



*Territory of Guam*  
*Territorio de Guam*

OFFICE OF THE GOVERNOR  
LE SINAN IMA GALAGI  
AGANA, GUAM 96911 USA

MAY 15 1990

*Moey See*

The Honorable Joe T. San Agustin  
Speaker, Twentieth Guam Legislature  
Post Office Box CB-1  
Agana, Guam 96910

Dear Mr. Speaker:

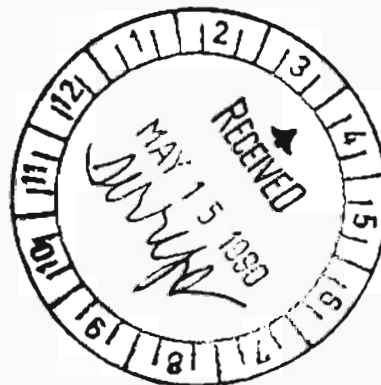
Transmitted herewith is Bill No. 1220, which I have signed into law this date as Public Law 20-170.

Sincerely,

*Joseph F. Ada*  
JOSEPH F. ADA  
Governor

Attachment

200911



Commonwealth Now!


TWENTIETH GUAM LEGISLATURE  
1990 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR


This is to certify that Substitute Bill No. 1220 (LS), "AN ACT TO ADD A NEW CHAPTER 12 TO TITLE 19, GUAM CODE ANNOTATED, TO CREATE AN EXPEDITED JUDICIAL PROCESS DIVISION IN THE SUPERIOR COURT FOR CHILD SUPPORT PROCEEDINGS; TO MAKE AN APPROPRIATION THEREFOR; TO APPROVE THE TRANSFER OF THE CHILD SUPPORT ENFORCEMENT OFFICE FROM THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES TO THE DEPARTMENT OF LAW; TO REPEAL AND REENACT §§2801, 2803, 2809, 2810, 2813, 2814, 2817, 2818, TO ADD NEW §§2820.1 AND 2830.1, AND TO REPEAL AND REENACT §§2823 AND 2830, ALL OF TITLE 10, GUAM CODE ANNOTATED, REGARDING COLLECTION OF SUPPORT; TO REPEAL AND REENACT SUBSECTION (b) AND TO ADD SUBSECTIONS (c), (d), (e), (f), (g), (h), AND (i) ALL TO §1211 OF THE CODE OF CIVIL PROCEDURE RELATIVE TO CONTEMPT; TO ESTABLISH A COMMITTEE TO DEVELOP FORMS AND PROCEDURES FOR CHILD SUPPORT AND RELATED MATTERS; TO ADD A NEW §2849 TO TITLE 10, GUAM CODE ANNOTATED, TRANSFERRING THE COLLECTION FUNCTION TO THE EXECUTIVE BRANCH; AND MAKING AN APPROPRIATION TO FUND LITIGATION OVER THE GUAM RATE AGREEMENT," was on the 1st day of May, 1990, duly and regularly passed.

  
JOE T. SAN AGUSTIN  
Speaker

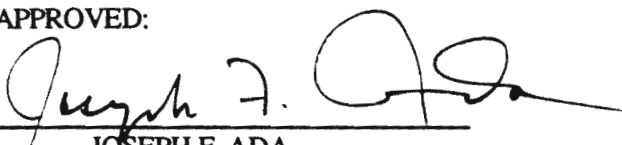
Attested:

  
PILAR C. LUJAN  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 14<sup>th</sup> day of May, 1990, at 4:43 o'clock P.m.

  
Mercedes J. Puenas  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
JOSEPH F. ADA  
Governor of Guam

Date: MAY 15 1990

Public Law No. 20-170

TWENTIETH GUAM LEGISLATURE  
1990 (SECOND) REGULAR SESSION

Bill No. 1220 (LS)  
As substituted by the Committee on  
Judiciary and Criminal Justice

As further substituted by the  
Committee on Rules

Introduced By:

P. C. Lujan  
D. Parkinson  
E. P. Arriola  
M. Z. Bordallo  
J. P. Aguon  
H. D. Dierking  
C. T. C. Gutierrez  
G. Mailloux  
T. S. Nelson  
F. J. A. Quitugua  
E. D. Reyes  
J. T. San Agustin  
F. R. Santos  
J. G. Bamba  
M. C. Ruth  
A. R. Unpingco  
E. R. Duenas  
D. F. Brooks  
E. Espaldon  
M. D. A. Manibusan  
T. Tanaka

AN ACT TO ADD A NEW CHAPTER 12 TO TITLE 19, GUAM CODE ANNOTATED, TO CREATE AN EXPEDITED JUDICIAL PROCESS DIVISION IN THE SUPERIOR COURT FOR CHILD SUPPORT PROCEEDINGS; TO MAKE AN APPROPRIATION THEREFOR; TO APPROVE THE TRANSFER OF THE CHILD SUPPORT ENFORCEMENT OFFICE FROM THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES TO THE DEPARTMENT OF LAW; TO REPEAL AND REENACT §§2801, 2803, 2809, 2810, 2813, 2814, 2817, 2818, TO ADD NEW §§2820.1 AND 2830.1, AND TO REPEAL AND REENACT §§2823 AND 2830, ALL OF TITLE 10, GUAM CODE ANNOTATED, REGARDING COLLECTION OF SUPPORT; TO REPEAL AND REENACT SUBSECTION (b) AND TO ADD SUBSECTIONS (c), (d), (e), (f), (g), (h), AND (i) ALL TO §1211 OF THE CODE OF CIVIL PROCEDURE RELATIVE TO CONTEMPT; TO ESTABLISH A

**COMMITTEE TO DEVELOP FORMS AND PROCEDURES  
FOR CHILD SUPPORT AND RELATED MATTERS; TO  
ADD A NEW §2849 TO TITLE 10, GUAM CODE  
ANNOTATED, TRANSFERRING THE COLLECTION  
FUNCTION TO THE EXECUTIVE BRANCH; AND  
MAKING AN APPROPRIATION TO FUND LITIGATION  
OVER THE GUAM RATE AGREEMENT.**

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

Section 1. A new Chapter 12 is added to Title 19 of the Guam Code Annotated, to read as follows:

"CHAPTER 12

EXPEDITED JUDICIAL PROCESS

§12101. Authorization for expedited judicial process; Court referees.

(a) There is hereby created an expedited judicial process agency which shall constitute a division of the Superior Court to be designated the "Judicial Hearings Division".

(b) The Judicial Hearings Division (the "Division") shall be a court of record administered by one (1) or more referees appointed by the presiding judge of the Superior Court. A referee shall serve at the pleasure of the presiding judge.

(c) The amount and rate of compensation, and the duties of court referees appointed pursuant to this chapter shall be fixed by the Judicial Council; provided, however, that a person so appointed shall be an attorney licensed to practice law on Guam.

§12102. Principal purpose of the Division; Expedited process.

1           (a) The principal purpose of the Division is to provide a  
2 speedy and efficient legal process in child support cases which  
3 will assist the Superior Court judges in adjudicating  
4 maintenance and support matters and in enforcing orders for  
5 support in accordance with applicable federal and territorial  
6 laws, rules and regulations.

7           (b) The presiding judge of the Superior Court may assign  
8 such other pre-adjudication matters as he considers proper to  
9 the Division, including Family Division matters as provided in  
10 §5113 of Title 19, Guam Code Annotated; provided, that such  
11 assignments do not impair the principal purpose of the Division  
12 as set out in subsection (a) of this §12102.

3           §12103. Duties of the Division's referees. The duties of  
14 the Division's referees shall be subject to court rules, which  
15 shall be adopted no later than sixty (60) days after the  
16 effective date of this Chapter, and which shall include the  
17 following duties in maintenance and support matters:

18           (a) To take testimony and receive evidence for the record;

19           (b) To hear and decide motions and preliminary matters  
20 unless the same are appealed by any party;

21           (c) To enter default orders;

22           (d) To accept and approve voluntary acknowledgement of  
23 child support liability and stipulated agreements to pay  
24 support;

25           (e) To accept and approve voluntary acknowledgements of  
26 paternity;

1 (f) To enter temporary orders for support in complex  
2 cases;

3 (g) To discharge on behalf of the Superior Court, subject  
4 to the approval by the presiding judge, any other duties the  
5 Superior Court may have under Chapter 2 of Title 10, Guam Code  
6 Annotated, relating to child support enforcement.

7 §12104. Appropriation authorized. There are hereby  
8 authorized to be appropriated from the General Fund such sums as  
9 may be necessary to carry out the provisions of this chapter."

10 Section 2. One Hundred Thirty-Seven Thousand Two Hundred  
11 Seventy-Four Dollars (\$137,274) are hereby appropriated from the  
12 Fiscal Year 1991 revenues of the General Fund to fund in the  
13 following amounts the following new positions required for the  
14 Judicial Hearings Division established by Section 1 of this Act:

15 Job Title: Annual Salary:

16 Assistant Clerk I	-	\$17,978
17 Assistant Clerk I	-	\$17,978
18 Assistant Clerk II	-	\$19,889
19 Assistant Clerk II	-	\$19,889
20 Deputy Clerk IV	-	\$31,652
21 Electronic Court Reporter II	-	\$29,888
22 Fiscal Officer III	-	\$32,534

23 Section 3. The Legislature approves and ratifies the  
24 Reorganization Plan adopted by the Department of Public Health and  
25 Social Services and the Department of Law pursuant to Executive Order  
26 No. 89-6, Public Law 17-81, and Chapter IV, Title VI of the

1 Government Code. All personnel serving in positions in the Child  
2 Support Enforcement Office that have been identified for transfer  
3 shall be transferred to the Department of Law without loss of  
4 seniority, personnel status or benefits accruing to them at the time  
5 of transfer. All records, files and equipment under control of the  
6 Child Support Enforcement Office of the Department of Public Health  
7 and Social Services are transferred to the Department of Law.

8 Section 4. §2801 of Title 10, Guam Code Annotated, is repealed  
9 and reenacted to read:

10 "§2801. Definitions. As used in this Article:

11 (1) 'Absent parent' means any person who is responsible  
12 for the support of a child, who is absent from the household  
13 whether such person's location is known or unknown, and who  
14 fails to provide for the support of such child.

15 (2) 'Department' means the Department of Law, unless  
16 otherwise expressly provided or unless the context clearly  
17 requires otherwise.

18 (3) 'Dependent child' means a person who has not reached  
19 the age of majority or who is eligible for assistance to  
20 dependent children.

21 (4) 'Public assistance' or 'assistance' means any money  
22 payments made by the Department of Public Health and Social  
23 Services which are paid to or for the benefit of any dependent  
24 child."

25 Section 5. §2803 of Title 10, Guam Code Annotated, is repealed  
26 and reenacted to read:

1           "§2803. Dependent child; absent parent.

2           (a) When a custodial parent or person entitled to spousal  
3 support is accepted for welfare or food stamp assistance, and  
4 the Department of Public Health and Social Services determines  
5 that there is an absent parent or former spouse who is or should  
6 be paying support to the custodial parent, the Department of  
7 Public Health and Social Services shall give prompt notification  
8 to the Attorney General with such information as the Director of  
9 Public Health and Social Services and the Attorney General shall  
10 agree is appropriate and necessary to collect support.

11           (b) In all cases in which the absent parent is in Guam and  
12 his or her whereabouts known, a representative of the Attorney  
13 General shall interview such parent as soon as possible after  
14 the notice is received or the matter is otherwise received by  
15 the Attorney General for action. The Attorney General's office  
16 shall determine such parent's ability to support his or her  
17 children, attempt to reach a stipulated settlement so that the  
18 parent can comply with his or her obligation to support his or  
19 her children, discuss his or her parental responsibilities and  
20 explore the possibility of the resumption of a parental  
21 relationship with the children. Failure to conduct such an  
22 interview shall not be a defense in any court action to collect  
23 or set support."

