

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 67, "An Act to amend Title IX of the Code of Civil Procedure relative to the Uniform Reciprocal Enforcement of Support Act," was on the 9th day of February, 1959, duly and regularly passed.



A. B. WONG PAT  
Speaker

ATTESTED:

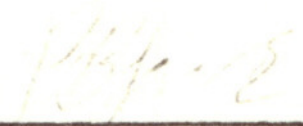
V. B. RAMBA  
Legislative Secretary

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This Act was received by the Governor this 16<sup>th</sup>  
day of February, 1959, at 9:30 o'clock A. M.

MARC. BOSS

MARCELLUS GRAEME BOSS  
Secretary of Guam

APPROVED:

  
RICHARD BARRETT LOWE  
Governor of Guam

Dated: MAR 17 1959

5:20 P.M.

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2 Introduced by \_\_\_\_\_  
3 Committee on Rules,  
4 by request

5 AN ACT TO AMEND TITLE IX OF THE CODE OF  
6 CIVIL PROCEDURE RELATIVE TO THE UNIFORM  
7 RECIPROCAL ENFORCEMENT OF SUPPORT ACT.

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

9 Section 1. Section 1501 of the Code of Civil Procedure of Guam  
10 is hereby amended to read as follows:

11 "Section 1501. Definitions. As used in this act  
12 unless the context requires otherwise:

13 (a) 'State' includes any state, territory or  
14 possession of the United States and the District of  
15 Columbia in which this or a substantially similar  
16 reciprocal law has been enacted.

17 (b) 'Initiating state' means any state in which  
18 a proceeding pursuant to this or a substantially similar  
19 reciprocal law is commenced.

20 (c) 'Responding state' means any state in which  
21 any proceeding pursuant to the proceeding in the initiating  
22 state is or may be commenced.

23 (d) 'Court' means the Island Court of Guam and  
24 when the context requires, means the court of any state  
25 as defined in a substantially similar reciprocal law.

26 (e) 'Law' includes both common and statute law.

27 (f) 'Duty of support' includes any duty of support  
28 imposed or imposable by law, or by any court order, decree  
29 or judgment, whether interlocutory or final, whether  
30 incidental to a proceeding for divorce, legal separation,  
31 separate maintenance or otherwise.

32 (g) 'Obligor' means any person owing a duty of  
support.

(h) 'Obligee' means any person to whom a duty of



support is owed and the territory of Guam.

(i) 'Governor' includes any person performing the functions of the office of Governor or exercising executive authority within the territory of Guam.

(j) 'Support order' means any judgment, decree or order of support whether temporary or final, whether subject to modification, revocation or remission regardless of the kind of action in which it is entered.

(k) 'Certification' shall be in accordance with the law of the certifying state."

Section 2. Section 1505 of the Code of Civil Procedure of Guam is hereby amended to read as follows:

"Section 1505. Conditions of interstate rendition.

(a) Before making the demand on the Governor of any state for the surrender of a person charged in this territory with the crime of failing to provide for the support of any person, the Governor of this territory may require the Island Attorney to satisfy him that at least sixty (60) days prior thereto the obligee brought an action for the support under this act, or that the bringing of such an action would be of no avail.

(b) When under this or a substantially similar act, a demand is made upon the Governor of this territory by the Governor of any state for the surrender of a person charged in any state with the crime of failing to provide support, the Governor may call upon the Island Attorney to investigate or to assist in investigating the demand, and to report to him whether any action for support has been brought under this act or whether the bringing of such an action would be effective.

(c) If an action for support would be effective and no action has been brought, the Governor may delay honoring the

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demand for a reasonable time to permit the prosecution of an action for support.

(d) If an action for support has been brought and the person demanded has prevailed in that action, the Governor may decline to honor the demand.

(e) If an action for support has been brought and pursuant thereto the person demanded is subject to a support order, the Governor may decline to honor the demand so long as the person demanded is complying with the support order."

Section 3. Section 1508 of the Code of Civil Procedure of Guam is hereby amended to read as follows:

"Section 1508. How Duties of Support Are Enforced. All duties of support, including arrearages, are enforceable by complaint irrespective of relationship between the obligor and obligee. Jurisdiction of all proceedings hereunder shall be vested in the Island Court."

Section 4. Section 1513 of the Code of Civil Procedure of Guam is hereby amended to read as follows:

"Section 1513. Costs and fees. The Island Court acting either as an initiating or responding state may in its discretion, declare all or any part of the fees and costs shall be waived or direct that any part of or all fees and costs incurred in the territory, including without limitation by enumeration, fee for filing, service of process, seizure of property, and stenographic service of both complainant and defendant, or either, shall be paid by the obligor."

Section 5. Section 1516 of the Code of Civil Procedure of Guam is hereby amended to read as follows:

"Section 1516. Duty of the Court and Officials as the Responding State. (a) When the Island Court acting as a responding state has received from the court of an initiating state



the aforesaid copies the Clerk of the Court shall docket the case and notify the Island Attorney of his action.

(b) The Island Attorney shall take all actions necessary in accordance with the laws of the territory to give the court jurisdiction of the defendant or of his property and shall request the Clerk of the Court to set a time and place for the hearing."

Section 6. Section 1517 of the Code of Civil Procedure of Guam is hereby amended to read as follows:

"Section 1517. Further Duties of Court and Officials in the Responding State. (a) The Island Attorney shall on his own initiative use all means at his disposal to trace the defendant or his property and if, due to inaccuracies of the complainant or otherwise, the court cannot obtain jurisdiction, the Island Attorney shall request the court to continue the case pending the receipt of more accurate information or an amended complaint from the court in the initiating state.

(b) If the defendant or his property is not found within the territory and the Island Attorney discovers that the defendant or his property may be found in any state he shall so inform the court and thereupon the Clerk of the Court shall forward the documents from the Island Court to a court in such state or to the information agency or other proper official of such state with a request that it forward the documents to the proper court. Upon the receipt by the Island Court of documents from any state which is not the initiating state the Island Court and the Island Attorney shall have the same powers and duties under this act as if the documents had been originally addressed to them. When the Clerk of the Island Court retransmits documents to a court in another state, he shall notify forthwith the court from which the documents came.

(c) If the Island Attorney has no information as to the

whereabouts of the obligor or his property he shall so inform the initiating court."

Section 7. A new Section 1519 is hereby added to the Code of Civil Procedure of Guam to read as follows:

"Section 1519. Hearing and Determination. If the complainant is absent from the responding state and the defendant presents evidence which constitutes a defense, the court shall continue the case for further hearing and the submission of evidence by both parties."

Section 8. Sections 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527 and 1528 of the Code of Civil Procedure of Guam are hereby renumbered respectively Sections 1522, 1523, 1524, 1525, 1527, 1520, 1521, 1528, 1529 and 1530.

Section 9. A new Section 1526 is hereby added to the Code of Civil Procedure of Guam to read as follows:

"Section 1526. Proceedings not to be stayed. No proceeding under this act shall be stayed because of the existing of a pending action for divorce, separation, annulment, dissolution, habeas corpus or custody proceeding."

Section 10. A new Section 1531 is hereby added to the Code of Civil Procedure of Guam to read as follows:

"Section 1531. This title may be cited as the Uniform Reciprocal Enforcement of Support Act."

Section 11. The heading of Title IX, Part III of the Code of Civil Procedure of Guam is hereby amended to read:

"Uniform Reciprocal Enforcement of Support Act"

Section 12. This Act shall take effect on the first day of the first month after approval thereof by the Governor.

Section 13. This Act is an urgency measure.