 9120.83 to the Government Code. Release of Information to Credit Reporting Agencies.
- 7 Section 34..... Adds Section 9120.90 to the Government Code. Definitions.
- 8 Section 35 Adds Section 9120.91 to the Government Code. Mandatory Wage Assignments.
- 9 Section 36 Adds Section 9120.92 to the Government Code. Termination of Wage Assignment.
- 11 Section 37 Adds Section 9120.93 to the Government Code. Multiple Wage Assignments.
- 12 Section 38 Adds Section 9120.94 to the Government Code. Obligor Who is Not Affected by Wage Assignment.
- 13 Section 39 Adds Section 9120.95 to the Government Code. Spousal Support.
- 14 Section 40 Adds Section 9120.96 to the Government Code. Maximum Amount Assignable.
- 15 Section 41 Adds Section 9120.97 to the Government Code. Employer's Rights and Responsibilities.
- 16 Section 42 Adds Section 9120.100 to the Government Code. Purpose of the New Subchapter C-2 of Title II of Chapter X of the Government Code. General Provisions.
- 17 Section 43 Adds Section 9120.101 to the Government Code. Initiation of Wage Assignments

- 1 and Co-operation with other Juris-
 dictions.
- 2 Section 44 Adds Section 9120.102 to the Government
 Code. Responsibilities for Entering
 Support Orders of Another Jurisdiction
 for Purposes of Income Withholding.
- 3 Section 45 Adds Section 9120.103 to the Government
 Code. Notice of Foreign Support Order.
- 4 Section 46 Adds Section 9120.104 to the Government
 Code. Income Withholding Hearing.
- 5 Section 47 Adds Section 9120.105 to the Government
 Code. Income Withholding Order.
- 6 Section 48 Adds Section 9120.106 to the Government
 Code. Notice to Employer.
- 7 Section 49 Adds Section 9120.107 to the Government
 Code. Distribution of Collected Support
 Payments.
- 8 Section 50 Adds Section 9120.108 to the Government
 Code. Voluntary Income Withholding.
- 9 Section 51 Adds Section 9120.109 to the Government
 Code. Changes in Original Order.
- 10 Section 52 Adds Section 9120.110 to the Government
 Code. Choice of Law.
- 11 Section 53 Adds two new Sections to Title V of the
 Code of Civil Procedure to provide for
 Jurisdiction over Non-resident Defen-
 dants.
- 12 Section 54 Legislative Intent and Severability.

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

14 Section 1. Section 9120.51(a) of the Government Code of
 15 Guam is repealed and re-enacted to read as follows:

16 §9120.51(a). A duly authorized official of the Attor-
 17 ney General's Office or the Child Support Enforcement Office
 18 in the course of his official duties; or

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1 Section 2. Section 9120.52(c) of the Government Code of
2 Guam is repealed and re-enacted to read as follows:

3 §9120.52(c). If the Department is unable to enter into
4 a satisfactory support agreement with the absent parent
5 after the application for assistance is signed, the Depart-
6 ment shall refer the case to the Attorney General within
7 forty-five (45) days after the application for assistance is
8 signed. However, failure to meet this deadline shall not
9 prejudice a case.

10 Section 3. Section 9120.52(d)(6) is hereby repealed and
11 re-enacted to read as follows:

12 §9120.52(d)(6). The absent parent has been ordered to
13 support his child and without good cause has failed to
14 comply with the order.

15 Section 4. Section 9120.53(d) is added to the Government
16 Code of Guam to read as follows:

17 (d). In order to carry out its responsibilities
18 imposed by this Chapter, the Department is hereby authorized
19 to commence or appear in any proceedings before any court
20 for the purpose of obtaining, enforcing, or modifying an
21 order of support on behalf of any dependent child or any
22 other person for whom the Department has duty to obtain or
23 enforce an order of support under this Chapter. The
24 Department may commence or appear in any action on its own
25 behalf or on behalf of any dependent child, parent of any
26 dependent child, or on behalf of any other person for whom
27 the Department has a duty to obtain or enforce an order of
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1 enforce an order of support under this Chapter. The Depart-
2 ment is also hereby authorized to commence or appear in
3 any proceedings before any court for the purpose of
4 establishing the paternity of any dependent child for whom
5 the Department has a duty to obtain an order of support
6 under this Chapter.

7 Section 5. Section 9120.55 of the Government Code of
8 Guam is repealed and re-enacted to read as follows:

9 S9120.55. Judgments and Proceeds. Upon final hearing,
10 judgment for the Department shall include all sums expended during
11 the pendency of the action. When the Department recovers
12 judgments, it may enforce, compromise, or settle the judgments
13 with the consent of the Attorney General in any way considered
14 to be in the public interest. Any proceeds of judgments or
15 settlements shall be deposited in the Revenue Generating Account
16 of the Child Support Enforcement Office.

17 Section 6. Section 143.1 of the Civil Code is repealed
18 in its entirety.

19 Section 7. Section 9120.59(g) of the Government Code is
20 repealed in its entirety.

21 Section 8. Sections 9120.54(a) and (b) are repealed and
22 re-enacted to read:

23 (a) Whenever the Department refers a case to the Attorney
24 General, it shall furnish the Attorney General with the
25 names, ages and addresses of the persons for whom support
26 is being sought; the name and address of the custodial parent;
27 the name and address of the absent parent; the legal basis
28 of the duty to support; the amount of public assistance
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1 expended by the Department up until that time, if any; the
2 needs of the family according to welfare budgetary stan-
3 dards; the amount due and owing under an existing court
4 order or agreement, if any; the existence of any factors
5 described in Chapter 9120.52 of the Government Code; any
6 other pertinent information.

7 (b) After receiving this information, the Attorney General
8 shall immediately take all steps necessary to obtain an
9 order of support.

10 Section 9. Section 9120.57(a) of the Government Code of
11 Guam is repealed and re-enacted to read:

12 (a) All agencies, departments, bureaus and divisions shall
13 cooperate in locating absent parents who are not supporting
14 their children and shall provide to the Department or the
15 Attorney General, on request, all the information it has
16 about the income, location and property of the absent
17 parent, despite other provisions of law which make such
18 information confidential. The Department and the Attorney
19 General may use this information only to obtain child
20 support from absent parents and shall make no disclosures of
21 it except for that purpose.

22 Section 10. Section 9120.58 of the Government Code of Guam
23 is repealed and re-enacted to read:

24 §9120.58. Assistance by Private Parties.

25 Upon request, any employer in Guam, including government
26 agencies, shall furnish to the Department or the Attorney
27 General the last known address, social security number and
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1 any information it has concerning wages, salary and income
2 of any absent parent.

