



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

MAY 01 1998

Refer to
Legislative Secretary

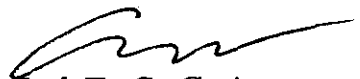
The Honorable Antonio R. Unpingco
Speaker
Mina'Bente Kuáttro na Liheslaturan Guáhan
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Hagåtña, Guam 96910

Dear Speaker Unpingco:

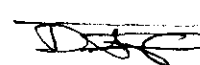
Enclosed please find Bill No. 455 (COR), "AN ACT TO ESTABLISH THE UNIFORM INTERSTATE FAMILY SUPPORT ACT", which I have signed into law today as **Public Law No. 24-183**.

The provisions of this legislation are required to be put into place immediately to maintain conformity with the requirements of the federal grants received by the Department of Law for the operation of the Child Support Enforcement Program.

Very truly yours,



Carl T. C. Gutierrez
I Maga'láhen Guáhan
Governor of Guam

00781

Date	5.1.98
Time	2:30pm
Received by	
ACKNOWLEDGMENT RECEIVED	
OFFICE OF THE LEGISLATIVE SECRETARY	

Attachment: copy attached for signed bill
original attached for vetoed bill

cc: The Honorable Joanne M. S. Brown
Legislative Secretary

Office of the Speaker
ANTONIO R. UNPINGCO
Date: 5/1/98
Time: 11:00 AM
Rec'd by: 
Print Name: Janice M...

MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Bill No. 455 (COR), "AN ACT TO REPEAL AND REENACT CHAPTER 35 OF DIVISION 3, PART 1 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE UNIFORM INTERSTATE FAMILY SUPPORT ACT," was on the 25th day of March, 1998, duly and regularly passed.



ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN

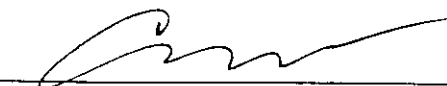
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guahan* this 28th day of April, 1998,
at 4:20 o'clock P.M.



Assistant Staff Officer
Governor's Office

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: 5-1-98

Public Law No. 24-183

TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session

Bill No. 455 (COR)

As amended on the Floor.

Introduced by:

Mark Forbes
Committee on Rules, Government
Reform and Federal Affairs

by request of the Governor in
accordance with the Organic Act
of Guam.

T. C. Ada

F. B. Aguon, Jr.

A. C. Blaz

J. M.S. Brown

Felix P. Camacho

Francisco P. Camacho

M. C. Charfauros

E. J. Cruz

W. B.S.M. Flores

L. F. Kasperbauer

A. C. Lamorena, V

C. A. Leon Guerrero

L. Leon Guerrero

V. C. Pangelinan

J. C. Salas

A. L.G. Santos

F. E. Santos

A. R. Unpingco

J. Won Pat-Borja

**AN ACT TO REPEAL AND REENACT CHAPTER 35
OF DIVISION 3, PART 1 OF TITLE 5 OF THE
GUAM CODE ANNOTATED, RELATIVE TO
ESTABLISHING THE UNIFORM INTERSTATE
FAMILY SUPPORT ACT.**

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Chapter 35 of Division 3, Part 1 of Title 5 of the Guam Code
3 Annotated is hereby repealed and reenacted to read as follows:

4 "CHAPTER 35.

5 UNIFORM INTERSTATE FAMILY SUPPORT ACT.

6 ARTICLE 1.

7 GENERAL PROVISIONS.

8 Section 35101. Definitions. In this Chapter: (a) 'Child'
9 means an individual, whether over or under the age of majority, who is
10 or is alleged to be owed a duty of support by the individual's parent or
11 who is or is alleged to be the beneficiary of a support order directed to
12 the parent.

13 (b) 'Child support order' means a support order for a child,
14 including a child who has attained the age of majority under the law of
15 the issuing state.

16 (c) 'Duty of support' means an obligation imposed or
17 imposable by law to provide support for a child, spouse, or former
18 spouse, including an unsatisfied obligation to provide support.

19 (d) 'Home state' means the state in which a child lived with a
20 parent or a person acting as parent for at least six consecutive months
21 immediately preceding the time of filing of a petition or comparable
22 pleading for support and, if a child is less than six months old, the state
23 in which the child lived from birth with any of them. A period of
24 temporary absence of any of them is counted as part of the six (6) month

1 or other period.

2 (e) **'Income'** includes earnings or other periodic entitlements to
3 money from any source and any other periodic entitlements to money
4 from any source and any other property subject to withholding for
5 support under the law of the state.

6 (f) **'Income withholding order'** means an order or other legal
7 process directed to an obligor's employer as defined by Section 34139 of
8 Title 5, Guam Code Annotated, to withhold support from the income of
9 the obligor.

10 (g) **'Initiating state'** means a state from which a proceeding is
11 forwarded or in which a proceeding is filed for forwarding to a
12 responding state under this Chapter, or a law or procedure substantially
13 similar to this Chapter, the Uniform Reciprocal Enforcement of Support
14 Act or the Revised Uniform Reciprocal Enforcement of Support Act.

15 (h) **'Initiating tribunal'** means the authorized tribunal in an
16 initiating state.

17 (i) **'Issuing state'** means the state in which a tribunal issues a
18 support order or renders judgment determining parentage.

19 (j) **'Issuing tribunal'** means the tribunal that issues a support
20 order or renders a judgment determining parentage.

21 (k) **'Law'** includes decisional and statutory law, and rules and
22 regulations having the force of law.

23 (l) **'Obligee'** means:

24 (1) an individual to whom a duty of support is or is
25 alleged to be owed, or in whose favor a support order has been

1 issued or a judgment determining parentage has been rendered;

2 (2) a state or political subdivision to which the rights
3 under a duty of support or support order have been assigned, or
4 which has independent claims based on financial assistance
5 provided to an individual obligee; or

6 (3) an individual seeking a judgment determining
7 parentage of the individual's child.

8 (m) 'Obligor' means an individual, or the estate of a decedent:

9 (1) who owes or is alleged to owe a duty of support;

10 (2) who is alleged, but has not been adjudicated, to be a
11 parent of a child; or

12 (3) who is liable under a support order.

13 (n) 'Register' means to file a support order or judgment
14 determining parentage in the family court of this state.

15 (o) 'Registering tribunal' means a tribunal in which a support
16 order is registered.

17 (p) 'Responding state' means a state in which a proceeding is
18 filed or to which a proceeding is forwarded for filing from an initiating
19 state or territory under this Chapter, or a law or procedure substantially
20 similar to this Chapter, the Uniform Reciprocal Enforcement of Support
21 Act or the Revised Uniform Reciprocal Enforcement of Support Act.

22 (q) 'Responding tribunal' means the authorized tribunal in a
23 responding state.

24 (r) 'Spousal support order' means a support order for a spouse
25 or former spouse of the obligor.

1 (s) **'State'** means a state of the United States, the District of
2 Columbia, Puerto Rico, the United States Virgin Islands or any territory
3 or insular possession subject to the jurisdiction of the United States. The
4 term includes:

5 (1) an Indian tribe; and

6 (2) a foreign jurisdiction that has enacted a law or
7 established procedures for issuance and enforcement of support
8 orders which are substantially similar to the procedures under this
9 Chapter, the Uniform Reciprocal Enforcement of Support Act or
10 the Revised Uniform Reciprocal Enforcement of Support Act.

11 (t) **'Support enforcement agency'** means a public official or
12 agency authorized to seek:

13 (1) enforcement of support orders or laws relating to the
14 duty of support;

15 (2) establishment or modification of child support;

16 (3) determination of parentage; or

17 (4) location of obligors or their assets.

18 (u) **'Support order'** means a judgment, decree or order, whether
19 temporary, final or subject to modification, for the benefit of a child, a
20 spouse or a former spouse, which provides for monetary support, health
21 care, arrearages or reimbursement, and may include related costs and
22 fees, interest, income withholding, attorney's fees and other relief.

23 (v) **'Tribunal'** means a court, administrative agency or quasi-
24 judicial entity authorized to establish, enforce, or modify support orders
25 or to determine parentage.

1 **Section 3502. Tribunals of State.** The Superior Court of
2 Guam, the Judicial Hearings Division of the Superior Court of Guam
3 and the child support enforcement agency are the tribunals of Guam.

4 **Section 35103. Remedies Cumulative.** Remedies provided
5 by this Chapter are cumulative and do not affect the availability of
6 remedies under other law.

7 **ARTICLE 2.**

8 **PART A.**

9 **EXTENDED PERSONAL JURISDICTION.**

10 **Section 35201. Bases for Jurisdiction Over Non-resident.** In
11 a proceeding to establish, enforce or modify a support order, or to
12 determine parentage, a tribunal of Guam may exercise personal
13 jurisdiction over a non-resident individual or the individual's guardian
14 or conservator if:

15 (1) the individual is personally served with summons or
16 notice within Guam;

17 (2) the individual submits to the jurisdiction of Guam by
18 consent, by entering a general appearance, or by filing a
19 responsive document having the effect of waiving any contest to
20 personal jurisdiction;

21 (3) the individual resided with the child in Guam;

22 (4) the individual resided in Guam and provided prenatal
23 expenses or support for the child;

24 (5) the child resides in Guam as a result of the acts or
25 directives of the individual;

1 (6) the individual engaged in sexual intercourse in Guam
2 and the child may have been conceived by that act of intercourse;

3 (7) the individual asserted parentage in the Office of Vital
4 Statistics maintained in Guam by the Department of Public Health
5 and Social Services; or

6 (8) there is any other basis consistent with the Organic Act
7 of Guam and the Constitution of the United States for the exercise
8 of personal jurisdiction.

