



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

OFFICE OF THE LEGISLATIVE SECRETARY
 ACKNOWLEDGMENT RECEIPT
 Received By Joni Sumatatar
 Time 4:16 p.m.
 Date 2-17-98

FEB 16 1998

Refer to
Legislative Secretary

The Honorable Antonio R. Unpingco
Speaker
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

Dear Speaker Unpingco:

Enclosed please find a copy of Bill No. 460 (COR), "AN ACT TO REPEAL AND REENACT §§34101, 34119, 34122, 34128, 34152, 30114; TO AMEND SUBSECTION (b) OF §34132; AND TO ADD §34101.1, SUBSECTION (5) to §34102, §§34103.1, 34103.2, 34103.3, SUBSECTION (e) to §34105, §34109.5, SUBSECTION (f) TO §34118, §§34119.2, 34119.3, 34119.4, 34119.5, 34121.1, SUBSECTION (h) TO §34132, §§34132.1, 34133.1, AND 34152.1, ALL TO TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE PERSONAL RESPONSIBILITY AND SELF-SUFFICIENCY ACT OF 1997; TO AMEND §§8405, 8321, AND 8322; AND TO ADD A NEW ITEM (8) TO SUBSECTION (a) OF §3202, ALL TO TITLE 19 OF THE GUAM CODE ANNOTATED, RELATIVE TO FAMILY SUPPORT AND THE INCLUSION OF SOCIAL SECURITY NUMBERS ON VARIOUS DOCUMENTS; TO ADD A NEW SUBSECTION (i) to §3216 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE INCLUSION OF SOCIAL SECURITY NUMBERS ON DEATH CERTIFICATES.", which I have signed into law today as **Public Law No. 24-129.**

This legislation contains many sections which are required by federal officials as conditions to keeping child support grants in the Office of the Attorney General.

Very truly yours,

Carl T. C. Gutierrez

Attachment 00649

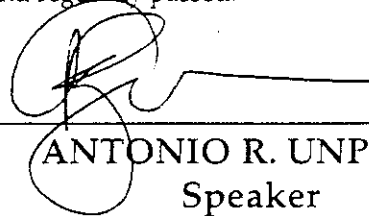
cc: The Honorable Joanne M. S. Brown
Legislative Secretary

Office of the Speaker
ANTONIO R. UNPINGCO
Date: 2/17/98
Time: 1:45 am
Rec'd by: [Signature]
Print Name: Jonica Mesa

TWENTY-FOURTH GUAM LEGISLATURE
1998 (SECOND) Regular Session

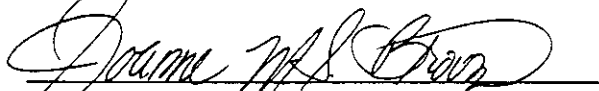
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 460 (COR), "AN ACT TO REPEAL AND REENACT §§34101, 34119, 34122, 34128, 34152, 30114; TO AMEND SUBSECTION (b) OF §34132; AND TO ADD §34101.1, SUBSECTION (5) TO §34102, §§34103.1, 34103.2, 34103.3, SUBSECTION (e) TO §34105, §34109.5, SUBSECTION (f) TO §34118, §§34119.2, 34119.3, 34119.4, 34119.5, 34121.1, SUBSECTION (h) TO §34132, §§34132.1, 34133.1, AND 34152.1. ALL TO TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE PERSONAL RESPONSIBILITY AND SELF-SUFFICIENCY ACT OF 1997; TO AMEND §§8405, 8321, AND 8322; AND TO ADD A NEW ITEM (8) TO SUBSECTION (a) OF §3202, ALL TO TITLE 19 OF THE GUAM CODE ANNOTATED, RELATIVE TO FAMILY SUPPORT AND THE INCLUSION OF SOCIAL SECURITY NUMBERS ON VARIOUS DOCUMENTS; TO ADD A NEW SUBSECTION (i) TO §3216 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE INCLUSION OF SOCIAL SECURITY NUMBERS ON DEATH CERTIFICATES," was on the 4th day of February, 1998, duly and regularly passed.



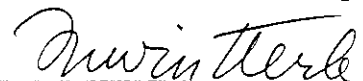
ANTONIO R. UNPINGCO
Speaker

Attested:




JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by the Governor this 10th day of February, 1998, at
3:24 o'clock P.M.



Assistant Staff Officer
Governor's Office

APPROVED:



CARL T. C. GUTIERREZ
Governor of Guam

Date: 2-16-98

Public Law No. 24-129

TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session

Bill No. 460 (COR)

As amended on the Floor.

Introduced by:

Committee on Rules,
Government Reform and
Federal Affairs

by request of the Governor in
accordance with the Organic
Act of Guam.

Mark Forbes

T. C. Ada

F. B. Aguon, Jr.

E. Barrett-Anderson

A. C. Blaz

J. M.S. Brown

Felix P. Camacho

Francisco P. Camacho

M. C. Charfauros

E. J. Cruz

W. B.S.M. Flores

L. F. Kasperbauer

A. C. Lamorena, V

C. A. Leon Guerrero

L. Leon Guerrero

V. C. Pangelinan

J. C. Salas

A. L.G. Santos

F. E. Santos

A. R. Unpingco

J. Won Pat-Borja

AN ACT TO REPEAL AND REENACT §§34101,
34119, 34122, 34128, 34152, 30114; TO AMEND

SUBSECTION (b) OF §34132; AND TO ADD §34101.1, SUBSECTION (5) TO §34102, §§34103.1, 34103.2, 34103.3, SUBSECTION (e) TO §34105, §34109.5, SUBSECTION (f) TO §34118, §§34119.2, 34119.3, 34119.4, 34119.5, 34121.1, SUBSECTION (h) TO §34132, §§34132.1, 34133.1, AND 34152.1. ALL TO TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE PERSONAL RESPONSIBILITY AND SELF-SUFFICIENCY ACT OF 1997; TO AMEND §§8405, 8321, AND 8322; AND TO ADD A NEW ITEM (8) TO SUBSECTION (a) OF §3202, ALL TO TITLE 19 OF THE GUAM CODE ANNOTATED, RELATIVE TO FAMILY SUPPORT AND THE INCLUSION OF SOCIAL SECURITY NUMBERS ON VARIOUS DOCUMENTS; TO ADD A NEW SUBSECTION (i) TO §3216 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE INCLUSION OF SOCIAL SECURITY NUMBERS ON DEATH CERTIFICATES.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Intent. The recently enacted welfare reform
3 act, officially known as the Personal Responsibility and Work Opportunity
4 Act of 1996 ("PRWOA"), mandates that states, including Guam, pass
5 legislation to comply with PRWOA by January 1, 1998. The Guam
6 Legislature, therefore, finds that this legislation will bring Guam's laws into
7 compliance.

8 These laws grant the Office of the Attorney General more administrative
9 power to enhance their child support enforcement efforts, to establish
10 procedures for the acknowledgment of paternity, and to provide access to a
11 delinquent child support payor's financial records. These laws also address
12 health care for minor children, require parents of minor parents to support

1 their grandchildren, provide for support of liens, and mandate the use of
2 social security numbers on support orders, marriage, birth and death
3 certificates. This legislation will also create a child support enforcement
4 registry and disbursement unit.

5 **Section 2.** Section 34101 of Chapter 34, Division 3 of Title 5 of the
6 Guam Code Annotated is hereby repealed and reenacted to read as follows:

7 **"Section 34101. Short Title, Legislative Intent and Severability.**

8 (a) This Chapter may be filed as the '*Personal Responsibility and*
9 *Self-Sufficiency Act of 1997.*'

10 (b) The Guam Legislature finds and declares that families that
11 receive public assistance possess a sense of responsibility and
12 accountability. The Guam Legislature further finds that a system of
13 public assistance should:

14 (1) encourage recipients to achieve their full potential by
15 becoming gainfully employed, rather than remaining dependent
16 of public assistance;

17 (2) provide for the safety and protection of children; and

18 (3) provide a system of support for persons in need.

19 (c) This Chapter shall be liberally construed to meet these ends
20 of this §34101 and to ensure compliance with the Federal Personal
21 Responsibility and Work Opportunity Reconciliation Act of 1996.

22 (d) If any portion of this Chapter is declared invalid for any
23 reason by any court of law, the remainder shall remain in effect."

24 **Section 3.** Section 34119 of Chapter 34, Division 3 of Title 5 of the
25 Guam Code Annotated is hereby repealed and reenacted to read as follows:

1 **"Section 34119. Establishment of Paternity.** (a) Proceedings
2 to establish the paternity of the child may be instituted during the
3 pregnancy of the mother or after the birth of the child, but not after the
4 child becomes eighteen (18) years of age.

5 (b) Complaint:

6 (1) Paternity proceedings are commenced by the filing of a
7 complaint that includes the social security number of each party, if
8 known, and that alleges a woman is the mother of a child or
9 children conceived out of wedlock and that the defendant is the
10 biological father of the child or children.