24           Section 6. §2809 of Title 10, Guam Code Annotated, is repealed  
25 and reenacted to read:

26           "2809. Assistance by private parties.



1           Upon request of the Attorney General, or upon receipt of a  
2 subpoena issued by the clerk of the Superior Court of Guam, at  
3 the request of a private attorney representing an obligee, any  
4 employer in Guam, including government of Guam departments,  
5 agencies, and entities, shall furnish to the Attorney General or  
6 such private attorney representing an obligee the last known  
7 address, social security number and any information it has  
8 concerning wages, salary, and income of the absent parent the  
9 subject of the request or subpoena."

10          Section 7. §2810 of Title 10, Guam Code Annotated, is repealed  
11 and reenacted to read:

12                   "§2810. Collection, accounting and disbursement of  
13 funds.

14           (a) The Department shall cooperate with the Department of  
15 Public Health and Social Services, the Department of  
16 Administration, and the Superior Court of Guam in the  
17 collection, accounting for and disbursement of funds paid  
18 pursuant to any order of support issued by the Superior Court or  
19 any other state having jurisdiction when such order affects the  
20 Department of Public Health and Social Services, a welfare  
21 recipient or a person receiving assistance pursuant to the  
22 provisions of this subchapter.

23           (b) With respect to any funds paid to the Department of  
24 Public Health and Social Services, pursuant to any order of  
25 support, which have remained unclaimed for not less than two (2)

1 years after diligent effort to locate the person entitled to  
2 such funds, the Superior Court may enter an order decreeing:

3 (1) That the funds be returned to the person who paid  
4 them pursuant to the order of support; or

5 (2) That the funds be deposited with the Treasurer of  
6 Guam in an interest-bearing account for a period of five  
7 (5) years, after which time, if still unclaimed, the funds  
8 shall escheat to the government of Guam.

9 (c) If a claimant proves to the satisfaction of the  
10 Superior Court within five (5) years after the deposit of funds  
11 under paragraph (2) of subsection (b) of this §2810 that he or  
12 she has a just and legal claim to any part of the funds, the  
13 Court may order that repayment shall be made to such claimant.  
14 The clerk of the court shall issue a certificate under the  
15 official seal of the court embodying the terms and provisions of  
16 the order and transmit the certificate to the Office of the  
17 Treasurer with whom the funds were deposited.

18 (d) The Department shall ascertain the ability of an  
19 absent parent to support or contribute to the support of his or  
20 her dependents, in accordance with a child support formula  
21 accepted and approved by the Attorney General."

22 Section 8. §2813 of Title 10, Guam Code Annotated, is repealed  
23 and reenacted to read:

24 "§2813. Late charges. (a) If an obligor willfully fails  
25 to make required support payments as ordered by the court, the  
26 court shall impose an interest and penalty charge in favor of

1 the obligee of one percent (1%) per month on the delinquency for  
2 each month or part thereof that payments are delinquent, or ten  
3 percent (10%) of the amount of the total delinquency, whichever  
4 is greater. In addition, if the court orders a periodic payment  
5 schedule for support arrearages, the court shall order interest  
6 to accrue on the unpaid balance at the rate of twelve percent  
7 (12%) per annum in favor of the obligee.

8 (b) When a support order fails to state the date upon  
9 which support payments are to commence, the payments shall  
10 commence on the first day of the month next following the  
11 effective date of the order, and, if payments are monthly, on  
12 the first day of each month thereafter.

13 (c) Unless an order of the court specifies some other  
14 effective date, the effective date of an order of support shall  
15 be the date that the court makes a ruling from the bench if the  
16 court makes an oral order at a hearing, or the date the order is  
17 entered whichever is earlier. If a support order is based on a  
18 stipulation of the parties, the effective date shall be the date  
19 the stipulation is first filed or presented to the court, either  
20 orally or in writing, unless the stipulation as approved  
21 contains some other effective date.

22 (d) Unless a support order provides for specific due  
23 dates, monthly support payments shall be due and payable on the  
24 first day of every month, If support is by order to be paid on  
25 a date certain, it shall become delinquent if not paid on or  
26 before that date. If a due date falls on a Saturday, Sunday, or

1 legal Guam holiday, the payment shall become due on the regular  
2 business day next following."

3 Section 9. §2814 of Title 10, Guam Code Annotated, is repealed  
4 and reenacted to read as follows:

5 "§2814. Fee. The Child Support Enforcement Office of the  
6 Department of Law shall represent those persons not within the  
7 Federal Aid for Dependent Children Program without charge."

8 Section 10. §2817 of Title 10, Guam Code Annotated, is repealed  
9 and reenacted to read:

10 "§2817. Payment schedule. (a) The Attorney General shall  
11 adopt, pursuant to the Administrative Adjudication Law, a  
12 schedule of normal child support payments to be paid by a non-  
13 custodial parent to a custodial parent pursuant to subsections  
14 (c)(1) and (c)(2) of this §2817, to be updated every two (2)  
15 years.

16 (b) The presumptions set forth in subsections (c)(1) and  
17 (c)(2) of this §2817 shall be considered by the court in setting  
18 child support. The court shall enter appropriate written or  
19 specific findings on the record if it finds that it would be  
20 unjust or inappropriate to apply the presumptions created by  
21 such subsections (c)(1) and (c)(2), which presumptions will  
22 thereby be sufficiently rebutted.

23 (c) The payment schedule shall be prepared as follows:

24 (1) The schedule shall include tables based on  
25 the income of the parties which establish the amounts  
26 of support which each parent can afford to contribute

1 to the care of the minor children. The amounts  
2 established by that part of the schedule which is  
3 based upon the earnings of the parents shall operate  
4 as a rebuttable presumption as to the amounts of  
5 support which each parent can afford to contribute  
6 towards the care of the minor child or children.

7 (2) The schedule shall include tables showing  
8 the average dollar amounts necessary to raise from one  
9 (1) to at least fifteen (15) children irrespective of  
10 the income of the parents, based on accepted welfare  
11 guidelines and statistics, food stamp guidelines,  
12 average costs of raising children nationwide taking  
into account Guam's income levels and the island's  
14 unique culture, expenses, and the needs of children  
15 raised on Guam, and such other matters as the Attorney  
16 General deems relevant. The figures set out in such  
17 tables shall operate as a rebuttable presumption as to  
18 the needs of the child or children.

19 (d) The schedule shall take into account the income of  
20 each parent and the necessary and reasonable expenses and debts  
21 of each of the parties, the needs of the child or children, the  
22 needs of the custodial parent as to assistance in caring for the  
23 minor child or children, and the ability of each parent to pay.  
24 In any court hearing, such criteria shall be applied by the  
25 court in conjunction with the rebuttable presumptions arising  
26 from the schedules in arriving at an equitable child support

1 order. The schedule shall contain definitions as to income,  
2 expenses, and other matters so that the schedule is clear and  
3 understandable so as to minimize litigation over child support  
4 payments.

5 (e) Until a new schedule is promulgated as required by  
6 this §2817, the schedule previously promulgated by the Director  
7 of Public Health and Social Services shall continue to be used  
8 in the manner specified by Public Law 18-17 as a guideline in  
9 cases where the court deems it relevant."

10 Section 11. §2818 of Title 10, Guam Code Annotated, is repealed  
11 and reenacted to read:

12 "§2818. Trial of paternity and standard of proof.

13 (a) When the paternity of a child is disputed, the  
14 determination of paternity shall be made by the court without a  
15 jury. The trial shall be a civil trial and there shall be no  
16 right to a jury trial on the issue of paternity. The standard  
17 of proof shall be by clear and convincing evidence.

18 (b) When the paternity of a child is disputed, all parties  
19 in the contested paternity matter including the child shall be  
20 ordered by the court to submit to a genetic test upon the  
21 request of any party to the action, upon reasonable terms and  
22 conditions. The Judicial Council shall, within nine (9) months  
23 of the effective date of this §2818, promulgate rules of  
24 evidence as to the admissibility of reports of test results,  
25 which rules shall provide circumstances under which reports of  
26 test results can be admitted without the necessity of calling

1 expert witnesses from off-island while providing criteria to  
2 insure the accuracy of tests and the procedures surrounding the  
3 tests. Until the new rules take effect, the court may admit  
4 such paternity tests on terms that are just and in the interest  
5 of justice."

6 Section 12. §2820.1 is added to Title 10, Guam Code Annotated,  
7 to read as follows:

8 "§2820.1 The court may modify a previous order issued by  
9 the Superior Court of Guam as it relates to support pursuant to  
10 §2820 of this Title or as it relates to child custody only if  
11 the party not moving for the modification is personally served  
12 on Guam, or if both parties so stipulate, or if the children are  
3 bona fide residents of Guam. This §2820.1 shall not in any way  
14 prohibit the Attorney General from bringing actions on behalf of  
15 a custodial parent or other person having custody of children on  
16 Guam against a non-custodial parent living outside of Guam  
17 pursuant to the Uniform Reciprocal Enforcement of Support Act."

18 Section 13. §2823 of Title 10, Guam Code Annotated, is repealed  
19 and reenacted to read:

20 "§2823. Mandatory attachment of territorial income tax  
21 refunds and other sums owed by the government of Guam to an  
22 obligor.

23 (a) Whenever an obligor is delinquent in the amount of One  
24 Hundred Fifty Dollars (\$150) or more, the Department shall send  
25 written notice through the United States mail, to the obligor  
26 that withholding will be made from any tax refund or other sums

1 of money which the government of Guam or the Government of the  
2 United States owes him or her. The written notice shall inform  
3 the obligor that he or she may request a hearing with the  
4 Department on the issue of such delinquency and inform him or  
5 her about the time, place and manner of doing so. If the  
6 obligor's income tax refund is attached, the notice shall also  
7 inform him or her that, if he or she filed a joint return for  
8 the year in question, the person who filed with him or her may  
9 request a hearing under subsection (d) of this §2823. The  
10 obligor shall have ten (10) days after receiving the notice to  
11 either satisfy the delinquency in full or to request a hearing.  
12 If the delinquency is satisfied in full, the Child Support  
13 Enforcement Office shall make no further attempt to attach the  
14 obligor's tax refund. The request for a hearing must be in  
15 writing on a form to be prescribed by the Attorney General. The  
16 hearing shall be conducted in accordance with Chapter Two of the  
17 Administrative Adjudication Law. The only two (2) issues which  
18 may be contested or resolved at the hearing shall be whether the  
19 obligor is delinquent and the amount of the delinquency.

20 (b) If the delinquency is not paid in full or if no  
21 hearing is requested within ten (10) days after the obligor  
22 receives notice, the Department shall immediately notify the  
23 Director of Revenue and Taxation (the "Director") of the  
24 delinquency. If a hearing is held, the Department shall notify  
25 the Director of the existence of any delinquency within ten (10)  
26 days after the Attorney General approves the hearing decision.



1           (c) Whenever the Department notifies the Director under  
2 subsection (b) of this §2823, it shall also inform him or her  
3 that the obligor has been given the opportunity to contest the  
4 validity of the charge of delinquency and its amount in an  
5 administrative proceeding and shall provide him or her with the  
6 obligor's social security number and address. The Director  
7 shall then determine if the obligor is owed any money by the  
8 government of Guam as part of a tax refund. If there is such a  
9 debt, the Director shall withhold from the obligor an amount  
10 equal to the amount of support owed and pay it over to the  
11 appropriate government agency which is receiving support  
12 payments on behalf of obligees, and shall simultaneously notify  
13 the obligor by certified mail, return receipt requested, that  
14 this amount is being withheld.

