

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 65, "An Act to amend Section 138 of the Civil Code of Guam and to add a new Section 138.1 to said Civil Code establishing criteria and procedure in awarding custody", was on the 6th day of February, 1967, duly and regularly passed.

W. D. L. Flores

W. D. L. FLORES
Vice-Speaker

ATTESTED:

R. S. PERLAJE
Acting Legislative Secretary

This Act was received by the Governor this 28th day
of February, 1967 at 9:25 o'clock A. M.

Rudolph C. Sablan

RUDOLPH C. SABLAN
Acting Secretary of Guam

APPROVED:

Manuel E. L. Guerrero

Governor of Guam

DATED: MAR 24 1967



MAR 7 1967

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P. L. 9-53

Bill No. 65

Introduced by P. D. Palting

AN ACT TO AMEND SECTION 138 OF THE CIVIL CODE OF
GUAM TO ADD A NEW SECTION 138.1 TO SAID CIVIL
CODE ESTABLISHING CRITERIA AND PROCEDURE IN
AWARDING CUSTODY.

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

2 Section 1. Section 138 of the Civil Code of Guam is hereby amended to read as
3 follows:

4 "Section 138. Minors, maintenance. In actions for dissolution of marriage the
5 court may, during the pendency of the action, or at the final hearing, or at any time
6 thereafter during the minority of any of the children of the marriage, make such order
7 for the care, education, maintenance, and support of such minor children as may seem
8 necessary or proper, and may at any time modify or vacate the same."

9 Section 2. Section 138.1 is hereby added to the Civil Code of Guam to read as
10 follows:

11 "Section 138.1. Criteria and procedure in awarding custody. In actions for
12 divorce, separation, annulment, separate maintenance, or any other proceeding where
13 there is at issue a dispute as to the custody of a minor child, the Court may, during
14 the minority of the child, make such order for the custody of such minor child as may
15 seem necessary or proper. In awarding the custody, the Court is to be guided by the
16 following standards, considerations and procedures:

17 (a) Custody should be awarded to either parent according to the best interest of
18 the child.

19 (b) Custody may be awarded to persons other than the father or mother whenever
20 such award serves the best interest of the child. Any person who has had de facto
21 custody of the child in a stable and wholesome home and is a fit and proper person shall
22 prima facie be entitled to an award of custody.

1 (c) If a child is of sufficient age and capacity to reason, so as
 2 to form an intelligent preference, his wishes as to custody shall be con-
 3 sidered and be given due weight by the Court.

4 (d) Whenever good cause appears therefor, the Court may require an
 5 investigation and report concerning the care, welfare and custody of
 6 any minor child of the parties. When so directed by the Court, pro-
 7 fessional personnel of the Department of Public Health and Welfare
 8 shall assist the Court by making investigations and reports which shall
 9 be made available to all interested parties and counsel before hearing,
 10 and such reports may be received in evidence if no objection is made and,
 11 if objection is made, may be received in evidence provided the person
 12 or persons responsible for such report are available for cross-examination
 13 as to any matter which has been investigated.

14 (e) The Court may hear the testimony of any person or expert pro-
 15 duced by any party or upon the Court's own motion, whose skill, insight,
 16 knowledge or experience is such that his testimony is relevant to a just
 17 and reasonable determination of what is to the best physical, mental,
 18 moral and spiritual well-being of the child whose custody is at issue.

19 (f) Any custody award shall be subject to modification or change
 20 whenever the best interests of the child require or justify such modifi-
 21 cation or change, and whenever practicable, the same person who made the
 22 original order shall hear the motion or petition for modification of the
 23 prior award.

24 (g) Reasonable visitation rights shall be awarded to parents and to
 25 any person interested in the welfare of the child in the discretion of
 26 the Court, unless it is shown that such rights of visitation are detrimen-
 27 tal to the best interests of the child."

28 Section 3. This Act is an urgency measure.