11 (2) Maternity proceedings are commenced by the filing of
12 a complaint that includes the social security number of each party,
13 if known, and that alleges that a woman is the mother of a child or
14 children conceived out of wedlock and that the woman as
15 defendant, is the mother of the child or children.

16 (c) The procedures upon the filing of the complaint shall be as
17 in other civil cases. In addition to the above procedures, the following
18 alternate procedure shall be permissible:

19 (1) at the time of the filing of the summons and complaint,
20 a notice of hearing shall issue directing the defendant to be present
21 before the court;

22 (2) the answer may be made orally by the defendant at
23 that time by personal appearance before the judge and by oral
24 presentation of the pleading; and

25 (3) if the answer is made admitting the elements of the

1 complaint, a judgment may be entered forthwith or the Court may
2 set a subsequent time for a hearing and establishment of the terms
3 of the judgment.

4 (d) If a defendant denies paternity, the determination of
5 paternity shall be made to the Court without a jury. The trial shall be a
6 civil trial. The standard of proof shall be by clear and convincing
7 evidence.

8 (e) When the paternity of a child is denied under this §34119,
9 the child and all other parties shall be ordered by the Court to submit to
10 genetic testing upon request of any party to the action if the request is
11 accompanied by a sworn statement by the party alleging paternity and
12 setting forth facts establishing a reasonable possibility of the requisite
13 sexual contact between the parties or denying paternity and setting forth
14 facts establishing a reasonable possibility of the non-existence of sexual
15 contact between the parties.

16 (f) The genetic testing conducted shall be of a type generally
17 acknowledged as reliable by accreditation bodies and shall be
18 performed by a laboratory approved by an accreditation body
19 designated by the United States Secretary of Health and Human
20 Services.

21 (g) In any trial brought under this Chapter, a report of the facts
22 and results of genetic tests ordered by the Court or by the child support
23 enforcement agency under this Chapter shall be admissible in evidence
24 by affidavit of the person whose name is signed to the report, attesting
25 to the procedures followed in obtaining the report. A report of the facts

1 and results of genetic tests shall be admissible as evidence of paternity
2 without the need for foundation testimony or other proof of authenticity
3 or accuracy, unless objection is made. The genetic testing performed
4 shall be of a type generally acknowledged as reliable by accreditation
5 bodies designated by the United States Secretary of Health and Human
6 Services. An alleged parent or party to the paternity action who objects
7 to the admission of the report concerning the genetic test results must
8 file a motion no later than twenty (20) days after receiving a copy of the
9 report and shall show good cause as to why a witness is necessary to lay
10 the foundation for the admission of the report as evidence. The Court
11 may, sua sponte, or at a hearing on the motion, determine whether a
12 witness shall be required to lay the foundation for the admission of the
13 report as evidence. The right to call witnesses to rebut the report is
14 reserved to all parties.

15 (h) Should an original test result be contested, the Court shall
16 order further genetic testing with payment of the testing to be advanced
17 and paid for by the contesting party.

18 (i) If the results of the genetic testing indicate that the
19 likelihood of the alleged father is ninety-five percent (95%) or greater,
20 the alleged father is conclusively presumed to be the parent of the child.

21 (j) If the alleged father contests paternity and is found to be the
22 father, he shall reimburse the Department for the genetic test costs of all
23 the parties.

24 (k) If the mother denies the paternity of the alleged father and
25 he is found to be the father, the mother shall reimburse the Department

1 for the genetic test costs for all the parties."

2 **Section 4.** Section 34122 of Chapter 34, Division 3 of Title 5 of the
3 Guam Code Annotated is hereby repealed and reenacted to read as follows:

4 **"Section 34112. Presumption of and Service of Process in Child**
5 **Support Cases.** Whenever notice and service of process is required for
6 child support enforcement proceedings subsequent to the issuance of a
7 paternity or child support order, upon a showing that diligent effort has
8 been made to ascertain the location of a party, notice and service of
9 process shall be presumed to be satisfied upon delivery of written notice
10 to the most recent residential or employer address on file with the Guam
11 child support case registry."

12 **Section 5.** Section 34128 of Chapter 34, Division 3 of Title 5 of the
13 Guam Code Annotated is hereby repealed and reenacted to read as follows:

14 **"Section 34128. Health Care Insurance Mandatory.**

15 (a) Whenever the Superior Court of Guam issues or modifies an
16 order concerning child support including Divorce Decrees, it shall
17 include health care insurance for the child or children as part of both
18 parents obligation of support if health care insurance is available at a
19 reasonable cost. The court shall determine the burden of obligation of
20 support for health insurance from either or from both parents to the best
21 interest of the child or children.

22 (b) When an obligor is ordered to provide health insurance for a
23 minor child, the child is eligible for health care coverage as a dependent
24 of the obligor until the child's eighteenth (18) birthday or until further
25 order of the Court. If health care coverage is available through an

1 employer, the employer must:

2 (1) permit the obligor to enroll under family coverage any
3 child who is otherwise eligible for coverage without regard to
4 open enrollment restrictions;

5 (2) enroll the child under family coverage upon
6 application of the custodial parent, if the obligor is enrolled but
7 fails to make application to obtain coverage for the child;

8 (3) enroll the child under family coverage upon
9 application of the child support enforcement agency, if the obligor
10 is enrolled but fails to make application to obtain coverage for the
11 child, subject to Subsection (c) of this §34128, whenever the child
12 receives:

13 (A) temporary assistance for needy families or foster
14 case or medicaid assistance; or

15 (B) services provided upon application of a custodial
16 parent to the Department;

17 (4) not disenroll or eliminate coverage for any child,
18 unless the employer is provided satisfactory written evidence that:

19 (A) the order is no longer in effect;

20 (B) the child is or will be enrolled in comparable
21 coverage that will take effect no later than the effective date
22 of enrollment; or

23 (C) the employer has eliminated family health
24 coverage for all of its employees;

25 (5) withhold from the obligor's compensation the obligor's

1 share, if any, of premiums for health care coverage and pay this
2 amount to the health insurance provider; and

3 (6) withhold fifty percent (50%) of the obligor's disposable
4 income, if the amount required to be withheld under Item (5) of
5 Subsection (b) of this §34128, either alone or when added to the
6 total of any withholding required by a child support order,
7 exceeds fifty percent (50%) of the obligor's disposable income.

8 (c) Before making application under Item (3) of Subsection (b)
9 of this §34128, the child support enforcement agency shall provide
10 written notice to the obligor that the obligor may contest the proposed
11 application by filing a written request for a hearing within ten (10) days
12 of the date the notice is issued. If the obligor contests the application for
13 coverage, a hearing must be held, and the Court shall require the child
14 support enforcement agency to make application if it determines
15 coverage for the child is available to the obligor at a reasonable cost.

16 (d) A custodial and non-custodial parent shall be liable for the
17 uninsured medical costs of the child in proportion to their respective
18 percentage of income according to the child support guidelines."

19 **Section 6.** Section 34152 of Chapter 34, Division 3 of Title 5 of the
20 Guam Code Annotated is hereby repealed and reenacted to read as follows:

21 **"Section 34152. Child Support Disbursement Unit.** The
22 Department is designated as the Guam child support disbursement unit.
23 The Department shall use automated procedures for the collection and
24 disbursement of child support payments made for support orders being
25 enforced by the Department, all child support orders subject to the

1 withholding of income, and all other child support orders as directed by
2 a court of competent jurisdiction."

3 **Section 7.** Section 30114 of Chapter 30, Division 3 of Title 5 of the
4 Guam Code Annotated is hereby repealed and reenacted to read as follows:

5 "Section 30114. **Rules and Regulations.** The Department of
6 Law, Office of the Attorney General, may adopt, amend or repeal rules
7 pursuant to the Administrative Adjudication Law, Chapter 9 of Title 5,
8 and the Personal Responsibility and Self-Sufficiency Act, Chapter 34 of
9 Title 5, all of the Guam Code Annotated, that may be necessary or
10 convenient for the performance of its functions. The Department's rules
11 may include general rules of practice and procedure that apply to all
12 Divisions placed or established within the Department without the
13 necessity of individual adoption by the Divisions within the
14 Department."

15 **Section 8.** Subsection (b) of §34132 of Chapter 34, Division 3 of Title 5
16 of the Guam Code Annotated is hereby amended to read as follows:

17 "(b) The assignment becomes effective the first pay period after
18 receipt of the order by the employer. The order shall be issued and
19 served as in other civil cases, including by certified or registered mail,
20 return receipt requested, or may be served upon an employer by
21 telefacsimile machine. The wage assignment order must be served on
22 any known income payor within five (5) business days after the issuer is
23 informed of such an income payor. After the effective date, the assigned
24 amount shall be remitted to the appropriate government agency which
25 is receiving support payments on behalf of obligees on each regular due

1 date or pay date. For orders entered after the effective date of this
2 Section, the employer may not deduct or impose any administrative fee
3 on the assigned amount. The government of Guam may not deduct or
4 impose any administrative fees for any wage assignment ordered
5 between or after the effective date of this Section."