15           (d) If a delinquent obligor filed a joint return for the  
16 year in question and an amount is withheld from his or her tax  
17 refund, the Director when the notice is given the obligor  
18 pursuant to subsection (c) of this §2823, shall also notify by  
19 certified mail, return receipt requested, the person who filed  
20 with the obligor and advise that person that he or she must file  
21 with the Department of Revenue and Taxation a claim for his or  
22 her share of the refund, which notice shall contain information  
23 about the time, place and manner of doing so. The claim must be  
24 filed on a form prescribed by the Director, who shall examine  
25 the claim and pay the claimant his or her proper share of the  
26 income tax refund. Any claimant dissatisfied with the amount of

1 his or her award may request a hearing with the Department of  
2 Revenue and Taxation within ten (10) days after being notified  
3 of the award, which hearing shall be conducted according to  
4 Chapter 2 of the Administrative Adjudication Law."

5 Section 14. §2830 of Title 10, Guam Code Annotated, is repealed  
6 and reenacted to read:

7 "§2830. Mandatory wage assignment. In any proceeding  
8 where the court has ordered either or both parents to pay any  
9 amount of child support which is being enforced, the court shall  
10 order either or both parents to assign to the appropriate  
11 government agency which is receiving support payments on behalf  
12 of obligees that portion of the salary or wages of that parent  
13 due or to be due in the future as will be sufficient to pay the  
14 amount ordered by the court for the support, maintenance, and  
15 education of the minor child. The order shall operate as an  
16 assignment and shall be binding upon any existing or future  
17 employer of the obligor upon whom a copy of the order is served.  
18 Such a wage assignment shall be a continuing lien and levy  
19 against the wages of the obligor. Failure of the order to  
20 include the duration of the assignment or any notice or any of  
21 the other provisions required by this §2830 or any other section  
22 of this subchapter shall not affect the validity of the  
23 assignment nor shall it excuse any person from compliance with  
24 the order. Any employer who is found to have willfully refused  
25 to comply with a valid wage assignment may be assessed treble  
26 damages by the court, to be paid over to the obligee.

1 (a) The order shall contain:

2 (1) The title and docket number of the suit;

3 (2) The name of the obligee;

4 (3) The amount and duration of the assignment;

5 (4) A requirement that the assigned amount  
6 should be paid to the appropriate government agency  
7 which is receiving support payments on behalf of  
8 obligees, with the mailing address for mailing such  
9 payments;

10 (5) A requirement that the assignor promptly  
11 notify the obligee or the Child Support Enforcement  
12 Office of any change in circumstance affecting the  
13 assignment, and any other information deemed necessary  
14 by the court;

15 (6) A requirement that the obligor shall give a  
16 copy of the order of mandatory wage assignment to his  
17 or her employer within five (5) days of receipt, and  
18 to every subsequent employer within five (5) days of  
19 commencing employment;

20 (7) Such information or orders as may be  
21 required by court rules;

22 (8) Such other information, such as social  
23 security number and other information, as may make  
24 enforcement of the order easier; and

25 (9) Such other information or orders as the  
26 court may deem appropriate.

1           (b) The assignment becomes effective fifteen (15)  
2 days after service of the order upon the employer. The  
3 order shall be issued and served as in other civil cases,  
4 including by certified or registered mail, return receipt  
5 requested, or may be served upon an employer by  
6 telefacsimile machine. After the effective date the  
7 assigned amount shall be remitted to the appropriate  
8 government agency which is receiving support payments on  
9 behalf of obligees on each regular due date or pay date.  
10 For orders entered after the effective date of this  
11 section, the employer may not deduct any administrative fee  
12 from the assigned amount. The government of Guam may not  
deduct administrative fees for any wage assignment ordered  
14 before or after the effective date of this section.

15           (c) In any case where the employer has actual  
16 knowledge of the wage assignment, he or she shall be  
17 required to comply therewith notwithstanding lack of  
18 service, and shall have an affirmative duty to investigate  
19 the terms of the assignment if certain details are unknown.

20           (d) Hearings under this title may be joined with any  
21 other hearing in any suit affecting the parent-child  
22 relationship if the Department is not representing a party.

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

1 (f) Standard terms, conditions, orders and notices  
2 may be printed on the back of an order of wage assignment,  
3 or may be on a separate printed sheet attached to the  
4 order.

5 (g) When appropriate, the court may issue a mandatory  
6 assignment of any other regular source of money which an  
7 obligor may be receiving (such as, but not limited to lease  
8 payments, interest income, payments received on a  
9 promissory note, retirement pay, annuities, etc.) in the  
10 same manner as wages are assigned."

11 Section 15. §2830.1 is added to Title 10, Guam Code Annotated,  
12 to read as follows:

13 "§2830.1 It is the intent of the Legislature that all  
14 child support be paid by mandatory wage assignment if the  
15 obligor is employed. Therefore:

16 (a) To the greatest extent possible, all support  
17 orders shall provide for mandatory wage assignment of  
18 support obligations.

19 (b) In any case where there are minor children, the  
20 court must have a hearing on any interlocutory divorce  
21 decree or order setting or modifying custody of minor  
22 children if the order provides for less than One Hundred  
23 dollars (\$100) support per month per minor child or if the  
24 order does not provide for mandatory wage assignment.  
25 Because of the declared public policy in favor of adequate  
26 child support paid by mandatory wage assignment, in any

1 case involving minor children where a party is requesting  
2 is less than One Hundred Dollars (\$100) per child per month  
3 as child support, or where a party is requesting a support  
4 order without mandatory wage withholding, the child support  
5 enforcement office of the Attorney General's Office shall  
6 be given three (3) days notice of the proposed hearing, and  
7 may appear at such hearing, call and cross examine  
8 witnesses, present evidence, make recommendations and may  
9 request a continuance for purposes of conducting discovery.  
10 In such case, the court shall enquire as to the reasons  
11 that the order or decree does not provide for child support  
12 of at least One Hundred Dollars (\$100) per child per month,  
13 or the reason that mandatory wage assignment is not  
14 appropriate, and the court shall satisfy itself by a  
15 preponderance of the evidence that child support of less  
16 than One Hundred Dollars (\$100) per child per month is  
17 appropriate or that an order of mandatory wage assignment  
18 is not appropriate, before issuing the decree or order.  
19 The provisions of this subsection (b) of this §2830 shall  
20 take effect on March 31, 1991.

21 (c) All current orders for child support and spousal  
22 support issued by the Superior Court of Guam for specific  
23 amounts of periodic payments to the obligee are hereby  
24 declared subject to enforcement by wage assignment. In  
25 addition to all other remedies available, a wage assignment  
26 may be issued as to any support orders prospectively as to

1 future payments only, upon ex parte application of the  
2 obligee without advance notice to the obligor by a judge of  
3 the Superior Court. When an ex parte order of assignment  
4 is issued, the obligor shall be entitled to a hearing on a  
5 motion to vacate any such order as having been issued in  
6 error on three (3) working days notice to the obligee. An  
7 ex parte order of wage assignment shall be issued without  
8 addressing other issues between the parties and without  
9 acting as res judicata as to other issues not raised, and  
10 any party may later raise any other issues without  
11 prejudice if an ex parte order of assignment was issued.

12 (d) The court may, on its own motion, make an order  
13 of mandatory wage assignment a part of any support order  
14 the court issues, even if not requested by the parties."

15 Section 16. Subsection (b) of §1211 of the Code of Civil  
16 Procedure is repealed and reenacted to read:

17 "(b) Except as provided in subsection (a), a contempt  
18 shall be prosecuted on notice. The notice shall state the time  
19 and place of hearing, allowing reasonable time for the  
20 preparation of the defense, and shall state the essential facts  
21 constituting the contempt charged and describe it as such."

22 Section 17. New subsections (c), (d), (e), (f), (g), (h), and  
23 (i) are added to §1211 of the Code of Civil Procedure of Guam to read  
24 as follows:

25 "(c) Unless some shorter time has been set by the court,  
26 three (3) calendar days notice (excluding Saturdays, Sundays,

1 and Holidays) shall be deemed reasonable time for notice of a  
2 contempt action based in part or in whole upon an alleged  
3 assault or contempt based in whole or in part on violation of an  
4 order to leave someone alone.

5 (d) Unless some shorter time has been set by the court,  
6 five (5) calendar days notice (excluding Saturdays, Sundays, and  
7 Holidays) shall be sufficient reasonable notice for contempt  
8 actions which are not based in part or in whole upon an alleged  
9 assault nor based in whole or in part upon a violation of an  
10 order to leave someone alone.

11 (e) The notice shall be given orally in open court by the  
12 judge in the presence of the person charged with contempt  
13 ordering that person to appear at the hearing, or on application  
14 of the Attorney General, on application by an aggrieved party,  
15 or on application of a Guam attorney representing an aggrieved  
16 party. The contempt may be prosecuted by an order of arrest, by  
17 an order to show cause issued without notice ordering the  
18 contemptuous person to appear, or by motion based upon  
19 affidavit. Any such motion, order of arrest or order to show  
20 cause shall be personally served upon the person so charged;  
21 provided, however, that if it appears to the court that a person  
22 so charged is avoiding service and that person cannot be found  
23 and that person has an attorney of record who is actively at  
24 that time representing the person, then, upon ex parte motion  
25 with notice to the attorney involved, the court may authorize  
26 service on the attorney. If a motion for contempt is made, the



1 clerk of court shall, upon ex parte request of the complaining  
2 party without notice to the person charged, issue without charge  
3 a summons directed to the person charged with contempt ordering  
4 him or her to appear at the hearing on the motion. Such summons  
5 shall be personally served on the person so charged.

6 (f) If the person charged with contempt is entitled to a  
7 trial by jury, such trial shall be provided.

8 (g) A person charged with contempt who is in custody or  
9 who is requested to be placed in custody for a contempt is  
10 entitled to be released pending hearing as provided in Chapter  
11 40, Title 8, Guam Code Annotated. If the contempt is based upon  
12 violation of an order to leave someone alone, the court shall  
13 treat the alleged violation as an alleged violation of  
14 conditions of release in determining suitability and criteria  
15 for release as set forth in Chapter 40, Title 8, Guam Code  
16 Annotated. If the contempt charged involves disrespect to or a  
17 criticism of a judge, that judge is disqualified from presiding  
18 at the trial or hearing except with the consent of the person  
19 charged with contempt. Upon a verdict or finding of guilt, the  
20 court shall enter an order fixing the punishment.

21 (h) If an attorney admitted to practice law in Guam is  
22 convicted of a contempt or pleads guilty or nolo contendere to a  
23 contempt charge, the judge hearing the same shall immediately  
24 notify the ethics committee of the Guam Bar Association in order  
25 that disciplinary action may be taken, if appropriate. Upon  
26 receipt of such a notification, the Guam Bar Association shall

1 undertake an investigation as to whether the attorney should be  
2 disciplined.

3 (i) In any contempt action involving support, if the court  
4 finds that a contempt occurred, the court may modify previous  
5 orders as may be appropriate in any contempt proceeding if such  
6 modifications are found by the court to be in the best interests  
7 of the minor child or children."

8 Section 18. The presiding judge of the Superior Court shall  
9 appoint an ad hoc committee to develop standard forms and procedures  
10 for matters involving child support, child custody, paternity  
11 actions, mandatory wage assignments, and related matters. The  
12 committee shall consist of a representative of the Public Defender's  
13 Office, a representative of the Attorney General's Office, and such  
14 other persons and government officials as the presiding judge deems  
15 appropriate. The presiding judge may appoint himself or other  
16 judges. The presiding judge shall appoint one of the members as  
17 chairperson. The committee shall report its findings to the Judicial  
18 Council within One Hundred Eighty (180) days of the effective date of  
19 this Act. The Judicial Council shall then adopt standard forms,  
20 rules, and procedures relative to child support, child custody,  
21 paternity actions, mandatory wage assignments, and related matters  
22 which may or may not be made mandatory by the Judicial Council."