9 **Section 35202. Procedure When Exercising Jurisdiction Over**
10 **Non-resident.** A tribunal of Guam exercising personal jurisdiction
11 over a non-resident under §35201 may apply §35316 of this Chapter,
12 '*Special Rules of Evidence and Procedure*,' to receive evidence from another
13 state, and §35318, '*Assistance With Discovery to Obtain Discovery*,' through
14 a tribunal of another state. In all other respects, Articles 3 through 7 of
15 this Chapter shall not apply and the tribunal shall apply the procedural
16 and substantive law of Guam, including the rules on choice of law other
17 than those established by this Chapter.

18 **PART B.**

19 **PROCEEDINGS INVOLVING TWO OR MORE STATES.**

20 **Section 35203. Initiating and Responding Tribunal of State.**
21 Under this Chapter, a tribunal of Guam may serve as an initiating
22 tribunal to forward proceedings to another state and as a responding
23 tribunal for proceedings initiated in another state.

24 **Section 35204. Simultaneous Proceedings in Another State.**

25 (a) A tribunal of Guam may exercise jurisdiction to establish a

1 support order if the petition or comparable pleading is filed in Guam
2 after a pleading is filed in another state only if:

3 (1) the petition or comparable pleading in Guam is filed
4 before the expiration of the time allowed in the other state for
5 filing a responsive pleading challenging the exercise of jurisdiction
6 by the other state;

7 (2) the contesting party timely challenges the exercise of
8 jurisdiction in the other state; and

9 (3) if relevant, Guam is the home state of the child.

10 (b) A tribunal of Guam may not exercise jurisdiction to establish
11 a support order if the petition or comparable pleading is filed in another
12 state if:

13 (1) the petition or comparable pleading in the other state is
14 filed before the expiration of the time allowed in Guam for filing a
15 responsive pleading challenging the exercise of jurisdiction by
16 Guam;

17 (2) the contesting party timely challenges the exercise of
18 jurisdiction in Guam; and

19 (3) if relevant, the other state is the home state of the child.

20 **Section 35205. Continuing, Exclusive Jurisdiction.** (a) A
21 tribunal of Guam issuing an order consistent with the law of Guam has
22 continuing, exclusive jurisdiction over a child support order:

23 (1) as long as Guam remains the residence of the obligor,
24 the individual obligee, or the child for whose benefit the support
25 order is issued; or

1 (2) until all of the parties who are individuals have filed
2 written consents with the tribunal of Guam for a tribunal of
3 another state to modify the order and assume continuing,
4 exclusive jurisdiction.

5 (b) A tribunal of Guam issuing a child support order consistent
6 with the law of Guam may not exercise its continuing jurisdiction to
7 modify the order if the order has been modified by a tribunal of another
8 state pursuant to this Chapter or a law substantially similar to this
9 Chapter.

10 (c) If a child support order of Guam is modified by a tribunal of
11 another state pursuant to this Chapter, or a law substantially similar to
12 this Chapter, a tribunal of Guam loses its continuing, exclusive
13 jurisdiction with regard to prospective enforcement of the order issued
14 in Guam, and may only:

15 (1) enforce the order that was modified as to amounts
16 accruing before the modification;

17 (2) enforce non-modifiable aspects of that order; and

18 (3) provide other appropriate relief for violations of that
19 order which occurred before the effective date of the modification.

20 (d) A tribunal of Guam shall recognize the continuing, exclusive
21 jurisdiction of a tribunal of another state which has issued a child
22 support order pursuant to this Chapter or a law substantially similar to
23 this Chapter.

24 (e) A temporary support order issued *ex parte* or pending
25 resolution of a jurisdictional conflict does not create continuing,

1 exclusive jurisdiction in the issuing tribunal.

2 (f) A tribunal of Guam issuing a support order consistent with
3 the law of Guam has continuing, exclusive jurisdiction over a spousal
4 support order throughout the existence of the support obligation. A
5 tribunal of Guam may not modify a spousal support order issued by a
6 tribunal of another state having continuing, exclusive jurisdiction over
7 that order under the law of the state.

8 **Section 35206. Enforcement and Modification of Support**
9 **Order by Tribunal Having Continuing Jurisdiction.** (a) A

10 tribunal of Guam may serve as an initiating tribunal to request a tribunal
11 of another state to enforce or modify a support order issued in that state.

12 (b) A tribunal of Guam that has continuing, exclusive
13 jurisdiction over a support order may act as a responding tribunal to
14 enforce or modify the order. If a party subject to the continuing,
15 exclusive jurisdiction of the tribunal no longer resides in the issuing
16 state, in subsequent proceedings the tribunal may apply §35316 of this
17 Chapter, '*Special Rules of Evidence and Procedure,*' to receive evidence
18 from another state and §35318 of this Chapter, '*Assistance With*
19 *Discovery,*' to obtain discovery through a tribunal of another state.

20 (c) A tribunal of Guam which lacks continuing, exclusive
21 jurisdiction over a spousal support order may not serve as a responding
22 tribunal to modify a spousal support order of another state.

23 **PART C.**

24 **RECONCILIATION OF MULTIPLE ORDERS.**

25 **Section 35207. Recognition of Controlling Child Support**

1 **Orders.** (a) If a proceeding is brought under this Chapter and only
2 one (1) tribunal has issued a child support order, the order of that
3 tribunal controls and must be so recognized.

4 (b) If a proceeding is brought under this Chapter, and two (2) or
5 more child support orders have been issued by tribunals of Guam or
6 another state with regard to the same obligor and child, a tribunal of
7 Guam shall apply the following rules in determining which order to
8 recognize for purposes of continuing, exclusive jurisdiction:

9 (1) If only one (1) of the tribunals would have continuing,
10 exclusive jurisdiction under this Chapter, the order of that tribunal
11 controls and must be so recognized.

12 (2) If more than one (1) of the tribunals would have
13 continuing, exclusive jurisdiction under this Chapter, an order
14 issued by a tribunal in the current home state of the child controls
15 and must be so recognized, but if an order has not been issued in
16 the current home state of the child, the order most recently issued
17 controls and must be so recognized.

18 (3) If none of the tribunals would have continuing,
19 exclusive jurisdiction under this Chapter, the tribunal of Guam
20 having jurisdiction over the parties shall issue a child support
21 order, which controls and must be so recognized.

22 (c) If two (2) or more child support orders have been issued for
23 the same obligor and child and if the obligor or the individual obligee
24 resides in Guam, a party may request a tribunal of Guam to determine
25 which order controls and must be so recognized under Subsection (b) of

1 this §35207. The request must be accompanied by a certified copy of
2 every support order in effect. The requesting party shall give notice of
3 the request to each party whose rights may be affected by the
4 determination.

5 (d) The tribunal that issued the controlling order under
6 Subsections (a), (b) or (c) of this §35207 is the tribunal that has
7 continuing, exclusive interest jurisdiction under §35205 of this Chapter.

8 (e) A tribunal of his State which determines by order the
9 identity of the controlling order under Subsections (b)(1) or (b)(2) of this
10 §35207, or which issues a new controlling order under Subsection (b)(3)
11 of this §35207, shall state in that order the basis upon which the tribunal
12 made its determination.

13 (f) Within thirty (30) days after issuance of an order
14 determining the identity of the controlling order, the party obtaining the
15 order shall file a certified copy of it with each tribunal that issued or
16 registered an earlier order of child support. A party who obtains the
17 order and fails to file a certified copy is subject to appropriate sanctions
18 by a tribunal in which the issue of failure to file arises. The failure to file
19 does not affect the validity or enforceability of the controlling order.

20 **Section 35208. Multiple Child Support Orders for Two or**
21 **More Obligees.** In responding to multiple registrations or
22 petitions for enforcement of two (2) or more child support orders in
23 effect at the same time with regard to the same obligor and different
24 individual obligees, at least one (1) of which was issued by a tribunal of
25 another state, a tribunal of Guam shall enforce those orders in the same

1 manner as if the multiple orders had been issued by a tribunal of Guam.

2 **Section 35209. Credit for Payments.** Amounts collected and
3 credited for a particular period pursuant to a support order issued by a
4 tribunal of another state must be credited against the amounts accruing
5 or accrued for the same period under a support order issued by the
6 tribunal of Guam.

7 **ARTICLE 3.**

8 **CIVIL PROVISIONS OF GENERAL APPLICATION.**

9 **Section 35301. Proceedings Under this Chapter.**

10 (a) Except as otherwise provided in this Chapter, this Article
11 applies to all proceedings under this Chapter.

12 (b) This Chapter provides for the following proceedings:

13 (1) establishment of an order for spousal support or child
14 support pursuant to Article 4 of this Chapter;

15 (2) enforcement of a support order and income
16 withholding order of another state without registration pursuant
17 to Article 5 of this Chapter;

18 (3) registration of an order for spousal support or child
19 support of another state for enforcement pursuant to Article 6 of
20 this Chapter;

21 (4) modification of an order for child support or spousal
22 support issued by a tribunal of Guam pursuant to Part B of Article
23 2 of this Chapter;

24 (5) registration of an order for child support of another
25 state for modification pursuant to Article 6 of this Chapter;

1 (6) determination of parentage pursuant to Article 7 of this
2 Chapter; and

3 (7) assertion of jurisdiction over non-residents pursuant to
4 Part B of Article 2, of this Chapter.

