

1 as it relates to child custody, only if the party not moving for the
2 modification is notified [~~by certified or registered mail~~] by personal
3 service if located on Guam. [~~certified or registered mail~~] or served in
4 the same manner in required for service [~~or~~] of a summons and
5 complaint.

6 **Section 5.** Subsection 2830.1 of Title 10, Guam Code Annotated, is
7 repealed and reenacted to read:

8 "Subsection 2830.1 Mandatory wage assignments. It is the intent
9 of the Legislature that child support be paid by mandatory wage
10 assignments.

11 Therefore:

12 (a) To the greatest extent possible, support orders shall
13 provide mandatory wage assignments to cover support
14 obligations.

15 (b) (1) In all cases in which the [Department of Law]
16 child support is at issue, all court orders shall provide for
17 mandatory wage assignment, and only basis for contesting such
18 an assignment shall be a mistake of fact in the amount of current
19 or overdue support or the identity of the alleged parent.

20 (c) [(2)] Exceptions to mandatory wage assignments:

21 (1) [(a)] Either the obligor or obligee demonstrates
22 and the court finds that there is good cause not to require a
23 wage assignment. The court must make a written
24 determination that it would be in the best interest of the
25 child [or] or children and there is proof of timely payment of
26 previously court ordered support.

27 (b) ~~—The court finds that a written agreement~~
28 ~~between the obligor and the obligee provides that the~~
29 ~~alternative agreement will provide uninterrupted support~~
30 ~~to the family, obligor is current in his/her support payments~~
31 ~~and the obligor meets any other conditions determined by~~
32 ~~the court to ensure full and timely payment of support.~~

33 (2) [(e)] In any case where there are minor
34 children, the court must have a hearing on any interlocutory
35 divorce decree or order establishing or modifying custody of
36 minor children if the order provides for less than One Hundred

1 Dollars (\$100) support per minor child per month if the order does
2 not provide for mandatory wage assignment. Because of the
3 declared public policy on favor if adequate child support paid by
4 mandatory wage assignment, in any case, including
5 guardianships, involving minor children where a party is
6 requested less than One Hundred Dollars (\$100) per minor child
7 per month as child support, or where a party is requesting a
8 support order without mandatory wage withholding, the Family
9 Division of the Attorney General's Office shall be given three (3)
10 days' of notice at the proposed hearing, and may appear at such
11 hearing, call and cross-examine witnesses, present evidence,
12 make recommendations and may request a continuance for
13 purposes of conducting discovery.

14 (3) ~~[(d)] [Where appropriate, in the interest of—~~
15 ~~expeditious but thorough administration of justice,]~~ The court, on
16 its own motion may, in such cases, join the Attorney General and
17 may, on its own motion, make fair and equitable support orders.
18 [t] The notice to the Family Division shall include a copy of the
19 Child Support Worksheet of the party giving notice and any other
20 information available to the party sending the notice reasonably
21 necessary to reach an informed decision on the issues presented.
22 Failure to give such adequate notice shall be cause for that part of
23 the judgement, decree, or other relating to child support to be set
24 aside or modified nunc pro tunc within ~~[two (2)]~~ one (1) year [s].
25 In such case, the court shall enquire as the reason that the order
26 or decree does not provide for child support of at least One
27 Hundred Dollars (\$100) per minor per month, or the reason that
28 the mandatory wage assignment is not appropriate, and the
29 court shall satisfy itself by a preponderance of the evidence that
30 child support of less than One Hundred Dollars (\$100) per minor
31 child per month is appropriate or that an order of mandatory
32 wage assignment is not appropriate, before issuing the decree or
33 order, and shall set forth such reasons in the written decree or
34 order.

35 (4) [(e)] All current orders for child support,
36 spousal support, and family support issued by the Superior Court

1 of Guam for specific amount of periodic payments to the obligee
2 are hereby declared subject to enforcement by wage assignment.
3 In addition to all others remedies available, a wage assignment
4 may be issued as to any support orders prospectively as to future
5 payments only, upon ex parte applications of the obligor, by the
6 Superior Court. When an ex parte order of assignment issued.
7 The obligor shall be entitled to a hearing on a motion to vacate
8 any such order as having been issued in error on three (3) working
9 days notice to the obligee. An ex parte order of wage assignment
10 shall be issued without having res judicata effect as to other
11 issues without prejudice if an ex parte order of assignment has
12 issued.

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

16 **Section 6.** Subsection (a) of Section 3110 of Title 10, Guam Code
17 Annotated is to read as follows:

18 "Section 3110(a). The certificate of live birth for any live
19 birth occurring on or after [~~January 1, 1993~~] 45 days from the effective
20 date of this act, and shall contain those items necessary to establish the
21 fact of the birth and shall contain at least the following information (if
22 known):

- 23 (1) Full name and sex
24 (2) Date of Birth, including month, day, hour and year.
25 (3) Planned place of birth and place of birth.
26 (4) Full name of father, Social Security Number,
27 birthplace, and date of birth of father including
28 month, day and year, to be indicated thereon whether
29 or not the child is legitimate. If the child is illegitimate,
30 for so long as the child is not legitimate, the father's
31 name on the birth certificate shall be footnoted as
32 follows:

33 The above named father is not the presumptive
34 father of the child and no presumption exists as
35 to any father child relationship.

- 36 (5) Full birth name of mother , Social Security Number,

1 birthplace, and date of birth of mother including
2 month, day and year.

3 (6) Multiple births and birth order of multiple births.

4 (7) Signature, and relationship to child, of a parent or
5 other informant, and date signed.

6 (8) Name, title, mailing address of attending physician
7 and surgeon or principal attendant, signature and
8 certification of live birth by attending physician and
9 surgeon or principal attendant or certifier, date s
10 signed, and name and title of certifier of other than
11 attending physician and surgeon or principal
12 attendant.

13 (9) Date accepted for registration and signature of local
14 registrar.

15 **Section 7.** A new subsection (h) is added to Section 3110 of Title 10,
16 Guam Code Annotated, to read:

17 "(h) Informational Notice Advising Mother of Newborn of
18 Right to Retroactive Support and to Have Certificate Mailed to
19 Father:

20 Distribution. The Territorial Registrar of Vital
21 Statistics, the Department of Law, and the Guam Memorial
22 Hospital Authority shall cooperatively develop an informational
23 notice which advises the single mother of a newborn child of her
24 right to child support . The notice shall also advise the mother of
25 her right to have an original certificate of birth mailed to the
26 father free of charge."