3 Section 11. The following new section is added to Subchap-
4 ter C-1 of Chapter II of Title X of the Government Code of Guam.

5 §9120.61. Authority to Contract for Services. In
6 order to fulfill its obligations imposed by this Chapter,
7 the Child Support Enforcement Office may contract with any
8 government of Guam agency, any federal government agency or
9 any other person to aid in collecting or to collect support
10 obligations and to administer the child support program
11 established by Title IV-D of the Federal Social Security Act
12 and all amendments thereto and regulations promulgated
13 thereunder.

14 Section 12. The following new section is added to Subchap-
15 ter C-1 of Chapter II of Title X of the Government Code of Guam.

16 §9120.62. Late Charges. If an absent parent fails to
17 meet his obligation of support in any given month or months,
18 the Department may impose on him a late charge of six (6)
19 percent of the amount in which the absent parent is delin-
20 quent at the time the late charge is assessed. This charge
21 may be assessed only in addition to and after full payment
22 of the overdue support and only if its imposition shall not
23 directly or indirectly result in a decrease in the amount of
24 support which is paid to the child or spouse to whom, or on
25 whose behalf, it is owed.

26 Section 13. The following new section is added to Subchap-
27 ter C-1 of Chapter II of Title X of the Government Code of Guam.
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1 §9120.63. Flat Fee. The Child Support Enforcement
2 Office shall collect a flat fee of twenty-five dollars
3 (\$25.00) from every non-AFDC client it represents when:

4 (1) It files a complaint to establish either
5 paternity or a defendant's obligation of child support.

6 (2) It initiates a complaint in a URESA action.

7 No plaintiff shall be charged more than one fee for the
8 initiation of a single proceeding.

9 Section 14. The following new section is added to Subchap-
10 ter C-1 of Chapter II of Title X of the Government Code of Guam.

11 §9120.64. Child Support Obligations a Primary Debt.

12 All payments of child support must be made by the person
13 owing the support payment prior to the payment of any debts
14 owing to creditors. An absent parent shall not be relieved
15 of his duty to provide support when he has brought about his
16 own unstable financial situation by voluntarily incurring
17 subsequent obligations.

18 Section 15. The following new section is added to Subchap-
19 ter C-1 of Chapter II of Title X of the Government Code of Guam.

20 §9120.65. Financial Statement Required.

21 Any person in the Territory of Guam whose absence or
22 failure to provide support and maintenance is the basis upon
23 which an application is filed for public assistance on
24 behalf of a child must complete a statement, under oath, of
25 his current monthly income, his total income over the past
26 12 months, the number of dependents for whom he is providing
27 support, the amount he is contributing regularly toward the
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1 support of all children or their caretakers for whom appli-
2 cation for such assistance is made, his current monthly
3 living expenses, and any other information as is pertinent
4 to determining his ability to support his children or the
5 custodial parent. This statement shall be provided upon
6 demand made by the Child Support Enforcement Office or the
7 Attorney General, and if assistance based upon that applica-
8 tion is granted on behalf of such child, additional state-
9 ments shall be filed annually thereafter with the Child
10 Support Enforcement Office as long as a debt to the Depart-
11 ment exists. Failure to comply with this section shall
12 constitute a misdemeanor.

13 Section 16. The following new section is added to Subchap-
14 ter C-1 of Chapter II of Title X of the Government Code of Guam.

15 §9120.66. Assignment of Support Rights by Applicants
16 for Public Assistance. An applicant for assistance under
17 this Chapter is deemed to have assigned to the Department at
18 the time of application all rights to child support from any
19 other person the applicant may have on his own behalf or on
20 behalf of any child for whom application is made. The
21 assignment:

22 (1) Is effective as to both current and accrued
23 child support obligations.

24 (2) Takes effect upon determination that the
25 applicant is eligible for assistance under this Chap-
26 ter.

1 (3) Terminates when an applicant ceases to
2 receive public assistance except with respect to the
3 amount of any unpaid support obligation accrued under
4 the assignment.

5 Whenever an applicant to whom a duty to support is owed
6 applies for assistance, the Department shall give him notice
7 that these support rights will be assigned.

8 Section 17. The following new section is added to Subchap-
9 ter C-1 of Chapter II of Title X of the Government Code of Guam.

10 §9120.67. Standards for Determining Ability to Sup-
11 port. The Department shall establish a standard by which
12 the ability of the absent parent to support his child or
13 children shall be measured. The standard shall be designed
14 to ensure that the absent parent contributes a fair and
15 equitable amount to the support of the child and that the
16 child for whom support is sought benefits from the income
17 and resources of the absent parent on an equitable basis in
18 comparison with any other minor children of the absent
19 parent. The standard shall take into consideration all
20 earnings, income and resources of the absent parent includ-
21 ing real and personal property; the earnings potential of
22 the absent parent; the reasonable necessities of the absent
23 parent; the needs of the child for whom support is sought;
24 the amount of assistance that would be paid the child under
25 the full standard of need established by the State Plan
26 under the Federal Social Security Act; and the existence of
27 other dependents of the absent parent. The standard
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1 requirement by this statute shall be promulgated according
2 to the Administrative Adjudication Law. These regulations
3 shall be binding upon the Superior Court.

4 Section 18. The following new section is added to Subchap-
5 ter C-1 of Chapter II of Title X of the Government Code of Guam.

6 §9120.68. Report to the Legislature. The supervisor
7 of the Child Support Enforcement Office shall report to the
8 Legislature no later than March 15th of every year as to:

9 (1) The number of parents located.

10 (2) The amount of money generated through the
11 collection of child support for dependent children.

12 (3) The cost of program management and adminis-
13 tration.

14 (4) Any other information that the supervisor
15 determines will be useful to the Legislature in evalu-
16 ating the program.

17 Section 19. The following new section is added to Subchap-
18 ter C-1 of Chapter II of Title X of the Government Code of Guam.

19 §9120.69. Conditional Appropriation. If, for any
20 reason, Federal Financial Participation ceases to be avail-
21 able to the Child Support Enforcement Office, the Office
22 shall retain all funds it collects for welfare expended and
23 apply said monies to its own operations and there shall be
24 appropriated to the office, on a quarterly basis from the
25 General Fund, an amount equal to the Child Support Enforce-
26 ment Office's operating expenses in any given fiscal quarter
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1 minus the funds the office collects in that quarter for
2 welfare expended.

3 Section 20. The following new section is added to Subchap-
4 ter C-1 of Chapter II of Title X of the Government Code of Guam.

5 §9120.70. Who May Bring Suit. A suit for child
6 support or declaration of paternity may be brought by any
7 person with an interest in the child, including the child
8 himself through a representative authorized by the court,
9 any agency of the territory of Guam or the Department of
10 Public Health and Social Services.