5 (c) An individual petitioner or a support enforcement agency
6 may commence a proceeding authorized under this Chapter by filing a
7 petition in an initiating tribunal for forwarding to responding tribunal,
8 or by filing a petition or a comparable pleading directly in a tribunal of
9 another state which has or can obtain personal jurisdiction over the
10 respondent.

11 **Section 35302. Action by Minor Parent.** A minor parent, or
12 a guardian or other legal representative of a minor parent, may maintain
13 a proceeding on behalf of, or for the benefit of, the minor's child.

14 **Section 35303. Application of Law of State.** Except as otherwise
15 provided by this Chapter, a responding tribunal of Guam:

16 (1) shall apply the procedural and substantive law,
17 including the rules on choice of law, generally applicable to similar
18 proceedings originating in Guam and may exercise all powers and
19 provide all remedies available in those proceedings; and

20 (2) shall determine the duty of support and the amount
21 payable in accordance with the law and support guidelines of the
22 State.

23 **Section 35304. Duties of Initiating Tribunal.** Upon the
24 filing of a petition authorized by this Chapter, an initiating tribunal of
25 Guam shall forward three (3) copies of the petition and its

1 accompanying documents:

2 (1) to the responding tribunal or appropriate support
3 enforcement agency in the responding state; or

4 (2) if the identity of the responding tribunal is unknown,
5 to the state information agency of the responding state with a
6 request that they be forwarded to the appropriate tribunal and
7 that receipt be acknowledged.

8 (b) If a responding state has not enacted this Chapter or a law or
9 procedure substantially similar to this Chapter, a tribunal of Guam may
10 issue a certificate or other document and make findings required by the
11 law of the responding state. If the responding state is a foreign
12 jurisdiction, the tribunal may specify the amount of support sought and
13 provide other documents necessary to satisfy the requirements of the
14 responding state.

15 **Section 35305. Duties and Powers of Responding Tribunal.**

16 (a) When a responding tribunal of Guam receives a petition or
17 comparable pleading from an initiating tribunal or directly pursuant to
18 Subsection (c) of §35301, *'Proceedings Under this Chapter,'* it shall cause
19 the petition or pleading to be filed and notify the petitioner where and
20 when it was filed.

21 (b) A responding tribunal of Guam, to the extent otherwise
22 authorized by law, may do one (1) or more of the following:

23 (1) issue or enforce a support order, modify a child
24 support order or render a judgment to determine parentage;

25 (2) order an obligor to comply with a child support order,

1 specifying the amount and the manner of compliance;

2 (3) order income withholding;

3 (4) determine the amount of any arrearages and specify a
4 method of payment;

5 (5) enforce orders by civil or criminal contempt, or both;

6 (6) set aside property for satisfaction of the support order;

7 (7) place liens and order execution on the obligor's
8 property;

9 (8) order an obligor to keep the tribunal informed of the
10 obligor's current residential address, telephone number, employer,
11 address of employment and telephone number at the place of
12 employment;

13 (9) issue a bench warrant for an obligor who has failed
14 after proper notice to appear at a hearing ordered by the tribunal,
15 and enter the bench warrant in any local and state computer
16 systems for criminal warrants;

17 (10) order the obligor to seek appropriate employment by
18 specified methods;

19 (11) award reasonable attorney's fees and other fees and
20 costs; and

21 (12) grant any other available remedy.

22 (c) A responding tribunal of Guam shall include in a support
23 order issued under this Chapter, or in the documents accompanying the
24 order, the calculations on which the child support order is based.

25 (d) A responding tribunal of Guam may not condition the

1 payment of a support order issued under this Chapter upon compliance
2 by a party with provisions for visitation.

3 (e) If a responding tribunal of Guam issues an order under this
4 Chapter, the tribunal shall send a copy of the order to the petitioner and
5 the respondent and to the initiating tribunal, if any.

6 **Section 35306. Inappropriate Tribunal.** If a petition or
7 comparable pleading is received by an inappropriate tribunal in Guam,
8 that tribunal shall forward the pleading and accompanying documents
9 to an appropriate tribunal in Guam or another state and notify the
10 petitioner where and when the pleading was sent.

11 **Section 35307. Duties of Support Enforcement Agency.**

12 (a) The child support enforcement agency of Guam, upon
13 request, shall provide services to a petitioner in a proceeding under this
14 Chapter.

15 (b) A support enforcement agency that is providing services to
16 the petitioner as appropriate shall:

17 (1) take all steps necessary to enable an appropriate
18 tribunal in Guam or another state to obtain jurisdiction over the
19 respondent and to process all registration requests received from
20 an individual who has applied for child support enforcement
21 agency services or support enforcement agencies in other
22 jurisdictions;

23 (2) request an appropriate tribunal to set a date, time and
24 place for a hearing;

1 (3) make a reasonable effort to obtain all relevant
2 information, including information as to income and property of
3 the parties;

4 (4) within two (2) days, exclusive of Saturdays, Sundays
5 and legal holidays, after receipt of a written notice from an
6 initiating, responding or registering tribunal, send a copy of the
7 notice to the petitioner;

8 (5) within two (2) days, exclusive of Saturdays, Sundays
9 and legal holidays, after receipt of a written communication from
10 the respondent of the respondent's attorney, send a copy of the
11 communication to the petitioner; and

12 (6) notify the petitioner if jurisdiction over the respondent
13 cannot be obtained.

14 (c) This Chapter does not create nor negate a relationship of
15 attorney and client or other fiduciary relationship between a support
16 enforcement agency, or the attorney for the agency and the individual
17 being assisted by the agency.

18 **Section 35308. Duty of Attorney General.** If the Attorney
19 General determines that the support enforcement agency is neglecting or
20 refusing to provide services to an individual, the Attorney General may
21 order the agency to perform its duties under this Chapter or may
22 provide those services directly to the individual.

23 **Section 35309. Private Counsel.** An individual may employ
24 private counsel to represent the individual in proceedings authorized by
25 this Chapter.

1 Section 35310. Duties of Child Support Enforcement Agency
2 as State Information Agency. (a) The child support enforcement
3 agency is the state information agency under this Chapter.

4 (b) The state information agency shall:

5 (1) compile and maintain a current list, including
6 addresses, of the tribunals in Guam which have jurisdiction under
7 this Chapter and any support enforcement agencies in Guam and
8 transmit a copy to the state information agency of every other
9 state;

10 (2) maintain a register of tribunals and support
11 enforcement agencies received from other states;

12 (3) forward to the appropriate tribunal in the place in
13 Guam in which the individual obligee or the obligor resides, or in
14 which the obligor's property is believed to be located, all
15 documents concerning a proceeding under this Chapter received
16 from an initiating tribunal, an individual or the state information
17 agency of the initiating state; and

18 (4) obtain information concerning the location of the
19 obligor and the obligor's property within Guam not exempt from
20 execution, by such means as postal verification and Federal or
21 state locator services, examination of telephone directories,
22 requests for the obligor's address from employers, and
23 examination of governmental records, including, to the extent not
24 prohibited by other law, those relating to real property, vital

1 statistics, law enforcement, taxation, motor vehicles, driver's
2 licenses and social security.

3 **Section 35311. Pleadings and Accompanying Documents.**

4 (a) A petitioner seeking to establish or modify a support order
5 or to determine parentage in a proceeding under this Chapter must
6 verify the petition. Unless otherwise ordered under §35312 of this
7 Chapter, '*Nondisclosure of Information in Exceptional Circumstances*,' the
8 petition or accompanying documents must provide, so far as is known
9 the name, residential address and social security numbers of the obligor
10 and the obligee, and the name, sex, residential address, social security
11 number and date of birth of each child for whom support is sought. The
12 petition must be accompanied by a certified copy of any support order
13 in effect. The petition may include any other information that may assist
14 in locating or identifying the respondent.

15 (b) The petition must specify the relief sought. The petition and
16 accompanying documents must conform substantially with the
17 requirements imposed by the forms mandated by Federal law for use in
18 cases filed by a support enforcement agency.

19 **Section 35312. Nondisclosure of Information in Exceptional**
20 **Circumstances.**

21 Upon a finding, which may be made *ex parte*, that
22 the health, safety or liberty of a party or child would be unreasonably
23 put at risk by the disclosure of identifying information, or if an existing
24 order so provides, a tribunal shall order that the address of the child or
25 party or other identifying information not be disclosed in a pleading or
other document filed in a proceeding under this Chapter.

1 **Section 35313. Costs and Fees.** (a) The petitioner may
2 not be required to pay a filing fee or other costs.

3 (b) If an obligee prevails, a responding tribunal may assess
4 against an obligor filing fees, reasonable attorney's fees, other costs and
5 necessary travel and other reasonable expenses incurred by the obligee
6 and the obligee's witnesses. The tribunal may not assess fees, costs or
7 expenses against the obligee or the support enforcement agency of either
8 the initiating or the responding state, except as provided by other law.
9 Attorney's fees may be taxed as costs, and may be ordered paid directly
10 to the attorney, who may enforce the order in the attorney's own name.
11 Payment of support owed to the obligee has priority over fees, costs and
12 expenses.