27 [~~Section 8. Subsection 4105.1 is hereby added to Title 19, Guam Code~~
28 ~~Annotated to read:~~

29 "~~Subsection 4105.1 (b) The liability for support of the minor~~
30 ~~child shall in any case begin no earlier than from the time of the filing of~~
31 ~~the action in court."~~]

32 **Section 8.** Subsection 8166 of Title 4, Guam Code Annotated is
33 amended to read:

34 "Subsection 8166. Right to Annuity. The right to a
35 retirement, disability annuity, survivor's annuity or benefit, death
36 benefit or any other benefit under the provisions hereof, or refund, by

1 whatever name called, is personal with the recipient, thereof and the
2 assignment or transfer of such benefit, refund, or any part thereof,
3 shall be void, except [is] as herein provided. Any such benefit, or
4 refund shall not answer for debts contracted by the person receiving the
5 same, and it is the intention of this Chapter that the same shall not be
6 attached by any judicial proceeding, except for orders issued by the
7 Superior Court of Guam for payment of child support, whether in
8 arrears or not, which may also include, but is not limited to, wage
9 assignments and writs of attachment which specifically orders the
10 retirement fund to pay some part of the members benefits for support;
11 and except for court orders issued by the Superior Court of Guam in
12 divorces dividing community property, interests but, only in cases
13 where the court finds that the parties were married for at least 10 years
14 during which years the member worked for Government of Guam
15 accumulating retirement benefits and in the case of division of
16 retirement benefits in a divorce, which specifically orders the
17 retirement fund to pay some part of the member's benefits to the prior
18 spouse. Any such funds [for child support] to be collected from the
19 retirement fund pursuant to such orders shall be payable to the obligee
20 only at the time the funds would otherwise be released to the member."

21 **Section 9.** A new section (f) is added to Subsection 2805 of Title 10,
22 Guam Code Annotated to read:

23 "(f). If any child support action or paternity action [brought by
24 the Department] in which the government appears, the Attorney
25 General represents solely the interest of the Territory in establishing
26 paternity and in providing child support enforcement services under
27 federal and local law. Nothing in this section may be construed to
28 modify statutory mandate, authority or confidentiality required of any
29 government agency, nor does representation by the Attorney General
30 create an attorney-client relationship between the attorney and any
31 party, other than the Territory. The mandate of the Attorney General
32 in child support cases is to take all steps necessary to obtain fair and
33 equitable child support from all persons liable therefore, and to
34 represent the interests of the Government of Guam."

35 **Section 10.** Section 2814 of Title 10, Guam Code Annotated is repealed
36 and reenacted to read:

1 "Section 2814. Fee. The Department of Law shall represent those
2 persons not within the federal Aid for Dependent Children Program for
3 the cost on one (\$0.01) cent, which cost the Territory will absorb on
4 behalf of such persons.

5 **Section 11.** Section 2835(b) of Title 10, Guam Code Annotated is
6 amended to read:

7 "(b) No employer may terminate, refuse to hire or otherwise
8 discipline and employee because that employee's earnings are subject to
9 a wage assignment. An employer who violates this Section may be
10 required to make full restitution to the aggrieved employee, including
11 reinstatement, back pay, all benefits accruing on account of
12 employment, as well as court costs and reasonable attorney's fees
13 incurred by the employee in an action to enforce his rights under this
14 Section. Also, in a proceeding to enforce the aggrieved employee's
15 right, the court may impose a fine of up to Two Hundred Dollars
16 (\$200.00) on the employer. This fine shall be payable to the General
17 Fund. Every order of wage assignment must contain notice of this
18 provision."

19 **Section 12.** A new section (b) is added to Subsection 196 of Title II,
20 Chapter I of the Guam Civil Code to read:

21 "~~Subsection 196(b). [Support for the disable- the father as well as~~
22 ~~the mother of a disabled adult child must give him or her support and~~
23 ~~education suitable to his or her circumstances. A civil suit to enforce~~
24 ~~such obligations may be maintained in behalf of a disabled adult child by~~
25 ~~his or her mother or guardian, and in such action the court shall have~~
26 ~~power to order and enforce performance thereof, the same as under~~
27 ~~subsections 138, 139, and 140 of the Guam Civil Code, in a suit for~~
28 ~~divorce by a wife.]~~ If a child residing on Guam is disabled before the age
29 of 18, the court may, at any time before the child reaches the age of 21
30 years, find that both parents (or the surviving parent if one is deceased)
31 have a mutual obligation to support the child beyond the age of
32 majority, and based upon such findings, order either or both of the
33 parents to pay continuing child support for the benefit of such child
34 directly to the child or his guardian, as is appropriate. Such support
35 may be modified in the same manner as child support, may be
36 terminated if no longer needed, shall continue for as long as the child is

1 disabled and requires support and shall be treated as child support for
2 purposes of this Title. Such support may be enforced by the child, the
3 child's guardian, either parent, or the attorney general.

4 The parents may in acknowledged writing or stipulated court
5 order agree that they have a mutual obligation to provide educational
6 assistance to a minor child after the age of majority , and may agree
7 that support shall continue for a child after the age of eighteen (18) for a
8 time certain for purposes of educational assistance. In any case where
9 the parties stipulate that one or both of the parties for the child's
10 education, with the amount of support subject to modification as to
11 amount according to child support Guidelines and the demonstrated
12 needs of the agreement may be enforced by the Attorney General,
13 either parent , or the child if over the age of 18. In such cases, said
14 support shall be treated as child support for purposes of the Title,
15 except that such support shall be paid directly to the child after the age
16 of 18."
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COMMITTEE ON JUDICIARY
AND CRIMINAL JUSTICE
COMMITTEE REPORT
ON
BILL NO. 373