23 Section 19. §2849 is added to Title 10, Guam Code Annotated, to  
24 read as follows:

25 "§2849. Transfer of collection function. It is expected  
26 that the current collection functions of the Superior Court in

1 regard to child support will be transferred to the Executive  
2 Branch. Therefore, until such time as such a transfer is made,  
3 payments should be made to the Clerk, Superior Court of Guam, as  
4 the appropriate government agency to receive support payments on  
5 behalf of obligees. Once the transfer is accomplished, the  
6 support payments should be made to the place designated by the  
7 joint order for such payments. The transfer shall be  
8 accomplished pursuant to a combined judicial council and  
9 executive order outlining the details of the transfer,  
10 transition details, and the new place of payment, to be signed  
11 by the presiding judge of the Superior Court of Guam and the  
12 Governor of Guam. A copy of such order shall be given to the  
13 Speaker of the Legislature within five (5) days of signing, and  
14 shall, to the greatest extent possible, be delivered to  
15 practicing attorneys on Guam through their court boxes."

16 Section 20. The Compiler of Laws may recodify this Act and may  
17 recodify Chapter 2 of Title 10, Guam Code Annotated, if he deems it  
18 appropriate.

19 Section 21. (a) Two Hundred Thousand Dollars (\$200,000) are  
20 hereby appropriated from the General Fund to the Department of Law  
21 (the "Department") to fund legal services for the Guam Shipping  
22 Review Board in its litigation on the Guam Rate Agreement (the  
23 "Agreement"), which appropriation shall remain available for  
24 expenditure through August 31, 1990.

25 (b) In the event that the litigation on the Agreement  
26 progresses beyond one (1) year, the Department shall submit to the

1 Legislature a request for supplemental appropriation for the expenses  
2 of such litigation. The Department shall submit annually a report to  
3 the Speaker of the Legislature of any such other matters relating to  
4 the Agreement as require additional funding.

5 (c) Counsel retained by the Guam Shipping Review Board shall  
6 submit a quarterly report on its activities and the progress of the  
7 litigation to the Department.

TWENTIETH GUAM LEGISLATURE  
1990 (SECOND) Regular Session

ROLL CALL SHEET

Bill No. 1220

Date: 5/1/90

Resolution No. \_\_\_\_\_

QUESTION: \_\_\_\_\_

	AYE	NAY	NOT VOTING	ABSENT
J. P. Aguon				✓
E. P. Arriola	✓			
J. G. Bamba	✓			
M. Z. Bordallo	✓			
D. F. Brooks /	✓			
H. D. Dierking	✓			
E. R. Duenas	✓			
E. M. Espaldon	✓			
C. T. C. Gutierrez	✓			
P. C. Lujan	✓			
G. Mailloux	✓			
M. D. A. Manibusan	✓			
T. S. Nelson	✓			
D. Parkinson	✓			
F. J. A. Quitugua	✓			
E. D. Reyes	✓			
M. C. Ruth	✓			
J. T. San Agustin	✓			
F. R. Santos	✓			
T. V. C. Tanaka	✓			
A. R. Unpingco	✓			

20

1

Introduced

TWENTIETH GUAM LEGISLATURE  
1990 (Second) Regular Session

FEB 15 '90

Bill No. 1220 (LS)

Introduced by:

P.C. Lujan *PCJ*

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AN ACT TO CREATE AN EXPEDITED  
JUDICIAL PROCESS FOR CHILD SUPPORT  
PROCEEDINGS AND TO CREATE OTHER NEW  
PROVISIONS RELATING TO SUPERIOR COURT;  
REPEALING AND REENACTING 10 GCA §2830.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:  
2 Section 1. A new Chapter 6 of Title 19 of the Guam  
3 Code Annotated is added to read as follows:  
4 "§6101. Authorization for Expedited Judicial  
5 Process; Court Referees.  
6 (a) There is hereby created an expedited judicial  
7 process which shall be a division of the Superior Court to  
8 be designated the 'Judicial Hearings Division'.  
9 (b) The Judicial Hearings Division shall be a  
10 court of record administered by one or more referees  
11 appointed by the presiding judge of the Superior Court. A  
12 referee shall serve at the pleasure of the presiding judge.  
13 (c) The amount and rate of compensation, and the  
14 duties of court referees appointed pursuant to this chapter  
15 shall be fixed by the Judicial Council, provided, however,  
16 that a person so appointed shall be an attorney licensed to  
17 practice law on Guam."

1                   "§6102. Principal Purpose of Judicial Hearings  
2 Division; Expedited Process.

3                   (a) The principal purpose of the Judicial  
4 Hearings Division is to provide a speedy and efficient legal  
5 process in child support cases which will assist the  
6 Superior Court Judges in adjudicating maintenance and  
7 support matters and enforcing orders for support in  
8 accordance with applicable federal and local laws, rules and  
9 regulations.

10                   (b) The presiding judge of the Superior Court may  
11 assign such other pre-adjudication matters as he considers  
12 proper to the Judicial Hearings Division, including Family  
13 Division matters as provided under 19 GCA §5113, provided  
14 that the assignment does not impair the principal purpose of  
15 the division under Subsection (a) of this Section."

16                   "§6103. Duties of Judicial Hearings Division  
17 Referees.

18                   The duties of Judicial Hearings Division referees shall  
19 be subject to court rules, which shall be adopted no later  
20 than sixty (60) days after the effective date of this Act,  
21 and which shall include the following duties in maintenance  
22 and support matters:

23                   (a) To take testimony and receive evidence for  
24 the record;

25                   (b) To hear motions and preliminary matters for  
26 appropriate rulings unless appealed by any party;

27                   (c) To enter default orders;

28                   (d) To accept voluntary acknowledgement of child  
29 support liability and stipulated agreements to pay support;

30                   (e) To accept voluntary acknowledgement of  
31 paternity;

32                   (f) To establish temporary orders for support in  
33 complex cases;

1 (g) To discharge on behalf of the Superior Court,  
2 subject to the approval by the presiding judge, any other  
3 duties the Court may have under 10 GCA Chapter 2 relating to  
4 child support enforcement."

5 "§6104. Appropriations authorized. There are  
6 hereby authorized to be appropriated from the General Fund  
7 such sums as may be necessary to carry out the provisions of  
8 this chapter."

9 Section 2. 10 GCA §2830 is repealed and reenacted to  
10 read:

11 "§2830. Mandatory Wage Assignment.

12 In any proceeding where the court has ordered  
13 either or both parents to pay any amount which is being  
14 enforced, the court shall order either or both parents to  
15 assign to the Treasurer of Guam that portion of the salary  
16 or wages of that parent due or to be due in the future as  
17 will be sufficient to pay the amount ordered by the court  
18 for the support, maintenance, and education of the minor  
19 child. The order shall operate as an assignment and shall  
20 be binding upon any existing or future employer of the  
21 defaulting parent upon whom a copy of the order is served.  
22 Such a wage assignment shall be a continuing lien and levy  
23 against the wages of the obligor.

24 (a) The order shall contain the amount and duration of  
25 the assignment, the notices required by other subsections of  
26 this section, the style and docket number of the suit, the  
27 name and address of assignor's employer, the name and  
28 address of the obligee, a requirement that the assignor  
29 promptly notify the obligee and the Child Support Enforce-  
30 ment Office of any change in circumstance affecting the  
31 assignment, and any other information deemed necessary by  
32 the court. The court shall require the assigned amount to  
33 be paid to the Treasurer of Guam.



1           (b) The assignment becomes effective fifteen (15) days  
2 after service of the order upon the employer. Service of  
3 the order shall be issued and served as in other civil  
4 cases, including by certified or registered mail, return  
5 receipt requested. After the effective date, the assigned  
6 amount, less any administrative fee, shall be remitted to  
7 the Treasurer of Guam on each regular due date or pay date.  
8 The employer may deduct from the assigned amount an  
9 administrative fee of not more than Two Dollars (\$2.00) per  
10 month.

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

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



**PILAR C. LUJAN**  
**SENATOR • LEGISLATIVE SECRETARY**  
**CHAIRMAN — Committee on Judiciary and Criminal Justice**

The Honorable Joe T. San Agustin  
Speaker, Twentieth Guam Legislature  
163 Chalan Santo Papa  
Agana, Guam 96910

VIA: Chairperson, Committee on Rules

Dear Mr. Speaker:

The **Committee on Judiciary and Criminal Justice**, to which was referred **Bill No. 1220**, wishes to report its findings and recommendations for passage of **Substitute Bill No. 1220**.

The Committee Voting Record is as follows:

<u>11</u>	TO PASS
<u>0</u>	NOT TO PASS
<u>0</u>	TO REPORT OUT ONLY
<u>0</u>	TO PLACE IN INACTIVE FILE
<u>1</u>	OFF-ISLAND

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

Sincerely,

*Pilar C. Lujan*  
PILAR C. LUJAN

## COMMITTEE ON JUDICIARY AND CRIMINAL JUSTICE

### Committee Report On Bill 1220

**AN ACT TO CREATE AN EXPEDITED JUDICIAL PROCESS FOR CHILD SUPPORT PROCEEDINGS AND TO CREATE OTHER NEW PROVISIONS RELATING TO SUPERIOR COURT; REPEALING AND REENACTING 10 GCA SECTION 2830.**

#### PREFACE

The Judiciary and Criminal Justice Committee convened at 9:00 a.m., Wednesday, February 21, 1990, in the Legislative Session Hall at Agana, Guam to hear testimony on Bill 1220. Committee members in attendance, alongside Chairwoman Pilar C. Lujan were Elizabeth P. Arriola, Edward D. Reyes, Herminia D. Dierking, Edward R. Duenas, Antonio R. Unpingco, and Martha C. Ruth.

#### OVERVIEW

In recent years, government efforts to strengthen enforcement of child support have intensified.

The Child Support Enforcement Office was established in 1975 under the umbrella of the Department of Public Health and Social Services. However, in March 1989, the Office's functions and duties were transferred to the Department of Law via Executive Order for effectuating greater enforcement.

Since that transition, the Committee has learned that the Department of Law has nearly tripled the number of child support orders and collected approximately a quarter of a million dollars more than when the Office was under the Department of Public Health and Social Services.

While undergoing that transition, however, it was also learned that the federal government recently disapproved \$850,000 in funding for child support because of a logjam in the issuance of support orders. Moreover, \$3.8 million in federal aid to families with dependent children is also at stake if such expedited process is not in place, according to the Attorney General's review of a federal audit conducted this past September.

That disapproval is presently under appeal by the local government and those funds could be acquired if an expedited process is in place.

Presently, there are 1,900 such support orders bottlenecked awaiting final issuance.

In facilitating and expediting the issuance of such orders, the Committee Chairwoman introduced Bill 1220 to establish a judicial hearings division within the Superior Court. The measure also provides for wage assignment and garnishment of paychecks to ensure support for children.

#### TESTIMONY

Attorney general Elizabeth Barrett-Anderson testified in favor of the measure and noted that "the implementation of the expedited process will result in an increase of Child Support Orders which will reduce the number of dependent children on welfare and reduce the taxpayer's burden." (ATTACHMENT I)

Additionally, the Attorney General noted that such expedited process "will cost the Territory less to establish and enforce Child Support obligations by using hearing officers instead of Superior Court judges."

Senior Assistant Attorney General Karen Keeler added that the expedited process is "a federal requirement" outlined in 1986 amendments to the Social Security Act.