11 Section 21. The following new section is added to Subchap-
12 ter C-1 of Chapter II of Title X of the Government Code of Guam.

13 §9120.71. Trial of Paternity and Burden of Proof.
14 When the paternity of a child born out of wedlock is disput-
15 ed, the determination of paternity shall be made by the
16 court without a jury. The trial shall be a civil trial and
17 there shall be no right to a criminal trial on the issue of
18 paternity. The burden of proof shall be by a preponderance
19 of the evidence.

20 Section 22. The following new section is added to
21 Subchapter C-1 of Chapter II of Title X of the Government Code of
22 Guam.

23 §9120.72. Failure to provide Visitation Rights a Separate
24 Issue. The existence or enforcement of a duty of support
25 owed by an absent parent for the support of a minor child
26 shall not be affected by a failure or refusal by the
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1 custodial parent to implement any rights as to custody or
2 visitation granted by a court to the absent parent.

3 Section 23. The following new section is added to Subchap-
4 ter C-1 of Chapter II of Title X of the Government Code of Guam.

5 §9120.73. Provisions Court May Make by Order After
6 Commencement of Suit and Before Decree. If default is made
7 in the payment of any monies falling due under the terms of
8 an order pending suit, the delinquent amount shall be
9 entered and docketed as a judgment, and execution may issue
10 thereon to force payment thereof in the same manner and with
11 like effect as upon the final decree. The remedy provided
12 by this subsection shall be deemed cumulative and not
13 exclusive.

14 Section 24. The following new section is added to Subchap-
15 ter C-1 of Chapter II of Title X of the Government Code of Guam.

16 §9120.74. Orders Adjusted Yearly. Whenever the
17 Department obtains an order of support, the dollar amount
18 the obligor must pay on behalf of each person under that
19 order shall be increased by five (5) percent of the dollar
20 amount named in the original order by operation of law on
21 the first date of payment occurring on or after January 1st
22 for every year the order remains in effect.

23 Section 25. The following new section is added to Subchap-
24 ter C-1 of Chapter II of Title X of the Government Code of Guam.

25 §9120.75. Vacation or Modification of Orders. The
26 order is a final judgment as to any installment or payment
27 of money which has accrued up to the time either party makes
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1 a motion to set aside, alter or modify the order. The
2 provisions of any order respecting maintenance or support
3 may be modified only as to installments accruing subsequent
4 to the motion for modification and only upon a showing of a
5 substantial and material change of circumstances. Further-
6 more, any order directing payment of money for support or
7 maintenance of the spouse or the minor child or children
8 shall not be suspended nor the execution of the order stayed
9 pending an appeal.

10 Section 26. The following new section is added to Subchap-
11 ter C-1 of Chapter II of Title X of the Government Code of Guam.

12 §9120.76. Registration of Foreign Support Orders. If
13 the duty of support is based upon a foreign support order,
14 the obligee and the Department have the additional remedies
15 provided in the following sections:

16 (a) The obligee or the Department may register
17 the foreign support order in the Superior Court of Guam
18 in the manner, with the effect, and for the purposes
19 herein provided.

20 (b) The Clerk of the Superior Court shall main-
21 tain a Registry of Foreign Support Orders in which he
22 shall file foreign support orders.

23 (c) An obligee or the Department, when seeking to
24 register a foreign support order in the Superior Court,
25 shall transmit to the Clerk of the Superior Court (1)
26 three certified copies of the order with all modifica-
27 tions thereof, (2) one copy of the Reciprocal
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1 Enforcement of Support Act of the state in which the
2 order was made, (3) a statement verified and signed by
3 the obligee or the Department, showing the mailing
4 address of the obligee, the last known place of resi-
5 dence and mailing address of the absent parent, the
6 amount of support remaining unpaid, a description and
7 the location of any property of the absent parent
8 available upon execution, and a list of the states in
9 which the order is registered. Upon receipt of these
10 documents the Clerk of the Superior Court shall file
11 them in the Registry of Foreign Support Orders. The
12 filing constitutes registration under this Act.

13 (e) Promptly upon registration, the Clerk of the
14 Superior Court shall send by certified or registered
15 mail to the absent parent at the address given a notice
16 of the registration with a copy of the registered
17 support order and the mailing address of the obligee.
18 He shall notify the Attorney General of this action and
19 the Attorney General shall proceed diligently to
20 enforce the order.

1 Section 27. The following new section is added to Subchap-
2 ter C-1 of Chapter II of Title X of the Government Code of Guam.

3 §9120.77. Effect of Registration; Enforcement Proce-
4 dure.

5 (a) Upon registration, the registered foreign
6 support order shall be treated in the same manner as a
7 support order issued by the Superior Court. It shall
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1 have the same effect and be subject to the same proce-
2 dures, defenses, and proceedings for reopening, vacat-
3 ing, or staying as a support order of this Territory
4 and may be enforced and satisfied in like manner,
5 except as otherwise provided in this Chapter.

6 (b) The obligor has twenty days after mailing of
7 the notice of the registration in which to petition the
8 court to vacate the registration or for other relief.
9 If he does not so petition the court, the registered
10 support order is confirmed.

11 (c) At the hearing to enforce the registered
12 court order the obligor may present only matters that
13 would be available to him as defenses in an action to
14 enforce a foreign money judgment. If he shows to the
15 court that an appeal from the order is pending or will
16 be taken or that a stay of execution has been granted,
17 the court shall stay enforcement of the order until the
18 appeal is concluded, the time for appeal has expired,
19 or the order is vacated, upon satisfactory proof that
20 the obligor has furnished security for payment of the
21 support order as required by the rendering state. If
22 he shows to the court any ground upon which enforcement
23 of a support order of this Territory may be stayed, the
24 court shall stay enforcement of the order for an
25 appropriate period if the obligor furnishes the same
26 security for payment of the support order that is
27 required for a support order of this Territory.
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1 Section 28. The following new section is added to Subchap-
2 ter C-1 of Chapter II of Title X of the Government Code of Guam.

3 §9120.78. Mandatory Attachment of Territorial Income
4 Tax Refund.

