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I MINA'TRENTAIUNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 265-31 (COR)

Introduced by:

R. J. RESPICIO *[Signature]*
A.B. PALACIOS, SR. *[Signature]*

**AN ACT TO ADD A NEW SUBITEM (d) TO § 34105
AND TO AMEND § 34134, AND TO ADD A NEW §
34134.1, ALL OF 34 TITLE 5 GUAM CODE
ANNOTATED, RELATIVE TO CHILD SUPPORT
ALTERNATIVES IN THE EVENT OF THE
DEATH OF A NON-CUSTODIAL PARENT.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **SECTION 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
2 finds that the current child support statutes of the Guam Code Annotated
3 do not fully address the possible continuation of child support benefits
4 upon the death of a child's non-custodial parent. While some non-custodial
5 parents may leave behind no estate of substance, other non-custodial
6 parents who have expired may leave estates from which payments of child
7 support, if based upon the obligations of the support order, could continue.

8 It is therefore the intent of *I Liheslatura* to amend existing law to allow
9 the Attorney General's Office to establish a trust at the request of a
10 custodial parent so that future payments may be made from the estate of
11 the deceased non-custodial parent, based on the obligations of the support

1 order.”

2 SECTION 2. A *new* subitem (d) is *added* to § 34105 of Title 5 GCA
3 Chapter 34 to read:

4 “(d) If the non-custodial parent expires while subject to a
5 support order, the Attorney General shall, pursuant to § 34134.1 of
6 this Chapter, establish a trust for future payments, based on the
7 obligations of the support order and the obligations of the estate.”

8 SECTION 3. § 34134 “Termination of Wage Assignment,” of Title 5
9 GCA Chapter 34, is *amended* to read:

10 “§ 34134. Termination of Wage Assignment.

11 No wage assignment ordered pursuant to this law by the
12 Superior Court shall terminate until one of the following events
13 occurs:

14 (1) the death of the assignor and the exhaustion of his
15 estate;

16 (2) the death of the child on whose behalf the support is
17 owed;

18 (3) the child on whose behalf the support is owed reaches
19 his majority or marries or becomes emancipated;

20 (4) the absent parent is given custody of the child under a

1 valid court order;

2 (5) the adoption by a third party of the child on whose
3 behalf support is owed;

4 (6) the court order expires under its own terms;

5 (7) the obligor's employment terminates.

6 Whenever a wage assignment terminates because of one of
7 these events, and subject to § 34134.1 of this Chapter, it shall
8 terminate in regard to child support payments due in the future only
9 and assignor shall remain liable for any payments that accrue before
10 that event occurs."

11 **SECTION 4. A new § 34134.1 is added to read:**

12 **"§ 34134.1 Payments based on support order after assignor's**
13 **death.**

14 In the event of the death of an assignor with funds remaining in
15 his estate, the custodial parent may request that the Attorney
16 General's Office establish a trust for future payments, based on the
17 obligations of the support order, in addition to any past due support
18 pursuant to § 34134 of this Chapter."