



## COMMITTEE ON RULES

*I Mina'trentai Unu na Liheslaturan Guåhan* • The 31<sup>st</sup> Guam Legislature

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August 10, 2012

### MEMORANDUM

**To:** Pat Santos  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From:** Senator Rory J. Respicio  
*Majority Leader & Rules Chair*

**Subject:** Referral of Bill Nos. 503-31 (COR) & 504-31 (COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 503-31 (COR) and 504-31 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os Ma'åse!*

(2) Attachment

*I Mina'Trentai Unu Na Liheslaturan Guahan*

**Bill Log Sheet**

<b>BILL NOS.</b>	<b>SPONSOR</b>	<b>TITLE</b>	<b>DATE INTRODUCED</b>	<b>DATE REFERRED</b>	<b>120 DAY DEADLINE</b>	<b>CMTE REFERRED</b>	<b>PUBLIC HEARING DATE</b>	<b>DATE COMMITTEE REPORT FILED</b>	<b>STATUS</b>
<b>503-31 (COR)</b>	Adolpho B. Palacios, Sr.	AN ACT TO ADD A NEW §34105.2 TO CHAPTER 34 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE TERMINATION OF CHILD SUPPORT.	8/10/12 9:37am	8/10/2012		Committee on Public Safety, Law Enforcement and Judiciary			

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

2012 AUG 10 AM 9:37

Bill No. 503-31 (COR)

Introduced by:

Adolpho B. Palacios, Sr.

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

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan*  
3 *Guåhan* finds that under current Guam law, the obligation to child  
4 support ends when the child marries, becomes emancipated or  
5 reaches the age of majority, which is eighteen (18) years old. Forty-  
6 three (43) of the states allow for an extension of obligations for the  
7 completion of high school, although often a timeline is imposed,  
8 usually reaching nineteen (19) years of age.

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

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

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

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

17            **“§34105.2. Termination of Child Support.**

18            (a) An order of current child support entered by a Court  
19 or tribunal shall terminate by operation of law when the child  
20 on whose behalf the support is owed marries, becomes  
21 emancipated, or the latter of reaching the age of majority or  
22 graduating from high school or equivalent, but not to exceed  
23 nineteen (19) years of age.

1           (b) An order of current child support entered by a Court  
2           or tribunal shall terminate if custody of all children who are the  
3           subject of said order is transferred to the obligated parent  
4           pursuant to an order of a court of competent jurisdiction or the  
5           written voluntary agreement of the parents.

6           (c) Notwithstanding subsections (a) and (b) of this  
7           Section, the obligation for payment of arrears or past due  
8           support shall terminate by operation of law when all arrears or  
9           past due support have been paid.”

10          **Section 3. Effective Date.** This Act shall take effect upon  
11 enactment and apply prospectively.

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

*I Mina'Trentai Unu Na Liheslaturan Guahan*

**Bill Log Sheet**

<b>BILL NOS.</b>	<b>SPONSOR</b>	<b>TITLE</b>	<b>DATE INTRODUCED</b>	<b>DATE REFERRED</b>	<b>120 DAY DEADLINE</b>	<b>CMTE REFERRED</b>	<b>PUBLIC HEARING DATE</b>	<b>DATE COMMITTEE REPORT FILED</b>	<b>STATUS</b>
<b>504-31 (COR)</b>	Adolpho B. Palacios, Sr.	AN ACT RELATIVE TO AUTHORIZING THE RE ALLOCATION OF UNDISTRIBUTED COLLECTION FUNDS BY THE CHILD SUPPORT ENFORCEMENT DIVISION OF THE OFFICE OF THE ATTORNEY GENERAL, TO PROVIDE FOR THE CRITICAL SUPPORT NEEDED FOR CHILD SUPPORT ENFORCEMENT SERVICES; THROUGH AMENDING SECTION §34111 OF CHAPTER 34, TITLE 5, GUAM CODE ANNOTATED.	8/10/12 9:37am	8/10/2012		Committee on Public Safety, Law Enforcement and Judiciary			

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

2012 AUG 10 AM 9:37  
LH-9 MW 01 MW 9-37

Bill No. 504-31(COR)

Introduced by:

Adolpho B. Palacios, Sr.

AN ACT RELATIVE TO AUTHORIZING THE RE-  
ALLOCATION OF UNDISTRIBUTED  
COLLECTION FUNDS BY THE CHILD SUPPORT  
ENFORCEMENT DIVISION OF THE OFFICE OF  
THE ATTORNEY GENERAL, TO PROVIDE FOR  
THE CRITICAL SUPPORT NEEDED FOR CHILD  
SUPPORT ENFORCEMENT SERVICES;  
THROUGH AMENDING SECTION §34111 OF  
CHAPTER 34, TITLE 5, GUAM CODE  
ANNOTATED.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan*  
3 *Guåhan* finds that over the years the Child Support Enforcement  
4 Division of the Office of the Attorney General has worked  
5 aggressively toward the collection of child support obligations, and  
6 has further actively addressed the remittance of such payments to the  
7 respective child recipient. Although the Child Support Division has  
8 been able to provide this critical service to the community over the

1 years, there have been times in which the Division has experienced  
2 difficulty in locating the recipient entitled to the funds. Whenever an  
3 entitled recipient of the funds is not identified within a period of not  
4 less than two (2) years, unclaimed funds may through a court order  
5 be deposited and retained with the Treasurer of Guam for a period of  
6 no less than five (5) years, whereupon if it is still unclaimed by the  
7 individual entitled to such funds, then it would be escheated to the  
8 government of Guam. *I Liheslaturan Guahan* further finds that with  
9 today's technological tools and resources being utilized to locate the  
10 entitled recipient of the funds, these child support funds are being  
11 disbursed in a more expeditious manner.