Ms. Karen Esposito also appeared before the Committee supporting passage of the measure. Noting her frustration to unsuccessfully acquire child support since 1975, Ms. Esposito suggested modification to the measure by including funds for personnel training to better serve constituents.

#### COMMITTEE FINDINGS AND RECOMMENDATIONS

Committee Chairwoman Lujan asked why a logjam existed and the Attorney General responded that the previous organization of the Child Support Office did not lend to efficiency since enforcement resided with the Department of Law and administrative functions were housed at the Department of Public Health and Social Services. The merger of the two offices last year is viewed as a conduit for maximizing efficiency and effectiveness. The Attorney General added that the federal government's audit also contributed to the consolidation of the offices.

The Committee Chairwoman then inquired why the audit findings of last September were not revealed earlier and Attorney Keeler noted that corrective plans were presented by the Department of Public Health and Social Services but not followed through or implemented.

Senator Don Parkinson expressed concerns with the lack of procedures to enforce payment on current support payments and suggested enactment of a statute regarding wage assignment for application to all cases. Such provisions included would not impact upon arrears and would address present and future orders. Notification via mail for wage assignments would have to be responded to in fifteen days otherwise an ex parte court order for wage assignment would be signed.

Senator Parkinson urged increasing the statute of limitations from 4 to 10 years.

Committee Chairwoman Lujan asked about federal requirements for arrears and Attorney Keeler responded that there is no such regulation in terms of statute of limitations.

Chairwoman Lujan, Committee Member Martha Ruth, and Senator Parkinson suggested increasing the statute of limitations to 10 years and granting authority for extension beyond that period upon good cause showing.

Senator Parkinson raised concerns with the authority of hearing officers and questioned expediency if their work has to be reviewed by a Judge. Attorney General Barrett-Anderson responded that a review of the measure with the Presiding Judge and other Judges took place and the provision governing review was inserted to satisfy the Court's concern over supervision of administrative hearing officers. Committee Chairwoman Lujan suggested scheduling a roundtable discussion on the issue of authority. (\*That meeting took place on Wednesday, March 21, 1990 with Committee Chairwoman Lujan, Presiding Judge Alberto C. Lamorena III, Attorney General Elizabeth Barrett-Anderson, Chief Deputy Attorney General Don Paillette, and Committee Chief-of-Staff Daniel Tydingco.)

Subsequent to the hearing, Senator Parkinson submitted an amendment to the measure making such administrative hearing officers essentially full-fledged Judges tasked with overseeing Child Support proceedings. (ATTACHMENT II).

Committee Member Dierking registered concerns with the administrative fee provisions and noted the burden it may pose upon parents. Committee Member Dierking suggested imposing the \$2.00 administrative fee on the absent parent.

Committee Member Ruth expressed support for the measure and queried if there was a necessity to statutorily adopt the measure in order to receive federal funds. Attorney General Barrett-Anderson pointed out that compliance with federal regulations necessitates statutory adoption.

Committee Member Ruth asked if \$850,000 has already been lost and Attorney Keeler affirmed that the program has been disapproved but under appeal.

In response to Committee Member Ruth's inquiry on expenditure of federal funds, Attorney Keeler noted that funds are expended for salaries, office space, equipment, etc.

Committee Member Ruth suggested mandating a minimum number of cases to be filed monthly. Attorney Keeler pointed out that the Department of Law has filed approximately 300 cases since the divisional transfer. Attorney Keeler added that nearly 2,000 of the backlog cases were "untouched" for about 4 years.

Committee Member Ruth also suggested mandating a time line for the Courts to act upon child support proceedings, however, the Attorney General noted hesitation "to tie the hands of the judicial system."

As a result of the March 21, 1990 meeting between the Committee Chairwoman, the Presiding Judge, the Attorney General, the Chief Deputy Attorney General, and the Committee Chief of Staff, the Presiding Judge forwarded correspondence with amendments to the Committee a couple of days later. (ATTACHMENT III)

THE COMMITTEE, BASED ON THE AFOREMENTIONED FINDINGS AND CONCLUSIONS, RECOMMENDS THAT:

- (1) Substitute Bill 1220 be passed at the soonest date possible to strengthen efforts in protecting and serving the public; and
- (2) Substitute Bill 1220 be passed into law since it would help to foster efficiency and effectiveness within the Child Support Enforcement Office and would provide for the children of Guam; and
- (3) Substitute Bill 1220 be passed at the earliest date possible to protect federal program funds amounting to \$4.65 million; and
- (4) Substitute Bill 1220 reflect amendments suggested by the Presiding Judge to enable the Courts to have a sound and effective Judicial Hearings Division in place.



# Twentieth Guam Legislature

163 Chalan Santo Papa Street  
Agana, Guam 96910

## Committee on Judiciary and Criminal Justice

VOTE SHEET ON: SUBSTITUTE BILL NO. 1220

COMMITTEE MEMBER	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	TO PLACE IN INACTIVE FILE
<i>Pilar C. Lujan</i> Senator Pilar C. Lujan Chairman	✓	—	—	—
<i>F. R. Santos</i> Senator Francisco R. Santos Vice Chairman	✓	—	—	—
<i>E. Arriola</i> Senator Elizabeth P. Arriola	✓	—	—	—
<i>Madeleine Z. Bordallo</i> Senator Madeleine Z. Bordallo	✓	—	—	—
<i>H. Dierking</i> Senator Herminia D. Dierking	✓	—	—	—
<i>Gordon Mailloux</i> Senator Gordon Mailloux	off-island	—	—	—
<i>Ted S. Nelson</i> Senator Ted S. Nelson	✓	—	—	—
<i>E. D. Reyes</i> Senator Edward D. Reyes	✓	—	—	—
<i>Joe T. San Agustin</i> Speaker Joe T. San Agustin	✓	—	—	—
<i>E. R. Duenas</i> Senator Edward R. Duenas	✓	—	—	—
<i>Martha C. Ruth</i> Senator Martha C. Ruth	✓ 4/9/90	—	—	—
<i>Antonio R. Unpingco</i> Senator Antonio R. Unpingco	✓ 4/10/90	—	—	—

TWENTIETH GUAM LEGISLATURE  
1990 (Second) Regular Session

Substitute Bill No. 1220

Substituted by: Committee on Judiciary and  
Criminal Justice

Introduced by: P. C. Lujan

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AN ACT TO CREATE AN EXPEDITED JUDICIAL PROCESS  
FOR CHILD SUPPORT PROCEEDINGS AND TO CREATE  
OTHER NEW PROVISIONS RELATING TO SUPERIOR COURT;  
REPEALING AND REENACTING 10GCA §2830.

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

2 Section 1. A new Chapter 6 of Title 19 of the Guam Code Annotated is added  
3 to read as follows:

4 "§6101. Authorization for Expedited Judicial Process; Court Referees.

5 (a) There is hereby created an expedited judicial process which shall be  
6 a division of the Superior Court to be designated the 'Judicial Hearings  
7 Division.'

8 (b) The Judicial Hearings Division shall be a court of record  
9 administered by one or more referees appointed by the presiding judge of the  
10 Superior Court. A referee shall serve at the pleasure of the presiding judge.

11 (c) The amount and rate of compensation, and the duties of court  
12 referees appointed pursuant to this chapter shall be fixed by the Judicial  
13 Council, provided, however, that a person so appointed shall be an attorney  
14 licensed to practice law on Guam.

15 §6102. Principal Purpose of Judicial Hearings Division; Expedited  
16 Process.

17 (a) The principal purpose of the Judicial Hearings Division is to provide  
18 a speedy and efficient legal process in child support cases which will assist  
19 the Superior Court Judges in adjudicating maintenance and support matters  
20 and enforcing orders for support in accordance with applicable federal and  
21 local laws, rules and regulations.

22 (b) The presiding judge of the Superior Court may assign such other  
23 pre-adjudication matters as he considers proper to the Judicial Hearings  
24 Division, including Family Division matters as provided under 19 GCA §5113,



1 provided that the assignment does not impair the principal purpose of the  
2 division under Subsection (a) of this Section.

3 §6103. Duties of Judicial Hearings Division Referees. The duties of  
4 Judicial Hearings Division referees shall be subject to court rules, which shall  
5 be adopted no later than sixty (60) days after the effective date of this Act,  
6 and which shall include the following duties in maintenance and support  
7 matters:

8 (a) To take testimony and receive evidence for the record;

9 (b) To hear motions and preliminary matters for appropriate rulings  
10 unless appealed by any party;

11 (c) To enter default orders;

12 (d) To accept voluntary acknowledgement of child support liability and  
13 stipulated agreements to pay support;

14 (e) To accept voluntary acknowledgement of paternity;

15 (f) To establish temporary orders for support in complex cases;

16 (g) To discharge on behalf of the Superior Court, subject to the  
17 approval by the presiding judge, any other duties the Court may have under  
18 10 GCA Chapter 2 relating to child support enforcement."

19 §6104. Appropriations authorized. In any proceedings where the court  
20 has ordered either or both parents to pay any amount which is being  
21 enforced, the court shall order either or both parents to assign to the  
22 Treasurer of Guam that portion of the salary or wages of that parent due or  
23 to be due in the future as will be sufficient to pay the amount ordered by the  
24 court for the support, maintenance, and education of the minor child. The  
25 order shall operate as an assignment and shall be binding upon any existing or  
26 future employer of the defaulting parent upon whom a copy of the order is  
27 served. Such a wage assignment shall be a continuing lien and levy against  
28 the wages of the obligor.

29 (a) The order shall contain the amount and duration of the assignment,  
30 the notices required by other subsections of this section, the style and docket  
31 number of the suit, the name and address of assignor's employer, the name  
32 and address of the obligee, a requirement that the assignor promptly notify  
33 the obligee and the Child Support Enforcement Office of any change in  
34 circumstance affecting the assignment, and any other information deemed  
35 necessary by the court. The court shall require the assigned amount to be

1 paid to the Treasurer of Guam.

2 (b) The assignment becomes effective fifteen (15) days after service of  
3 the order upon the employer. Service of the order shall be issued and served  
4 as in other civil cases, including by certified or registered mail, return  
5 receipt requested. After the effective date, the assigned amount, less any  
6 administrative fee, shall be remitted to the Treasurer of Guam on each regular  
7 due date or pay date. The employer may deduct in addition to the assigned  
8 amount an administrative fee of not more than Two Dollars (\$2.00) per month.

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

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

14 Section 2. The sum of One Hundred Thirty-seven Thousand Two Hundred  
15 Seventy-four Dollars(\$137,274.00) is hereby appropriated to fund the following new  
16 positions required by the "Judicial Hearings Division":

17	Assistant Clerk I	- \$17,978
18	Assistant Clerk I	- \$17,978
19	Assistant Clerk II	- \$19,889
20	Assistant Clerk II	- \$19,889
21	Deputy Clerk IV	- \$31,652
22	Electronic Court Reporter II	- \$29,888

90 FEB 15 AM 11:12

TWENTIETH GUAM LEGISLATURE  
1990 (Second) Regular Session

Bill No. 1220

Introduced by:

P.C. Lujan *PCJ*

AN ACT TO CREATE AN EXPEDITED  
JUDICIAL PROCESS FOR CHILD SUPPORT  
PROCEEDINGS AND TO CREATE OTHER NEW  
PROVISIONS RELATING TO SUPERIOR COURT;  
REPEALING AND REENACTING 10 GCA §2830.