13 (c) The tribunal shall order the payment of costs and reasonable
14 attorney's fees if it determines that a hearing was requested primarily for
15 delay. In a proceeding under Article 6 of this Chapter, *'Enforcement and*
16 *Modification of Support Order After Registration,'* a hearing is presumed to
17 have been requested primarily for delay if a registered support order is
18 confirmed or enforced without change.

19 **Section 35314. Limited Immunity of Petitioner.**

20 (a) Participation by a petitioner in a proceeding before a
21 responding tribunal, whether in person, by private attorney or through
22 services provided by the support enforcement agency, does not confer
23 personal jurisdiction over the petitioner in another proceeding.

1 (b) A petitioner is not amenable to service of civil process while
2 physically present in Guam to participate in a proceeding under this
3 Chapter.

4 (c) The immunity granted by this Section does not extend to
5 civil litigation based on acts unrelated to a proceeding under this
6 Chapter committed by a party while present in Guam to participate in
7 the proceeding.

8 **Section 35315. Nonparentage as Defense.** A party
9 whose parentage of a child has been previously determined by, or
10 pursuant to, law may not plead nonparentage as a defense to a
11 proceeding under this Chapter.

12 **Section 35316. Special Rules of Evidence and Procedure.**

13 (a) The physical presence of the petitioner in a responding
14 tribunal of Guam is not required for the establishment, enforcement or
15 modification of a support order, or the rendition of a judgment
16 determining parentage.

17 (b) A verified petition, an affidavit, a document substantially
18 complying with Federally mandated forms and a document
19 incorporated by reference in any of them, not excluded under the
20 hearsay rule if given in person, is admissible in evidence if given under
21 oath by a party or witness residing in another state.

22 (c) A copy of the record of child support payments certified as a
23 true copy of the original by the custodian of the records may be
24 forwarded to a responding tribunal. The copy is evidence of facts
25 asserted in it, and it is admissible to show whether payments were made.

1 (d) Copies of bills for testing for parentage, and for prenatal and
2 postnatal health care of the mother and child, furnished to the adverse
3 party at least ten (10) days before trial, are admissible in evidence to
4 prove the amount of the charges billed and that the charges were
5 reasonable, necessary and customary.

6 (e) Documentary evidence transmitted from another state to a
7 tribunal of Guam by telephone, telecopier or other means that do not
8 provide an original writing may not be excluded from evidence on an
9 objection based on the means of transmission.

10 (f) In a proceeding under this Chapter, a tribunal of Guam may
11 permit a party or witness residing in another state to be deposed or to
12 testify by telephone, audiovisual means or other electronic means at a
13 designated tribunal or other location in that state. A tribunal of Guam
14 shall cooperate with tribunals of other states in designating an
15 appropriate location for the deposition or testimony.

16 (g) If a party called to testify at a civil hearing refuses to answer
17 on the ground that the testimony may be self-incriminating, the trier of
18 fact may draw an adverse inference from the refusal.

19 (h) A privilege against disclosure of communications between
20 spouses does not apply in a proceeding under this Chapter.

21 (i) The defense of immunity based on the relationship of
22 husband and wife, or parent and child, does not apply in a proceeding
23 under this Chapter.

24 **Section 35317. Communications Between Tribunals.** A
25 tribunal of Guam may communicate with a tribunal of another state in

1 writing, or by telephone or other means, to obtain information
2 concerning the laws of that state, the legal effect of a judgment, decree or
3 order of that state, the legal effect of a judgment, decree or order of the
4 tribunal, and the status of a proceeding in the other state. A tribunal of
5 Guam may furnish similar information by similar means to a tribunal of
6 another state.

7 **Section 35318. Assistance with Discovery.** A tribunal of
8 Guam may:

9 (1) request a tribunal of another state to assist in obtaining
10 discovery; and

11 (2) upon request, compel a person over whom it has jurisdiction
12 to respond to a discovery order issued by a tribunal of another state.

13 **Section 35319. Receipt and Disbursement of Payments.** A
14 support enforcement agency or tribunal of Guam shall disburse
15 promptly any amounts received pursuant to a support order, as directed
16 by the order. The agency or tribunal shall furnish to a requested party
17 or tribunal of another state a certified statement by the custodian of the
18 record of the amounts and dates of all payments received.

19 **ARTICLE 4.**

20 **ESTABLISHMENT OF SUPPORT ORDER.**

21 **Section 35401. Petition to Establish Support Order.** (a) If
22 a support order entitled to recognition under this Chapter has not been
23 issued, a responding tribunal of Guam may issue a support order if:

24 (1) the individual seeking the order resides in another
25 state; or

1 (2) the support enforcement agency seeking the order is
2 located in another state.

3 (b) The tribunal may issue a temporary child support order if:

4 (1) the respondent has signed a verified statement
5 acknowledging parentage;

6 (2) the respondent has been determined by or pursuant to
7 law to be the parent; or

8 (3) there is other clear and convincing evidence that the
9 respondent is the child's parent.

10 (c) Upon finding, after notice and opportunity to be heard, that
11 an obligor owes a duty of support, the tribunal shall issue a support
12 order directed to the obligor, and may issue other orders pursuant to
13 §35305 of this Chapter, *'Duties and Powers of Responding Tribunal.'*

14 **ARTICLE 5.**

15 **ENFORCEMENT OF ORDER OF ANOTHER STATE WITHOUT**
16 **REGISTRATION.**

17 **Section 35501. Employer's Receipt of Income Withholding**
18 **Order of Another State.** An income withholding order issued in
19 another state may be sent to the person or entity defined as the obligor's
20 employer under §34132 of Title 5, Guam Code Annotated, without first
21 filing a petition or comparable pleading or registering the order with a
22 tribunal of Guam.

23 **Section 35502. Employer's Compliance with Income**
24 **Withholding Order of Another State.** (a) Upon receipt of an

1 income withholding order, the obligor's employer shall immediately
2 provide a copy of the order to the obligor.

3 (b) The employer shall treat an income withholding order issued
4 in another state which appears regular on its face as if it had been issued
5 by a tribunal of Guam.

6 (c) Except as otherwise provided in Subsection (d) of this
7 Section and §35503 of this Chapter, the employer shall withhold and
8 distribute the funds as directed in the withholding order by complying
9 with the terms of the order which specify:

10 (1) the duration and the amount of periodic payments of
11 current child support, stated as a sum certain;

12 (2) the person or agency designated to receive payments
13 and the address to which the payments are to be forwarded;

14 (3) medical support, whether in the form of periodic cash
15 payment, stated as a sum certain, or ordering the obligor to
16 provide health insurance coverage for the child under a policy
17 available through the obligor's employment;

18 (4) the amount of periodic payments of fees and costs for a
19 support enforcement agency, the issuing tribunal, and the obligee's
20 attorney, stated as sums certain; and

21 (5) the amount of periodic payments of arrearages and
22 interest on arrearages, stated as sums certain.

23 (d) An employer shall comply with the law of the state of the
24 obligor's principal place of employment for withholding from income
25 with respect to:

1 (1) the employer's fee for processing an income
2 withholding order;

3 (2) the maximum amount permitted to be withheld from
4 the obligor's income; and

5 (3) the times within which the employer must implement
6 the withholding order and forward the child support payment.

7 **Section 35503. Compliance with Multiple Income Withholding**
8 **Orders.** If an obligor's employer receives multiple income
9 withholding orders with respect to the earnings of the same obligor, the
10 employer satisfies the terms of the multiple orders if the employer
11 complies with the law of the state of the obligor's principal place of
12 employment to establish the priorities for withholding and allocating
13 income withheld for multiple child support obligees.

14 **Section 35504. Immunity from Civil Liability.** An employer
15 who complies with an income withholding order issued in another state
16 in accordance with this Article is not subject to civil liability to an
17 individual or agency with regard to the employer's withholding of child
18 support from the obligor's income as to that income withholding order.

19 **Section 35505. Penalties for Noncompliance.** An employer
20 who willfully fails to comply with an income withholding order issued
21 by another state and received for enforcement is subject to the same
22 penalties that may be imposed for noncompliance with an order issued
23 by a tribunal of this state.

24 **Section 35506. Contest by Obligor.** (a) An obligor may
25 contest the validity or enforcement of an income withholding order

1 issued in another state and received directly by an employer in Guam in
2 the same manner as if the order had been issued by a tribunal of Guam.
3 Section 35604 of this Chapter, '*Choice of Law*,' applies to the contest.

4 (b) The obligor shall give notice of the contest to:

5 (1) a support enforcement agency providing services to
6 the obligee;

7 (2) each employer that has directly received an income
8 withholding order; and

9 (3) the person or agency designated to received payments
10 in the income withholding order; or if no person or agency is
11 designated, the obligee.

12 **Section 35507. Administrative Enforcement of Orders.**

13 (a) A party seeking to enforce a support order or an income
14 withholding order, or both, issued by a tribunal of another state may
15 send the documents required for registering the order to a support
16 enforcement agency of Guam.

17 (b) Upon receipt of the documents, the support enforcement
18 agency, without initially seeking to register the order, shall consider and,
19 if appropriate, use any administrative procedure authorized by the law
20 of Guam to enforce a support order or an income withholding order, or
21 both. If the obligor does not contest administrative enforcement, the
22 order need not be registered. If the obligor contests the validity or
23 administrative enforcement of the order, the support enforcement
24 agency shall register the order pursuant to this Chapter.