6 **Section 9.** A new §34101.1 is hereby added to Chapter 34, Division 3 of
7 Title 5 of the Guam Code Annotated to read as follows:

8 **"Section 34101.1. Support Orders of Minor Parents.**

9 The child support enforcement agency may establish, enforce or
10 modify a Court order for the support of a child against the parents of a
11 non-custodial parent if:

12 (1) the custodial parent and non-custodial parent of the
13 child are both less than eighteen (18) years of age; and

14 (2) the custodial parent of the child is a member of a
15 household that is receiving benefits pursuant to the program to
16 provide temporary assistance for needy families."

17 **Section 10.** A new Subsection (5) is hereby added to §34102 of
18 Chapter 34, Division 3 of Title 5 of the Guam Code Annotated to read as
19 follows:

20 "(5) '**Child Support Enforcement Agency**' means the
21 Department of Law, Family Division."

22 **Section 11.** A new §34103.1 is hereby added to Chapter 34,
23 Division 3 of Title 5 of the Guam Code Annotated to read as follows:

24 **"Section 34103.1 Power of Child Support Enforcement Office,
25 Employees and Agents.** (a) In implementing programs under

1 Title IV-D, the child support enforcement agency and the officials,
2 employees and agents of such agency shall have administrative
3 authority to perform the following functions without necessity of
4 obtaining an order from any other judicial or administrative entity:

5 (1) to conduct examinations;

6 (2) to require by subpoena the attendance of witnesses
7 and the production of books, records and papers;

8 (3) to compensate witnesses and individuals producing
9 books, records, including records maintained in automated data
10 bases, and papers in amounts determined by the state agency, not
11 to exceed actual reasonable costs incurred:

12 (4) to require genetic testing of appropriate individuals
13 when necessary in disputed paternity cases, to determine the
14 relationship of parent and child, and;

15 (A) pay the costs of such testing, subject to
16 recoupment from the alleged father if paternity is
17 established; and

18 (B) obtain additional testing in any case if an initial
19 test result is contested, upon request and advance payment
20 by the contestant;

21 (5) make application to the Superior Court of Guam,
22 Hearing Division to compel participation in genetic testing, the
23 attendance of witnesses, the production of books, records and
24 papers, and the payment of fiscal sanctions imposed under this
25 Chapter."

1 **Section 12.** A new §34103.2 is hereby added to Chapter 34,
2 Division 3 of Title 5 of the Guam Code Annotated to read as follows:

3 **"Section 34103.2. Reporting to Credit Bureaus.** (a) In
4 acting as the official agency in administering the child support program
5 under Title IV-D, the child support enforcement office, directly or
6 through agents and agencies, subject to Subsection (b) of this §34103.2
7 may report periodically to consumer reporting agencies the name of any
8 obligor who owes past due support, and the amount of past due
9 support owed by the obligor.

10 (b) The child support enforcement agency may report under
11 Subsection (a) of this §34103.2, only after such an obligor has been
12 provided notice and a reasonable opportunity to contest the accuracy of
13 the statement of the name and amount of overdue support owed by the
14 obligor.

15 (c) For purposes of this §34103.2 '*consumer reporting agency*'
16 means an agency that has furnished evidence, satisfactory to the
17 Department, that the agency is a consumer reporting agency as defined
18 in Subsection (f) of §603 of the Fair Credit Reporting Act, 15 U.S.C. 1681
19 a."

20 **Section 13.** A new §34103.3 is hereby added to Chapter 34,
21 Division 3 of Title 5 of the Guam Code Annotated to read as follows:

22 **"Section 34103.3. Securing Assets to Satisfy Past Due Child**
23 **Support.** In acting as the official agency in administering the child
24 support program under Title IV-D, in cases in which there is past due
25 child support, the child support enforcement agency may secure assets

1 to satisfy the past due amount by issuing writs of execution. Those
2 writs of execution may be used to secure or seize property including:

3 (a) periodic or lump sum payments from:

4 (1) an agency administering unemployment compensation
5 benefits, workers compensation benefits or other benefits; and

6 (2) judgments, settlements and gaming proceeds
7 otherwise belonging to the obligor, or payable upon the obligor's
8 demand;

9 (b) assets of the obligor held in financial institutions; and

10 (c) public and private retirement funds.

11 **Section 14.** A new Subsection (e) is hereby added to §34105 of
12 Chapter 34, Division 3 of Title 5 of the Guam Code Annotated to read as
13 follows:

14 "(e) If a family ceases to receive public assistance under the Title
15 IV-A program of Guam, the Child Support Enforcement Agency shall
16 provide appropriate notice to the family that the Child Support
17 Enforcement Agency will continue to provide services to the family,
18 unless the family provides written notice of request not to do so, and the
19 Child Support Enforcement Agency shall continue to provide such
20 services, subject to the same conditions, and on the same basis as in the
21 case of other individuals to whom services are provided, except that an
22 application or other request to continue services shall not be required of
23 such family."

24 **Section 15.** A new §34109.5 is hereby added to Chapter 34,
25 Division 3 of Title 5 of the Guam Code Annotated to read as follows:

1 "Section 34109.5. Agreements with Financial Institutions.

2 (a) The Attorney General, or a designated representative, shall
3 enter into agreements with financial institutions doing business on
4 Guam to coordinate the development and operation of a system for
5 matching data, using automated exchanges of data to the maximum
6 extent feasible.

7 (b) A financial institution doing business on Guam shall:

8 (1) cooperate with the Attorney General, or a designated
9 representative, in carrying out Subsection (a) of this §34109.5;

10 (2) use the system to provide to the support enforcement
11 agency for each calendar quarter the name, address of record,
12 social security number or other number assigned for taxpayer
13 identification, and other identifying information for each
14 responsible parent who maintains an account at the financial
15 institution, as identified by the support enforcement agency by
16 name and social security number or other number assigned for
17 taxpayer identification;

18 (3) surrender to the support enforcement agency such
19 assets held by the financial institution on behalf of the responsible
20 parent as may be required by the support enforcement agency in
21 response to the receipt from the support enforcement agency of a;

22 (A) notification of a lien against a responsible parent
23 which arises pursuant to an order of a tribunal of Guam or is
24 entitled to full faith and credit pursuant to this Chapter or
25 the Uniform Interstate Family Support Act;

1 (B) notice of attachment pursuant to this Chapter.

2 (4) except as otherwise provided in Subsection (b)(3) of
3 this §34109.5, in response to the receipt of notice of a lien which is
4 entitled to full faith and credit pursuant to this Chapter or the
5 Uniform Interstate Family Support Act or notice of a levy on such
6 a lien, encumber or surrender, as the case may be, such assets held
7 by the financial institution on behalf of the responsible parent as
8 may be required to enforce the lien. A financial institution doing
9 business on Guam which receives from the support enforcement
10 agency a notice of lien, notice of attachment or notice of levy on a
11 lien is not required to encumber or surrender any assets received
12 by the financial institution on behalf of the responsible parent after
13 the financial institution received the notice of lien, notice of
14 attachment or notice of levy on a lien.

15 (c) A financial institution may not be held liable in any civil or
16 criminal action for:

17 (1) any disclosure of information to the support
18 enforcement agency pursuant to this §34109.5;

19 (2) encumbering or surrendering any assets held by the
20 financial institution pursuant to this §34109.5;

21 (3) any other action taken in good faith to comply with the
22 requirements of this §34109.5.

23 (d) If a court issues an order to return to a responsible parent
24 any assets surrendered by a financial institution pursuant to Subsection
25 (b) of this §34109.5, the support enforcement agency is not liable to the

1 responsible parent for any of those assets that have been provided to
2 another person or agency in accordance with the order for payment of
3 support."

4 **Section 16.** A new Subsection (f) is hereby added to §34118 of
5 Chapter 34, Division 3 of Title 5 of the Guam Code Annotated to read as
6 follows:

7 "(f) The non-custodial or custodial parent for which child
8 support has been previously ordered shall have a right to petition the
9 Family Court, Hearings Division or the Department not more than once
10 every three (3) years for review and adjustment of the child support
11 order without having to show a change of circumstances. The non-
12 custodial or custodial parent shall not be precluded from petitioning the
13 Family Court, Hearings Division or the child support enforcement
14 agency for review and adjustment of the child support order more than
15 once in any three (3) year period if the second or subsequent request is
16 supported by proof of a substantial or material change of
17 circumstances."

18 **Section 17.** A new §34119.2 is hereby added to Chapter 34,
19 Division 3 of Title 5 of the Guam Code Annotated to read as follows:

20 **"Section 34119.2. Temporary Support Orders.**

21 (a) The Court shall issue a temporary order of support pending
22 a judicial determination of paternity if

23 (1) genetic testing affixes at least a ninety-five percent
24 (95%) probability of paternity;

25 (2) a notarized statement is signed by both parties

1 acknowledging paternity or separate substantially similar
2 notarized statements are signed acknowledging paternity and
3 filed with the Department of Public Health and Social Services,
4 Vital Statistics; or

5 (3) there is other clear and convincing evidence as
6 determined by a court.