5 (a) Whenever an obligor is delinquent in the
6 amount of \$500 or more, the Department shall send
7 written notice by certified mail, return receipt
8 requested, to the obligor that withholding will be made
9 from any tax refund which the Government of Guam owes
10 him. The written notice shall inform the obligor that
11 he may request a hearing with the Department of Public
12 Health and Social Services on the issue of his delin-
13 quency and inform him about the time, place and manner
14 of doing so. The notice shall also inform him that, if
15 he filed a joint return for the year in question, the
16 person who filed with him may request a hearing under
17 section (d) below. The obligor shall have ten days
18 after he receives the notice to either satisfy the
19 delinquency in full or to request a hearing. If the
20 delinquency is satisfied in full, the Child Support
21 Enforcement Office shall make no further attempt to
22 attach the obligor's tax refund. The request for a
23 hearing must be in writing on a form to be prescribed
24 by the Director of the Department of Public Health and
25 Social Services. The hearing shall be conducted in
26 accordance with Chapter Two of the Administrative
27 Adjudication Law except that the Director of the
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1 Department of Public Health and Social Services may
2 authorize an employee of the Department to sit as
3 hearing officer. The only two issues which may be
4 contested or resolved at the hearing shall be whether
5 or not the obligor is delinquent and the amount of the
6 delinquency.

7 (b) If the delinquency is not paid in full or if
8 no hearing is requested within ten days after the
9 obligor receives notice, the Department shall imme-
10 diately notify the Director of Revenue and Taxation of
11 the delinquency. If a hearing is held, the Department
12 shall notify the Director of Revenue and Taxation of
13 the existence of any delinquency within ten days after
14 the Director of the Department of Health and Social
15 Services approves the hearing decision.

16 (c) Whenever the Department notifies the Director
17 of Revenue and Taxation under section (b) it shall
18 inform him that the obligor has been given the opportu-
19 nity to contest the validity of the charge of delin-
20 quency and its amount in an administrative proceeding
21 and also provide him with the obligor's social security
22 number and address. The Director of Revenue and
23 Taxation shall then determine if the obligor is owed
24 any money by the Government of Guam as part of a tax
25 refund. If there is such a debt, the Director of
26 Revenue and Taxation shall withhold from the obligor
27 an amount equal to the amount of support owed and pay
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1 it over to the Clerk of the Superior Court and shall
2 simultaneously notify the obligor by certified mail,
3 return receipt requested, that this amount is being
4 withheld.

5 (d) If a delinquent obligor filed a joint return
6 for the year in question and an amount is withheld from
7 his tax refund, the Director of Revenue and Taxation,
8 at the same time he notifies the obligor pursuant to
9 section (c) above, shall also notify by certified mail,
10 return receipt requested, the person who filed with the
11 obligor and advise that person that he must file with
12 the Department of Revenue and Taxation a claim for his
13 share of the refund. The notice shall contain informa-
14 tion about the time, place and manner of doing so. The
15 claim must be filed on a form prescribed by the Direc-
16 tor of Revenue and Taxation. The Director of Revenue
17 and Taxation shall examine the claim and pay the
18 claimant his proper share of the income tax refund.
19 Any claimant dissatisfied with the amount of his award
20 may request a hearing with the Department of Revenue
21 and Taxation within ten days after he is notified of
22 his award. The hearing shall be conducted according to
23 Chapter Two of the Administrative Adjudication Law.

24 Section 29. The following new section is added to Subchapter C-1
25 of Chapter II of Title X of the Government Code of Guam.

26 §9120.79. When Bond is Required. If an obligor fails
27 to make three or more child support payments as required by
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1 court order, the court, in addition to other remedies pro-
2 vided by this chapter, shall order the person to either
3 execute a bond, subject to the approval of the court, or
4 to pay security to the court, the bond or security to be
5 conditioned on the payment of past-due and future child
6 support payments as required by the court order. If the
7 obligor fails to make a child support payment as required
8 by the court order after having executed a bond or having
9 paid security to the court, the court shall collect on the
10 bond or may seize all or a portion of the security. An
11 amount collected from a bond or an amount of forfeited
12 security shall be paid to the obligee for the benefit of
13 the child and shall be applied to the outstanding indebtedness
14 of the absent parent. However, the application of bond
15 or security funds to the obligor's indebtedness is not a
16 defense in a contempt of court proceeding.

17 (b) The court may order an obligor to execute
18 a bond or pay security to the court only upon motion of
19 the obligee and after notice is given to the obligor by
20 certified mail, return receipt requested. The obligor shall
21 have ten days in which to request a hearing. If there is
22 no request for a hearing, the court shall order him to execute
23 the bond or pay the security. The only defenses which
24 may be raised at the hearing are mistakes of fact concerning
25 the order, existence of arrearages and their amount.

1 Section 30. The following new section 9120.89 is added to
2 Subchapter C-1 of Chapter II of Title X of the Government Code of
3 Guam.

4 §9120.80 Advertising. The Child Support Enforcement
5 Office shall, from time to time, advertise itself and the
6 services it provides to the public by such means and through
7 such media as it chooses.

8 (a) The sum of \$_____ is appropriated from
9 the General Fund to the Child Support Enforcement
10 Office for this purpose for FY 1985.

11 Section 31. The following new section 9120.81 is added to
12 Subchapter C-1 of Chapter II of Title X of the Government Code of
13 Guam.

14 §9120.81. Medical Costs Mandatory. Whenever the
15 Superior Court issues or modifies an order concerning child
16 support, it shall include medical costs for the child as
17 part of the absent parent's obligation of support if medical
18 insurance is available to the absent parent at a reasonable
19 cost.

20 Section 32. A new section 9120.82 is added to Sub-Chapter
21 C-1 of Chapter II of Title X of the Government Code of Guam.

22 §9120.82. Order Reduced to Judgment. Whenever the
23 Superior Court makes a finding that an obligor is delinquent
24 in child support payments and incorporates that finding in
25 an order, the order shall be automatically reduced to
26 judgment. That judgment shall be entered and enforceable in
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1 accordance with Chapters VII and IX of the Code of Civil
2 Procedure as well as any other relevant parts thereof.

3 (a) The Child Support Enforcement Office may
4 enforce such a judgment on behalf of any child it is
5 otherwise authorized to represent or on behalf of the
6 Department of Public Health and Social Services if
7 there has been an assignment of child support.

8 Section 33. The following new section 9120.83 is added to
9 Subchapter C-1 of Chapter II Title X of the Government Code of
10 Guar

11 §9120.83. Reports to Consumer Reporting Agencies.

12 Whenever an obligor is delinquent on child support
13 payments in the amount of \$1000 or more, the Child
14 Support Enforcement Office shall release information
15 pertaining to that obligor, including the size of the
16 delinquency, to any consumer reporting agency which
17 requests such information. When the amount of such a
18 delinquency is less than \$1,000, the Child Support
19 Enforcement Office has the option of releasing such
20 information to a consumer reporting agency that re-
21 quests it.

