



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932

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Felix Perez Camacho  
Governor

Kaleo Scott Moylan  
Lieutenant Governor

06 JUL 2005

The Honorable Mark Forbes  
Speaker  
Mina' Bente Ocho Na Liheslaturan Guåhan  
155 Hessler Street  
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 128 (EC), "AN ACT TO DISAPPROVE THE NEW CHILD SUPPORT GUIDELINES FILED BY THE ATTORNEY GENERAL OF GUAM AND TO CREATE A COMMISSION FOR FURTHER REVIEW OF SAID GUIDELINES AND TO AMEND TITLE 5 GCA SECTION 34118(a) TO REQUIRE THAT THE GUIDELINES BE AMENDED ONCE EVERY FOUR (4) YEARS" which I signed into law on July 1, 2005, as **Public Law 28-63**.

Sinseru yan Magåhet,

**FELIX P. CAMACHO**  
I Maga'låhen Guåhan  
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo  
Senator and Legislative Secretary

**Office of the Speaker**  
**MARK FORBES**

Date: 7/6/05  
Time: 1:35 pm  
Rec'd by: ESD  
Print Name: ESD  
28-05-0292

<b>Senator Edward J.B. Calvo</b> <b>SECRETARY OF THE LEGISLATURE</b> <b>ACKNOWLEDGEMENT RECEIPT</b>	
Rcv'd by: <u>N/Kala</u>	Print Name & Initial
Time: <u>3:00</u>	Date: <u>7-7-05</u>

0292

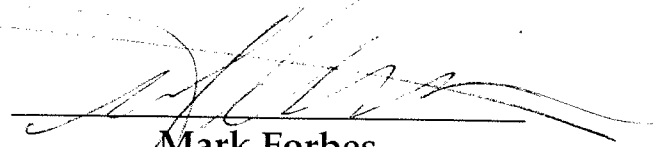
I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

2005 (FIRST) Regular Session

**FILE COPY**

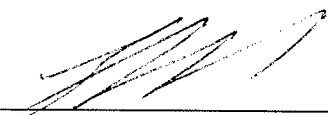
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 128 (EC), "AN ACT TO DISAPPROVE THE NEW CHILD SUPPORT GUIDELINES FILED BY THE ATTORNEY GENERAL OF GUAM AND TO CREATE A COMMISSION FOR FURTHER REVIEW OF SAID GUIDELINES AND TO AMEND TITLE 5 GCA SECTION 34118(a) TO REQUIRE THAT THE GUIDELINES BE AMENDED ONCE EVERY FOUR (4) YEARS," was on the 17<sup>th</sup> day of June, 2005, duly and regularly passed.



Mark Forbes  
Speaker

Attested:



Edward J.B. Calvo  
Senator and Secretary of the Legislature

.....

This Act was received by *I Maga'lahen Guåhan* this 20 day of June, 2005,  
at 4:50 o'clock P.M.



Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

\_\_\_\_\_  
FELIX P. CAMACHO  
*I Maga'lahen Guåhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

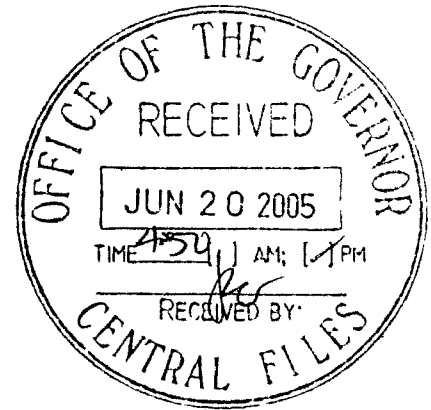


**FILE COPY**

**MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN**  
TWENTY-EIGHTH GUAM LEGISLATURE  
155 Hessler Place, Hagåtña, Guam 96910

June 20, 2005

The Honorable Felix P. Camacho  
*I Maga'lahen Guåhan*  
*Ufisinan I Maga'lahi*  
Hagåtña, Guam 96910



Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 97(EC) & 103(LS); and Substitute Bill Nos. 41(EC), 46(EC), 59(EC), 61(EC), 69(EC), 77(EC), 87(LS), 100(EC), 112(EC), 119(EC), 122(EC), 128(EC) and 137(EC) which were passed by *I Mina' Bente Ocho Na Liheslaturan Guåhan* on June 17, 2005.