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BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:  
Section 1. A new Chapter 6 of Title 19 of the Guam  
Code Annotated is added to read as follows:  
"§6101. Authorization for Expedited Judicial  
Process; Court Referees.  
(a) There is hereby created an expedited judicial  
process which shall be a division of the Superior Court to  
be designated the 'Judicial Hearings Division'.  
(b) The Judicial Hearings Division shall be a  
court of record administered by one or more referees  
appointed by the presiding judge of the Superior Court. A  
referee shall serve at the pleasure of the presiding judge.  
(c) The amount and rate of compensation, and the  
duties of court referees appointed pursuant to this chapter  
shall be fixed by the Judicial Council, provided, however,  
that a person so appointed shall be an attorney licensed to  
practice law on Guam."

1                   "§6102. Principal Purpose of Judicial Hearings  
2 Division; Expedited Process.

3                   (a) The principal purpose of the Judicial  
4 Hearings Division is to provide a speedy and efficient legal  
5 process in child support cases which will assist the  
6 Superior Court Judges in adjudicating maintenance and  
7 support matters and enforcing orders for support in  
8 accordance with applicable federal and local laws, rules and  
9 regulations.

10                   (b) The presiding judge of the Superior Court may  
11 assign such other pre-adjudication matters as he considers  
12 proper to the Judicial Hearings Division, including Family  
13 Division matters as provided under 19 GCA §5113, provided  
14 that the assignment does not impair the principal purpose of  
15 the division under Subsection (a) of this Section."

16                   "§6103. Duties of Judicial Hearings Division  
17 Referees.

18                   The duties of Judicial Hearings Division referees shall  
19 be subject to court rules, which shall be adopted no later  
20 than sixty (60) days after the effective date of this Act,  
21 and which shall include the following duties in maintenance  
22 and support matters:

23                   (a) To take testimony and receive evidence for  
24 the record;

25                   (b) To hear motions and preliminary matters for  
26 appropriate rulings unless appealed by any party;

27                   (c) To enter default orders;

28                   (d) To accept voluntary acknowledgement of child  
29 support liability and stipulated agreements to pay support;

30                   (e) To accept voluntary acknowledgement of  
31 paternity;

32                   (f) To establish temporary orders for support in  
33 complex cases;

1 (g) To discharge on behalf of the Superior Court,  
2 subject to the approval by the presiding judge, any other  
3 duties the Court may have under 10 GCA Chapter 2 relating to  
4 child support enforcement."

5 "\$6104. Appropriations authorized. There are  
6 hereby authorized to be appropriated from the General Fund  
7 such sums as may be necessary to carry out the provisions of  
8 this chapter."

9 Section 2. 10 GCA §2830 is repealed and reenacted to  
10 read:

11 "§2830. Mandatory Wage Assignment.

12 In any proceeding where the court has ordered  
13 either or both parents to pay any amount which is being  
14 enforced, the court shall order either or both parents to  
15 assign to the Treasurer of Guam that portion of the salary  
16 or wages of that parent due or to be due in the future as  
17 will be sufficient to pay the amount ordered by the court  
18 for the support, maintenance, and education of the minor  
19 child. The order shall operate as an assignment and shall  
20 be binding upon any existing or future employer of the  
21 defaulting parent upon whom a copy of the order is served.  
22 Such a wage assignment shall be a continuing lien and levy  
23 against the wages of the obligor.

24 (a) The order shall contain the amount and duration of  
25 the assignment, the notices required by other subsections of  
26 this section, the style and docket number of the suit, the  
27 name and address of assignor's employer, the name and  
28 address of the obligee, a requirement that the assignor  
29 promptly notify the obligee and the Child Support Enforce-  
30 ment Office of any change in circumstance affecting the  
31 assignment, and any other information deemed necessary by  
32 the court. The court shall require the assigned amount to  
33 be paid to the Treasurer of Guam.

1           (b) The assignment becomes effective fifteen (15) days  
2 after service of the order upon the employer. Service of  
3 the order shall be issued and served as in other civil  
4 cases, including by certified or registered mail, return  
5 receipt requested. After the effective date, the assigned  
6 amount, less any administrative fee, shall be remitted to  
7 the Treasurer of Guam on each regular due date or pay date.  
8 The employer may deduct from the assigned amount an  
9 administrative fee of not more than Two Dollars (\$2.00) per  
10 month.

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

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



Office of the Attorney General  
Territory of Guam

Elizabeth Barrett-Anderson  
Attorney General

Donald L. Paillette  
Chief Deputy Attorney General

Phone: (671) 472-6841-4  
Telefax: (671) 472-2493  
Telex: (650) 697-5352

February 13, 1990

Senator Pilar C. Lujan  
Chairperson, Committee on Judiciary  
and Criminal Justice  
Twentieth Guam Legislature  
163 Chalan Santo Papa  
Agana, Guam 96910

Dear Madam Chairperson and Members of the Committee:

Enclosed herein please find a copy of the proposed bill to authorize an expedited judicial process for child support proceedings and to create other new provisions relating to Superior Court.

The Child Support Enforcement Office, which administers Title IV-D of the Social Security Act, was informed in late September by the federal government of Guam's IV-D State Plan's disapproval. Our office matter is to be set for hearing.

Please be advised that approval of Guam's IV-D State Plan is dependant upon the implementation of an expedited process, failure to do so would result in the loss of the territory's federal IV-D program funding which is approximately \$850,000 and may result in reductions in Guam's Title IV-A federal funding, which is \$3.8 million dollars.

The implementation of the expedited process would also result in an increase in Child Support orders which should reduce the number of dependant children on welfare and reduce the taxpayers' burden.

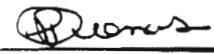
Your immediate attention to this matter is appreciated. Please feel free to contact me or Karen E. Keeler at 477-2036 if you have any questions.

Respectfully,

  
ELIZABETH BARRETT-ANDERSON

Enclosure

eba7/mbb031

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	
Time	3:15 P.M.
20246	

TWENTIETH GUAM LEGISLATURE  
1990 (Second) Regular Session

Bill No. \_\_\_\_\_

Introduced by: \_\_\_\_\_

AN ACT TO TRANSFER CHILD SUPPORT  
ENFORCEMENT OFFICE FROM DEPARTMENT  
OF PUBLIC HEALTH AND SOCIAL SERVICES  
TO THE DEPARTMENT OF LAW

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

2 Section 1. The Legislature approves and ratifies the  
3 Reorganization Plan adopted by the Department of Public  
4 Health and Social Services and the Department of Law  
5 pursuant to Executive Order No. 89-6 and Public Law 17-81,  
6 Chapter IV, Title VI of the Government Code. All personnel  
7 serving in positions in the Child Support Enforcement Office  
8 that have been identified for transfer shall be transferred  
9 to the Department of Law without loss of seniority, person-  
10 nel status or benefits accruing to them at the time of  
11 transfer. All records, files and equipment under control of  
12 the Child Support Enforcement Office of the Department of  
13 Public Health and Social Services are transferred to the  
14 Department of Law.

15 Section 2. 10 GCA §2801 is amended to read:

16 "§2801. Definitions. As used in this Article:

17 (1) 'Absent parent' means any person who is  
18 responsible for the support of a child, who is absent from  
19 the household whether such person's location is known or  
20 unknown, and who fails to provide for the support of such  
21 child.



TWENTIETH GUAM LEGISLATURE  
1990 (Second) Regular Session

Bill No. \_\_\_\_\_

Introduced by:

P.C. Lujan

---

AN ACT TO CREATE AN EXPEDITED  
JUDICIAL PROCESS FOR CHILD SUPPORT  
PROCEEDINGS AND TO CREATE OTHER NEW  
PROVISIONS RELATING TO SUPERIOR COURT;  
REPEALING AND REENACTING 10 GCA §2830.

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

2 Section 1. A new Chapter 6 of Title 19 of the Guam  
3 Code Annotated is added to read as follows:

4 "§6101. Authorization for Expedited Judicial  
5 Process; Court Referees.

6 (a) There is hereby created an expedited judicial  
7 process which shall be a division of the Superior Court to  
8 be designated the 'Judicial Hearings Division'.

9 (b) The Judicial Hearings Division shall be a  
10 court of record administered by one or more referees  
11 appointed by the presiding judge of the Superior Court. A  
12 referee shall serve at the pleasure of the presiding judge.

13 (c) The amount and rate of compensation, and the  
14 duties of court referees appointed pursuant to this chapter  
15 shall be fixed by the Judicial Council, provided, however,  
16 that a person so appointed shall be an attorney licensed to  
17 practice law on Guam."



**PILAR C. LUJAN**  
**SENATOR • LEGISLATIVE SECRETARY**  
**CHAIRMAN — Committee on Judiciary and Criminal Justice**

February 16, 1990

The Honorable Joseph F. Ada  
Governor of Guam  
Executive Chambers  
Territory of Guam  
Agana, Guam 96910

Dear Governor Ada:

I have been informed of the urgent need for the creation of a Judicial Hearings Division in the Superior Court to prevent the loss of \$3.8 million in federal funds. The federal audit in September which resulted in the loss of \$850,000 in child support funding clearly dictates the establishment of such Division before the next audit in April. To avoid the loss of the federal funds, I am calling for an emergency hearing on the two measures which should provide assurance that the log jam of 1,900 child support orders can be processed.

I have written to the Presiding Judge on this same matter, and have informed the pertinent government agencies of the need for their presence at the public hearing on the following measures which were introduced on February 15, 1990:

**Bill 1220 - AN ACT TO CREATE AN EXPEDITED JUDICIAL PROCESS FOR CHILD SUPPORT PROCEEDINGS AND TO CREATE OTHER NEW PROVISIONS RELATING TO THE SUPERIOR COURT; REPEALING AND RE-ENACTING 10 GCA §2830.**


**Bill 1222 - AN ACT TO TRANSFER THE CHILD SUPPORT ENFORCEMENT OFFICE FROM THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES TO THE DEPARTMENT OF LAW.**

The Committee on Judiciary and Criminal Justice will convene at **9:00 a.m. on Wednesday, February 21, 1990, in the Legislative Session Hall** to hear testimony on the above mentioned bills and others which had been previously scheduled.

The Committee welcomes your testimony, or that of a representative at this important hearing. Copies of the bills are attached for your information. Please provide your **original written testimony** and at **least 20 copies** to the committee.

Thank you for your attention regarding this matter.

Sincerely,

  
Pilar C. Lujan



**PILAR C. LUJAN**  
**SENATOR • LEGISLATIVE SECRETARY**  
**CHAIRMAN — Committee on Judiciary and Criminal Justice**

February 16, 1990

Mr. Wilfred G. Aflague  
Director  
Department of Administration  
Agana, Guam 96910

Dear Mr. Aflague:

I have been informed of the urgent need for the creation of a Judicial Hearings Division in the Superior Court to prevent the loss of \$3.8 million in federal funds. The federal audit in September which resulted in the loss of \$850,000 in child support funding clearly dictates the establishment of such Division before the next audit in April. To avoid the loss of the federal funds, I am calling for an emergency hearing on the two measures which should provide assurance that the log jam of 1,900 child support orders can be processed.

I have written to the Governor and the Presiding Judge on this same matter, and have informed the pertinent government agencies of the need for their presence at the public hearing on the following measures which were introduced on February 15, 1990:

Bill 1220 - AN ACT TO CREATE AN EXPEDITED JUDICIAL PROCESS FOR CHILD SUPPORT PROCEEDINGS AND TO CREATE OTHER NEW PROVISIONS RELATING TO THE SUPERIOR COURT; REPEALING AND RE-ENACTING 10 GCA §2830.

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Thank you for your attention regarding this matter.