AN ACT TO REPEAL AND REENACT §12103 OF TITLE 19, GUAM CODE ANNOTATED ON REFEREES IN FAMILY MATTERS; TO AMEND SUBSECTION(a) OF §2804 OF TITLE 10, GUAM CODE ANNOTATED ON PATERNITY ACTIONS, BY ADDING ITEM (3) THERETO; TO REPEAL AND REENACT §§2818 AND 2830.1 OF SAID TITLE ON PATERNITY ACTIONS AND WAGE ASSIGNMENTS; TO AMEND §2820.1 AND SUBSECTION (a) OF §3110 OF SAID TITLE 10; TO ADD SUBSECTION(h) TO SAID §3110 ON BIRTH CERTIFICATES, ADD §4105.1 TO TITLE 19, GUAM CODE ANNOTATED AND TO REPEAL AND REENACT §8166 OF TITLE 4, GUAM CODE ANNOTATED ON ANNUITY PAYMENTS FOR CHILD SUPPORTS AND TO ADD A NEW SUBSECTION (f) TO § 2805 OF SAID TITLE 10 AND TO REPEAL AND REENACT § 2814 OF SAID TITLE 10 AND TO AMEND §2835(b) OF SAID TITLE 10 AND TO ADD A NEW SUBSECTION §196(b) OF TITLE II OF CHAPTER I OF THE GUAM CIVIL CODE, TO INCLUDE THE DISABLED ADULTS TO RECEIVE "CHILD SUPPORT" AFTER THE AGE OF EIGHTEEN (18).

PREFACE

The **Judiciary and Criminal Justice Committee** convened at **1:00 p.m.** Tuesday, April 20, 1993 in the Legislative Public Hearing Room at Agana, Guam to hear testimony on Bill 373.

Committee members alongside of Chairwomen Pilar C. Lujan were Senators Don Parkinson, and Antonio R. Unpingco.

OVERVIEW

In recent years, government efforts to strengthen enforcement of child support 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. In 1990, the Guam Legislature enacted Public Law 20-170 to create an expedited process in order that child support payments be made promptly and not bottlenecked systematically. However, since the passage of that law, technical amendments and experience have necessitated changes. Bill 373 provides for such amendments.

Currently, the Child Support division of the Attorney General's Office is in jeopardy of losing federal funds because of failure to comply with federal regulations concerning mandatory wage assignments.

TESTIMONY

Attorney Robert G. P. Cruz, the court-appointed Referee and Administrative Hearing Officer appeared before the Committee to present testimony both orally and written in favor of bill. (Attachment I)

Attorney Cruz felt that if this bill is to be enacted, it would enable him to fully assist the Superior Court Judges in handling child support cases.

Atty. Cruz also suggested that the Judicial Hearing Division be granted a full-time Paralegal II employee for FY 1993. Atty. Cruz added that the creation of this position would provide for procedural advice to non-custodial parents who are not represented by an attorney, so that they are not solely dependent on the staff of the Family Division.

Mr. Robert Teodosio appeared before the committee and submitted testimony as a non-custodial parent of three children. (Attachment 2)

Mr. Teodosio showed support for the bill and mandatory wage assignments but expressed concerns with the present child support payment system. Mr. Teodosio emphasized that "payments to custodial parents are slow and accounting errors are in the norm".

Carol Butler from the Family Division of the Attorney General's office was present during the hearing representing Deputy Attorney General Karen Keeler. Ms. Butler submitted testimony from Attorney Keeler which she read before the committee. (Attachment 3) Attorney Keeler pointed out in her testimony that certain corrections in transcriptions may materially affect the proposed legislation.

COMMITTEE RECOMMENDATIONS

Recognizing that present statutes concerning child support emphasises parents and not the children, Bill 373 appropriately amends those statutes to focus on the interest of the child. Alongside approving technical amendments which will assist the Child Support Referee in handling cases, the committee believes that child support enforcement will be enhanced.



Moreover, the committee believes that the disabled adult children should be provided and cared for. Therefore Section 13 of the measure is finally supported with the entire bill.

The committee recommends passage of Substitute Bill 373.

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) REGULAR SESSION

Bill No. 373

Introduced by:

P. C. Lujan 
F.R. Santos 

AN ACT TO REPEAL AND REENACT §12103 OF TITLE 19, GUAM CODE ANNOTATED ON REFEREES IN FAMILY MATTERS; TO AMEND SUBSECTION(a) OF §2804 OF TITLE 10, GUAM CODE ANNOTATED ON PATERNITY ACTIONS, BY ADDING ITEM (3) THERETO; TO REPEAL AND REENACT §§2818 AND 2830.1 OF SAID TITLE ON PATERNITY ACTIONS AND WAGE ASSIGNMENTS; TO AMEND §2820.1 AND SUBSECTION (a) OF §3110 OF SAID TITLE 10; TO ADD SUBSECTION (h) TO SAID §3110 ON BIRTH CERTIFICATES, ADD §4105.1 TO TITLE 19, GUAM CODE ANNOTATED AND TO REPEAL AND REENACT §8166 OF TITLE 4, GUAM CODE ANNOTATED ON ANNUITY PAYMENTS FOR CHILD SUPPORTS.

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

2 Section 1. §12103 of Title 19, Guam Code Annotated, is repealed and
3 reenacted to read:

4 "§12103. Functions and duties of referees. Under the authority of
5 the Superior Court, a referee shall have the following duties in family law
6 matters:

7 (a) To take testimony and receive evidence for the record;
8 (b) To hear and decide motions and preliminary matters, unless the
9 same are appealed by any party, including but not limited to the following
10 matters:

- 11 (1) Orders to Show Cause of Contempt;
12 (2) Orders to Show Cause or motion for child custody, child
13 support, spousal support, visitation, injunctive relief,
14 other relief, attorney's fee and costs and related matters;

- 1 (3) Motions Orders to Show Cause or Stipulations for
- 2 Modification of an existing order of support;
- 3 (4) Ex parte applications;
- 4 (5) Motions of Joinder;
- 5 (6) Motions to amend pleadings;
- 6 (7) Pretrial Settlement Conferences;
- 7 (8) Motions to Withdraw;
- 8 (9) Motions or ex parte applications for wage assignment;
- 9 (10) Mediations to compel discovery or for protective orders;
- 10 (11) Mediations of dissolution matters where personal
- 11 property in dispute is less than Twenty-Five Thousand
- 12 Dollars (\$25,000);
- 13 (12) To enter default orders;
- 14 (13) To accept and approve voluntary acknowledgements of
- 15 child support liability and stipulated agreements to pay
- 16 support;
- 17 (14) To accept and approve voluntary acknowledgments of
- 18 paternity;
- 19 (15) To enter temporary orders for support in complex cases;
- 20 (16) To conduct informal office conferences with the parties to
- 21 discuss and resolve problems or questions about any
- 22 matters relating to child support including support
- 23 guidelines, payment schedules, paternity and support
- 24 payment delinquencies;
- 25 (17) To refer appropriate custody cases to mediation and/or
- 26 home study referral; and
- 27 (18) To discharge on behalf of the Superior Court, subject to
- 28 the approval by the Presiding Judge, any other duties the
- 29 Superior Court may have under Chapter 2, Title 20, Guam
- 30 Code Annotated, relating to child support enforcement.