7 (b) A temporary order of support does not prejudice the rights
8 of a person and child that are adjudicated at subsequent hearings in the
9 proceeding.

10 (c) A temporary order of support may be revoked or modified
11 and terminates when the final support order is entered or when the
12 petition for support is dismissed.”

13 **Section 18.** A new §34119.3 is hereby added to Chapter 34,
14 Division 3 of Title 5 of the Guam Code Annotated to read as follows:

15 **"Section 34119.3. Voluntary Acknowledgement of**
16 **Paternity.** (a) The Department or the parent of a child born out of
17 wedlock may establish paternity by filing with the Department of Public
18 Health and Social Services, Vital Statistics, either a notarized statement
19 that contains the social security numbers of both parents, that is signed
20 by both parents and that acknowledges paternity or by separate, but
21 substantially similar, notarized statements that acknowledges paternity.

22 A signed voluntary acknowledgment of paternity shall constitute a
23 legal finding of paternity and has the same force and effect as a Superior
24 Court judgment, subject to the right of any signatory to rescind the
25 acknowledgment:

1 (1) within sixty (60) days of the signature; or

2 (2) before the date of an administrative or judicial
3 proceeding relating to the child, including a proceeding to
4 establish a support order to which the signatory is a party,
5 whichever is sooner.

6 (b) Following the sixty (60) day period referred to in Subsection
7 (a) of this §34119.3, a signed voluntary acknowledgment of paternity
8 may be challenged in Court only on the basis of fraud, duress or
9 material mistake of fact, with the burden of proof on the challenger. The
10 legal responsibilities of any signatory arising from the acknowledgment
11 including child support obligations shall not be suspended during the
12 challenge except for good cause shown.

13 (c) The courts and office of child support hearings of Guam
14 shall give full faith and credit to affidavits for the voluntary
15 acknowledgment of paternity signed in any state or territory and these
16 affidavits shall constitute legal findings of paternity, subject to
17 Subsections (a) and (b) of this §34119.3.

18 (d) Judicial and administrative hearings shall not be required or
19 permitted to ratify an unchallenged acknowledgment of paternity."

20 **Section 19.** A new §34119.4 is hereby added to Chapter 34,
21 Division 3 of Title 5 of the Guam Code Annotated to read as follows:

22 "Section 34119.4. **Hospital Paternity.** (a) Upon the
23 birth of a child to an unmarried woman, and prior to discharge, any
24 hospital, physician health care provider, midwife or nurse who assists in
25 the birth of the child shall:

1 (1) provide an opportunity for the child's mother and
2 alleged father to sign, under oath, an affidavit of paternity; and

3 (2) provide to the mother and to the alleged father, any
4 necessary oral information, and also written information furnished
5 by the Department which describes, among other things, the rights
6 and responsibilities of parentage; the benefits of having the child's
7 paternity established; the alleged father's legal rights and
8 responsibilities, including his right to request genetic testing; the
9 child's right to received child support; that a signed affidavit of
10 paternity creates a rebuttable presumption of paternity; that a
11 signed affidavit of paternity allows the establishment of a support
12 obligation without requiring further proceedings to establish
13 paternity; and, that completion of the affidavit of paternity is
14 voluntary and is not required of either the mother or the alleged
15 father.

16 (b) The fully completed, signed and notarized original affidavit
17 of paternity, if obtained, shall be forwarded to the Department of Public
18 Health and Social Services, Vital Statistics within seven (7) days
19 following the birth of the child."

20 **Section 20.** A new §34119.5 is hereby added to Chapter 34,
21 Division 3 of Title 5 of the Guam Code Annotated to read as follows:

22 **"Section 34119.5. Evidence of Bills.** In any action to
23 establish paternity, medical bills related to childbirth, pregnancy or
24 confinement expenses, and genetic testing bills shall be admissible as
25 evidence without foundation testimony, and shall constitute prima facie

1 evidence of the amounts incurred."

2 **Section 21.** A new §34121.1 is hereby added to Chapter 34,
3 Division 3 of Title 5 of the Guam Code Annotated to read as follows:

4 **"Section 34121.1. Information to be Included in Support**
5 **Orders.** (a) Every Court order for the support of a child issued or
6 modified in Guam on or after the effective date of this legislation, must
7 include:

8 (1) the names, dates of birth and social security numbers
9 of the parents of the child;

10 (2) the name, date of birth and social security number of
11 the child; and

12 (3) the case identification number assigned by the Court.

13 (b) Within ten (10) days after a tribunal issues an order for the
14 support of a child, each party to the cause of action shall file with the
15 Court that issued the order and the Department of Law, Family
16 Division:

17 (1) the party's social security number;

18 (2) the party's residential and mailing addresses;

19 (3) the party's telephone number or a contact number;

20 (4) the party's motor vehicle operator's license number;

21 and

22 (5) the name, address and telephone number of each
23 party's employer. Each party shall update the information filed
24 with the Court and the Department of Law, Family Division
25 pursuant to this §34121.1 within ten (10) days after that

1 information becomes inaccurate."

2 **Section 22.** A new Subsection (h) is hereby added to §34132 of
3 Chapter 34, Division 3 of Title 5 of the Guam Code Annotated to read as
4 follows:

5 "(h) An employer who complies with an income withholding
6 order that is regular on its face is not subject to civil liability to any
7 individual or agency for conduct in compliance with the order."

8 **Section 23.** A new §34132.1 is hereby added to Chapter 34,
9 Division 3 of Title 5 of the Guam Code Annotated to read as follows:

10 **"Section 34132.1. Lien for Past Due Child Support.**

11 (a) When a past due child support obligation is at least six (6)
12 times the monthly child support obligation and the obligor is not
13 current in a court-established plan to repay the past due support, a lien
14 shall arise on the obligor's real and personal property and the obligor's
15 real and personal property shall be subject to foreclosures, distraint,
16 seizure and sale, or order to withhold and deliver which shall be
17 executed in accordance with Guam law. No judicial notice or hearing
18 shall be necessary prior to creation of such a lien.

19 (b) The child support enforcement agency may establish a lien
20 on personal property as provided below:

21 (1) Vehicle lien:

22 (A) In the case of a vehicle, the Department may
23 establish a lien by filing a notice of lien with the Director of
24 the Department of Revenue and Taxation. The notice must
25 be in a form prescribed by the Director of the Department of

1 Revenue and Taxation and contain a description of the
2 vehicle, the name and last known address of the obligor, and
3 any other information required by the Director of the
4 Department of Revenue and Taxation. The notice of lien
5 must state that the child support obligation is past due and
6 that a copy of the notice of lien has been served on the
7 obligor by first-class mail at the obligor's last known
8 address.

9 (B) Upon filing of the notice of lien in accordance
10 with this §34132.1, the Director of the Department of
11 Revenue and Taxation shall demand in writing the
12 surrender of the certificate of title from the obligor or a
13 superior lienholder for the purpose of recording the lien on
14 the certificate of title. Upon receipt of the certificate of title,
15 the Director of the Department of Revenue and Taxation
16 shall record the fact of the lien and the identity of the
17 lienholder on the certificate of title and deliver the certificate
18 of title to that lienholder. If the obligor or superior
19 lienholder fails to surrender the certificate of title within
20 fifteen (15) days after the written demand by the Director of
21 the Department of Revenue and Taxation shall notify the
22 child support enforcement agency seeking the lien.

23 (C) Upon receipt of notice from the Director of the
24 Department Revenue and Taxation that the obligor or
25 superior lienholder has not responded to the demand for

1 surrender of a title certificate, the child support enforcement
2 agency may obtain an order from a court of competent
3 jurisdiction requiring the certificate of title to be delivered to
4 the Court so that a lien may be properly recorded.

5 (D) No fee may be charged for services provided
6 under this §34132.1.

7 (E) The Director of the Department of Revenue and
8 Taxation may determine a certificate of title to have been
9 fraudulently procured if endorsed by a previous owner who,
10 at the time the endorsement was made:

11 (i) was an obligor who owed past due child
12 support; and

13 (ii) had been served with a copy of a notice of
14 lien filed under this §34132.1 with respect to the
15 vehicle described on that certificate of title.

16 (F) A lien under this §34132.1 is perfected when the
17 lien is recorded on the certificate of title.

18 (2) Vessel lien:

19 (A) In the case of a vessel, the child support
20 enforcement agency may establish a lien by filing a notice of
21 lien with the Department of Revenue and Taxation if the
22 vessel is estimated to be at least twice the cost of establishing
23 the lien. The notice must contain a description of the make,
24 model designation and serial number of the vessel, including
25 its identification or registration number, if any, and the

1 name, social security number and last known address of the
2 obligor. The notice of lien must state that the child support
3 obligation is past due and that a copy of the notice of lien
4 has been served on the obligor by first-class mail at the
5 obligor's last known address.

6 (B) Upon filing of the notice of lien in accordance
7 with this §34132.1, the notice of lien must be indexed by the
8 Director of the Department of Revenue and Taxation.