Sincerely,

  
Pilar C. Lujan



**PILAR C. LUJAN**  
**SENATOR • LEGISLATIVE SECRETARY**  
**CHAIRMAN — Committee on Judiciary and Criminal Justice**

February 16, 1990

Dr. Leticia Espaldon  
Director  
Department of Public Health  
& Social Services  
P. O. Box 2816  
Agana, Guam 96910

Dear Dr. Espaldon:

I have been informed of the urgent need for the creation of a Judicial Hearings Division in the Superior Court to prevent the loss of \$3.8 million in federal funds. The federal audit in September which resulted in the loss of \$850,000 in child support funding clearly dictates the establishment of such Division before the next audit in April. To avoid the loss of the federal funds, I am calling for an emergency hearing on the two measures which should provide assurance that the log jam of 1,900 child support orders can be processed.

I have written to the Governor and Presiding Judge on this same matter, and have informed the pertinent government agencies of the need for their presence at the public hearing on the following measures which were introduced on February 15, 1990:

Bill 1220 - AN ACT TO CREATE AN EXPEDITED JUDICIAL PROCESS FOR CHILD SUPPORT PROCEEDINGS AND TO CREATE OTHER NEW PROVISIONS RELATING TO THE SUPERIOR COURT; REPEALING AND RE-ENACTING 10 GCA §2830.

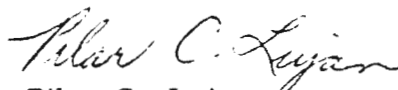
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Thank you for your attention regarding this matter.

Sincerely,

  
Pilar C. Lujan



**PILAR C. LUJAN**  
**SENATOR • LEGISLATIVE SECRETARY**  
**CHAIRMAN — Committee on Judiciary and Criminal Justice**

February 16, 1990

Atty. Elizabeth Barrett-Anderson  
Attorney General  
Department of Law  
238 Archbishop Flores St.  
7th Floor Pacific Daily News Bldg.  
Agana, Guam 96910

Dear Atty. Gen. Barrett-Anderson:

I have been informed of the urgent need for the creation of a Judicial Hearings Division in the Superior Court to prevent the loss of \$3.8 million in federal funds. The federal audit in September which resulted in the loss of \$850,000 in child support funding clearly dictates the establishment of such Division before the next audit in April. To avoid the loss of the federal funds, I am calling for an emergency hearing on the two measures which should provide assurance that the log jam of 1,900 child support orders can be processed.

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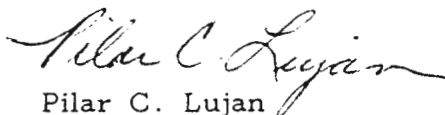
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Thank you for your attention regarding this matter.

Sincerely,

  
Pilar C. Lujan



**PILAR C. LUJAN**  
**SENATOR • LEGISLATIVE SECRETARY**  
**CHAIRMAN — Committee on Judiciary and Criminal Justice**

February 16, 1990

The Honorable Alberto C. Lamorena III  
Presiding Judge  
Superior Court of Guam  
110 West O'Brien Drive  
Agana, Guam 96910

Dear Presiding Judge Lamorena:

I have been informed of the urgent need for the creation of a Judicial Hearings Division in the Superior Court to prevent the loss of \$3.8 million in federal funds. The federal audit in September which resulted in the loss of \$850,000 in child support funding clearly dictates the establishment of such Division before the next audit in April. To avoid the loss of the federal funds, I am calling for an emergency hearing on the two measures which should provide assurance that the log jam of 1,900 child support orders can be processed.

I have written to the Governor on this same matter, and have informed the pertinent government agencies of the need for their presence at the public hearing on the following measures which were introduced on February 15, 1990:

Bill 1220 - AN ACT TO CREATE AN EXPEDITED JUDICIAL PROCESS FOR CHILD SUPPORT PROCEEDINGS AND TO CREATE OTHER NEW PROVISIONS RELATING TO THE SUPERIOR COURT; REPEALING AND RE-ENACTING 10 GCA §2830.


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The Committee welcomes your testimony, or that of a representative at this important hearing. Copies of the bills are attached for your information. Please provide your **original written testimony** and at **least 20 copies** to the committee.

Thank you for your attention regarding this matter.

Sincerely,

  
Pilar C. Lujan



**PILAR C. LUJAN**  
**SENATOR • LEGISLATIVE SECRETARY**  
**CHAIRMAN — Committee on Judiciary and Criminal Justice**

February 16, 1990

Mr. Michael J. Reidy  
Director  
Bureau of Budget & Management Research  
Adelup, Guam

Dear Mr. Reidy:

I have been informed of the urgent need for the creation of a Judicial Hearings Division in the Superior Court to prevent the loss of \$3.8 million in federal funds. The federal audit in September which resulted in the loss of \$850,000 in child support funding clearly dictates the establishment of such Division before the next audit in April. To avoid the loss of the federal funds, I am calling for an emergency hearing on the two measures which should provide assurance that the log jam of 1,900 child support orders can be processed.

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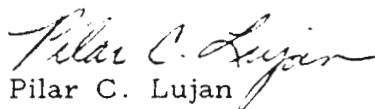
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Thank you for your attention regarding this matter.

Sincerely,

  
Pilar C. Lujan



PERRY C. TAITANO

Administrative Director of the Courts

## Superior Court of Guam

JUDICIARY BUILDING • 110 W. O'BRIEN DRIVE  
AGANA, GUAM 96910  
TELEPHONE (671) 472-8956/9

February 20, 1990

Senator Pilar C. Lujan  
Chairperson  
Committee on Judiciary,  
Justice & Criminal Justice  
163 Chalan Santo Papa  
Agana, Guam 96910

**RE: Input on Bills 1220 & 1222**

Dear Senator Lujan:

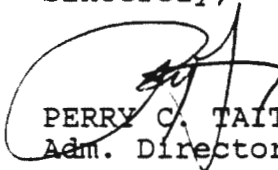
We are in receipt of your letter dated February 16, 1990, with attached copies of Bills 1220 and 1222 respectively, which are the focus of today's public hearing.

Bill No. 1220, in particular, will need initial review by Presiding Judge Lamorena, as it impacts directly on judicial services currently provided by the Superior Court of Guam.

Since Presiding Judge Lamorena is presently off-island attending status hearings with the Commission on Self Determination, we respectfully request that our input and/or testimony be submitted to your office at a later date.

Should you desire further discussion regarding this request, please call me directly.

Sincerely,

  
PERRY C. TAITANO  
Adm. Director of the Courts

OFFICE OF THE LEGISLATIVE SECRETARY  
ACKNOWLEDGMENT RECEIPT

Received By TXC

Time 8:40 AM

Date 2/23/90 202508





PERRY C. TAITANO

Administrative Director of the Courts

## Superior Court of Guam

JUDICIARY BUILDING • 110 W. O'BRIEN DRIVE  
AGANA, GUAM 96910  
TELEPHONE (671) 472-8956/9

February 20, 1990

Senator Pilar C. Lujan  
Chairperson  
Committee on Judiciary,  
Justice & Criminal Justice  
163 Chalan Santo Papa  
Agana, Guam 96910

**RE: Input on Bills 1220 & 1222**

Dear Senator Lujan:

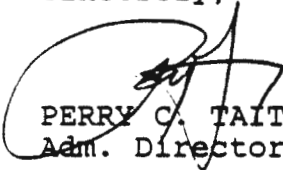
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PERRY C. TAITANO  
Adm. Director of the Courts

OFFICE OF THE LEGISLATIVE SECRETARY

ACKNOWLEDGMENT RECEIPT

Received By TKC

Time 8:40 AM

Date 2/23/90 202508



**PILAR C. LUJAN**  
**SENATOR • LEGISLATIVE SECRETARY**  
**CHAIRMAN — *Committee on Judiciary and Criminal Justice***

**PUBLIC HEARING**  
**A G E N D A**

**9:00 A.M., WEDNESDAY, FEBRUARY 21, 1990**  
**Legislative Session Hall**

**Bill 798** - AN ACT RELATING TO LAW CLERKS; ADDING NEW SECTION TO TITLE XXIX OF THE GOVERNMENT CODE; AND CREATING NEW PROVISIONS.

**Bill 801** - AN ACT TO ADD NEW SECTIONS 28013.1 AND 28013.2 TO TITLE XXIX OF THE GOVERNMENT CODE CONCERNING LAW CLERKS, TO AUTHORIZE AN ADDITIONAL THREE (3) FTE POSITIONS IN THE DEPARTMENT OF LAW, AND TO APPROPRIATE FUNDS THERETO.

**Bill 799** - AN ACT TO ADD A NEW CHAPTER 58A TO 10 G.C.A. TO LICENSE AND REGULATE BURGLARY AND ROBBERY ALARMS.

**Bill 850** - AN ACT TO ADD A NEW CHAPTER 58A TO 10 G.C.A. TO LICENSE AND REGULATE BURGLARY AND ROBBERY ALARMS.

**Bill 915** - AN APPROPRIATION OF TWO HUNDRED AND FIFTY THOUSAND DOLLARS TO THE GUAM POLICE DEPARTMENT FROM THE GENERAL FUND FOR THE PURCHASE OF A COMPREHENSIVE COMPUTERIZED PUBLIC SAFETY INFORMATION SYSTEM.

**Bill 1063** - AN ACT TO ESTABLISH A CORRECTIONAL DISCIPLINARY CAMP AS A CRIMINAL SENTENCING OPTION, AND TO AMEND SECTION 80.10 OF 9 G.C.A. ACCORDINGLY.



**Elizabeth Barrett-Anderson**  
*Attorney General*

**Office of the Attorney General  
Territory of Guam**

**Donald L. Paillette**  
*Chief Deputy Attorney General*

Phone: (671) 472-6841-4  
Telefax: (671) 472-2493  
Telex: (650) 697-5352

February 21, 1990

Senator Pilar C. Lujan  
Chairperson, Committee on Judiciary  
and Criminal Justice  
Twentieth Guam Legislature  
Agana, Guam 96910

Re: Bill # 1220, Expedited Judicial Process

Dear Madam Chairwoman and Members of the Committee:

The Child Support Enforcement Office, which administers Title IV-D of the Social Security Act, was informed in late September by the federal government of Guam's IV-D State Plan's disapproval. Our office has appealed and the matter is pending for hearing.

Approval of Guam's IV-D State Plan is dependant upon the implementation of an expedited process, failure to do so would result in the loss of the territory's federal IV-D program funding which is approximately \$850,000 and may result in reductions in Guam's Title IV-A federal funding, which is \$3.8 million dollars.

Under the Office of the Attorney General, the Child Support Enforcement Office has pursued its goal to further the compelling public interest in safeguarding the child's constitutional rights, protecting the taxpayers, and assuring that the primary obligation for child support falls on the parents.

From March of 1989 to the end of FY'89, Child Support Enforcement Office reviewed all case files and determined the appropriate action that needed to be taken to ensure that paternity and support had been established or will be established.

All ongoing cases are now placed in a numerical system, which identifies them as either local cases or off-island (URESAs) cases, welfare (AFDC) or non-welfare cases and whether or not a child support order has been established.

Senator Pilar C. Lujan  
Re: Bill 1220  
February 21, 1990

The results of placing the cases in a numerical system and properly identifying them has benefited the program such that the Child Support Enforcement Office can now tell whether or not the court ordered support is being paid. It has been determined that out of approximately 2,300 cases with support orders, only about 450 absent parents are actually paying. Child Support Enforcement Office is targeting all those individuals for immediate wage assignment and interception of the absent parent's income tax refund. Child Support Enforcement Office also has approximately 2,000 cases wherein paternity and welfare reimbursement needs to be established.

In addition to the cases now pending at CSEO each month, the Department of Public Health & Social Services refers approximately 25 new welfare/medicaid cases to CSEO. The Child Support Enforcement Office received about 15 non-welfare applicants and in FY'91 the Department of Public Health & Social Services will be referring food stamp recipients for Child Support services.