22 (a) Before the Child Support Enforcement Office
23 releases this information, it must inform the obligor
24 that it is about to release the information, inform him
25 of the amount of the delinquency and that he has ten
26 days in which to make an appointment with the head of
27 the Child Support Enforcement Office to contest the
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1 accuracy of the information about to be released. If
2 no meeting is requested within ten days the Child
3 Support Enforcement Office shall release the inform-
4 ation. If a meeting is requested and held, the head of
5 the Child Support Enforcement Office shall state his
6 findings about the accuracy of the information in
7 writing, retain a copy of his findings and send another
8 copy to the absent parent.

9 (b) Whenever the Child Support Enforcement Office
10 releases this information to a consumer reporting
11 agency, it may charge that agency a fee of \$5.00 for
12 doing so.

13 (c) As used in this section, the term "consumer
14 reporting agency" means any person or business which,
15 for monetary fees, dues, or on a cooperative nonprofit
16 basis, regularly engages in whole or in part in the
17 practice of assembling or evaluating consumer credit
18 information or other information on consumers for the
19 purpose of furnishing consumer reports to third par-
20 ties, and which uses any means or facility of inter-
21 state commerce for the purpose of preparing or furnish-
22 ing consumer reports.

23 Section 34. The following new section is added to Subchap-
24 ter C-1 of Chapter II of Title X of the Government Code of Guam.

25 §9120.90. Definitions.

26 (a) As used in Section 9120.90 through 9120.97,
27 "earnings" means compensation paid or payable for
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1 personal services, whether denominated as wages,
2 salary, commission, bonus, or otherwise, and includes
3 periodic payments pursuant to a pension or retirement
4 program.

5 (b) In this section, "employer" means any person,
6 including the United States or any agency of the
7 Government of Guam.

8 (c) "Person" shall include, but is not limited
9 to, individuals, partnerships, joint ventures, and
10 corporations.

11 Section 35. The following new section is added to Subchap-
12 ter C-1 of Chapter II of Title X of the Government Code of Guam.

13 §9120.91. Mandatory Wage Assignment. In any proceed-
14 ing where the court has ordered either or both parents to
15 pay any amount for the support of a minor child, the court
16 shall order either or both parents to assign to the Clerk of
17 the Superior Court that portion of the salary or wages of
18 that parent due or to be due in the future as will be
19 sufficient to pay the amount ordered by the court for the
20 support, maintenance, and education of the minor child. The
21 order shall operate as an assignment and shall be binding
22 upon any existing or future employer of the defaulting
23 parent upon whom a copy of the order is served. Such a wage
24 assignment shall be a continuing lien and levy against the
25 wages of the obligor.

26 (a) On motion of any party to a suit in which an
27 assignment of wages has been ordered, the court shall,
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1 after notice to all parties to the suit, hold a hearing
2 and order any employer named in the assignment to
3 withhold from the assignor's disposable earnings. The
4 court shall make the determination as to whether or not
5 an assignment will occur and give notice of this
6 assignment to the obligor no more than forty-five days
7 after notice is served upon the obligor.

8 (b) The order shall contain the amount and
9 duration of the assignment, the notices required by
10 other subsections of this section, the style and docket
11 number of the suit, the name and address of assignor's
12 employer, the name and address of the obligee, a
13 requirement that the assignor promptly notify the
14 obligee or the Child Support Enforcement Office of any
15 change in circumstances affecting the assignment, and
16 any other information deemed necessary by the court.
17 The court shall require the assigned amount to be paid
18 to the Clerk of the Superior Court.

19 (c) The assignment becomes effective 15 days
20 after service of the order upon the employer. Service
21 of the order shall be issued and served as in other
22 civil cases, including by certified or registered mail,
23 return receipt requested. After the effective date,
24 the assigned amount, less any administrative fee, shall
25 be remitted to the Clerk of the Superior Court on each
26 regular due date or pay date. The employer may deduct
27 from the assigned amount an administrative fee of not
28 more than \$2.00 per month.

1 (d) At any time after service of the order, the
2 employer may make a motion for hearing on the validity
3 and application of the assignment. The hearing shall
4 be held within 15 days following the filing of the
5 motion. Pending the hearing, the assignment remains
6 binding unless otherwise ordered by the court, and
7 payments of the amount assigned shall be made to the
8 Clerk of the Superior Court.

9 (e) Hearings under this section may be joined
10 with any other hearing in any suit affecting the
11 parent-child relationship.

12 (f) When a wage assignment concerning child support
13 is ordered against an assignor, it shall take precedence
14 over any other legal process against the same wages.
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16 Section 36. A new section 9120.92 is added to the Govern-
17 ment Code as follows:

18 S9120.92. Termination of Wage Assignment. No wage assign-
19 ment is ordered pursuant to this law by the Superior Court shall
20 terminate until a motion to terminate is made by obligar when
21 one of the following events occurs:

22 (1) the death of the assignor;

23 (2) the death of the child on whose behalf the support
24 is owed;

25 (3) the child on whose behalf the support is owed
26 reaches his majority or marries or becomes emancipated;

27 (4) the absent parent is given custody of the child
28 under a valid court order;
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1 (5) the adoption by a third party of the child on
2 whose behalf support is owed;

3 (6) the court order expires under its own terms.

4 Whenever a wage assignment terminates because of one of
5 these events, it shall terminate in regard to child support
6 payments due in the future only and the assignor shall remain
7 liable for any payments that accrue before that event occurs.

8 Section 37. The following new section is added to Subchap-
9 ter C-2 of Chapter II of Title X of the Government Code of Guam.

10 §9120.93. Multiple Wage Assignments. The Superior
11 Court shall consider the fact that an employee may be
12 subject to two or more wage assignments. Upon motion by any
13 party to the suit or suits, or upon the court's own motion,
14 the court may, after notice to all parties to the suit or
15 suits and a hearing, modify an assignment under this section
16 for the purpose of making new assignments for the benefit of
17 all of the children whom the assignor is obligated to
18 support, in order to avoid assigning more than the maximum
19 amount permitted under these sections.

20 Section 38. Adds a new section 9120.94 to the Government
21 Code as follows:

22 §9120.94. Obligor Who Is Not Affected by Wage Assign-
23 ment. If an obligor has been ordered to make child support
24 payments by the Superior Court, but a wage assignment has
25 not been ordered, the Court, upon application of the Depart-
26 ment or the obligee, shall issue an order to show cause why
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1 a portion of the obligor's wages should not be assigned in
2 the same manner as that provided for in Section 9120.91 of
3 the Government Code. The only defenses which the obligor
4 can raise at such a hearing are:

5 (1) that withholding is not proper because of a
6 mistake of fact that is not res judicata concerning such
7 matters as an error in the amount of the current support
8 owed or arrearage that had accrued, mistaken identity of the
9 obligor, or error in the amount of income to be withheld;

10 (2) that the Superior Court lacked personal juris-
11 diction over him when it issued the original support order;

12 (3) that the statute of limitations precludes enforce-
13 ment of all or part of the arrearages. The Court shall
14 render its decision within forty-five days after notice is
15 provided to the obligor. In its decision and order, the
16 court shall inform the obligor of whether or not a wage
17 assignment has been ordered, and when it is to begin and
18 shall also furnish the obligor and his employer with the
19 information it is required to give to the obligor's employer
20 by Sections (c) and (d) of Section 9120.91 of the Government
21 Code.