31 (c) Subpoena powers. A referee may issue Subpoenas and
32 subpoena duces tecum at the request of any party in accordance with the
33 provisions of §1985, et seq., of the Code of Civil Procedure."
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1 Section 2. Subsection (a) of §2804, Title 10, Guam Code annotated is amended
2 to read:

3 "(a) The Legislature has determined there is public policy in favor of
4 establishing paternity and having responsible parties support their children;
5 therefore, whether or not a custodial parent or guardian of minor children, or
6 the minor children have been or are recipients of public assistance, the
7 department, acting in the best interests of the children and the Territory, may
8 bring an action in its own name or join in an action already in existence
9 against the person or persons responsible for the support of such children:

- 10 (1) to recover amount's expended by the department on
11 behalf of said children or such amounts as may be due
12 and owing under an existing court order, whichever is
13 less;
- 14 (2) for a continuing order of support for the benefit of such
15 children; and
- 16 (3) to establish paternity."

17 Section 3. §2818 of Title 10, Guam Code Annotated, is repealed and reenacted
18 to read:

19 "§2818. Trial of paternity and standard of proof.

20 (a) When the paternity of a child born out of wedlock is disputed, the
21 determination of paternity shall be made by the court without a jury. The
22 trial shall be a civil trial and there shall be no right to a criminal trial on the
23 same issue of paternity. The standard of proof shall be clear and convincing
24 evidence.

25 (b) In a domestic proceeding such as, but not limited to, divorce, where
26 paternity is stipulated or disavowed, notice shall be given to the Department
27 of Law of its right to intervene in the best interest of the children and Guam."

28 Section 4. §2820.1 of Title 10, Guam Code Annotated, is amended to read:

29 "§2820.1. Notices to motions to modify support orders. The court may
30 modify a previous order issued by the Superior Court of Guam as it relates to
31 child support, spousal support, family support, or as it relates to child custody,
32 only if the party not moving for the modification of notified by certified or
33 registered mail, or served in the same manner in required for service or
34 summons and complaint."

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1 Section 5. §2830.1 of Title 10, Guam Code Annotated, is repealed and
2 reenacted to read:

3 "§2830.1. Mandatory wage assignments. It is the intent of the Legislature that
4 child support be paid by mandatory wage assignments. Therefore:

5 (a) To the extent necessary, support orders shall provide mandatory
6 wage assignments to cover support obligations.

7 (b)(1) In all cases in which the Department of Law is counsel of record,
8 all support orders shall provide for mandatory wage assignment, and only
9 basis for contesting such an assignment shall be a mistake of fact in the
10 amount of current or overdue support or the identity of the alleged parent.

11 (2) Exceptions to mandatory wage assignments:

12 (a) Either the obligor or obligee demonstrates and the court finds
13 that there is good cause not to require a wage assignment. The
14 court must make a written determination that it would be in
15 the best interest of the child of children and there is proof of
16 timely payment of previously court ordered support.

17 (b) The court finds that a written agreement between the obligor
18 and obligee provides that the alternative agreement will provide
19 uninterrupted support to the family, obligor is current in
20 his/her support payments and the obligor meets any other
21 conditions determined by the court to ensure full and timely
22 payment of support.

23 (c) In any case where there are minor children, the court must have a
24 hearing on any interlocutory divorce decree or order establishing or
25 modifying custody of minor children if the order provides for less than One
26 Hundred Dollars (\$100) support per minor child per month or if the order
27 does not provide for mandatory wage assignment. Because of the declared
28 public policy on favor of adequate child support paid by mandatory wage
29 assignment, in any case, including guardianships, involving minor children
30 where a party is requested less than One Hundred Dollars (\$100) per minor
31 child per month as child support, or where a party is requesting a support
32 order without mandatory wage withholding, the Family Division of the
33 Attorney General's Office shall be given three (3) days' notice at the proposed
34 hearing, and may appear at such hearing, call and cross-examine witnesses,
35 prevent evidence, make recommendations and may request a continuance
36 for purposes of conducting discovery.

1 (d) Where appropriate, in the interests of expeditious but thorough
2 administration of justice, the notice to the Family Division shall include a
3 copy of the Child Support Worksheet and any other information reasonably
4 necessary to reach an informed decision on the issues presented. Failure to
5 give such adequate notice shall be cause for that part of the judgement, decree,
6 or other relating to child support to be set aside or modified nunc pro tunc
7 within two (2) years. In such case, the court shall enquire as to the reason that
8 the order or decree does not provide for child support of at least One Hundred
9 Dollars (\$100) per minor child per month, or the reason that the mandatory
10 wage assignment is not appropriate, and the court shall satisfy itself by a
11 preponderance of the evidence that child support of less than One Hundred
12 Dollars (\$100) per minor child per month is appropriate or that an order of
13 mandatory wage assignment is not appropriate, before issuing the decree or
14 order, and shall set forth such reasons in the written decree or order.

15 (e) All current orders for child support, spousal support, and family
16 support issued by the Superior Court of Guam for specific amount of periodic
17 payments to the obligee are hereby declared subject to enforcement by wage
18 assignment. In addition to all others remedies available, a wage assignment
19 may be issued as to any support orders prospectively as to future payments
20 only, upon ex parte application of the obligee, without advance notice to the
21 obligor, by the Superior Court. When an ex parte order of assignment is
22 issued, the obligor shall be entitled to a hearing on a motion to vacate any
23 such order as having been issued in error on three (3) working days notice to
24 the obligee. An ex parte order of wage assignment shall be issued without
25 addressing other issues between the parties and without having res judicata
26 effect as to other issues not raised, and any party may later raise any other
27 issues without prejudice if an ex parte order of assignment has issued.