25 **ARTICLE 6.**

1 ENFORCEMENT AND MODIFICATION OF SUPPORT
2 ORDER AFTER REGISTRATION.

3 PART A.

4 REGISTRATION AND ENFORCEMENT OF SUPPORT ORDER.

5 **Section 35601. Registering of Order for Enforcement.** A
6 support order or an income withholding order issued by a tribunal of
7 another state may be registered in Guam for enforcement.

8 **Section 35602. Procedure to Register Order for Enforcement.**

9 (a) A support order or income withholding order of another
10 state may be registered in Guam by sending the following documents
11 and information to the registering tribunal:

12 (1) a letter of transmittal to the registering tribunal
13 requesting registration and enforcement;

14 (2) two (2) copies, including one (1) certified copy, of all
15 orders to be registered, including any modification of an order;

16 (3) a sworn statement by the party seeking registration, or
17 a certified statement by the custodian of the records, showing the
18 amount of any arrearage;

19 (4) the name of the obligor and, if known:

20 (a) the obligor's address and social security number;

21 (b) the name and address of the obligor's employer
22 and any other source of income of the obligor; and

23 (c) a description and the location of property of the
24 obligor in Guam not exempt from execution; and

1 (5) the name and address of the obligee and, if applicable,
2 the agency or person to whom support payments are to be
3 remitted.

4 (b) On receipt of a request for registration, the registering
5 tribunal shall cause the order to be filed as a foreign judgment, together
6 with one (1) copy of the documents and information, regardless of their
7 form.

8 (c) A petition or comparable pleading seeking a remedy that
9 must be affirmatively sought under other law of Guam may be filed at
10 the same time as the request for registering or later. The pleading must
11 specify the grounds for the remedy sought.

12 **Section 35603. Effect of Registration for Enforcement.**

13 (a) A support order or income withholding order issued in
14 another state is registered when the order is filed in a tribunal of Guam.

15 (b) A registered order issued in another state is enforceable in
16 the same manner and is subject to the same procedures as an order
17 issued by a tribunal of Guam.

18 (c) Except as otherwise provided in this Article, a tribunal of
19 Guam shall recognize and enforce, but may not modify a registered
20 order if the issuing tribunal had jurisdiction.

21 **Section 35604. Choice of Law.** (a) The law of the issuing

22 state governs the nature, extent, amount and duration of current
23 payments, and other obligations of support and the payment of
24 arrearages under the order.

1 (b) In a proceeding for arrearages, the statute of limitation under
2 the or of the issuing state, whichever is longer, applies.

3 **PART B.**

4 **CONTEST OF VALIDITY OF ENFORCEMENT.**

5 **Section 35605. Notice of Registration of Order.** (a) When a
6 support order or income withholding order issued in another state is
7 registered, the registering tribunal shall notify the non-registering party.

8 The notice must be accompanied by a copy of the registered order and
9 the documents and relevant information accompanying the order.

10 (b) The notice must inform the non-registering party:

11 (1) that a registered order is enforceable as of the date of
12 registration in the same manner as an order issued by a tribunal of
13 Guam;

14 (2) that a hearing to contest the validity or enforcement of
15 the registered order must be requested within twenty (20) days
16 after receipt of the notice;

17 (3) that failure to contest the validity or enforcement of the
18 registered order in a timely manner will result in confirmation of
19 the order and enforcement of the order and the alleged arrearages,
20 and precludes further contest of that order with respect to any
21 matter that could have been asserted; and

22 (4) of the amount of any alleged arrearages.

23 (c) Upon registration of an income withholding order for
24 enforcement, the registering tribunal shall notify the obligor's employer
25 pursuant to §§34132 and 34138 of Title 5, Guam Code Annotated.

1 **Section 35606. Procedure to Contest Validity or Enforcement**
2 **of Registered Order.** (a) A non-registering party seeking to contest
3 the validity or enforcement of a registered order in Guam shall request a
4 hearing within twenty (20) days after receipt of the notice of the
5 registration. The non-registering party may seek to vacate the
6 registration, to assert any defense to an allegation of non-compliance
7 with the registered order or to contest the remedies being sought or the
8 amount of any alleged arrearages pursuant to §35607 of this Chapter,
9 *'Contest of Registration or Enforcement.'*

10 (b) If the non-registering party fails to contest the validity or
11 enforcement of the registered order in a timely manner, the order is
12 confirmed by operation of law.

13 (c) If a non-registering party requests a hearing to contest the
14 validity or enforcement of the registered order, the registering tribunal
15 shall schedule the matter for hearing and give notice to the parties of the
16 date, time and place of the hearing.

17 **Section 35607. Contest of Registration or Enforcement.**

18 (a) A party contesting the validity or enforcement of a registered
19 order or seeking to vacate the registering has the burden of proving one
20 (1) or more of the following defenses:

- 21 (1) the issuing tribunal lacked personal jurisdiction over
22 the contesting party;
23 (2) the order was obtained by fraud;
24 (3) the order has been vacated, suspended or modified by
25 a later order;

1 (4) the issuing tribunal has stayed the order pending
2 appeal;

3 (5) there is a defense under the law of Guam to the
4 remedy sought;

5 (6) full or partial payment has been made; or

6 (7) the statute of limitation under §35604 of this Chapter,
7 '*Choice of Law*,' precludes enforcement of some or all of the
8 arrearages.

9 (b) If a party presents evidence establishing a full or partial
10 defense under Subsection (a) of this §35607, a tribunal may stay
11 enforcement of the registered order, continue the proceeding to permit
12 production of additional relevant evidence and issue other appropriate
13 orders. An uncontested portion of the registered order may be enforced
14 by all remedies available under the law of Guam.

15 (c) If the contesting party does not establish a defense under
16 Subsection (a) of this §35607 to the validity or enforcement of the order,
17 a tribunal of Guam shall issue an order confirming the order.

18 **Section 35608. Confirmed Order.** Confirmation of a
19 registered order, whether by operation of law or after notice and
20 hearing, precludes further contest of the order with respect to any
21 matter that could have been asserted at the time of registration.

22 **PART C.**

23 **REGISTRATION AND MODIFICATION OF CHILD SUPPORT ORDER.**

24 **Section 35609. Procedure to Register Child Support Order of**
25 **Another State for Modification.** A party or support enforcement

1 agency seeking to modify, or to modify and enforce, a child support
2 order issued in another state shall register that order in Guam in the
3 same manner provided in Part A of this Chapter if the order has not
4 been registered. A petition for modification may be filed at the same
5 time as a request for registration, or later. The pleading must specify the
6 grounds for modification.

7 **Section 35610. Effect of Registration for Modification.** A
8 tribunal of Guam may enforce a child support order of another state
9 registered for purposes of modification in the same manner as if the
10 order had been issued by a tribunal of Guam, but the registered order
11 may be modified only if the requirements of §35611 of this Chapter,
12 *'Modifications of Child Support Order of Another State,'* have been met.

13 **Section 35611. Modification of Child Support Order of**
14 **Another State.** (a) After a child support order issued in another
15 state has been registered in Guam, the responding tribunal of Guam
16 may modify that order only if §35613 of this Chapter does not apply, and
17 after notice and hearing it finds that:

18 (1) the following requirements are met:

19 (A) the child, the individual obligee and the obligor do not
20 reside in the issuing state;

21 (B) a petitioner who is a non-resident of Guam seeks
22 modification; and

23 (C) the respondent is subject to the personal jurisdiction of
24 the tribunal of Guam; or

1 (2) the child, or a party who is an individual, is subject to the
2 personal jurisdiction of the tribunal of Guam and all of the parties who
3 are individuals have filed written consents in the issuing tribunal for a
4 tribunal of Guam to modify the support order and assume continuing,
5 exclusive jurisdiction over the order. However, if the issuing state is a
6 foreign jurisdiction that has not enacted a law or established procedures
7 substantially similar to the procedures under this Chapter, the consent
8 otherwise required of an individual residing in Guam is not required for
9 the tribunal to assume jurisdiction to modify the child support order.

10 (b) Modifications of a registered child support order is subject to
11 the same requirements, procedures and defenses that apply to the
12 modification of an order issued by a tribunal of Guam and the order
13 may be enforced and satisfied in the same manner.

14 (c) A tribunal of Guam may not modify any aspect of a child
15 support order that may not be modified under the law of the issuing
16 state. If two (2) or more tribunals have issued child support orders for
17 the same obligor and child, the order that controls and must be so
18 recognized under §35207 establishes the aspects of the support order
19 which are non-modifiable.

20 (d) On issuance of an order modifying a child support order
21 issued in another state, a tribunal of Guam becomes the tribunal having
22 continuing, exclusive jurisdiction.

23 **Section 35612. Recognition of Order Modified in Another**
24 **State.** A tribunal of Guam shall recognize a modification of its earlier
25 child support order by a tribunal of another state which assumed

1 jurisdiction pursuant to this Chapter, or a law substantially similar to
2 this Chapter and, upon request, except as otherwise provided in this
3 Chapter shall:

4 (1) enforce the order that was modified only as to amounts
5 accruing before the modification;

6 (2) enforce only non-modifiable aspects of that order;

7 (3) provide other appropriate relief only for violations of that
8 order which occurred before the effective date of the modification; and

9 (4) recognize the modifying order of the other state, upon
10 registration, for the purpose of enforcement.