The implementation of the expedited process will result in an increase in Child Support Orders which will reduce the number of dependent children on welfare and reduce the taxpayer's burden.

It should also be noted that the Expedited Process will cost the territory less to establish and enforce Child Support obligations by using hearing officers instead of Superior Court judges. Furthermore, to the extent that establishment and enforcement activities can be reimbursed by the federal government at the appeared federal financial participation rate. Implementation can decrease the territory's expenditures (use of court time) while increasing the territory's revenues which are derived from support obligations.

Sincerely,

  
ELIZABETH BARRETT-ANDERSON

cc: Governor



DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES

GOVERNMENT OF GUAM

P. O. BOX 2816

AGANA, GUAM 96910



FEB 21 1990

Senator Pilar C. Lujan  
Senator, Legislative Secretary  
Chairman - Committee on Judiciary and Criminal Justice

Dear Senator Lujan:

This is to inform you that we have received your letter of February 16, 1990, concerning the two Bills that you have introduced to avert future federal sanctions due to non-compliance of Child Support requirements.

I am pleased to see that action is being taken by you and your committee to assist the Department to comply with federal mandates.

Unfortunately, we are not able to prepare comments for the hearing scheduled at 9:00 a.m. on Wednesday, February 21, 1990, because we only received your letter on Tuesday, February 20, 1990, at 3:50 p.m. However, we will prepare and submit our comments at a later date.

Should you have any questions, please call me.

Sincerely,

LETICIA V. ESPALDON, M.D.



DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES

GOVERNMENT OF GUAM  
P. O. BOX 2816  
AGANA, GUAM 96910



FEB 21 1990

Senator Pilar C. Lujan  
Senator, Legislative Secretary  
Chairman - Committee on Judiciary and Criminal Justice

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Sincerely,

  
LETICIA V. ESPALDON, M.D.  
LETICIA V. ESPALDON, M.D.

First of all, I want you to know how disappointed I was to read that the Child Support Enforcement Office allowed the loss of \$850,000 in child support funding and how they stand to lose another \$4.65 million in federal funds if they do not take action before April. However, I was not surprised.

I want you to know how inefficient the Child Support Enforcement Office is. I know. I have been fighting for child support through their office since 1975. It has not been an easy task and sometimes I wonder if the little money they have been able to acquire for me is even worth my time.

I have lost much possible income because of this office. I have asked for a raise since 1981 in the measley \$125.00 a month for my son's support. To this date, the Child Support Enforcement Office has not yet been able to acquire that for me. It has been 9 years now. All the money I could have been getting for those 9 years is forever lost because of their inability to procure a just increase. \$125.00 is not much to feed, clothe, and educate a growing boy who has now grown to be a junior in college without even receipt of the initial \$125.

Many times, the Child Support Enforcement Office has failed to follow up on my case, and when I call to request a follow up after no response in 6 week's time, I have been told by my caseworker, "Boy, you are aggressive, aren't you?" Do you consider 15 years of waiting for support owed my son, aggressive?

I even tried, myself, to write directly to the Child Support Division in the state where my husband resides. They would only respond to me via the Child Support Enforcement Office here, which did no good.

I have tried to go past my caseworker to complain to the lawyers, and have talked numerous times to numerous lawyers in that office over the years--to no avail. I am still not receiving the child support stipulated in a court order. I have even been told by those same lawyers, "Why didn't you apply for welfare to support your son all these years?" Why should I depend on welfare when my ex-husband has the money to support the child he fathered?

I have even gone to Mr. Paillette, deputy director of that office, to complain of the inefficiency of its operation. That was 4 months ago, and I still have not received any evidence of possible receipt of the money owed my son. He informed me that all these years I could have hired my own private lawyer. Why should I have to do that when we are supposed to have an office, paid for by our taxes, specifically to help single parents who do not have the money to waste on a lawyer.

I called in when the Child Support Enforcement Office was featured on Cable Forum. They said they would help. That was months ago. Still no action.

I even went so far as to try to get a job in the Child Support Office to try to help them get organized. I was not selected as a result of 2 job

Finally, as a last resort because my son will be 21 this year and will be needing the money to pay off his student loan when he graduates from college next year. I went to the Suruhanu almost 2 months ago. He is now trying to help me

I am here to support the bills you are sponsoring in the hopes that the Child Support Enforcement Office can begin to perform its duties. I hope somewhere in this new expedited judicial process you can include additional training in procedures for its employees as they have wasted much time at cost to their clients by following the wrong steps.

Specifically, I object to Section 5 of Bill No. 1222. I feel the flat fee of \$25.00 should be collected from the absent parent, not the non-AFDC client (usually the custodial parent) who is in need of every dollar

Second, in Section 5 (1) does it mean the fee will be charged for initial complaints in every state every time the absent parent changes residency, which is often the case to avoid child support? If so, this should not mean another incurred charge and it should be paid by the absent parent

Third, in Section 5 (2) it states a fee can be charged for each initiated complaint in a URESA action. I myself have initiated many complaints and have to this date received no support yet from many of the complaints entered. Can this fee be charged to the absent parent to encourage payment the first time

Fourth, Section 8 (a) states the Department shall send written notice to the obligor that withholding will be made from any tax refund which the government of Guam owes him. Can this read federal tax refund as well for absent parents who reside in the states. Also, can this notice be mailed after January 1 so the obligor will not be able to plan not to receive a tax refund, or if the obligor has strategically arranged not to receive a refund, can it read that his wages will be garnished?

Fifth, Section 9 line 23-31 reads the court shall assign to the Clerk of the Superior Court that portion of the salary or wages...due...as will be sufficient to pay the amount ordered by the court for support, maintenance, and education. Does this mean in the states too, if not can it include that, and does education mean private as well as public, and can it include that?

Sixth, Section 9 (b) can the administrative fee read that it be only deducted from the absent parent's wages?

The only thing that concerns me is what have our tax dollars been used for by the Child Support Enforcement Office all these years? I can only hope this new organization will improve the current situation. Thank you for your time and efforts to help support our children.





**PILAR C. LUJAN**  
**SENATOR • LEGISLATIVE SECRETARY**  
**CHAIRMAN — Committee on Judiciary and Criminal Justice**

March 14, 1990

RECEIVED

MAR 14 1990

Honorable Alberto C. Lamorena III  
Presiding Judge  
Superior Court of Guam  
110 W. O'Brien Drive  
Agana, Guam 96910

SUPERIOR COURT OF GUAM  
JUDGE LAMORENA'S  
CHAMBER

Dear Judge Lamorena:

In an effort to strengthen the island judiciary, I write respectfully requesting a roundtable discussion between the judges and the Committee on Judiciary and Criminal Justice.

The focus of such discussion will center on Bill 102 - An act to establish a Supreme Court of Guam.

While the Committee has received general approval of the measure from the Judicial Branch, there are some points of concern raised which must be addressed.

For nearly six years we have had the opportunity to set up a local appellate court which would better serve the interests of residents than the current procedures in place. As we strive to fulfill this objective, the roundtable discussion scheduled at your earliest convenience will help in shaping a sound and clear higher court.

Lastly, please forward input regarding Bill 1220 - An act to create a Judiciary Hearings Division - in order for the territory to expedite child support orders and to protect federal funds.

Sincerely,

*Pilar C. Lujan*  
PILAR C. LUJAN



**Superior Court of Guam**

Judiciary Building  
110 West O'Brien Drive  
Agana, Guam 96910

Telephone: (671) 472-8961/6  
(671) 472-8956/9



Hon. Alberto C. Lamorena III  
Presiding Judge

March 23, 1990

Honorable Pilar C. Lujan  
Chairperson, Committee on Justice,  
Judiciary and Criminal Justice  
Twentieth Guam Legislature  
P.O. Box CB-1  
Agana, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
RECEIVED	
<i>Dr. Lujan</i>	
Time	<i>3:30 pm</i>
Date	<i>3/20/90 202714</i>

Dear Senator Lujan:

This letter is to request for recruitment of personnel under the Superior Court of Guam, Courts & Ministerial Division relative to the introduction of Bill No. 1220,

**"An Act to Create an Expedited Judicial Process for Child Support Proceedings and to Create Other new Provisions relating to Superior Court; Repealing and Reenacting 10 GCA §2830."**

In view of the newly created judicial process for Child Support Proceedings, which shall be a division of the Superior Court to be designated the "Judicial Hearings Division", the following enumerates the division's justification for new positions.

This request is essential in accommodating the judicial hearing division in the administration of filing documents and expediting the processing of child support cases. The support in the court operations includes, and is not limited to, processing of court documents, preparing of docket sheets and producing of transcript on court proceedings.

**110 - PERSONNEL SERVICES**

**Two (2) Assistant Clerk I Positions:**

The request for a new Assistant Clerk I position is to assist in preparing, filing, and retrieving cross-reference index cards.

Two (2) Assistant Clerk II Positions:

The request for new Assistant Clerk II positions is for the preparation of docketing procedures. This is an essential part of the Clerk's Office as a result of the decision rendered in the case of Mark Shapiro vs. Roy Sullivan, et al., mandating the preparation of docket sheets in all court proceedings.

One (1) Deputy Clerk IV Position:

The Deputy Clerk IV position is requested to oversee the operation of the child support division, and serve as clerk in recording of information conducted in court hearings. This is a requirement since the newly created division is a court of record being conducted by a referee with a clerk recording all information conducted during the court hearing.

One (1) Electronic Court Reporter II Position:

An Electronic Court Reporter II position is requested for the preparation of court transcripts of Child Support Proceedings. This will ensure that the court records or scheduled hearings of cases before the referee are expediently processed for child support proceedings.

This legislation will effectively and efficiently reduce the increased number of referred and pending cases. Chief Deputy Attorney General Donald L. Paillette has reported that the last quarter report for Fiscal Year 1989 reflects 4,099 Aide to Families with Dependent Children (AFDC) cases and Non-Aide to Families with Dependent Children. This statistical data averages 62 new referrals per month.

The report also reveals that during the period covering October 1, 1989 through February 28, 1990, there were 223 child support cases filed. The 223 cases will undoubtedly initiate court proceedings. This will therefore require the processing of court documents. With the newly created judicial hearing division, an increase in caseload is anticipated by this court. The creation of the judicial process will accelerate the efforts in enforcement of child support that is to keep the case active until final disposition. There is also an action that will require a case file to be heard as a follow-up with more than three court proceedings in an effort to satisfy the handling of child support caseload.



**PILAR C. LUJAN**  
**SENATOR • LEGISLATIVE SECRETARY**  
**CHAIRMAN — *Committee on Judiciary and Criminal Justice***

April 3, 1990

Senator Carl T.C. Gutierrez  
Chairman, Committee on Ways & Means  
20th Guam Legislature  
Agana, Guam

Dear Senator Gutierrez:

Please find attached a copy of Substitute Bill 1220 and correspondence from Superior Court Presiding Judge Alberto C. Lamorena, III requesting additional FTE's for implementing an expedited process for child support.

As you may be aware, the Territory has already lost \$850,000 in federal funding and stands to lose an additional \$3.8 million if the measure is not passed by April when federal auditors visit again.

While we can curse the darkness and point to the Administration's failure to bring this matter to our attention earlier, we must nevertheless proceed with haste in passing the measure.

The Presiding Judge has noted personnel needed and I ask for your favorable consideration in waiving your committee's review given the time constraints.

Should you have any questions, please call me.

Sincerely,

*Pilar C. Lujan*  
PILAR C. LUJAN

Honorable Pilar C. Lujan  
March 23, 1990  
Page 3

We have learned from past experience the necessity of follow-up due to non-compliance by individuals.

Your Committee's favorable consideration and approval will be greatly appreciated.



**ALBERTO C. LAMORENA, III**  
Presiding Judge