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I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Bill No. 503-31 (COR), "AN ACT TO *ADD* A NEW §34105.2 TO CHAPTER 34 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE TERMINATION OF CHILD SUPPORT"**, was on the 14th day of December, 2012, duly and regularly passed.

Benjamin J.F. Cruz
Acting Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 17 day of Dec, 2012, at 11:40 o'clock A.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

Bill No. 503-31 (COR)
As amended by the Committee on Public Safety,
Law Enforcement and Judiciary; and further amended on the floor.

Introduced by: Adolpho B. Palacios, Sr.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam A. Mabini, Ph.D.
T. R. Muña Barnes
V. C. Pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
M. Silva Taijeron
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *ADD* A NEW §34105.2 TO CHAPTER 34 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE TERMINATION OF CHILD SUPPORT.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that under current Guam law, the obligation to child support ends when the child marries, becomes emancipated or reaches the age of majority, which is eighteen (18) years old. Forty-three (43) of the states allow for an extension of obligations for the completion

of high school, although often a timeline is imposed, usually reaching nineteen (19) years of age.

I Liheslaturan Guåhan finds that in relatively advanced economies, like the United States and Guam, the potential livelihoods of workers are deeply affected by educational attainments, like graduating from high school, earning a GED, completing a vocational internship or attending a post-secondary institution.

I Liheslaturan Guåhan further finds that given the large impact that education has upon young workers, the termination of child support before the child has graduated or received an equivalent attainment could have serious ramifications to the life of the child. Thus, it is clearly in the best interest of the child receiving support that the child continue to receive support in the event that the child is still attending high school or an equivalent program for up to another year.

Therefore, it is the intent of *I Liheslaturan Guåhan* to require that child support be provided until the latter of reaching the age of majority or graduating from high school or equivalent, but *not to exceed* nineteen (19) years of age, by adding a new §34105.2 to Chapter 34 of Title 5 of the Guam Code Annotated.

Section 2. Termination of Child Support. A new §34105.2 is hereby *added* to Chapter 34 of Title 5, Guam Code Annotated, to read:

"**§ 34105.2. Termination of Child Support.**

(a) An order of current child support entered by a Court or tribunal *shall* terminate by operation of law when the child on whose behalf the support is owed marries, becomes emancipated, or the latter of reaching the age of majority or graduating from high school or equivalent, but *not to exceed* nineteen (19) years of age; provided that the child remains in the custody and care of, and resides with, the custodial parent, or for those who are identified as special education students, who continue with their high school program, the order *shall* extend through the age of

twenty-two (22). If the child is still in high school and is due to turn eighteen (18) years of age, or twenty-one (21) years of age for special education students, during the school year, the custodial parent *shall* inform the Office of the Attorney General's Child Support Enforcement Division *no later than* thirty (30) calendar days prior to the child's eighteenth (18^{th}) birthday, or twenty-first (21^{st}) birthday for special education students. The custodial parent *shall* at that time submit to the Office of Attorney General's Child Support Enforcement Division an official certification of enrollment/attendance evidencing his or her child's active status as a student. In the event the child is *no* longer enrolled as a student, voluntarily or involuntarily, the custodial parent *shall*, within ten (10) business days, notify the Office of the Attorney General's Child Support Enforcement Division, upon which time child support *shall* terminate.

(b) The provisions contained in §34105.2(a) *shall not* apply to child support cases where a different arrangement has been agreed to by the custodial parent and non-custodial parent, extending child support obligations beyond eighteen (18) years of age, and which agreements have been duly approved by a Court or tribunal."

Section 3. Effective Date and Implementation. This Act *shall* take effect upon enactment and apply prospectively. The Office of the Attorney General's Child Enforcement Division, within thirty (30) calendar days following the passage of this Act, *shall* inform custodial parents and non-custodial concerning the provisions of this Act. The Office of the Attorney General's Child Enforcement Division *shall* further coordinate with the Superintendent of Education, or his authorized designee, to ensure appropriate support is extended by the Guam Department of Education concerning attendance certifications required in Section 2 of this Act.

In the event a child turns eighteen (18) years of age within thirty (30) calendar days following enactment of this Act, the custodial parent *shall* submit the

information required by Section 2 of this Act to the Office of the Attorney General's Child Support Enforcement Division within ten (10) business days following notification by that Office concerning the passage of this Act.

Section 4. Severability. If any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are severable.