


I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
310-35 (LS)	Telena Cruz Nelson Amanda L. Shelton	AN ACT TO ADD A NEW CHAPTER 93 TO TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO HOLDING PARENTS ACCOUNTABLE FOR THE HARMFUL ACTIONS OF THEIR CHILDREN SHALL BE CITED AS THE "PARENT ACCOUNTABILITY ACT OF 2020."	3/4/20 4:44 p.m.						

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (Second) Regular Session

Bill No. 310-35 (LS)

Introduced by:

Telena Cruz Nelson
Amanda L. Shelton 

AN ACT TO ADD A NEW CHAPTER 93 TO TITLE 9,
GUAM CODE ANNOTATED, RELATIVE TO HOLDING
PARENTS ACCOUNTABLE FOR THE HARMFUL
ACTIONS OF THEIR CHILDREN SHALL BE CITED AS
THE “PARENT ACCOUNTABILITY ACT OF 2020.”

2020 MAR -4 PM 4:44 

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

2 **Section 1. Legislative Findings and Intent.**

3 *I Liheslaturan Guåhan* finds that there is a critical need to intervene and
4 mitigate youth violence. According to the Guam Department of Education Student
5 Support Services Student Conduct Reports, the number of repeat offenders has not
6 decreased in the past four (4) years.

7 *I Liheslaturan Guåhan* finds that there is a compelling need to address the
8 malicious behavior of pupils, particularly those who pose a danger to school safety.

9 **Section 2.** A new Chapter 93 is *added* to Title 9, Guam Code Annotated to
10 read:

CHAPTER 93

PARENT ACCOUNTABILITY ACT OF 2020

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14 **§ 93.01. Title.**

15 **§ 93.02. Definitions.**

1 **§ 93.03. Penalties for the Misconduct of a Child.**

2 **§ 93.04. Initiate, Instigate or Incite (Minor).**

3 **§ 93.05. Initiate, Instigate or Incite.**

4 **§ 93.06. Retaliation.**

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7 **§ 93.01. Title.**

8 This Act may be cited as the “Parent Accountability Act of 2020.”

9 **§ 93.02. Definitions.**

10 Unless otherwise indicated as used in § 93.02

11 (a) Incite means to arouse; stir up; instigate; set in motion.

12 (b) Bystander means the term given to a person who looks on but has
13 nothing to do with the activity that is in progress.

14 (c) Retaliation means the act of seeking revenge upon another.

15 **§ 93.03. Penalties for the Misconduct of a Child.**

16 (d) The parent, parents, or guardians with legal custody of minors as defined
17 in § 4202(d) of Chapter 4, Title 9, Guam Code Annotated, where he, she,
18 or they may not be liable under common law, are liable for damages to
19 property, for the cost of repairing or replacing property or removing the
20 writing, painting, inscription, or marking of any type from property
21 regarding a violation under § 34.70(g), Chapter 34, Title 9, Guam Code
22 Annotated.

23 (e) The parents, or guardians with legal custody of minors are liable for the
24 damage of a person, village, school district, religious or charitable
25 organization, municipal corporation, or association, including shop lifting
26 and personal injury attributed to a willful, or malicious act of the child as
27 defined in §19.20 and §19.30, Chapter 19, Title 9, Guam Code

1 Annotated. The victim or victim's parent or guardian of a willful,
2 malicious act of a child may initiate civil action directly against the
3 parent or parents of the child who committed the malicious act for the
4 purpose of receiving compensation for the injuries suffered of at least
5 (\$1000) per offense and up to five thousand dollars (\$5,000) in addition
6 to all medical and/or therapy bill caused by such malicious act.

7 (f) A court may waive part or all of the liability for damages under this
8 section by the parent or legal guardian if the offender is adjudicated in
9 the juvenile court only upon stating on the record that the court finds:

10 (1) good cause

11 (2) the parent or legal guardian:

12 (i) made a reasonable effort to restrain the wrongful conduct; and

13 (ii) reported conduct to the property owner involved or the law
14 enforcement agency having primary jurisdiction after the parent or
15 guardian knew of the minor's unlawful act.

16 (3) A parent or guardian is not liable if the parent or guardian made a
17 reasonable effort to supervise and direct their minor child, or, in
18 the event the parent or guardian knew in advance of the possible
19 injury, or destruction by their minor child, made a reasonable
20 effort to intervene by seeking the help of school authorities,
21 therapists, and other forms of behavioral intervention.

22 **§ 93.04. Initiate or Incite (Minor).**

23 (a) The minors and or bystanders that initiated and or incited the continuance
24 of the offense and his or her parents may be fined \$1000 per offense or
25 mandated to attend family counseling as deemed by public court services.

26 **§ 93.05. Initiate or Incite.**

1 (a) Bystanders who initiate and or incite such offences or incidents may be
2 dually charged with guilt established by complicity in compliance with §
3 4.60, Chapter 4, Title 9 of the Guam Code Annotated

4 **§ 93.06. Retaliation.**

5 (a) Any form of contact or retaliation by the aggressors or bystanders may be
6 recognized as an additional offense and may be fined at least \$1000 per
7 attempt and the victim will be given the option to obtain a restraining
8 order from such persons.

9 **Section 3. Severability.** If any provision of this Law or its application to any
10 person or circumstance is found to be invalid or contrary to the law, such invalidity
11 shall not affect other provisions or applications of this Law which can be given
12 effect without the invalid provisions or application, and to this end the provisions
13 of this Law are severable.

14 **Section 4. Effective Date.** This act *shall* be effective upon enactment.