22 Section 39. A new section 9120.95 of the Government code is
23 added as follows:

24 §9120.95. Spousal Support. The Department may seek
25 spousal support on behalf of any custodial spouse who is
26 eligible for its assistance under the terms of Section
27 454(4) and 454(6) of the Social Security Act by using the
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1 wage assignment procedures and other Guam laws dealing with
2 child support. It may also charge any such spouse who is
3 not receiving public assistance a flat fee of \$25 when it
4 initiates proceedings on his behalf.

5 Section 40. A new section 9120.96 is added to Sub-Chapter C-1 of
6 Chapter II of Title X of the Government Code of Guam as follows.

7 §9120.96. Maximum Amount Assignable.

8 (a) Whenever the Superior Court orders a wage
9 assignment under this Title, the maximum amount it may
10 order assigned for spousal and child support taken
11 together is sixty percent of the obligor's disposable
12 earnings. However, if the obligor is also supporting
13 either a spouse or dependent child who is not the
14 subject of a support order, the Superior Court may
15 order that up to fifty percent of the obligor's dispos-
16 able earnings be assigned.

17 (b) If the obligor is liable for arrearages, the
18 Superior Court still may not order him to pay more than
19 the maximum amount allowed by this section.

20 Section 41. The following new section is added to Subchapter C-1
21 of Title X of the Government Code of Guam.

22 §9120.97. Employer's Rights and Responsibilities

23 (a) An employer who is properly served with an
24 order of wage assignment under this Sub-Chapter, and
25 who fails to comply with that order within the time
26 specified, shall be liable to the obligee of that order
27 in the amount not paid in compliance with that order as
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1 well as for court costs and reasonable attorney's
2 fees. Every such order so served must contain notice
3 of this provision. An employer who is served with two
4 or more such orders concerning the same employee shall
5 comply with all such orders, giving priority to the one
6 first served upon him. However, he may also combine
7 all the payments he is supposed to make to the Clerk of
8 the Superior Court in one payment for each of his pay
9 periods provided that he designates how much money is
10 being paid on behalf of each employee and in regard to
11 which cases.

12 (b) No employer may terminate or otherwise
13 discipline any employee because that employee's earn-
14 ings are subject to a wage assignment. An employer who
15 violates this section may be required to make full
16 restitution to the aggrieved employee, including
17 reinstatement, back pay, all benefits accruing on
18 account of employment, as well as court costs and
19 reasonable attorney's fees incurred by the employee in
20 an action to enforce his rights under this section.
21 Also, in a proceeding to enforce the aggrieved em-
22 ployee's rights, the court may impose a fine of up to
23 \$200 on the employer. This fine shall be payable to
24 the revenue generating account of the Child Support
25 Enforcement Office. Every order of wage assignment
26 must contain notice of this provision.
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1 (c) No employer may be forced to change his pay
2 schedules or the dates on which he pays his employees
3 pursuant to a court ordered wage assignment pursuant to
4 this section. However, every employer must be ordered
5 to comply with the order within fifteen days after he
6 is served with the order.

7 (d) Nothing in this Subchapter shall be construed
8 to limit the use of any and all other civil or criminal
9 remedies to enforce child or spousal support obliga-
10 tions.

11 Section 42. A new Subchapter C-2 is added to Chapter II of
12 Title X of the Government Code of Guam. A new section 9120.100
13 is added to Sub-Chapter C-2 of Chapter II of Title X of the
14 Government Code of Guam.

15 §9120.100 General Provisions.

16 (a) Purpose: The purpose of this Sub-Chapter is
17 to enhance the enforcement of support obligations by
18 providing a quick and effective procedure for the
19 withholding of income derived in this jurisdiction to
20 enforce support orders of other jurisdictions and by
21 requiring that income withholding to enforce the
22 support orders of this jurisdiction be sought in other
23 jurisdictions. This Act shall be liberally construed
24 to effect that purpose.

25 (b) Definitions: As used in this Act:

26 (1) "Support order" means any order, decree,
27 or judgment for the support, or for the payment of
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1 arrearages on such support, of a child, spouse, or
2 former spouse issued by a court or agency of
3 another jurisdiction, whether interlocutory or
4 final, whether incidental to a proceeding for
5 divorce, judicial or legal separation, separate
6 maintenance, paternity, guardianship, civil
7 protection or otherwise.

8 (2) "Jurisdiction" means any state or
9 political subdivision, territory or possession of
10 the United States, the District of Columbia, the
11 Commonwealth of Puerto Rico and the Commonwealth
12 of the Northern Marianas Islands or any foreign
13 country with whom the United States has reciproc-
14 ity.

15 (3) "Department" means the Department of
16 Public Health and Social Services and, when the
17 context requires, "court" or "agency" means either
18 the court or agency of any other jurisdiction with
19 functions similar to those defined in this Act,
20 including the issuance and enforcement of support
21 orders.

22 (4) "Child" means any child, whether above
23 or below the age of majority, with respect to whom
24 a support order exists.

25 (5) "Obligor" means any person required to
26 make payments under the terms of a support order
27 for a child, spouse, or former spouse.
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1 (6) "Obligee" means any person or entity
2 which is entitled to receive support under an
3 order of support and shall include an agency of
4 another jurisdiction to which a person has as-
5 signed his or her right to support.

6 (7) "Income" means income as defined in
7 section 9120.90 of the Government Code.

8 (8) "Employer" means any payor of income.

9 (9) "Income derived in this jurisdiction"
10 means any income, the payor of which is subject to
11 the jurisdiction of this territory for the purpose
12 of imposing and enforcing income withholding under
13 sections 9120.90 through 9210.97 of the Government
14 Code.

15 (c) Remedies Additional to Those Now Existing:

16 The remedies herein provided are in addition
17 to, and not in substitution for, any other remedy
18 otherwise available to enforce a support order of
19 another jurisdiction. Relief under this Act shall
20 not be denied, delayed, or otherwise affected
21 because of the availability of other remedies, nor
22 shall relief under any other statute be delayed or
23 denied because of the availability of this remedy.

24 Section 43. The following new section is added to Subchap-
25 ter C-2 of Chapter II of Title X of the Government Code of Guam.