9 (C) A lien under this §34132.1 is perfected when
10 notice of the lien is filed with the Director of the Department
11 of Revenue and Taxation.

12 (D) The child support enforcement agency may file
13 an amendment to correct the social security number of the
14 obligor to correct the spelling of the obligor's name, or to
15 correct or change the address of the obligor.

16 (3) Account lien:

17 (A) In the case of an account maintained in a
18 financial institution, the child support enforcement agency
19 may establish a lien on the account by serving a notice of
20 lien upon the financial institution in the manner provided
21 for service of a summons in a civil action. The notice must
22 be in a form prescribed by the child support enforcement
23 agency and contain the name, social security number, or
24 other taxpayer identification number and last known
25 address of the obligor, the amount of past due support for

1 which a lien is claimed, and any other information required
2 by the public authority. The notice of lien must state that the
3 child support obligation is past due and that a copy of the
4 notice of lien has been served on the obligor by first-class
5 mail at the obligor's last known address.

6 (B) Upon service of the notice of lien on a financial
7 institution in accordance with this §34132.1, the lien attaches
8 to accounts of the obligor maintained in the financial
9 institution, except to the extent necessary to satisfy any right
10 of set off which exists in connection with an account,
11 payment orders that were made by the obligor before the
12 financial institution was served with notice of lien, or other
13 obligations of the obligor based upon written agreements or
14 instruments made or issued by the obligor before the
15 financial institution was served with notice of lien.

16 (C) The child support enforcement agency may
17 establish a lien on real property as provided:

18 (1) the child support order or judgment or
19 administrative proceedings in Guam or any state or
20 territory shall be recorded in the Department of Land
21 Management. The recordation of the order or
22 judgment in the Department of Land Management
23 shall be deemed, at such time, for all purposes and
24 without any further action, to procure a lien on land on
25 file with the Department of Land Management;

1 (2) the lien shall become effective immediately
2 upon recordation of the child support order and shall
3 attach to all interests in real or personal property then
4 owned or subsequently acquired by the obligor.

5 (D) The child support enforcement agency shall not
6 be charged a fee for recording or filing of the liens provided
7 for in this §34132.1 or for the recording or filing of any
8 releases requested in conjunction with the lien.

9 (E) Any lien provided for by this §34132.1 shall take
10 priority over any lien subsequently acquired or recorded
11 except tax liens.

12 (F) Upon payment of all past due child support
13 obligations, the child support enforcement agency shall
14 provide, within a reasonable time, an appropriate
15 satisfaction or release of a lien arising under this Chapter.

16 (G) Immunity from Liability. A person in
17 possession of, or obligated with respect to, property, who,
18 upon demand of the child support enforcement agency,
19 surrenders the property or discharges the obligation to the
20 child support enforcement agency, is immune from any
21 liability to the obligor or other person arising from the
22 surrender of payment. The Court shall award reasonable
23 attorney's fees and costs against any person who commences
24 an action that is subsequently dismissed by reason of the
25 immunity granted by this §34132.1.

1 (H) Action to Enforce Lien. In any case in
2 which there has been a refusal or neglect to pay child
3 support, the child support enforcement agency, in addition
4 to any other relief, may file an action in any court of
5 competent jurisdiction to enforce a lien under this Chapter.
6 The filing of an action does not preclude the child support
7 enforcement agency from pursuit of any other means of
8 enforcement available under Guam, state or Federal law.

9 (I) Persons Aggrieved. A person aggrieved by an
10 action taken by the child support enforcement agency to
11 enforce a lien under this Chapter may seek review of the
12 child support enforcement agency's actions in the court that
13 issued the child support order claimed to be past due.

14 (J) Full Faith and Credit. A lien arising in another
15 state, under a law of that state implementing the provisions
16 of 42 U.S.C. 666(a)(4)(A), is entitled to full faith and credit
17 when the party seeking to enforce that lien records or serves
18 the lien documents in the manner provided under this
19 Chapter. No judicial notice or hearing is required prior to
20 recording or service of the lien documents."

21 **Section 24.** A new Section 34133.1 is hereby added to Chapter 34,
22 Division 3 of Title 5 of the Guam Code Annotated to read as follows:

23 **"Section 34133.1. Implementation of Income Withholding.**

24 (a) For cases being enforced under the Title IV-D state plan or
25 for those parents applying to the agency for services, the income of an

1 obligor who receives income on a periodic basis and who has a support
2 obligation imposed by support order issued or modified in the state
3 before October 1, 1996, if not otherwise subject to withholding, shall
4 become subject to withholding as provided in Subsection (b) of this
5 §34133.1, if arrearages or delinquency occur, without the need for a
6 judicial or administrative hearing. The agency shall implement such
7 withholding without the necessity of any application in the case of a
8 child with respect to whom services are already being provided under
9 Title IV-D and shall implement on the basis of an application for service
10 under Title IV-D in the case of any other child on whose behalf a
11 support order has been issued or modified. In either case, such
12 withholding shall occur without the need for any amendment to the
13 support order involved or for any further action by the Court or other
14 entity which issued such order.

15 (b) If the obligor who receives income on a periodic basis
16 becomes delinquent in making payments under a support order in an
17 amount at least equal to the support payable for one (1) month, the
18 agency shall issue an income withholding order that shall include an
19 amount to be paid for current support and towards the delinquency.
20 The order shall be served upon the employer by certified mail or
21 personal service, or transmitted to the employer through electronic
22 means.

23 (c) Upon the agency's receipt of an interstate income
24 withholding request from another jurisdiction, the agency may issue an
25 income withholding order to collect the support imposed upon the

1 obligor by a support order issued or modified by the other state. The
2 order shall include an amount adequate to ensure that past due
3 payments and payments which will become due in the future under the
4 terms of the support order will be paid.

5 (d) A copy of the order shall be filed in the office of the Clerk of
6 the Superior Court of Guam.

7 (e) Upon sending the order of income withholding to the
8 employer, the agency shall send a notice of the withholding to each
9 obligor to whom Subsections (b) and (c) of this §34133.1 apply. The
10 notice shall inform the obligor:

11 (1) that the withholding has commenced;

12 (2) that the obligor may request a hearing in writing
13 within fourteen (14) days of the date of the notice;

14 (3) that, unless the obligor files a written request for a
15 hearing within fourteen (14) days of the date of the notice, the
16 money received from the income withholding will be distributed
17 to the custodial parent or, in an interstate case, the obligee in the
18 other jurisdiction, or in the case where the children are receiving
19 public assistance, to the state;

20 (4) that the only defense to income withholding is mistake
21 of fact; and

22 (5) of the information that was provided to the employer
23 with respect to the employer's duties.

24 (f) The agency may delay the distribution of collections toward
25 arrearages or delinquency until the resolution of any requested hearing

1 regarding the arrearages or delinquency.

2 (g) Upon timely receipt of a request for a hearing from the
3 obligor, the agency shall refer the matter to the Superior Court of Guam,
4 Hearings Division, and a hearing shall be conducted."

5 **Section 25.** A new §34152.1 is hereby added to Article 1, Chapter
6 34 of Title 5 of the Guam Code Annotated to read as follows:

7 **"Section 34152.1. Child Support Case Registry.**

8 (a) Beginning October 1, 1998, the Department is designated as
9 the Guam child support case registry, and shall collect, maintain, update
10 and monitor child support enforcement records by use of an automated
11 system, for all child support orders being enforced by the Department,
12 and for all child support orders established or modified on Guam, on or
13 after October 1, 1998.

14 (b) Beginning October 1, 1998, the Superior Court of Guam shall
15 forward to the Department all support orders established or modified in
16 domestic, child support and juvenile cases.

17 (c) The Guam case registry shall extract, share, compare and
18 receive child support information from other data bases and furnish and
19 exchange information with the Federal case registry of child support
20 orders, the Federal parent locator service, other Guam agencies, and
21 other states to facilitate the establishment or enforcement of child
22 support orders."

23 **Section 26.** Section 8405 of Article 4, Chapter 8 of Title 19 of the
24 Guam Code Annotated is hereby amended to read as follows:

25 **"Section 8405. Family Support.** When a dissolution of

1 marriage is granted, the tribunal shall provide for the medical care,
2 support, reasonable education and maintenance of the children of the
3 marriage and children of either spouse adopted by the other as required
4 by Chapter 34 of Title 5 of the Guam Code Annotated and to make such
5 suitable allowance to the other spouse for that person's support, during
6 that person's life or for a shorter period, as the Court may deem just,
7 having regard to the circumstances of the parties respectively; and the
8 Court may, from time to time, modify its order in these respects."

9 **Section 27.** Section 8321 of Article 3, Chapter 8 of Title 19 of the
10 Guam Code Annotated is hereby amended to read as follows:

11 **"Section 8321. Decision, Interlocutory Judgment.** In
12 actions for dissolution of marriage, the Court must file its decision and
13 conclusions of law as in other cases, and if it determines that no
14 dissolution of marriage shall be granted, final judgement must
15 thereupon be entered accordingly. If it determines that the dissolution
16 of marriage ought to be granted, interlocutory judgment must be
17 entered, declaring that the party in whose favor the court decides is
18 entitled to a dissolution of marriage. After the entry of the interlocutory
19 judgment, neither party shall have the right to dismiss the action
20 without the consent of the other. An interlocutory decree of divorce
21 granted pursuant to the provisions of this §8321 must include the social
22 security numbers of both parties, and of all children."