Sincerely,

EDWARD J.B. CALVO  
Senator and Secretary of the Legislature

Enclosures (15)

IX TRANSMISSION CHECKLIST TO I MAGA'LAHEN GUAHAN  
(Included in File w/ All Bills Transmitted)

SBILL NO. 128(EC)

- EXHIBITS ATTACHED *yes*
- CONFIRM NUMBER OF PAGES *3*
- CAPTION ON CERTIFICATION MATCHES BILL CAPTION
- ENGROSSED SIGN""\*"" REMOVED FROM BILL
- 15 SENATORS IN SPONSORSHIP OR CONFIRM OTHERWISE
- CERTIFICATION SIGNED BY SPEAKER & LEGIS. SECRETARY
- EMERGENCY DECLARATION, if any *None*

Confirmed By: *dp/pc*

Dated: 6/22/05

FINAL REVIEW:

Dated: \_\_\_\_\_

- HAND CARRY BILL IN BLUEBACK (ORIGINAL & COPY)  
TO THE GOVERNOR. (DANNY, [unclear] OR OTHERS )
- ACKNOWLEDGED COPY W/ ORIGINAL BLUEBACK  
PLACED ON CLERK'S DESK. (Same copy given to [unclear] )

FILED by: \_\_\_\_\_

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN  
2005 (FIRST) Regular Session

**Bill No. 128 (EC)**

As substituted by the Committee on  
Criminal Justice, Public Safety, Youth  
and Foreign Affairs and amended on the Floor.

Introduced by:

Ray Tenorio  
L. F. Kasperbauer  
F. B. Aguon, Jr.  
J. M.S. Brown  
Edward J.B. Calvo  
B. J.F. Cruz  
Mike Cruz  
Mark Forbes  
R. Klitzkie  
L. A. Leon Guerrero  
J. A. Lujan  
A. B. Palacios  
R. J. Respicio  
A. R. Unpingco  
J. T. Won Pat

**AN ACT TO DISAPPROVE THE NEW CHILD SUPPORT GUIDELINES FILED BY THE ATTORNEY GENERAL OF GUAM AND TO CREATE A COMMISSION FOR FURTHER REVIEW OF SAID GUIDELINES AND TO AMEND TITLE 5 GCA SECTION 34118(a) TO REQUIRE THAT THE GUIDELINES BE AMENDED ONCE EVERY FOUR (4) YEARS.**

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

2           **Section 1.**    The proposed child support guidelines filed with *I*  
3 *Liheslaturan Guåhan* on March 31, 2005 by the Attorney General of Guam and  
4 attached as Exhibit I to this Act are hereby disapproved and rendered invalid.

5           **Section 2.**    Any and all existing child support guidelines shall remain  
6 in effect until further action by *I Liheslaturan Guåhan*.

7           **Section 3.**    **Title 5 GCA Section 34118(a) is hereby *amended to read:***

8                   “§34118. **Payment Schedule.** (a) The Attorney General shall  
9 adopt, pursuant to the Administrative Adjudication Law, a schedule of  
10 normal child support payments to be paid by a non-custodial parent to a  
11 custodial parent pursuant to Subsections (c)(1) and (c)(2) of this Section,  
12 to be updated every four (4) years.”

13           **Section 4.**    There is hereby established, within *I Liheslaturan Guåhan*,  
14 the Child Support Guidelines Review Commission. The Commission shall  
15 consist of the Deputy Attorney General who manages the Child Support  
16 Enforcement Division, the Public Defender, the Director and Managing  
17 Attorney of Guam Legal Services Corporation, an attorney in private practice  
18 with extensive experience in Family Law litigation to be appointed by the  
19 President of the Guam Bar Association, a person appointed by the Presiding  
20 Judge of the Superior Court, the Director of Public Health and Social Services,  
21 a social worker to be appointed by the President of the Guam Chapter of the  
22 National Association of Social Workers, and the Director of the Bureau of  
23 Plans and Statistics. The Commission shall, under the purview and direction  
24 of the Chairman of the Committee on Criminal Justice, Public Safety, Youth  
25 and Foreign Affairs of *I Liheslaturan Guåhan*, review the proposed guidelines,

1 Exhibit 1 attached to Substitute Bill No. 128 (EC), and the written testimony  
2 submitted at the public hearing of Bill No. 128 (EC) by the Chief Deputy  
3 Attorney General who manages the Child Support Enforcement Division and  
4 shall make recommendations to the Chairman regarding the enactment of the  
5 proposed guidelines. The Commission shall report to the Chairman from  
6 time to time as he may require. The Chairman shall provide a meeting place,  
7 secretarial and staff support, technical assistance, and such other assistance as  
8 the Commission shall need to accomplish its objective.

# I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

2005 (FIRST) Regular Session

Date: 6/17/05

## VOTING SHEET

SBill No. 128(EC)

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M.S.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J.F,	✓				
CRUZ, Michael (Dr.)	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
KLITZKIE, Robert	✓				
LEON GUERRERO, Lourdes A.					✓
LUJAN, Jesse A.	✓				
PALACIOS, Adolpho B.	A	✓			
RESPICIO, Rory J.	✓				
TENORIO, Ray			Excused		
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL

12    1    1    0    1

CERTIFIED TRUE AND CORRECT:

\_\_\_\_\_  
Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence

PL 28-63





Office of  
**SENATOR RAY TENORIO**  
MAJORITY LEADER  
CHAIRMAN  
COMMITTEE ON CRIMINAL JUSTICE,  
PUBLIC SAFETY, YOUTH & FOREIGN AFFAIRS

Suite 104, De La Corte Building  
167 East Marine Corps Drive  
Hagåtña, Guam 96910  
671.479.GUAM  
671.479.1FAX  
raytenorio.com