11 **Section 35613. Jurisdiction to Modify Child Support of**
12 **Another State When Individual Parties Reside in Guam.** (a) If all of
13 the parties who are individuals reside in Guam and the child does not
14 reside in the issuing state, a tribunal of Guam has jurisdiction to enforce
15 and to modify the issuing state's child support order in a proceeding to
16 register that order.

17 (b) A tribunal of Guam exercising jurisdiction under this §35613
18 shall apply the provisions of Articles 1 and 2 of this Chapter, this Article
19 6, and the procedural and substantive law of Guam to the proceeding for
20 enforcement or modification. Articles 3, 4, 5, 7 and 8 of this Chapter
21 shall not apply.

22 **Section 35614. Notice to Issuing Tribunal of Modification.**

23 Within thirty (30) days after issuance of a modified child support order,
24 the party obtaining the modification shall file a certified copy of the
25 order with the issuing tribunal that had continuing, exclusive

1 jurisdiction over the earlier order, and in each tribunal in which the
2 party knows the earlier order has been registered. A party who obtains
3 the order and fails to file a certified copy is subject to appropriate
4 sanctions by a tribunal in which the issue of failure to file arises. The
5 failure does not affect the validity or enforceability of the modified order
6 of the new tribunal having continuing, exclusive jurisdiction.

7 ARTICLE 7.

8 DETERMINING PARENTAGE.

9 Section 35701. Proceeding to Determine Parentage. (a) A
10 tribunal of Guam may serve as an initiating or responding tribunal in a
11 proceeding brought under this Chapter or a law or procedure
12 substantially similar to this Chapter, the Uniform Reciprocal
13 Enforcement of Support Act or the Revised Uniform Reciprocal
14 Enforcement of Support Act to determine that the petitioner is a parent
15 of a particular child or to determine that a respondent is a parent of that
16 child.

17 (b) In a proceeding to determine parentage, a responding
18 tribunal of Guam shall apply the procedural and substantial law of
19 Guam and the rules of Guam on choice of law.

20 ARTICLE 8.

21 INTERSTATE RENDITION.

22 Section 35801 Grounds for Rendition. (a) For purposes
23 of this Article, 'governor' includes an individual performing the functions
24 of the governor or the executive authority of a state covered by this
25 Chapter.

1 (b) The Governor of Guam may:

2 (1) demand that the governor of another state surrender
3 an individual found in the other state who is charged criminally in
4 Guam with having failed to provide for the support of an obligee;
5 or

6 (2) on the demand by the governor of another state,
7 surrender an individual found in Guam who is charged criminally
8 in the other state with having failed to provide for the support of
9 an obligee.

10 (c) a provision for extradition of individuals not inconsistent
11 with this Chapter applies to the demand even if the individuals whose
12 surrender is demanded was not in the demanding state when the crime
13 was allegedly committed and has not fled therefrom.

14 **Section 35802. Conditions of Rendition.** (a) Before making
15 a demand that the governor of another state surrender an individual
16 charged criminally in Guam with having failed to provide for the
17 support of an obligee, the Governor of Guam may require a prosecutor
18 of Guam to demonstrate that at least sixty (60) days previously the
19 obligee had initiated proceedings for support pursuant to this Chapter,
20 or that the proceeding would be of no avail.

21 (b) If, under this Chapter or a law substantially similar to this
22 Chapter, the Uniform Reciprocal Enforcement of Support Act or the
23 Revised Uniform Reciprocal Enforcement of Support Act, the governor
24 of another state makes a demand that the Governor of Guam surrender
25 an individual charged criminally in that state with having failed to

1 provide for the support of a child or other individual to whom a duty of
2 support is owed, the Governor may require a prosecutor to investigate
3 the demand and report whether a proceeding for support has been
4 initiated or would be effective. If it appears that a proceeding would be
5 effective, but has not been initiated, the Governor may delay honoring
6 the demand for a reasonable time to permit the initiation of a
7 proceeding.

8 (c) If a proceeding for support has been initiated and the
9 individual whose rendition is demanded prevails, the Governor may
10 decline to honor the demand. If the petitioner prevails and the
11 individual whose rendition is demanded is subject to a support order,
12 the Governor may decline to honor the demand if the individual is
13 complying with the support order.

14 ARTICLE 9.

15 MISCELLANEOUS PROVISIONS.

16 Section 35901. Uniformity of Application and Construction.

17 This Chapter shall be applied and construed to effectuate its general
18 purpose to make uniform the law with respect to the subject of this
19 Chapter among states enacting it.

20 Section 35902. Short Title. This Chapter may be cited as
21 the '*Uniform Interstate Family Support Act.*'

22 Section 35903. Severability Clause. If any provision of this
23 Chapter or its application to any person or circumstance is held invalid,
24 the invalidity does not affect other provisions or application of this

1 Chapter which can be given effect without the invalid provision of
2 application, and to this end the provisions of this Chapter are severable."

TWENTY-FOURTH GUAM LEGISLATURE

1998 (SECOND) Regular Session

Date: 3/25/98

VOTING SHEET

Bill No. 455

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	1	✓		
AGUON, Frank B., Jr.	1	✓		
BARRETT-ANDERSON, Elizabeth				✓
BLAZ, Anthony C.		✓		
BROWN, Joanne M. S.		✓		
CAMACHO, Felix P.	1	✓		
CAMACHO, Francisco P.	1	✓		
CHARFAUROS, Mark C.	1	✓		
CRUZ, Edwardo J.	1	✓		
FLORES, William B.S.M.	1	✓		
FORBES, Mark		✓		
KASPERBAUER, Lawrence F.		✓		
LAMORENA, Alberto C., V		✓		
LEON GUERRERO, Carlotta A.		✓		
LEON GUERRERO, Lou		✓		
PANGELINAN, Vicente C.		✓		
SALAS, John C.		✓		
SANTOS, Angel L.G.		✓		
SANTOS, Francis E.		✓		
UNPINGCO, Antonio R.		✓		
WON PAT-BORJA, Judith		✓		

TOTAL 20 _____ _____ 1

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

24-183

✓



Committee on Judiciary, Public Safety
and Consumer Protection
Twenty-Fourth Guam Legislature

Senator
Elizabeth Barrett-Anderson
Chairperson

February 19, 1998

Senator
John C. Salas
Vice-Chairman

SPEAKER ANTONIO R. UNPINGCO
Twenty-Fourth Guam Legislature
155 Hesler St.
Agana, Guam 96910

Senator
Anthony C. Blaz
Member

Dear Mr. Speaker:

Senator
Joanne M.S. Brown
Member

The Committee on Judiciary, Public Safety and Consumer Protection, to which was referred **BILL NO. 455**, wishes to report back to the Legislature with its recommendation **TO DO PASS BILL NO. 455**.

Senator
Mark Forbes
Member

The voting record is as follows:

Senator
Edwardo J. Cruz, M.D.
Member

<u>6</u>	TO PASS
<u>0</u>	NOT TO PASS
<u>0</u>	ABSTAIN
<u>0</u>	TO PLACE IN INACTIVE FILE

Senator
Vicente C. Pangelinan
Member

Senator
Frank Blas Aguon, Jr.
Member

Copies of the Committee Report and other pertinent documents are attached.

Your attention to this matter is greatly appreciated.

Sincerely,

E. Barrett-Anderson
ELIZABETH BARRETT-ANDERSON
Chairperson

Enclosures

COMMITTEE ON JUDICIARY, PUBLIC SAFETY AND CONSUMER PROTECTION TWENTY-FOURTH GUAM LEGISLATURE

173 ASPINALL AVENUE, ADA PLAZA CENTER SUITE 108A, AGANA, GUAM 96910

SENATOR ELIZABETH BARRETT-ANDERSON
Chairperson

SENATOR JOHN C. SALAS
Vice-Chairperson

SPEAKER ANTONIO R. UNPINGCO
Ex-Officio Member

VOTING SHEET

**Bill No. 455 - An act to repeal and reenact Chapter 35 of Title 5, Guam
Guam Code Annotated, relative to the establishment of the Uniform
Interstate Family Support Act.**

<u>COMMITTEE MEMBERS</u>	<u>INITIALS</u>	<u>TO DO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>
1). Sen. Elizabeth Barrett-Anderson Chairperson	<i>EB</i>	✓	_____	_____
2). Sen. John C. Salas Vice-Chairperson	<i>JS</i>	✓	_____	_____
3). Sen. Frank B. Aguon, Jr. Member	_____	✓	_____	_____
4). Sen. Anthony C. Blaz Member	_____	✓	_____	_____
5). Sen. Joanne M.S. Brown Member	_____	_____	_____	_____
6). Sen. Edwardo J. Cruz M.D. Member	<i>EJC</i>	✓	_____	_____
7). Sen. Mark Forbes Member	_____	_____	_____	_____
8). Sen. Vicente C. Pangelinan Member	_____	✓	_____	_____
9). Speaker Antonio Unpingco Ex-Officio Member	<i>AU</i>	✓	_____	<i>To report out only</i>

**COMMITTEE ON JUDICIARY, PUBLIC SAFETY AND
CONSUMER PROTECTION**

**ELIZABETH BARRETT-ANDERSON
CHAIRPERSON**

Twenty-Fourth Guam Legislature

REPORT

on

**Bill No. 455 - An act to repeal and
reenact Chapter 35 of Title 5, Guam
Code Annotated, relative to the
establishment of the Uniform Interstate
Family Support Act..**

I. SUMMARY

The Committee on Judiciary, Public Safety and Consumer Protection held a public hearing on Bill No. 455 at the Committee Publicic Hearing Room at 9:00 AM, Thursday, January 15, 1998. Public Notice was published in the January 10 and January 15, 1997 editions of the Pacific Daily News.