26 §9120.101. Initiation Of Wage Assignments And Cooper-
27 ation With Other Jurisdictions. On behalf of any client for
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1 whom the Department is already providing services, or on
2 application of a resident of Guam, or on behalf of the
3 Department if the obligee has assigned support rights, the
4 Department shall promptly request the agency of another
5 jurisdiction in which the obligor of a support order derives
6 income to enter that order for the purpose of obtaining
7 income withholding against such income. The Department
8 shall compile and transmit promptly to the agency of the
9 other jurisdiction all documentation required there to enter
10 a support order for this purpose. The Department shall also
11 transmit immediately to the agency of the other jurisdiction
12 a certified copy of any subsequent modifications of the
13 support order.

14 Section 44. The following new section is added to Subchapter C-2
15 of Chapter II of Title X of the Government Code of Guam.

16 §9120.102. Responsibilities for Entering A Support
17 Order Of Another Jurisdiction For Purposes Of Income With-
18 holding. (a) Upon receiving a support order of another
19 jurisdiction with the documentation specified in subsection
20 (b) from an agency of another jurisdiction, the Department
21 shall file these documents with the Clerk of the Superior
22 Court. The Clerk of the Superior Court shall accept the
23 documents filed and such acceptance shall constitute regis-
24 tration of the support order under this Act.

5 (b) The following documentation is required for
6 the registration of a support order of another juris-
7 diction:
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1 (1) a certified copy of the support order
2 with all modifications;

3 (2) a certified copy of an income withhold-
4 ing order or notice, if any, still in effect;

5 (3) a copy of the portion of the income
6 withholding statute of the jurisdiction which
7 issued the support order which states the require-
8 ments for obtaining income withholding under the
9 law of that jurisdiction;

10 (4) either a sworn statement of the obligee
11 or certified statement of the agency of the
12 arrearages and the assignment of support rights,
13 if any;

14 (5) a statement of:

15 (a) the name, address, and social
16 security number of the obligor, if known;

17 (b) the name and address of the oblig-
18 or's employer or of any other source of
19 income of the obligor derived in this state
20 against which income withholding is sought,
21 if known;

22 (c) the name and address of the agency
23 or person to whom support payments collected
24 by income withholding shall be transmitted.

25 (c) If the documentation received by the Depart-
26 ment under subsection (a) does not conform to the
27 requirements of subsection (b), the Department shall
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1 remedy any defect which it can without the assistance
2 of the requesting agency or person. If the Department
3 is unable to make such corrections, it shall immedi-
4 ately notify the requesting agency, court or person of
5 the necessary additions or corrections. In neither
6 case shall the documentation be returned. The Depart-
7 ment and the Superior Court shall accept the documenta-
8 tion required by subsections (a) and (b) even if it is
9 not in the usual form required by local rules, so long
10 as the substantive requirements of these subsections
11 are met. Defects of form shall not constitute a valid
12 defense.

13 (d) A support order entered under subsection (a)
14 shall be enforceable by income withholding against
15 income derived on Guam in the manner and with the
16 effect as set forth in sections 9120.90 through 9120.97
17 of the Government Code of Guam. Entry of the order
18 shall not confer jurisdiction on the Superior Court of
19 Guam for any purpose other than income withholding.

20 Section 45. The following new section is added to Subchap-
21 ter C-2 of Chapter II of Title X of the Government Code of Guam.

22 §9120.103. Notice Of Foreign Support Order

23 (a) On the date a support order is entered
24 pursuant to section 9120.102 of the Government Code,
25 the Superior Court shall serve upon the obligor, in
26 accordance with section 9120.91 of the Government Code,
27 notice of a proposed income withholding. That notice
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1 shall contain the same information required in section
2 9120.91 of the Government Code. The notice shall also
3 advise the obligor that the income withholding was
4 requested on the basis of a support order of another
5 jurisdiction. The date of serving notice on the
6 obligor shall be the equivalent of Section 9120.91 of
7 the Government Code for the purpose of measuring time
8 for holding a hearing and rendering a decision.

9 Section 46. The following new section is added to Subchap-
10 ter C-2 of Chapter II of the Government Code of Guam.

11 §9120.104. Income Withholding Hearing.

12 (a) At any hearing contesting proposed income
13 withholding based on a support order entered under
14 section 9120.102, the entered order, accompanying sworn
15 or certified statement, and a certified copy of an
16 income withholding order, if any, still in effect,
17 shall constitute prima facie proof, without further
18 proof or foundation, that the support order is valid,
19 that the amount of current support payments and arrear-
20 ages is as stated, and that the obligee would be
21 entitled to income withholding under the law of the
22 jurisdiction which issued the support order.

23 (b) Once a prima facie case has been established,
24 the obligor may raise only the following defenses:

25 (1) that withholding is not proper because
26 of a mistake of fact that is not res judicata
27 concerning such matters as an error in the amount
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1 of current support owed or arrearage that had ac-
2 crued, mistaken identity of the obligor, or error
3 in the amount of income to be withheld;

4 (2) that the court or agency which issued
5 the support order entered under this Act lacked
6 personal jurisdiction over the obligor;

7 (3) that the statute of limitations under
8 section 9120.110 of the Government Code precludes
9 enforcement of all or part of the arrearages.

10 The burden shall be on the obligor to establish
11 these defenses.

12 (c) If the obligor presents evidence which
13 constitutes a full or partial defense, the court shall,
14 at the request of the obligee, continue the case to
15 permit further evidence relative to the defense to be
16 adduced by either party. However, if the obligor
17 acknowledges liability sufficient to entitle the
18 obligee to income withholding, the court shall require
19 income withholding for the payment of current support
20 payments under the support order and of so much of any
21 arrearage as is not in dispute, while continuing the
22 case with respect to those matters still in dispute.
23 The court shall determine which matters are still in
24 dispute as soon as possible, and, if appropriate, shall
25 modify the withholding order to conform to that deter-
26 mination.
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1 (d) In addition to other procedural devices
2 available to a party, any party to the proceeding or a
3 guardian ad litem or other representative of the child
4 may adduce testimony of witnesses in another jurisdic-
5 tion, including the parties and any of the children, by
6 deposition, by written discovery, by photographic
7 discovery such as videotaped depositions or by personal
8 appearance before the court by telephone or photo-
9 graphic means. The court, on its own motion, may
10 direct that the testimony of a person be taken in
11 another state and may prescribe the manner in which and
12 the terms upon which the testimony shall be taken.

13 (e) The Superior Court may request the appropri-
14 ate court or agency of another state to hold a hearing
15 to adduce evidence, to permit a deposition to be taken
16 before the court or agency, to order a party to produce
17 or give evidence under other procedures of that state
18 and to forward to the Superior Court certified copies
19 of the evidence adduced in compliance with the request.