28 (f) The court may, on its own motion, make an order of mandatory
29 wage assignment a part of any support order the court issues, even if not
30 requested by the parties."

31 Section 6. Subsection (a) of §3110 of Title 10, Guam Code Annotated is to read
32 as follows:

33 "(a) The certificate of live birth for any live birth occurring on or
34 after January 1, 1993, shall contain those items necessary to establish the fact of
35 the birth and shall contain the following information:

36 (1) Full name and sex.

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- (2) Date of birth, including month, day, hour and year.
- (3) Planned place of birth and place of birth.
- (4) Full name of father, birthplace, and date of birth of father including month, day and year.
- (5) Full birth name of mother, birthplace, and date of birth of mother including month, day and year.
- (6) Multiple births and birth order of multiple births.
- (7) Signature, and relationship to child, of a parent or other informant, and date signed.
- (8) Name, title, mailing address of attending physician and surgeon or principal attendant, signature and certification of live birth by attending physician and surgeon or principal attendant or certifier, date signed, and name and title of certifier of other than attending physician and surgeon or principal attendant.
- (9) Date accepted for registration and signature of local registrar."

Section 7. A new subsection (h) is added to §3110 of Title 10, Guam Code Annotated, to read:

"(h) Informational Notice Advising Mother of Newborn of Right to Retroactive Support and to Have Certificate Mailed to Father;

Distribution. The Territorial Registrar of Vital Statistics, the Department of Law, and Guam Memorial Hospital Authority shall cooperatively develop an informational notice which advises the single mother of a newborn child of her right to child support. The notice shall also advise the mother of her right to have an original certificate of birth mailed to the father free of charge."

Section 8. §4105.1 is hereby added to Title 19, Guam Code Annotated to read:

"§4105.1 (b) The liability for support of the minor child shall in any case begin no later than from the time of the filing of the action in court."

Section 9. §8166 of Title 4, Guam Code Annotated is amended to read:

"§8166. Right to Annuity. The right to a retirement, disability annuity, survivor's annuity or benefit, death benefit, or any other benefit under the provisions hereof, or refund, by whatever name called, is personal with the recipient, thereof and the assignment or transfer of such benefit, refund, or any part thereof, shall be void, except as herein provided. Any such benefit, or

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refund shall not answer for debts contracted by the person receiving the same, and it is the intention of this Chapter that the same shall not be attached or affected by any judicial proceeding, except for orders for payment of child support, whether in arrears or not, issued by the Superior Court of Guam, which may also include, but is not limited to, wage assignments and writs of attachment."



SUPERIOR COURT OF GUAM
Judicial Hearings Division
Judicial Center
 120 West O'Brien Drive
 Agana, Guam 96910



Chambers of
ROBERT G.P. CRUZ, ESQ.
 Referee / Administrative
 Hearing Officer

Tel: (671) 475-3259
 475-3114

April 20, 1993

Honorable Pilar C. Lujan
 Chairperson, Committee on Judiciary
 and Criminal Justice
 Twenty-Second Guam Legislature
 155 Hessler Street
 Agana, Guam 96910

Re: Bill No. 373

Dear Senator Lujan:

I support Bill No. 373 and submit this letter in favor of passage of the measure. Since I was employed by the Superior Court in September 1992, we have recognized the need to conform Title 19 Section 12103 with the child support procedures as promulgated by the Judicial Council. Section 1 of Bill 373 would provide me as Referee, Judicial Hearings Division, with the clear authority to conduct a wide range of hearings, and to approve and sign documents. This ensures that I am fully utilized to assist the Superior Court judges in handling child support and other matters.

Generally, I am in favor of all sections of Bill No. 373. I note that Section 4 would improve the Court's ability to resolve child support matters by permitting notice by certified or registered mail. (I believe that the word "of" between modification and notified should read "is") At this time, about one third of the 50 to 75 case settings I have per week are negated by nonservice of defendants. This is due to a shortage of process servers and the high turnover of jobs and residences, of a core group of about 1000 non-custodial parents who are either not paying, or not paying child support regularly. It is a practical solution to a problem that cannot be otherwise remedied except by doubling the number of process servers available to the Court and to the Department of Law Family Division.

One addition to the bill which I would request is that the Judicial Hearings Division be authorized an FTE in FY 1993 and succeeding years to hire a Paralegal II. The position is authorized in the FY 1993 budget of the Department of Law, and in the Cooperative Agreement between that agency and the Superior Court. However, the authorization for funding of the position did not provide the FTE within the Superior Court for the position. The purpose of the position would be to support the Judicial Hearings Division in providing procedural advice to non-custodial parents who are not represented by attorneys, so that they are not solely dependent upon the lawyers and staff of the Family Division for their information and guidance. Most non-custodial parents in child support cases are not represented by counsel.

In conclusion, I request that Bill No. 373 be enacted by the Legislature as soon as possible.

Robert G.P. Cruz
 Robert G.P. Cruz

April 20, 1993

Robert Teodosio
P.O. Box 930
Agana, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY

ACKNOWLEDGMENT RECEIPT

Received By Wartz

Time 10:30

Date 4/20/93

Sen. Pilar Lujan
Chairwoman, Committee on Judiciary and Criminal Justice
22nd Guam Legislature
155 Hesler St.
Agana, Guam 96910

Re: Testimony on Bill 373 supporting its intent to repeal and re-enact §8166 of Title 4, Guam Code Annotated on annuity payments for child support *with an amendment.*

Good afternoon Senator Lujan and members of the Committee on Judiciary and Criminal Justice.

My name is Robert Teodosio and I am testifying as a private citizen and as the non-custodial parent of three children, ages 12, 13, and 15.

I support the intent of Bill 373, specifically the section to repeal and re-enact §8166 of Title 4 Guam Code Annotated on annuity payments for child support. This bill provides that child support be paid by mandatory payroll deductions.

Since my divorce in November 1990, I have been paying \$737 a month to support my three children. This includes a monthly allowance, medical insurance and dental insurance. Except for two months, when I was in between jobs, these child support payments have been deducted from my paycheck and paid directly to the Treasurer of Guam at the Department of Administration. The two monthly payments I missed are now also being paid through payroll deductions.