23 **Section 28.** Section 8322 of Article 8, Chapter 8 of Title 19 of the
24 Guam Code Annotated is hereby amended to read as follows:

25 **"Section 8322. Final Decree of Divorce after Six (6) Months**

1 **Period.** When six (6) months have expired after filing of the initial
2 petition or complaint for divorce, and following entry of an
3 interlocutory decree of divorce, the court on motion of either party, or
4 upon its own motion, may enter the final judgment granting the
5 dissolution of marriage, which final judgment shall restore the parties to
6 status as single persons. This six (6) months waiting period after the
7 filing of petition or complaint may be shortened by the Court upon
8 application by either party, upon showing a cause to shorten the time.
9 The Court may also enter such other orders as may be necessary to
10 complete the disposition of the action. If an appeal is filed by either
11 party, the final decree may not be entered until the appeal has been
12 disposed of by the appellate courts, and in any event may not be entered
13 if the judgment granting the interlocutory divorce is reversed on appeal.
14 If either party dies after entry of an interlocutory divorce, but before
15 entry of the final decree of divorce, the Court shall enter a final decree of
16 divorce, effective nunc pro tunc to the date of entry of the interlocutory
17 decree of divorce. A final decree of divorce granted pursuant to the
18 provisions of this §8322 must include the social security number of both
19 parties, and of all children."

20 **Section 29.** A new Item (8) is hereby added to Subsection (a) of
21 §3202 of Article 2, Chapter 3 of Title 19 of the Guam Code Annotated to read
22 as follows:

23 **"(8) Social Security Number of Each Party.** If each person does
24 not have a social security number, the person responding to the question
25 must state that fact."

1 **Section 30.** A new Subsection (i) is hereby added to §3216 of
2 Article 2, Chapter 3 of Title 10 of the Guam Code Annotated to read as
3 follows:

4 "(i) The death certificate of a person shall contain the social
5 security number of the deceased; if none exists, the certificate shall also
6 state that fact."



Committee on Judiciary, Public Safety and Consumer Protection

Twenty-Fourth Guam Legislature

Senator
Elizabeth Barrett-Anderson
Chairperson

January 20, 1998

Senator
John C. Salas
Vice-Chairman

SPEAKER ANTONIO R. UNPINGCO
Twenty-Fourth Guam Legislature
155 Hesler St.
Agana, Guam 96910

Senator
Anthony C. Blaz
Member

Dear Mr. Speaker.

Senator
Joanne M.S. Brown
Member

The Committee on Judiciary, Public Safety and Consumer Protection, to which was referred **BILL NO. 460**, wishes to report back to the Legislature with its recommendation **TO DO PASS BILL NO. 460**.

Senator
Mark Forbes
Member

The voting record is as follows:

Senator
Edwardo J. Cruz, M.D.
Member

6

TO PASS

0

NOT TO PASS

0

ABSTAIN

0

TO PLACE IN INACTIVE FILE

Senator
Frank Blas Aguon, Jr.
Member

Copies of the Committee Report and other pertinent documents are attached.

Your attention to this matter is greatly appreciated.

Sincerely,


ELIZABETH BARRETT-ANDERSON
Chairperson

Attachments

**COMMITTEE ON JUDICIARY, PUBLIC SAFETY AND
C O N S U M E R P R O T E C T I O N
T W E N T Y - F O U R T H G U A M L E G I S L A T U R E**

173 ASPINALL AVENUE, ADA PLAZA CENTER SUITE 108A, AGANA, GUAM 96910



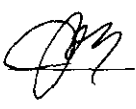



SENATOR ELIZABETH BARRETT-ANDERSON
Chairperson

SENATOR JOHN C. SALAS
Vice-Chairperson

SPEAKER ANTONIO R. UNPINGCO
Ex-Officio Member

VOTING SHEET

Bill No. 460: An act to repeal and reenact §§34101, 34119, 34122, 34128, 34152, 30114; To amend subsection (b) of §34132; and to add §34101...Relative to the Personal Responsibility and Self Sufficiency Act of 1997 and to family support and the inclusion of social security numbers on various documents including death certificates.

<u>COMMITTEE MEMBERS</u>	<u>INITIALS</u>	<u>TO DO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>
1). Sen. Elizabeth Barrett-Anderson Chairperson		✓		
2). Sen. John C. Salas Vice-Chairperson		✓		
3). Sen. Frank B. Aguon, Jr. Member		✓		
4). Sen. Anthony C. Blaz Member	✓	✓		
5). Sen. Joanne M.S. Brown Member		✓		
6). Sen. Edwardo J. Cruz M.D. Member		✓		
7). Sen. Mark Forbes Member				
8). Sen. Vicente C. Pangelinan Member				
9). Speaker Antonio Unpingco Ex-Officio Member		✓		

**COMMITTEE ON JUDICIARY, PUBLIC SAFETY AND
COMSUMER PROTECTION**

**ELIZABETH BARRETT-ANDERSON
CHAIRPERSON**

Twenty-Fourth Guam Legislature

REPORT

on

Bill No. 460 - An act to repeal and reenact §§34101, 34119, 34122, 34128, 34152, 30114; To amend subsection (b) of §34132; and to add §34101.1...Relative to the Personal Responsibility and Self Sufficiency Act of 1997 and to family support and the inclusion of social security numbers on various documents including death certificates.

I. SUMMARY

The Committee on Judiciary, Public Safety and Consumer Protection held a public hearing on Bill No. 460 at the Committee Public Hearing Room at 9:00 AM, Thursday, January 15, 1998. Public Notice was published in the January 10 and January 15, 1997 editions of the Pacific Daily News.

Committee Members Present:

Senator Elizabeth Barrett-Anderson, Chairperson
Senator John C. Salas, Vice Chairperson
Senator Edwrado J. Cruz
Senator Vicente C. Pangelinan
Senator Frank B. Aguon, Jr.

Providing Public Testimony on the Bill:

Margaret Bean, **oral/written**
Dennis G. Rodriguez, **written**

II. Purpose:

The purpose of this bill is to amend the current law bringing Guam into compliance with the Federal requirements of the Welfare Reform Act. The Bill gives more administrative authority to the Attorney General's Office (Family Division) enhancing their ability to enforce child support orders and establishes specific court procedures relating to child support obligations.

Bill No. 460 was developed by the Attorney General's Office following Federal guidelines. Failing to pass new legislation in conformance with the Federal guidelines may result in loss of Federal Funding. The deadline for the passage of legislation was December 31, 1997; however, Federal funding would not be jeopardized if Bill No. 460 is enacted into law.

II. Summary of Testimony

**MS. MARGARET BEAN
DEPUTY ATTORNEY GENERAL
FAMILY DIVISION**

Ms. Bean testified that the Attorney General's Office supported Bill No. 460. She stated that Bill No. 460 would establish procedures for the court to follow with regard to child support cases. Some of the procedures include a voluntary paternity acknowledgment program, the addressing of health care responsibility, and the use of social security numbers. Ms. Bean stated that some of the

highlights of the Bill are a child support case registry located at the Family Division of the Attorney General's Office, service of court orders by mail, mandatory health insurance for minors, expansion of an employer's obligations to allow the non-custodial parent to have the employer enroll the child in an insurance program and the prevention of disenrolling a child unless the court order has been modified. Finally Ms. Bean stated that section 9 of the Bill was optional at the Legislatures pleasure

III. FINDINGS and RECOMMENDATIONS

The Committee on Judiciary, Public Safety and Consumer Protection finds support for the passage of Bill No. 460, Senator Barrett-Anderson and the Committee presents this report to the Twenty-Fourth Guam Legislature with its recommendation **TO DO PASS.**

CARL T.C. GUTIERREZ
Maga'lani/Governor

OFISINAN HINIRAT ABUGAO
Guahan

GUS F. DIAZ
Hinirat Abugao, Akto/Attorney General, Acting

MADELEINE Z. BORDALLO
Tinente Gubetnadora
Lieutenant Governor

OFFICE OF THE ATTORNEY GENERAL
Agana, Guam
Dibision Familia
Family Division

MARGARET E. BEAN
Sigundo Hinirat Abugao
Deputy Attorney General

January 14, 1998

The Honorable Elizabeth Barrett-Anderson
Chairperson
Committee on Judiciary, Criminal Justice
and Environmental Affairs
Twenty-Fourth Guam Legislature

Re: TESTIMONY ON BILL 460

Dear Ms. Chairperson:

Hafa Adai!