Committee Members Present:

Senator Elizabeth Barrett-Anderson, Chairperson
Senator John C. Salas, Vice Chairperson
Senator Edwardo J. Cruz
Senator Vicente C. Pangelinan
Senator Frank B. Aguon, Jr.

Providing Public Testimony on the Bill:

Margaret Bean, **oral/written**

II. Purpose:

The purpose of this bill is to repeal and reenact the current law bringing Guam into compliance with the Federal requirements of the Uniform Interstate Family Support Act (UIFSA). The UIFSA laws allow the custodial parent to pursue a non-custodial parent in another state or territory.

Bill No. 455 was developed by the Attorney General's Office following Federal guidelines. Failing to pass new legislation in conformance with the Federal guidelines may result in loss of Federal Funding. The deadline for the passage of legislation was December 31, 1997; however, Federal funding would not be jeopardized if Bill No. 455 is enacted into law.

II. Summary of Testimony

MS. MARGARET BEAN DEPUTY ATTORNEY GENERAL FAMILY DIVISION

Ms. Bean testified that the Attorney General's Office supported Bill No. 455. Ms. Bean stated that in the past multiple orders may exist for any given case. Ms. Bean stated that Bill No. 455 would provide for only one court order to exist at any given time. Ms. Bean testified that under UIFSA the first order obtained will follow the parties and will only be modified under stringent conditions. Ms. Bean stated that modifications to the court order may be made only in the issuing state or territory unless the parties agree that the order be modified in a new state or

no party has any ties with the issuing state in which case the court order would be modified in the non-custodial parent state. Ms. Bean testified that another feature of UIFSA is that it allows wage assignment orders to be served directly on an employer in another state or territory. On the other hand the Bill provides the non-custodial parent access to the court to challenge a wage holding order, if he or she believes it incorrect. Finally, Ms. Bean stated that the UIFSA requires legislative enactment by December 31, 1997.

III. FINDINGS and RECOMMENDATIONS

The Committee on Judiciary, Public Safety and Consumer Protection finds support for the passage of Bill No. 455, Senator Barrett-Anderson and the Committee presents this report to the Twenty-Fourth Guam Legislature with its recommendation **TO DO PASS**.

CARL T.C. GUTIERREZ
Maga'lahi/Governor

UFISINAN HINIRAT ABUGAO
Guahan

GUS F. DIAZ
Hinirat Abugao, Akto/Attorney General, Acting

MADELEINE Z. BORDALLO
Tinente Gubetnadora
Lieutenant Governor

OFFICE OF THE ATTORNEY GENERAL
Agana, Guam
Dibision Familia
Family Division

MARGARET E. BEAN
Sigundo Hinirat Abugao
Deputy Attorney General

January 13, 1998

The Honorable Elizabeth Barrett-Anderson
Chairperson
Committee on Judiciary, Criminal Justice
and Environmental Affairs
Twenty-Fourth Guam Legislature

RECEIVED

24th Guam Legislature
Committee on Judiciary, Public
Safety and Consumer Protection
Date: 1/13/98

Re: TESTIMONY ON BILL 455

Dear Ms. Chairperson:

Hafa Adai!

This testimony is presented in support of Bill 455, which is intended to repeal our existing URESA laws and reenact in its place, the Uniform Interstate Family Support Act, which I will refer to as "UIFSA".

Our current URESA law was enacted in 1954. URESA was intended to give nonresident custodial parents access to another state's courts in a uniform and expeditious manner. Over the past 40 years, problems have arisen in connection with URESA laws. The main problem is that for any given case, there may be multiple orders existing at one time.

Under UIFSA, theoretically, only one order will exist for a "family" unit at one time. The first order obtained will follow the parties around and will only be able to be modified under stringent conditions. An order must be modified in the issuing state unless the

COMMONWEALTH NOW!

parties agree it be modified in a new state, or no party has any ties with the issuing state.

Another good feature of the UIFSA law is that it allows a custodial parent with a valid wage assignment order to serve that wage assignment order directly on an employer in another state, without having to go through countless paperwork to register that order in another state. Similarly, an out of Guam custodial parent may do the same with an employer on Guam. There are provisions in the act that give the obligor access to the court to challenge the wage withholding order, if he/she believes it's incorrect.

The law also eases the taking of evidence for use in other jurisdictions. It allows telephone conference calls and the use of facsimile evidence. It is now less likely that the petitioners presence will be required in the other state, making the obtaining of child support easier.

The law has been enacted in most of the States. It is mandated that all States and Territories enact this law by December 31, 1997. We are already dealing daily with UIFSA States, and enacting this law would make our cases more uniform and easier, and will bring us into compliance with Federal Law.

Thank you for the opportunity to comment on this Bill. I urge it's immediate passage.

Dangkolo' na Agradesimiento - Thank you very much!



MARGARET E. BEAN

GOVERNMENT OF GUAM



Carl T.C. Gutierrez
GOVERNOR

Madeleine Z. Bordallo
LIEUTENANT GOVERNOR

DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES
(DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT)

Post Office Box 2816 Agana, Guam 96932

123 Chalan Kareta, Route 10

Mangilao, Guam 96923



Dennis G. Rodriguez
DIRECTOR

Marilyn D.A. Manibusan
DEPUTY DIRECTOR

RECEIVED

JAN 15 1998

24th Guam Legislature
Committee on Judiciary, Public
Safety and Consumer Protection

Testimony On

Date: 1/16/98

- Bill 455:** AN ACT TO ESTABLISH THE UNIFORM INTERSTATE FAMILY SUPPORT ACT
- Bill 460:** RELATIVE TO THE PERSONAL RESPONSIBILITY AND SELF SUFFICIENCY ACT OF 1997 AND RELATIVE TO FAMILY SUPPORT AND THE INCLUSION OF SOCIAL SECURITY NUMBER ON VARIOUS DOCUMENTS AND ON DEATH CERTIFICATES
- Bill 461:** AN ACT TO CREATE THE UNIFORM FRAUDULENT TRANSFERS ACT TO MAKE GUAM'S LAWS COMPLY WITH THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY ACT OF 1996

Presented by
Dennis G. Rodriguez
Director
Department of Public Health & Social Services

Good morning Mr. Chairman and members of the Committee on Judiciary, Public Safety and Consumer Protection. My name is Dennis G. Rodriguez, Director of the Department of Public Health & Social Services. I am here to testify in support of the of Bills 455, 460 and 461 regarding requirements for local laws that enable Guam to comply with the welfare reform law, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA).



In general, all three bills will meet the requirements for child support enforcement and establishment of paternity outlined in PRWORA. In detail, these bills will allow the Family Division of the Department of Law greater ability to collect information, network and track the establishment and enforcement of support orders both locally and abroad. Successfully applied, these can only serve to benefit needy families who receive cash, food and medical assistance under welfare programs of the Department of Public Health & Social Services. For the record, I will state my support and provide comments relative to the specific bills:

Bill 455

I support the general context of Bill 455. I would like to recommend however that a defined time element be provided in place of the word “promptly” as used (on line 13 page 21) in §35319 of Article 3 Receipt and Disbursement of Payment. Timely disbursement of support payments to either the government or to recipients will augment the general intent of this particular bill.

Bill 460

With a few comments for your consideration, I support the passage of Bill 460. First, I suggest amending the Legislative Intent stated in Section I to conform with the full context of the bill. Specifically, Section 1 should exclude marriage and birth certificates as documents that mandate the use of social security numbers since provisions for such are not specified.

Also, the proposed section to add a new subsection (I) to Chapter 3, Article 2, §3216 of Title 10, GCA, stating that the death certificate of a person shall contain the social security number of the deceased, will only make formal through legal authority, the Department's long-time practice.

The certificates used by the Department follow those recommended by the National Center for Health Statistics of the Department of Health & Human Services. Since at least the 1969 revision, there has been a designated box for a social security number on the death certificate. There will be a space provided on the next revision as well, which is due to be in use by 1999. There are no plans for the Department of Public Health Social Services to either remove or stop the practice of including social security numbers of the deceased on these certificates. A sample of the form used for them is available and will be attached with my written testimony.

Bill 461

I support the passage of this bill without further comment.

Thank you for the opportunity to state my support and express my thoughts on these bills.