Senators, I support the concept of mandatory wage assignments. Just like other payroll-deducted commitments, it forces parents to pay their obligations before spending their money elsewhere. And, believe it or not, it helps the non-custodial parents - preventing them from getting behind in payments and facing thousands of dollars in arrears down the road. Just like many absent parents, I take my responsibility seriously and I am willing and able to pay child support.

In concept, wage assignments seem to be the perfect solution. Placed in government of Guam hands, however, the current child support payment system is an absolute disaster. Payments to custodial parents are slow and accounting errors are the norm. And it will continue to remain a disaster unless steps are taken to correct the problem immediately.

During two-and-a-half years of making my payments through wage assignments, the Family Division has summoned me to court twice, demanding money for non-payment of child support.

The first occurred in November when the Family Division ordered me to pay almost \$4,000 in non-existent arrears. One month later, after bringing in all my payroll stubs and verifying the payments through my ex-wife, the court finally stipulated that the Department of Administration failed to account for my payments. The assistant attorney general said computer problems at the Department of Administration were to blame. My case was settled, or so I thought.

I received a second letter just this month. It was a tax offset notice from the Attorney General's Family Division telling me that I now owe \$2,652.50 for past-due child support. In this letter, the assistant attorney general threatened to withhold my income tax refund from the Department of Revenue and Taxation until I paid this debt. Furthermore, he said the past due debt would be reported to the credit bureau, putting a black mark on my credit history.

I visited the assistant attorney general two days after receiving the letter and he said he remembered my prior case clearing me of the arrears. He said that he would not be able to help me because computers at the Department of Administration's Child Support Division stated I still owed \$2,652.50. Then, he showed me the door. Once again, I am being forced to gather up all my paystubs, attend another court hearing and take up more court time just to prove that my payments are current.

I complained to the assistant attorney general about this obvious mistreatment and asked him if there many others who had the same problem. "Hundreds," he said. He said he knew about the computer problems at the Department of Administration and, although doubted its validity, was "forced to sign the letter." He said I should make an appointment with the Department of Administration's Child Support Division to straighten out the problem. Employees at the Department of Administration told me that they also have received hundreds of complaints about the tax offset notices.

Senators, I feel disillusioned by this system. My credit rating has been threatened. My tax refund has been held hostage. My responsibility has been challenged. But worst, my role as a caring parent has been questioned. Blame has been placed on nameless computers and government bureaucrats.

Through all this, however, I still favor the intent of Bill 373 but with one amendment. I urge you to add an amendment stating that this bill will not take effect until an audit of the computer system is completed at the Department of Administration's Child Support Division and the Attorney General's Family Division.

In lieu of this amendment, I urge you to conduct an oversight hearing, perhaps in conjunction with the Committee on General Governmental Operations, to investigate how the Child Support Division within the Attorney General's office and the Department of Administration office is being coordinated and handled.

Thank you for allowing me to testify today. I will be happy to answer any questions you may have.

Robert Jordan



Office of the Attorney General
Territory of Guam
Family Division

Elizabeth Barrett-Anderson
Attorney General

Donald L. Paillette
Chief Deputy Attorney General

Karen E. Keeler
Deputy Attorney General

Phone: (671) 475-3360
475-3361
475-3362
475-3363
Telefax: (671) 477-6118

April 20, 1993

Senator Pilar C. Lujan
Legislative Secretary
Chairperson-Committee on
Judiciary and Criminal Justice
155 Hesler Street
Agana, Guam 96910

Dear Senator Lujan:

It is our pleasure to inform you of our support for Bill 373 concerning child support enforcement.

Two of the provisions in this bill are needed to bring Guam into compliance with federal regulations, specifically Section 1, concerning the functions and duties of referees of the Judicial Hearings Division of the Superior Court of Guam, and Section 5, concerning mandatory wage assignments. Other provisions are needed to streamline child support enforcement procedures; Sections 2,3,6 and 7 refer to paternity, and Section 4 refers to service of notice of motions to modify support orders.

Additional comments will be presented orally to your Committee by Assistant Attorney General Carol Butler during the Public Hearing on April 20, 1993 at 1:00 P.M.

Sincerely,

KAREN E. KEELER
Deputy Attorney General

OFFICE OF THE ATTORNEY GENERAL
FAMILY DIVISION

ADDENDUM TO TESTIMONY

Bill 373
For the Committee on Judiciary and Criminal Justice
Senator Pilar C. Lujan, Chairperson

The following is a list of errors in transcription that may materially affect the proposed legislation:

Section 1. §12103 of Title 19, Guam Code Annotated, Subsection (b)(3), Line 1, Substitute:

"(3) Motions, Orders to Show Cause or Stipulations for"

Section 2. §2804, Title 10, Guam Code Annotated, Subsection (a), Line 6, Substitute:

"the minor children has been or is a recipient of public assistance, the"

Subsection (a), Line 7, Substitute:

"Department of Law, acting in the best interests of the children and the Territory, may"

Subsection (a), (1) Line 10, Substitute:

"(1) to recover amounts expended by the Department on"

Subsection 5 §2830.1 of Title 10, Guam Code Annotated, Subsection (c), Line 28, Substitute:

"public policy in favor of adequate child support paid by mandatory wage"

Subsection (c), Line 30, Substitute:

"where a party is requesting less than One Hundred Dollars (\$100) per minor"

Subsection (c), Line 33, Substitute:

"Attorney General's Office shall be given three (3) days' notice of the proposed"

Subsection (d), Line 6, Substitute:

"or other order disposing of a matter relating to child support to be set aside or modified nunc pro tunc"

Subsection (e), Line 16, Substitute:

"support issued by the Superior Court of Guam for specific amounts of periodic"



Twenty-Second Guam Legislature

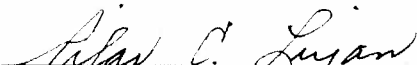

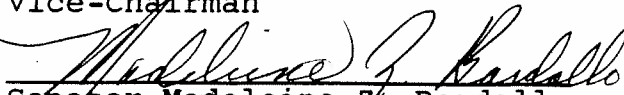
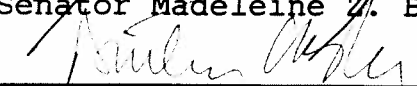
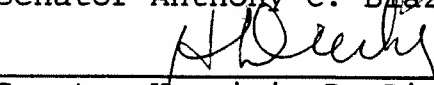