Bill 460 is submitted to the Legislature to bring Guam into compliance with the Federal requirements of the Welfare Reform Act. The Bill will grant to the Office of the Attorney General more administrative power to enhance our child support enforcement efforts and establish court procedures for the establishment of paternity, establishes a voluntary paternity acknowledgment program, addresses health care, provides for the use of social security numbers and, cleans up certain parts of our current law. Because of the comprehensive nature of this Bill, I am only going to comment on certain sections, as the others are self-explanatory. All of the sections in this Bill are required to be passed into Law by January 1, 1998, or we stand to lose Federal Funding. The only exception is Section 9, which is discretionary. I will discuss that later.

COMMONWEALTH NOW!

238 Archbishop F.C. Flores St., Pacific News Building - Ste. 701, Agana, GU 96910
Telephone: (671) 475-3360 Telefax: (671) 477-6118

Section 25 establishes a "Child Support Case Registry", which is required by Federal Law. The child support case registry will be housed in the Family Division Attorney General's office. The Family Division will collect, maintain and update information on all support orders established and modified on Guam after October 1, 1998. This information will then be shared with the federal case registry. The Bill also requires that for every court order for the support of a child on Guam, all parties date of birth and social security number shall be included. Within 10 days after the order is issued, each party shall file with the Department of Law, Family Division, the parties social security number, residential and mailing address, telephone and contact number, motor vehicle operator's license number and the name, address, telephone number of their employer. All information must be updated by that party if and when it changes. All actions subsequent to the obtaining of a child support order may be served by mail to the most recent addresses on file with the case registry. This will increase the Child Support Division's ability to process cases and enforce and modify support orders. A lot of our time is spent in physically serving documents on parties. To allow us to do it by mail will lessen the expense to Guam, at the same time protecting the parties rights.

The Bill also mandates that health insurance be included in all support order, including Divorce Decrees. It expands on the employers obligations to allow the non-custodial parent to enroll a child, and allows the Family Division or the custodial parent to have the employer enroll the child in an insurance program if the non-ustodial parent fails to do so. It also prevents an employer from disenrolling a child unless proof is supplied that the order is no longer in effect, comparable insurance has been obtained or the employer has eliminated health coverage. This will protect children from the arbitrary actions of the non-custodial parent. Too often it is discovered that health insurance has been discontinued by the noncustodial parent only when there is a grave medical need which is then not covered by health insurance.

This will insure that all children are always covered by health insurance.

I suggest that language be added to Section(d) of Section 5 which repeals and reenacts 334128, as follows:

"unless the uninsured medical cost has been caused by the non-custodial parent's failure to obtain and keep in check health insurance for the child, in which case the non-custodial parent shall be liable for the entire amount of the uninsured medical costs",

It is only fair, as a non-custodial parent should not be allowed to force a portion of his obligation onto the custodial parent by failing to obtain health insurance.

Section 9 of the Bill imposes a child support obligation on the parents of a non-custodial parent who is a minor, where the child's parents are both minors and the child is receiving welfare benefits. This section is an option under welfare reform. In the past, the parents of a teenage mother often assumed the responsibility for supporting a grandchild. The grandparent liability law is designed to require the father's family to shoulder some of the burden as well. Grandparent liability laws have the potential to increase communication between parents and their teenage sons and daughters about adolescent sexual behavior and the responsibilities of having and raising a family as well as force parents of teenagers who have children to take some financial responsibility for the needs of the grandchildren.

Section 11 of this Bill gives the Family Division administrative authority to conduct examinations, subpoenas witness and documents and order genetic testing. This will lessen the burden on the Court and expedite the child support enforcement process. This is required by federal law.

Section 12 codifies what is currently required under federal law regarding reporting delinquent obligors to Credit Bureaus. It may only be done after proper notice to the

obligor. This has proved effective in making an obligor current on child on child support and is, again, required by federal law.

Section 15 mandates the Attorney General's Office to enter into agreements with *Financial Institutions* to develop and operate a system for matching data. The purpose of this law is clear. Too often obligors are not truthful when asked about bank accounts they hold. This law will ensure that persons who have undisclosed assets will not be able to hide them from their children. This, is, again, required by federal law. This law will not give the Family Division the amount of money that is being held, just that the person has an account at that financial institution, so that proper procedures to obtain the money may be commenced.

Section 18 provides that voluntary acknowledgments of paternity constitute a legal finding of paternity without necessity of a court judgment, subject to the right of either parent to rescind the acknowledgement in 60 days or before a hearing on the matter, whichever is sooner. After that 60 day period, the paternity acknowledgement may be challenged in court only on the basis of fraud, duress or material mistake of fact, with the burden on the challenges.

Section 19 sets forth how the acknowledgement in the hospital will be handled and sets forth what must be explained to parties before they sign the acknowledgement. This is also federally mandated.

Section 20 allows medical bills to be admitted into evidence without foundation evidence. This lessens the court expenses to everyone involved.

Section 22 states that an employer who complies with an income withholding order is not subjected to any liability. This protects employers and is required by federal law.

Section 23 creates an automated child support lien when an obligor is at least six months behind.

Section 24 concerns implementation of income withholding for arrears. It provides

that Family Division obtain an income withholding order that includes a payment towards arrears and that then the order be sent to the obligor with a notice that it can be contested, if the obligor believes he/she is not in arrears. If the obligor protests, a hearing will be conducted.

Sections 27 through 29 mandate that social security numbers appear on interlogatory and final decrees of divorce and that they appear on applications for marriage license and death certificates. This will satisfy the federal law requiring these laws.

I urge the immediate passage of Bill 460. It will give our office more tools to establish and enforce child support obligations. By passing this Bill you will be telling the community that you care about the children of broken homes and that their welfare is the most important consideration. We need to continue to foster in this community an attitude that all children must be supported by their parents, and must have health insurance. That child support is more important than a new car or boat. By passing this bill, it will put children first.

Finally, this Bill will bring us into compliance with Federal Law.

Dangkolo' na Agradesimiento - Thank you very much!



MARGARET E. BEAN

GOVERNMENT OF GUAM



Carl T.C. Gutierrez
GOVERNOR

Madeleine Z. Bordallo
LIEUTENANT GOVERNOR

DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES
(DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT)

Post Office Box 2816 Agana, Guam 96932

123 Chalan Kareta, Route 10

Mangilao, Guam 96923



Dennis G. Rodriguez
DIRECTOR

Marilyn D.A. Manibusan
DEPUTY DIRECTOR

RECEIVED

24th Guam Legislature

Committee on Judiciary, Public Testimony On
Safety and Consumer Protection

Date: 1/16/98

JAN 15 1998

Bill 455: AN ACT TO ESTABLISH THE UNIFORM INTERSTATE FAMILY SUPPORT ACT

Bill 460: RELATIVE TO THE PERSONAL RESPONSIBILITY AND SELF SUFFICIENCY ACT OF 1997 AND RELATIVE TO FAMILY SUPPORT AND THE INCLUSION OF SOCIAL SECURITY NUMBER ON VARIOUS DOCUMENTS AND ON DEATH CERTIFICATES

Bill 461: AN ACT TO CREATE THE UNIFORM FRAUDULENT TRANSFERS ACT TO MAKE GUAM'S LAWS COMPLY WITH THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY ACT OF 1996

Presented by
Dennis G. Rodriguez
Director
Department of Public Health & Social Services

Good morning Mr. Chairman and members of the Committee on Judiciary, Public Safety and Consumer Protection. My name is Dennis G. Rodriguez, Director of the Department of Public Health & Social Services. I am here to testify in support of the of Bills 455, 460 and 461 regarding requirements for local laws that enable Guam to comply with the welfare reform law, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA).



REPRODUCED AT GOVERNMENT OF GUAM EXPENSE

In general, all three bills will meet the requirements for child support enforcement and establishment of paternity outlined in PRWORA. In detail, these bills will allow the Family Division of the Department of Law greater ability to collect information, network and track the establishment and enforcement of support orders both locally and abroad. Successfully applied, these can only serve to benefit needy families who receive cash, food and medical assistance under welfare programs of the Department of Public Health & Social Services. For the record, I will state my support and provide comments relative to the specific bills:

Bill 455

I support the general context of Bill 455. I would like to recommend however that a defined time element be provided in place of the word "promptly" as used (on line 13 page 21) in §35319 of Article 3 Receipt and Disbursement of Payment. Timely disbursement of support payments to either the government or to recipients will augment the general intent of this particular bill.

Bill 460

With a few comments for your consideration, I support the passage of Bill 460. First, I suggest amending the Legislative Intent stated in Section 1 to conform with the full context of the bill. Specifically, Section 1 should exclude marriage and birth certificates as documents that mandate the use of social security numbers since provisions for such are not specified.

Also, the proposed section to add a new subsection (I) to Chapter 3, Article 2, §3216 of Title 10, GCA, stating that the death certificate of a person shall contain the social security number of the deceased, will only make formal through legal authority, the Department's long-time practice.

The certificates used by the Department follow those recommended by the National Center for Health Statistics of the Department of Health & Human Services. Since at least the 1969 revision, there has been a designated box for a social security number on the death certificate. There will be a space provided on the next revision as well, which is due to be in use by 1999. There are no plans for the Department of Public Health Social Services to either remove or stop the practice of including social security numbers of the deceased on these certificates. A sample of the form used for them is available and will be attached with my written testimony.

