

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

Bill No. 59-33(COR)

Introduced by:

Mary C. Torres *WCI*

**AN ACT TO AMEND SUBSECTION § 6111(b), AND TO ADD NEW
SUBSECTIONS § 6111(d), § 6111(e), AND § 6111(f), ALL OF
CHAPTER 6, TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO
PERSONAL RELATIONS AND COMMUNITY PROPERTY.**

2015 MAR 24 AM 10:08 *WCI*

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the current Guam law guiding personal relations and community property is based on decades-old California case law, which has since been updated in California and other jurisdictions.

It is, therefore, the intent of *I Liheslaturan Guåhan* to update current Guam codes to reflect more reasonable laws pertaining to the subjects of personal relations and community property.

Section 2. Subsection (b) of § 6111 of Chapter 6, Title 19, Guam Code Annotated, is *amended* to read:

~~“(b) A husband and wife cannot, by any contract with each other, alter their legal relations, except as to property, and except that they may agree, in writing, to an immediate separation, and may make provision for the support of either of them and of their children during such separation. The provisions of an agreement for support of either party shall be deemed to be separate and severable from the provisions of the agreement relating to property. An order for support of either party based on the agreement shall be law-imposed and shall be made under the power of the court to order spousal support.”~~

1 **Section 3.** New subsections (d), (e), and (f) are hereby *added* to § 6111 of Chapter 6,
2 Title 19, Guam Code Annotated:

3 (d) (1) Except as provided in subsections (2) and (3), the provisions of an
4 agreement for the support of either party are subject to subsequent modification or
5 termination by court order.

6 (2) An agreement may not be modified or terminated as to an amount that
7 accrued before the date of the filing of the notice of motion or order to show cause
8 to modify or terminate.

9 (3) An agreement for spousal support may not be modified or revoked to
10 the extent that a written agreement, or, if there is no written agreement, an oral
11 agreement entered into in open court between the parties, specifically provides
12 that the spousal support is not subject to modification or termination.

13 (e) If an obligation under an agreement for settlement of property to a spouse or
14 for support of a spouse is discharged in bankruptcy, the court may make all proper orders
15 for the support of the spouse, as the court determines are just, having regard for the
16 circumstances of the parties and the amount of the obligations under the agreement that
17 are discharged.

18 (f) § 6111(b) and § 6111(d) are effective only with respect to a property
19 settlement agreement entered into after the enactment of this Act into law.

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