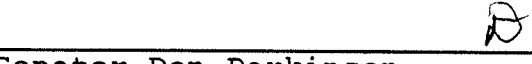
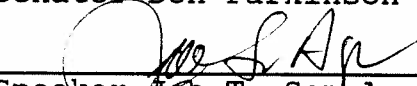

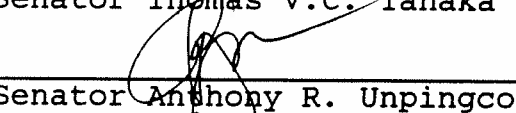
155 Hesler Street
Agaña, Guam USA 96910

Tel: (671) 472-3461

Fax: (671) 477-1715

COMMITTEE ON JUDICIARY AND CRIMINAL JUSTICE

VOTE SHEET ON: Substitute Bill 373

<u>COMMITTEE MEMBER</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
 Senator Pilar C. Lujan Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Francis E. Santos Vice-Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Madeleine Z. Bordallo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Anthony C. Blaz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Herminia D. Dierking	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Carl T.C. Gutierrez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Vicente C. Pangelinan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Don Parkinson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Speaker Joe T. San Agustin Ex-Officio Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Thomas V.C. Tanaka	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Anthony R. Unpingco	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Bill No. 373(LS)

Introduced by:

P. C. Lujan *PC*
F.R. Santos *FS*

AN ACT TO REPEAL AND REENACT §12103 OF TITLE 19, GUAM CODE ANNOTATED ON REFEREES IN FAMILY MATTERS; TO AMEND SUBSECTION(a) OF §2804 OF TITLE 10, GUAM CODE ANNOTATED ON PATERNITY ACTIONS, BY ADDING ITEM (3) THERETO; TO REPEAL AND REENACT §§2818 AND 2830.1 OF SAID TITLE ON PATERNITY ACTIONS AND WAGE ASSIGNMENTS; TO AMEND §2820.1 AND SUBSECTION (a) OF §3110 OF SAID TITLE 10; TO ADD SUBSECTION (h) TO SAID §3110 ON BIRTH CERTIFICATES, ADD §4105.1 TO TITLE 19, GUAM CODE ANNOTATED AND TO REPEAL AND REENACT §8166 OF TITLE 4, GUAM CODE ANNOTATED ON ANNUITY PAYMENTS FOR CHILD SUPPORTS.

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

Section 1. §12103 of Title 19, Guam Code Annotated, is repealed and reenacted to read:

"§12103. Functions and duties of referees. Under the authority of the Superior Court, a referee shall have the following duties in family law matters:

- (a) To take testimony and receive evidence for the record;
- (b) To hear and decide motions and preliminary matters, unless the same are appealed by any party, including but not limited to the following matters:
 - (1) Orders to Show Cause of Contempt;
 - (2) Orders to Show Cause or motion for child custody, child support, spousal support, visitation, injunctive relief, other relief, attorney's fee and costs and related matters;

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- (3) Motions Orders to Show Cause or Stipulations for Modification of an existing order of support;
- (4) Ex parte applications;
- (5) Motions of Joinder;
- (6) Motions to amend pleadings;
- (7) Pretrial Settlement Conferences;
- (8) Motions to Withdraw;
- (9) Motions or ex parte applications for wage assignment;
- (10) Mediations to compel discovery or for protective orders;
- (11) Mediations of dissolution matters where personal property in dispute is less than Twenty-Five Thousand Dollars (\$25,000);
- (12) To enter default orders;
- (13) To accept and approve voluntary acknowledgements of child support liability and stipulated agreements to pay support;
- (14) To accept and approve voluntary acknowledgments of paternity;
- (15) To enter temporary orders for support in complex cases;
- (16) To conduct informal office conferences with the parties to discuss and resolve problems or questions about any matters relating to child support including support guidelines, payment schedules, paternity and support payment delinquencies;
- (17) To refer appropriate custody cases to mediation and/or home study referral; and
- (18) To discharge on behalf of the Superior Court, subject to the approval by the Presiding Judge, any other duties the Superior Court may have under Chapter 2, Title 20, Guam Code Annotated, relating to child support enforcement.

(c) Subpoena powers. A referee may issue Subpoenas and subpoena duces tecum at the request of any party in accordance with the provisions of §1985, et seq., of the Code of Civil Procedure."

1 **Section 2.** Subsection (a) of §2804, Title 10, Guam Code annotated is amended
2 to read:

3 “(a) The Legislature has determined there is public policy in favor of
4 establishing paternity and having responsible parties support their children;
5 therefore, whether or not a custodial parent or guardian of minor children, or
6 the minor children have been or are recipients of public assistance, the
7 department, acting in the best interests of the children and the Territory, may
8 bring an action in its own name or join in an action already in existence
9 against the person or persons responsible for the support of such children:

- 10 (1) to recover amount's expended by the department on
11 behalf of said children or such amounts as may be due
12 and owing under an existing court order, whichever is
13 less;
14 (2) for a continuing order of support for the benefit of such
15 children; and
16 (3) to establish paternity.”

17 **Section 3.** §2818 of Title 10, Guam Code Annotated, is repealed and reenacted
18 to read:

19 “§2818. Trial of paternity and standard of proof.

20 (a) When the paternity of a child born out of wedlock is disputed, the
21 determination of paternity shall be made by the court without a jury. The
22 trial shall be a civil trial and there shall be no right to a criminal trial on the
23 same issue of paternity. The standard of proof shall be clear and convincing
24 evidence.

25 (b) In a domestic proceeding such as, but not limited to, divorce, where
26 paternity is stipulated or disavowed, notice shall be given to the Department
27 of Law of its right to intervene in the best interest of the children and Guam.”

28 **Section 4.** §2820.1 of Title 10, Guam Code Annotated, is amended to read:

29 “§2820.1. Notices to motions to modify support orders. The court may
30 modify a previous order issued by the Superior Court of Guam as it relates to
31 child support, spousal support, family support, or as it relates to child custody,
32 only if the party not moving for the modification of notified by certified or
33 registered mail, or served in the same manner in required for service or
34 summons and complaint.”

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1 **Section 5.** §2830.1 of Title 10, Guam Code Annotated, is repealed and
2 reenacted to read:

3 "§2830.1. Mandatory wage assignments. It is the intent of the Legislature that
4 child support be paid by mandatory wage assignments. Therefore:

5 (a) To the extent necessary, support orders shall provide mandatory
6 wage assignments to cover support obligations.