12 However, according to information recently provided to *I*  
13 *Liheslatura* by the Office of the Attorney General, during the agency's  
14 FY 2013 Budget Hearing held in June 2012, there is approximately  
15 five million dollars (\$5,000,000.00) worth of undistributed child  
16 support checks that remain in an interest-bearing bank account.  
17 These unclaimed payments represent an amount that has passed the  
18 two (2)-year hold period provided by law.

19 Unfortunately, *I Liheslaturan Guahan* finds that there continues  
20 to be instances in which funds are not disbursed accordingly due to  
21 the inability of the Division to identify or locate the entitled recipient,  
22 thereby having such funds remain in the interest-bearing bank

1 account, unnecessarily, for an extended period of time, at times in  
2 excess of an additional five (5) years.

3 Therefore, it is the intent of *I Liheslaturan Guahan* to continue to  
4 allow the Child Support Enforcement Division the opportunity to  
5 ensure the aggressive disbursement of child support funds within the  
6 existing two (2)-year timeframe, and if not disbursed accordingly,  
7 then said undistributed collection funds would be escheated to the  
8 government of Guam shortly therefore; with said proceeds to be  
9 remitted to the Child Support Enforcement Division and to be  
10 expended toward updating and enhancing its vital services,  
11 including the procurement and maintenance of a new child support  
12 computer system. Through the re-allocation of these undistributed  
13 collection proceeds to the Child Support Enforcement Division of the  
14 Office of the Attorney General, the Division would have the use of  
15 these limited resources to further support its essential child support  
16 enforcement services to the island community.

17 **Section 2. Remittance of Any Child Support Undistributed**  
18 **Collection Proceeds to the Child Support Enforcement Division**  
19 **to Sustain its Critical Services to the Community.** Section §34111  
20 of Chapter 34, Title 5, Guam Code Annotated, relative to Child  
21 Support Collection, Accounting and Disbursement of Funds, is  
22 hereby amended to read as follows:

23 **“§ 34111. Collection, Accounting and Disbursement of Funds.**

1 (a) The ~~Department~~ Child Support Enforcement Division of the  
2 Office of the Attorney General shall cooperate with the Department  
3 of Public Health and Social Services, the Department of  
4 Administration, and the Superior Court of Guam in the collection,  
5 accounting for and disbursement of funds paid pursuant to any order  
6 of support issued by the Superior Court or any other state having  
7 jurisdiction when such order affects the Department of Public Health  
8 and Social Services, a welfare recipient or a person receiving  
9 assistance pursuant to the provisions of this subchapter.

10 (b) With respect to any funds paid to the ~~Department of Public~~  
11 ~~Health and Social Services~~ Child Support Enforcement Division of  
12 the Office of the Attorney General, pursuant to any order of support,  
13 which have remained unclaimed for not less than two (2) years after  
14 diligent effort to locate the person entitled to such funds, the Superior  
15 Court may enter an order decreeing:

16 (1) That the funds be returned to the person who paid them  
17 pursuant to the order of support; or

18 (2) That the funds be deposited with the Treasurer of Guam in  
19 an interest-bearing account for a period of an additional ~~five (5)~~ one  
20 (1) years, after which time, if still unclaimed, the funds shall escheat  
21 to the government of Guam. Said funds, to include any and all  
22 interest earned within the specified time period outlined above, shall  
23 be set aside specifically for use by the Child Support Enforcement

1 Division of the Office of the Attorney General to update and enhance  
2 its vital services, including the procurement and maintenance of a  
3 new child support computer system; which shall be subject to  
4 legislative appropriation. The Division shall provide written or  
5 electronic reports to I Maga'lahaen Guahan and the Speaker of I  
6 LiheSlaturan Guahan bi-annually on the application and use of any of  
7 the funds outlined herein.

8 (c) If a claimant proves to the satisfaction of the Superior Court  
9 within ~~five (5)~~ one (1) years after the deposit of funds under  
10 paragraph (2) of subsection (b) of this section that he or she has a just  
11 and legal claim to any part of the funds, the Court may order that  
12 repayment shall be made to such claimant. The clerk of the court  
13 shall issue a certificate under the official seal of the court embodying  
14 the terms and provisions of the order and transmit the certificate to  
15 the Office of the Treasurer with whom the funds were deposited.

16 (d) The Department shall ascertain the ability of an absent  
17 parent to support or contribute to the support of his or her  
18 dependents, in accordance with a child support formula accepted  
19 and approved by the Attorney General."

20 **Section 3. Effective Date.** The provisions contained herein  
21 shall be effective immediately upon enactment of this Act.

22 **Section 4. Severability.** If any provision of this Act or its  
23 application to any person or circumstance is found to be invalid or

1 contrary to law, such invalidity shall not affect other provisions or  
2 applications of this Act which can be given effect without the invalid  
3 provisions application, and to this end the provisions of this Act are  
4 severable.