20 (f) Upon request of a court or agency of another
21 jurisdiction, the Superior Court may order a person in
22 this territory to appear at a hearing or deposition to
23 adduce evidence or to produce or give evidence under
24 other procedures available in this state. A certified
25 copy of the evidence adduced, such as a transcript or
26 videotape, shall be forwarded by the Clerk of the
27 Superior Court to the requesting court or agency.
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1 (g) A person residing on Guam may voluntarily
2 testify by deposition, statement or affidavit on Guam
3 for use in a proceeding to obtain income withholding
4 outside this jurisdiction.

5 Section 47. The following new section is added to Subchap-
6 ter C-2 of Chapter II of Title X of the Government Code of Guam.

7 §9120.105 Income Withholding Order. If the obligor
8 does not request a hearing in the time provided, or if a
9 hearing is held and it is determined that the obligee is
10 entitled to income withholding under the local law of the
11 jurisdiction which issued the support order, the court shall
12 issue an income withholding order under section 9120.91 of
13 the Government Code. The Department shall promptly notify
14 the requesting agency, court or person of the date when
15 withholding will begin.

16 Section 48. The following new section is added to Subchap-
17 ter C-2 of Chapter II of Title X of the Government Code of Guam.

18 §9120.106. Notice To Employer and other Provisions.

19 The provisions of section 9120.97 of the Government Code
20 apply to income withholding based on a support order of
21 another jurisdiction entered under this Act.

22 Section 49. The following new section is added to Subchap-
23 ter C-2 of Chapter II of Title X of the Government Code of Guam.

24 §9120.107 Distribution Of Collected Support Payments.

5 (a) The income withholding order shall direct
6 that payment be made to the Clerk of the Superior
7 Court. The clerk shall promptly transmit payments
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1 received pursuant to an income withholding order based
2 on a support order of another jurisdiction entered
3 under this Act to the appropriate agency, court or
4 person from the initiating jurisdiction.

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6 (b) A support order entered pursuant to section
7 9120.102 of the Government Code does not nullify and is
8 not nullified by a support order made by the Superior
9 Court pursuant to any other law or by a support order
10 made by a court of any other state. Amounts collected
11 by any withholding of income shall be credited against
12 the amounts accruing or accrued for any period under
13 any support orders issued either by this territory or
14 by a state.

15 Section 50. The following new section is added to Subchap-
16 ter C-2 of Chapter II of Title X of the Government Code of Guam.

17 §9120.108. Voluntary Income Withholding.

18 Any person who is the obligor of a support order of
19 another jurisdiction may obtain voluntary income withholding
20 by filing with the Superior Court a request for such with-
21 holding and a certified copy of the support order of that
22 jurisdiction. The court shall issue an income withholding
23 order under section 9120.105 of the Government Code.
24 Payment shall be made to the Clerk of Court who shall
25 forward the money to the appropriate court or agency in the
26 appropriate jurisdiction.

27 Section 51. The following new section is added to Subchapter C-2
28 of Chapter II of Title X of the Government Code of Guam.

1 §9120.109. Changes.

2 (a) Changes in original order: The Department,
3 upon receiving a certified copy of any amendment or
4 modification to a support order entered pursuant to
5 section 9120.102 of the Government Code, shall initi-
6 ate, as though it was a support order of this territo-
7 ry, necessary procedures to amend or modify the income
8 withholding order of this territory which was based
9 upon the entered support order. The court shall amend
10 or modify the income withholding order to conform to
11 the modified support order.

12 (b) Changes in jurisdiction: If the Department
13 determines that the obligor has obtained employment in
14 another state or has a new or additional source of
15 income in another state, it shall notify the agency
16 which requested the income withholding of the changes
17 within five working days of receiving that information
18 and shall forward to that agency all information it has
19 or can obtain with respect to the obligor's new address
20 and the name and address of the obligor's new employer
21 or other source of income. The Department shall
22 include with the notice a certified copy of the income
23 withholding order in effect in this territory.

24 Section 52. The following new section is added to Subchap-
25 ter C-2 of Chapter II of Title X of the Government Code of Guam.
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1 §9120.110. Choice Of Law.

2 (a) The local law of this territory shall apply
3 in all actions and proceedings concerning the issuance,
4 enforcement and duration of income withholding orders
5 issued by a court of this territory, which is based
6 upon a support order of another jurisdiction entered
7 pursuant to section 9120.102 of the Government Code
8 except as provided in subsections (b) and (c).

9 (b) The law of the jurisdiction which issued the
10 support order shall govern the following: arrearages
11 which are enforceable by income withholding, including
12 but not limited to interest, attorney's fees, court
13 costs, and costs of paternity testing.

14 (c) The court shall apply the statute of limit-
15 ations for maintaining an action on arrearages of
16 support payments of either the local law of this
17 territory or of the jurisdiction which issued the
18 support order entered under this Act, whichever is
19 longer.

20 Section 53. The following sections are added to Title V of
21 the Code of Civil Procedure:

22 §417. Jurisdiction Over Non-Resident Defendants. A
23 court of this Territory may exercise jurisdiction on any
24 basis not inconsistent with the Organic Act or the Constitu-
25 tion of the United States.

26 §418. Jurisdiction Over Non-Resident Defendants in
27 Suits Affecting Parent-Child Relationships. In a suit
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1 affecting the parent-child relationship, the courts may
2 exercise personal jurisdiction over a person on whom service
3 of citation is required or over the person's personal
4 representative, although the person is not a resident or
5 domiciliary of this Territory, if:

6 (1) the child was conceived in Guam and the person on
7 whom service is required is a parent or an alleged or
8 probable father of the child;

9 (2) the child resides in Guam as a result of the acts
10 or directives or with the approval of the person on whom
11 service is required;

12 (3) the person on whom service is required has resided
13 with the child in Guam; or

14 (4) notwithstanding subdivisions (1), (2) or (3)
15 above, there is any basis consistent with the Organic Act or
16 the Constitution of the United States for the exercise of
17 personal jurisdiction.

18 Section 54. Legislative Intent and Severability. The
19 legislative intent of this Act is to increase the efficiency of
20 the Child Support Enforcement Office and to lighten the burden of
21 taxpayers who are supporting children on public assistance. This
22 Act also intends to make possible new legal procedures designed
23 to increase the likelihood that parents absent from their child-
24 ren shall nevertheless contribute to the support of their child-
25 ren. This Act should be liberally construed to those ends. If
26 any portion of this Act is declared invalid for any reason by any
27 court of law the remainder of this Act shall remain in effect.
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