7 (b)(1) In all cases in which the Department of Law is counsel of record,
8 all support orders shall provide for mandatory wage assignment, and only
9 basis for contesting such an assignment shall be a mistake of fact in the
10 amount of current or overdue support or the identity of the alleged parent.

11 (2) Exceptions to mandatory wage assignments:

12 (a) Either the obligor or obligee demonstrates and the court finds
13 that there is good cause not to require a wage assignment. The
14 court must make a written determination that it would be in
15 the best interest of the child of children and there is proof of
16 timely payment of previously court ordered support.

17 (b) The court finds that a written agreement between the obligor
18 and obligee provides that the alternative agreement will provide
19 uninterrupted support to the family, obligor is current in
20 his/her support payments and the obligor meets any other
21 conditions determined by the court to ensure full and timely
22 payment of support.

23 (c) In any case where there are minor children, the court must have a
24 hearing on any interlocutory divorce decree or order establishing or
25 modifying custody of minor children if the order provides for less than One
26 Hundred Dollars (\$100) support per minor child per month or if the order
27 does not provide for mandatory wage assignment. Because of the declared
28 public policy on favor if adequate child support paid by mandatory wage
29 assignment, in any case, including guardianships, involving minor children
30 where a party is requested less than One Hundred Dollars (\$100) per minor
31 child per month as child support, or where a party is requesting a support
32 order without mandatory wage withholding, the Family Division of the
33 Attorney General's Office shall be given three (3) days' notice at the proposed
34 hearing, and may appear at such hearing, call and cross-examine witnesses,
35 prevent evidence, make recommendations and may request a continuance
36 for purposes of conducting discovery.

1 (d) Where appropriate, in the interests of expeditious but thorough
2 administration of justice, the notice to the Family Division shall include a
3 copy of the Child Support Worksheet and any other information reasonably
4 necessary to reach an informed decision on the issues presented. Failure to
5 give such adequate notice shall be cause for that part of the judgement, decree,
6 or other relating to child support to be set aside or modified nunc pro tunc
7 within two (2) years. In such case, the court shall enquire as to the reason that
8 the order or decree does not provide for child support of at least One Hundred
9 Dollars (\$100) per minor child per month, or the reason that the mandatory
10 wage assignment is not appropriate, and the court shall satisfy itself by a
11 preponderance of the evidence that child support of less than One Hundred
12 Dollars (\$100) per minor child per month is appropriate or that an order of
13 mandatory wage assignment is not appropriate, before issuing the decree or
14 order, and shall set forth such reasons in the written decree or order.

15 (e) All current orders for child support, spousal support, and family
16 support issued by the Superior Court of Guam for specific amount of periodic
17 payments to the obligee are hereby declared subject to enforcement by wage
18 assignment. In addition to all others remedies available, a wage assignment
19 may be issued as to any support orders prospectively as to future payments
20 only, upon ex parte application of the obligee, without advance notice to the
21 obligor, by the Superior Court. When an ex parte order of assignment is
22 issued, the obligor shall be entitled to a hearing on a motion to vacate any
23 such order as having been issued in error on three (3) working days notice to
24 the obligee. An ex parte order of wage assignment shall be issued without
25 addressing other issues between the parties and without having res judicata
26 effect as to other issues not raised, and any party may later raise any other
27 issues without prejudice if an ex parte order of assignment has issued.

28 (f) The court may, on its own motion, make an order of mandatory
29 wage assignment a part of any support order the court issues, even if not
30 requested by the parties."

31 **Section 6.** Subsection (a) of §3110 of Title 10, Guam Code Annotated is to read
32 as follows:

33 "(a) The certificate of live birth for any live birth occurring on or
34 after January 1, 1993, shall contain those items necessary to establish the fact of
35 the birth and shall contain the following information:

36 (1) Full name and sex.

- 1 (2) Date of birth, including month, day, hour and year.
- 2 (3) Planned place of birth and place of birth.
- 3 (4) Full name of father, birthplace, and date of birth of father
- 4 including month, day and year.
- 5 (5) Full birth name of mother, birthplace, and date of birth of
- 6 mother including month, day and year.
- 7 (6) Multiple births and birth order of multiple births.
- 8 (7) Signature, and relationship to child, of a parent or other
- 9 informant, and date signed.
- 10 (8) Name, title, mailing address of attending physician and
- 11 surgeon or principal attendant, signature and certification
- 12 of live birth by attending physician and surgeon or
- 13 principal attendant or certifier, date signed, and name and
- 14 title of certifier of other than attending physician and
- 15 surgeon or principal attendant.
- 16 (9) Date accepted for registration and signature of local
- 17 registrar."

18 **Section 7.** A new subsection (h) is added to §3110 of Title 10, Guam Code
19 Annotated, to read:

20 "(h) Informational Notice Advising Mother of Newborn of Right to
21 Retroactive Support and to Have Certificate Mailed to Father;

22 Distribution. The Territorial Registrar of Vital Statistics, the
23 Department of Law, and Guam Memorial Hospital Authority shall
24 cooperatively develop an informational notice which advises the single
25 mother of a newborn child of her right to child support. The notice shall also
26 advise the mother of her right to have an original certificate of birth mailed
27 to the father free of charge."

28 **Section 8.** §4105.1 is hereby added to Title 19, Guam Code Annotated to read:

29 "§4105.1 (b) The liability for support of the minor child shall in any
30 case begin no later than from the time of the filing of the action ion court."

31 **Section 9.** §8166 of Title 4, Guam Code Annotated is amended to read:

32 "§8166. Right to Annuity. The right to a retirement, disability annuity,
33 survivor's annuity or benefit, death benefit, or any other benefit under the
34 provisions hereof, or refund, by whatever name called, is personal with the
35 recipient, thereof and the assignment or transfer of such benefit, refund, or
36 any part thereof, shall be void, except is herein provided. Any such benefit, or

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refund shall not answer for debts contracted by the person receiving the same, and it is the intention of this Chapter that the same shall not be attached or affected by any judicial proceeding, except for orders for payment of child support, whether in arrears or not, issued by the Superior Court of Guam, which may also include, but is not limited to, wage assignments and writs of attachment."