DENNIS G. RODRIGUEZ

U.S. STANDARD CERTIFICATE OF DEATH

FILE NUMBER

TYPE/PRINT
IN
PERMANENT
BLACK INK
FOR
INSTRUCTIONS
SEE OTHER SIDE
AND HANDBOOK

1. DECEDENT'S NAME (First, Middle, Last)						2. SEX	3. DATE OF DEATH (Month, Day, Year)
4. SOCIAL SECURITY NUMBER	5a. AGE—Last Birthday (Years)	5b. UNDER 1 YEAR Months Days	5c. UNDER 1 DAY Hours Minutes	6. DATE OF BIRTH (Month, Day, Year)	7. BIRTHPLACE (City and State or Foreign Country)		
8. WAS DECEDENT EVER IN U.S. ARMED FORCES? (Yes or no)		9a. PLACE OF DEATH (Check only one, see instructions on other side)					
		HOSPITAL <input type="checkbox"/> Inpatient <input type="checkbox"/> ER/Outpatient <input type="checkbox"/> DOA		OTHER <input type="checkbox"/> Nursing Home <input type="checkbox"/> Residence <input type="checkbox"/> Other (Specify)			
9b. FACILITY NAME (If not institution, give street and number)				9c. CITY, TOWN, OR LOCATION OF DEATH		9d. COUNTY OF DEATH	
10. MARITAL STATUS—Married, Never Married, Widowed, Divorced (Specify)		11. SURVIVING SPOUSE (If wife, give maiden name)		12a. DECEDENT'S USUAL OCCUPATION (Give kind of work done during most of working life. Do not use retired.)		12b. KIND OF BUSINESS/INDUSTRY	
13a. RESIDENCE—STATE		13b. COUNTY		13c. CITY, TOWN, OR LOCATION		13d. STREET AND NUMBER	
13e. INSIDE CITY LIMITS? (Yes or no)		13f. ZIP CODE		14. WAS DECEDENT OF HISPANIC ORIGIN? (Specify No or Yes—If yes, specify Cuban, Mexican, Puerto Rican, etc.) <input type="checkbox"/> No <input type="checkbox"/> Yes Specify		15. RACE—American Indian, Black, White, etc. (Specify)	
						16. DECEDENT'S EDUCATION (Specify only highest grade completed) Elementary Secondary (0-12) College (11, 4 or 5)	
17. FATHER'S NAME (First, Middle, Last)				18. MOTHER'S NAME (First, Middle, Maiden-Surname)			
19a. INFORMANT'S NAME (Type/Print)				19b. MAILING ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code)			
20a. METHOD OF DISPOSITION <input type="checkbox"/> Burial <input type="checkbox"/> Cremation <input type="checkbox"/> Removal from State <input type="checkbox"/> Donation <input type="checkbox"/> Other (Specify)		20b. PLACE OF DISPOSITION (Home, cemetery, crematory, or other place)		20c. LOCATION—City or Town, State			
21a. SIGNATURE OF FUNERAL SERVICE LICENSEE OR PERSON ACTING AS SUCH		21b. LICENSE NUMBER (of Licensee)		22. NAME AND ADDRESS OF FACILITY			
23a. To the best of my knowledge, death occurred at the time, date, and place stated. Signature and Title		23b. LICENSE NUMBER		23c. DATE SIGNED (Month, Day, Year)			
24. TIME OF DEATH		25. DATE PRONOUNCED DEAD (Month, Day, Year)		26. WAS CASE REFERRED TO MEDICAL EXAMINER/CORONER (Yes or no)			
27. PART I. Enter the disease, injury, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or head failure. List only one cause on each line.							Approximate Interval Between Onset and Death
IMMEDIATE CAUSE (Final disease or condition resulting in death)							
a. _____ DUE TO (OR AS A CONSEQUENCE OF)							
b. _____ DUE TO (OR AS A CONSEQUENCE OF):							
c. _____ DUE TO (OR AS A CONSEQUENCE OF):							
d. _____							
PART II. Other significant conditions contributing to death but not resulting in the underlying cause given in Part I							
28a. WAS AN AUTOPSY PERFORMED? (Yes or no)							28b. WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? (Yes or no)
29. MANNER OF DEATH <input type="checkbox"/> Natural <input type="checkbox"/> Pending Investigation <input type="checkbox"/> Accident <input type="checkbox"/> Suicide <input type="checkbox"/> Homicide <input type="checkbox"/> Could not be Determined		30a. DATE OF INJURY (Month, Day, Year)		30b. TIME OF INJURY M	30c. INJURY AT WORK? (Yes or no)	30d. DESCRIBE HOW INJURY OCCURRED	
		30e. PLACE OF INJURY—At home, farm, street, factory, office building, etc. (Specify)		30f. LOCATION (Street and Number or Rural Route Number, City or Town, State)			
31a. CERTIFIER (Check only one)		<input type="checkbox"/> CERTIFYING PHYSICIAN (Physician certifying cause of death when another physician has pronounced death and completed item 23) To the best of my knowledge, death occurred due to the cause(s) and manner as stated. <input type="checkbox"/> PRONOUNCING AND CERTIFYING PHYSICIAN (Physician both pronouncing death and certifying to cause of death) To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner as stated. <input type="checkbox"/> MEDICAL EXAMINER/CORONER On the basis of examination and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner as stated.					
31b. SIGNATURE AND TITLE OF CERTIFIER				31c. LICENSE NUMBER		31d. DATE SIGNED (Month, Day, Year)	
32. NAME AND ADDRESS OF PERSON WHO COMPLETED CAUSE OF DEATH (ITEM 27) (Type/Print)							
33. REGISTRAR'S SIGNATURE						34. DATE FILED (Month, Day, Year)	

Dept. of Public Health & Social Services, Office of Vital Statistics

DECEDENT

SEE INSTRUCTIONS ON OTHER SIDE

PARENTS

INFORMANT

DISPOSITION

SEE DEFINITION ON OTHER SIDE

PRONOUNCING PHYSICIAN ONLY

ITEMS 24-26 MUST BE COMPLETED BY PERSON WHO PRONOUNCES DEATH

SEE INSTRUCTIONS ON OTHER SIDE

CAUSE OF DEATH

SEE DEFINITION ON OTHER SIDE

CERTIFIER

REGISTRAR

TWENTY-FOURTH GUAM LEGISLATURE

PUBLIC HEARING

SENATOR ELIZABETH BARRETT-ANDERSON

Chairperson, Committee on Judiciary, Public Safety and Consumer Protection

WITNESS SIGN-IN SHEET

Committee Hearing Room, 173 Aspinall Ave., Ada Plaza Center, Suite 108A, Agana, Guam 96910

Thursday, January 15, 1998
Public Hearing on Bill No. 455

Table with 5 columns: NAME(Please print), ORGANIZATION, My Testimony: Oral/Written, I am For Bill 455, I am Against Bill 455. Row 1 contains handwritten entries: Margaret Peam, AGS office, Both, X.

FISCAL NOTE
BUREAU OF BUDGET AND MANAGEMENT RESEARCH

BDMR-F7

Bill No.: 435 COR
 Amendatory Bill: Yes

RECEIVED
 24th January 1998
 Commissioner of Public
 Safety and Security
 Date: 2/13/98

Date Received: January 8, 1998
 Date Reviewed: February 12, 1998

Department/Agency Affected: Department of Law
 Department/Agency Head: Gus F. Diaz
 Total FY Appropriation to Date: \$ 6,362,136

Bill Title (preamble): AN ACT TO ESTABLISH THE UNIFORM INTERSTATE FAMILY SUPPORT ACT

Change in Law: Repeals and reenacts Chapter 35 of Title 5 of the Guam Code Annotated.

Bill's Impact on Present Program Funding:

Increase: X Decrease _____ Reallocation _____ No Change _____

Bill is for:

Operations X Capital Improvement _____ Other _____

FINANCIAL/PROGRAM IMPACT

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)							
PROGRAM CATEGORY	GENERAL FUND			OTHER		TOTAL	
Public Safety							

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)							
FUND	1st	2nd	3rd	4th	5th	TOTAL	
GENERAL							
OTHER							
TOTAL							

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? N/A IF NO, ADD'L AMOUNT REQUIRED: _____

AGENCY/PERSON/DATE CONTACTED: See attached comments.

ESTIMATED POTENTIAL MULTI-YEAR REVENUES							
FUND	1st	2nd	3rd	4th	5th	TOTAL	
GENERAL FUND	n/a	n/a	n/a	n/a	n/a		
OTHER							
TOTAL							

ANALYST Carlos P. Bordallo DATE _____
 Carlos P. Bordallo

DIRECTOR Joseph E. Rivera
 JOSEPH E. RIVERA

FEB 13 1998
 DATE

Comments on Bill 455 (COR)

Per information from the Department of Law's Family Division, this legislation is required in order to comply with *Federal regulations and avert losing Federal funds*. There will be some costs to prepare and revise forms, however such costs are expected to be absorbed by the department's operational budget. The Family Division of the Department of Law is currently projected to receive approximately \$1.8 million in Federal matching funds for fiscal year 1998.

The General Fund revenues available for appropriation, as adopted in Public Law 24-59, is \$353,292,790 (includes \$7,600,000 Autonomous Agency Fund, \$7,000,000 Use Tax and \$36,000,000 in Section 30 funds). The appropriations for FY1998 in P.L. 24-59 is \$346,128,092 plus continuing appropriations for debt service of \$2,504,141 for total appropriation against of \$348,632,234. Pursuant to P.L. 24-59, surplus FY1998 revenues available for appropriations is \$4.6M.

However, it should be noted that Section 30 revenues are expected to be reduced by \$1,047,129 and the expected combined collection from both the Autonomous Agency Fund and the Use Tax is only \$3.0M, a reduction of \$11.6M ($\$14.6 - 3.0 = \11.6). Thus, it is anticipated that the FY1998 revenues will be reduced by \$12.6M to a level of \$340,692,790. As such, \$340,692,790 in revenues less \$348,632,234 in appropriations leaves and **expected shortfall of (\$7,939,444) as of P.L. 24-59.**