Bill 461

I support the passage of this bill without further comment.

Thank you for the opportunity to state my support and express my thoughts on these bills.


DENNIS G. RODRIGUEZ

U.S. STANDARD CERTIFICATE OF DEATH

FILE NUMBER

TYPE/PRINT IN PERMANENT BLACK INK FOR INSTRUCTIONS SEE OTHER SIDE AND HANDBOOK

1. DECEDENT'S NAME (First, Middle, Last) <i>111</i>		2. SEX	3. DATE OF DEATH (Month, Day, Year)
4. SOCIAL SECURITY NUMBER	5a. AGE—Last Birthday (Years)	5b. UNDER 1 YEAR Months: _____ Days: _____	5c. UNDER 1 DAY Hours: _____ Minutes: _____
6. WAS DECEDENT EVER IN U.S. ARMED FORCES? (Yes or no)		9a. PLACE OF DEATH (Check only one, see instructions on other side) <input type="checkbox"/> HOSPITAL <input type="checkbox"/> Inpatient <input type="checkbox"/> ER/Outpatient <input type="checkbox"/> DOA <input type="checkbox"/> OTHER <input type="checkbox"/> Nursing Home <input type="checkbox"/> Residence <input type="checkbox"/> Other (Specify) _____	
9b. FACILITY NAME (If not institution, give street and number)		9c. CITY, TOWN, OR LOCATION OF DEATH	9d. COUNTY OF DEATH
10. MARITAL STATUS—Married, Never Married, Widowed, Divorced (Specify)	11. SURVIVING SPOUSE (If wife, give maiden name)	12a. DECEDENT'S USUAL OCCUPATION (Give kind of work done during most of working life. Do not use retired.)	12b. KIND OF BUSINESS/INDUSTRY
13a. RESIDENCE—STATE	13b. COUNTY	13c. CITY, TOWN, OR LOCATION	13d. STREET AND NUMBER
13e. INSIDE CITY LIMITS? (Yes or no)	13f. ZIP CODE	14. WAS DECEDENT OF HISPANIC ORIGIN? (Specify No or Yes—If yes, specify Cuban, Mexican, Puerto Rican, etc.) <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Specify _____	15. RACE—American Indian, Black, White, etc. (Specify)
17. FATHER'S NAME (First, Middle, Last)		18. MOTHER'S NAME (First, Middle, Maiden Surname)	
19a. INFORMANT'S NAME (Type/Print)		19b. MAILING ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code)	
20a. METHOD OF DISPOSITION <input type="checkbox"/> Burial <input type="checkbox"/> Cremation <input type="checkbox"/> Removal from State <input type="checkbox"/> Donation <input type="checkbox"/> Other (Specify) _____		20b. PLACE OF DISPOSITION (Name of cemetery, crematory, or other place)	20c. LOCATION—City or Town, State
21a. SIGNATURE OF FUNERAL SERVICE LICENSEE OR PERSON ACTING AS SUCH		21b. LICENSE NUMBER (of Licensee)	22. NAME AND ADDRESS OF FACILITY
23a. Complete items 23a-c only when certifying physician is not available at time of death to certify cause of death.		23b. To the best of my knowledge, death occurred at the time, date, and place stated. Signature and Title _____	23c. LICENSE NUMBER
24. TIME OF DEATH		25. DATE PRONOUNCED DEAD (Month, Day, Year)	26. WAS CASE REFERRED TO MEDICAL EXAMINER/CORONER? (Yes or no)
27. PART I. Enter the disease, injury, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or head failure. List only one cause on each line. IMMEDIATE CAUSE (Final disease or condition resulting in death) → <u>Stroke</u> DUE TO IOR AS A CONSEQUENCE OF: a. _____ b. _____ DUE TO IOR AS A CONSEQUENCE OF: c. _____ DUE TO IOR AS A CONSEQUENCE OF: d. _____ Sequentially list conditions, if any, leading to immediate cause. Enter UNDERLYING CAUSE (Disease or injury that initiated events resulting in death) LAST			Approximate Interval Between Onset and Death
PART II. Other significant conditions contributing to death but not resulting in the underlying cause given in Part I		28a. WAS AN AUTOPSY PERFORMED? (Yes or no)	28b. WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? (Yes or no)
29. MANNER OF DEATH <input type="checkbox"/> Natural <input type="checkbox"/> Pending Investigation <input type="checkbox"/> Accident <input type="checkbox"/> Could not be Determined <input type="checkbox"/> Suicide <input type="checkbox"/> Homicide	30a. DATE OF INJURY (Month, Day, Year)	30b. TIME OF INJURY	30c. INJURY AT WORK? (Yes or no)
30a. PLACE OF INJURY—At home, farm, street, factory, office building, etc. (Specify)		30d. DESCRIBE HOW INJURY OCCURRED	
31a. CERTIFIER (Check only one) <input type="checkbox"/> CERTIFYING PHYSICIAN (Physician certifying cause of death when another physician has pronounced death and completed Item 23) To the best of my knowledge, death occurred due to the cause(s) and manner as stated. <input type="checkbox"/> PRONOUNCING AND CERTIFYING PHYSICIAN (Physician both pronouncing death and certifying to cause of death) To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner as stated. <input type="checkbox"/> MEDICAL EXAMINER/CORONER On the basis of examination and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner as stated		31b. SIGNATURE AND TITLE OF CERTIFIER	31c. LICENSE NUMBER
31d. DATE SIGNED (Month, Day, Year)		32. NAME AND ADDRESS OF PERSON WHO COMPLETED CAUSE OF DEATH ITEM 27 (Type/Print)	
33. REGISTRAR'S SIGNATURE		34. DATE FILED (Month, Day, Year)	

Dept. of Public Health & Social Services, Office of Vital Statistics

REPRODUCED AT GOVERNMENT OF GUAM EXPENSE

460



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

Refer to
Legislative Secretary

DEC 02 1997

The Honorable Antonio R. Unpingco
Speaker
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>Teri Guzmatauter</u>
Time	<u>3:15 p.m.</u>
Date	<u>12-02-97</u>

Dear Speaker Unpingco:

Enclosed please find a copy of a draft Bill entitled: "AN ACT TO REPEAL AND REENACT §§34101, 34119, 34122, 34128, 34152, 30114; TO AMEND SUBSECTION (b) OF §34132; AND TO ADD §34101.1, SUBSECTION (5) to §34102, §§34103.1, 34103.2, 34103.3, SUBSECTION (e) to §34105, §34109.5, SUBSECTION (f) TO §34118, §§34119.2, 34119.3, 34119.4, 34119.5, 34121.1, SUBSECTION (h) TO §34132, §§34132.1, 34133.1, AND 34152.1, ALL TO TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE PERSONAL RESPONSIBILITY AND SELF-SUFFICIENCY ACT OF 1997; TO AMEND §§8405, 8321, AND 8322; AND TO ADD A NEW ITEM (8) TO SUBSECTION (a) OF §3202, ALL TO TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO FAMILY SUPPORT AND THE INCLUSION OF SOCIAL SECURITY NUMBERS ON VARIOUS DOCUMENTS; TO ADD A NEW SUBSECTION (i) to §3216 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE INCLUSION OF SOCIAL SECURITY NUMBERS ON DEATH CERTIFICATES".

The attached legislation is needed to bring Guam into compliance with the recently enacted welfare reform act officially known as the Personal Responsibility and Work Opportunity Act of 1996 (PRWOA). PRWOA mandates Guam to have numerous laws in place by January 1, 1998. If these laws are not passed by January 1, 1998, the federal government has indicated that they will begin disallowance procedures which could result in the loss of funding for the Child Support Enforcement Program and the Temporary Assistance to Needy Families (TANF).

00562

Office of the Speaker
ANTONIO R. UNPINGCO
Date: 12-2-97
Time: 1415
Rec'd by: [Signature]
Print Name: Charlene Duenas

Speaker/PRWOA
December, 1997 - Page 2

Please forward this draft bill through the legislative process for enactment into law.

Very truly yours,



Carl T. C. Gutierrez

00562

Attachment

cc: The Honorable Joanne M. S. Brown,
Legisaltive Secretary

TWENTY-FOURTH GUAM LEGISLATURE

PUBLIC HEARING

SENATOR ELIZABETH BARRETT-ANDERSON

Chairperson, Committee on Judiciary, Public Safety and Consumer Protection

WITNESS SIGN-IN SHEET

Committee Hearing Room, 173 Aspinall Ave., Ada Plaza Center, Suite 108A, Agana, Guam 96910

Thursday, January 15, 1998
Public Hearing on Bill No. 460

	NAME(Please print)	ORGANIZATION	My Testimony: Oral/Written	I am For Bill 460	I am Against Bill 460
1	Margaret Bean	At's office	Both	X	
2					
3					
4					
5					
6					
7					
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9					
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