

*MINA' TRENTA NA LIHESLATURAN GUÁHAN*  
2009 (First) Regular Session

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Bill No. \_\_\_\_\_ ( )

Introduced by:

B.J.F. Cruz 

**AN ACT TO ADD A NEW CHAPTER 16, TITLE 19, GUAM  
CODE ANNOTATED; RELATIVE TO DOMESTIC  
PARTNERSHIPS.**

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

2 **Section 1.** A new Chapter 16, Title 19, Guam Code Annotated to read as  
3 follows:

**“Domestic Partnership**

5 **§ 16101. Definitions.** As used in this Chapter, unless the context  
6 otherwise requires:

7 (a) **Agent** means the person or persons appointed as agents by the  
8 Director of the Department of Public Health and Social Services to process a  
9 license for a domestic partnership pursuant to this Chapter.

10 (b) **Domestic Partnership** means a relationship between two  
11 individuals established pursuant to this Chapter.

12 (c) **Partner** means an individual who is a party to a domestic  
13 partnership established pursuant to this Chapter.

14 **§ 16102. Eligibility to enter into a domestic partnership.** A person  
15 shall be eligible to enter into a domestic partnership only if the person is:

16 (a) At least eighteen (18) years of age; and

17 (b) Not a partner in an existing domestic partnership or a spouse in a

1 marriage;

2 (c) Not related to the other proposed partner in the domestic  
3 partnership, as provided in § 16103.

4 **§ 16103. Domestic partnerships void; when.** A domestic  
5 partnership shall be void between the following persons:

6 Parents and children, ancestors and descendants of every degree, and  
7 between brothers and sisters of the half as well as the whole blood, and  
8 between uncles and nieces or aunts and nephews.

9 **§ 16104. Applicants for domestic partnership; license required;  
10 limitations.** (a) No persons may be joined in a domestic partnership in  
11 Guam unless both partners have:

12 (1) Met the requirements of § 16102;

13 (2) Complied with § 16106 and, if applicable, § 16107; and

14 (3) Been issued a license by the agent, which license shall bear  
15 the certification of the agent that the persons named therein have met the  
16 requirements of § 16102 and have complied with § 16106 and, if applicable,  
17 § 16107.

18 **§ 16105. Application for license for persons who wish to enter into  
19 a domestic partnership; fee; records.** (a) No license for a domestic  
20 partnership may be issued until both applicants have completed the  
21 application for the license. The license application shall be completed in its  
22 entirety, dated, signed, and sworn to by each applicant and shall state each  
23 applicant's full name, date of birth, birthplace, residence, social security  
24 number, whether single, widowed, or divorced, dissolved from a domestic  
25 partnership, regardless of whether the relationship bears the name “domestic  
26 partnership,” and whether the applicant is under the supervision or control of  
27 a conservator or guardian. The agent shall issue a domestic partnership

1 license to any person applying for such license if completed in accordance  
2 with the guidelines of this Chapter.

3 (b) The application for a domestic partnership license shall be made  
4 on a form prescribed by the Director of Public Health and Social Services  
5 and must be sworn to by both applicants before the Director of DPHSS or  
6 his agent(s).

7 (c) A non-refundable fee of Thirty Dollars (\$30.00) shall accompany  
8 each application for a domestic partnership license regardless if the license is  
9 not issued or used.

10 (d) A license shall be issued if the application is properly completed.  
11 However, no license shall be issued until five (5) days after the filing of the  
12 application, except as provided in subsection (e).

13 (e) One may elect for an immediate issuance of a domestic partnership  
14 license upon the proper completion of the application accompanied by an  
15 additional, non-refundable payment of a Fifty Dollar (\$50.00) waiver fee.  
16 Upon receipt of the Fifty Dollar (\$50.00) waiver fee, the agent shall  
17 authorize the immediate issuance of a domestic partnership license.

18 (f) The Director of Public Health and Social Services shall maintain a  
19 record of each domestic partnership license application filed with or issued  
20 by the Director.

21 (g) The Director of Revenue and Taxation shall deposit all fees  
22 collected pursuant to subsection (d) of this Section into the Healthy Futures  
23 Fund.

24 **§ 16106. Wards under control of a guardian.** (a) No domestic  
25 partnership license may be issued to any applicant under the supervision or  
26 control of a guardian, appointed in accordance with 19 GCA Chapter 9

1 (Guardian and Ward), unless the written consent of the guardian, signed and  
2 notarized, is filed with the agent.

3 (b) Any person who enters into a domestic partnership without the  
4 consent provided for in subsection (a) shall acquire no rights, by that  
5 domestic partnership, in the property of any person who was under the  
6 control or supervision of a conservator or guardian at the time the domestic  
7 partnership was entered into.

8 **§ 16107. Rights and Obligations.** Partners to a domestic partnership  
9 lawfully entered into pursuant to this Chapter shall have all the same rights,  
10 benefits, protections, and responsibilities under law, whether derived from  
11 statutes, administrative rules, court decisions, the common law, or any other  
12 source of civil law, as granted to spouses in 19 GCA Chapter 3 (The  
13 Contract of Marriage). This section shall not apply to §§ 3102, 3201, 3202,  
14 3205 and 3206 of 19 GCA Chapter 3.

15 **§ 16108. Domestic Partnership performed in foreign**  
16 **jurisdictions.** A civil union or marriage of two persons that was validly  
17 performed in any foreign jurisdiction shall be recognized as a domestic  
18 partnership in Guam regardless of whether the relationship bears the name  
19 “domestic partnership”.

20 **§ 16109. Application of Domestic Partnership.** Notwithstanding  
21 any provision of law, every reference in the Guam Code Annotated to  
22 “marriage,” or any aspect thereof, shall apply equally to “domestic  
23 partnerships,” including:

24 (1) Every reference to “married” shall apply equally to the status of  
25 partners in a domestic partnership; and

26 (2) Every reference to “husband,” “wife,” or “spouse” shall apply  
27 equally to a partner in a domestic partnership; and

1           (3) Every reference to marital status, including without limitation  
2 provisions pertaining to parties and procedures for annulment, divorce,  
3 separation, or dissolution, shall apply equally and as necessary to domestic  
4 partnerships and to partners in a domestic partnership.

5           **§ 16110. Effective Date.** This Act shall take effect on July 1, 2010.  
6 This Act does not affect rights and duties that matured, penalties that were  
7 incurred, and proceedings that began, before its effective date.

8           **§ 16111. Severability.** If any provision of this chapter is found to be  
9 illegal or invalid, said finding shall be severable and shall not affect the  
10 validity of the remaining provisions of this chapter.”