June 6, 2005

The Honorable Mark Forbes  
Speaker  
*I Mina' Bente Ocho na Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910

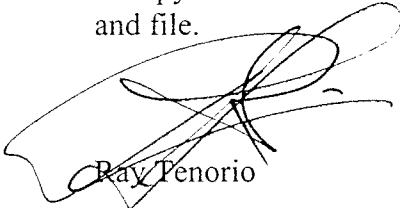
Dear Speaker Forbes:

The Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs, to which was referred, **Bill No. 128(EC)**, as substituted by the Committee: **"An Act To Disapprove The New Child Support Guidelines Filed By The Attorney General Of Guam And To Create A Commission And To Amend Title 5 G.C.A. Section 34118(A) To Require That The Guidelines Be Amended Once Every Four Years"** now wishes to report back the same with the recommendation **TO PASS**.

The voting record is as follows:

TO PASS	<u>10</u>
NOT TO PASS	<u>0</u>
TO REPORT OUT ONLY	<u>1</u>
ABSTAIN	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>

A copy of the Committee report and other pertinent documents are attached for your information and file.

  
Ray Tenorio





*Office of*  
**SENATOR RAY TENORIO**  
**MAJORITY LEADER**  
**CHAIRMAN**  
COMMITTEE ON CRIMINAL JUSTICE,  
PUBLIC SAFETY, YOUTH & FOREIGN AFFAIRS

Suite 104, De La Corte Building  
167 East Marine Corps Drive  
Hagåtña, Guam 96910  
671.479.GUAM  
671.479.1FAX  
raytenorio.com

June 6, 2005

**MEMORANDUM**

TO: Committee Members

FROM: Chairman

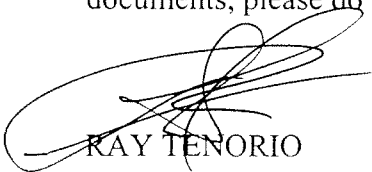
SUBJECT: Committee Report – BILL NO. 128(EC), as substituted by the Committee: An Act To Disapprove The New Child Support Guidelines Filed By The Attorney General Of Guam And To Create A Commission For Further Review Of Said Guidelines And To Amend Title 5 G.C.A. Section 34118(A) To Require That The Guidelines Be Amended Once Every Four Years.

Transmitted, herewith, for your information and action is the report on Bill No. 128(EC), as substituted by the Committee from the Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Bill No. 128(EC), as substituted
4. Written Testimony
5. Exhibits
6. Public Hearing Sign-in Sheet
7. Notice of Public Hearing
8. Bill No. 128(EC)

Please take appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated. Should you have any questions regarding this report or accompanying documents, please do not hesitate to contact me at 479-4825/26.

  
RAY TENORIO





Office of  
**SENATOR RAY TENORIO**  
 MAJORITY LEADER  
 CHAIRMAN  
 COMMITTEE ON CRIMINAL JUSTICE,  
 PUBLIC SAFETY, YOUTH & FOREIGN AFFAIRS

Suite 104, De La Corte Building  
 167 East Marine Corps Drive  
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 671.479.GUAM  
 671.479.1FAX  
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VOTING RECORD

**BILL NO. 128(EC), as substituted by the Committee: An Act To Disapprove The New Child Support Guidelines Filed By The Attorney General Of Guam And To Create A Commission For Further Review Of Said Guidelines And To Amend Title 5 G.C.A. Section 34118(A) To Require That The Guidelines Be Amended Once Every Four Years.**

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>TO REPORT OUT ONLY</u>	<u>ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
 RAY TENORIO, Chairman	✓				
 LAWRENCE F. KASPERBAUER Vice Chair	✗				
 JOANNE BROWN, Member	✓				
 ROBERT KLITZKIE, Member	✓				
 JESSE A. LUJAN, Member	✓				
 ANTONIO R. UNPINGCO, Member	✓				
 FRANK B. AGUON, Member	✓				
 BENJAMIN J. CRUZ, Member	✓				
 ADOLPHO PALACIOS, Member			✓		
 JUDI WON PAT, Member					
 RORY J. RESPICIO, Member	✓				
 MARK FORBES, Ex-Officio	✓				



## I. OVERVIEW

The Committee on Criminal Justice, Public Safety, Youth & Foreign Affairs conducted a public hearing on June 3, 2005 in the Legislative Public Hearing Room, *I Liheslaturan Guåhan*. Included in the public hearing was Bill No. 128(EC). Public notice was printed in the Pacific Daily News on May 27 and 31, 2005 and an article was featured in the Pacific Daily News on June 2, 2005.

Senators present:

1. Senator Ray Tenorio, Chairman
2. Senator Lawrence Kasperbauer, Vice Chair
3. Senator Robert Klitzkie, Member
4. Senator B.J. Cruz, Member
5. Senator Adolpho Palacios, Member

## II. SUMMARY OF TESTIMONY

**Douglas Moylan, Attorney General of Guam**, gave oral testimony in support of Bill No. 128(EC). General Moylan testified that Bill No. 128(EC) will attempt to provide a uniform system for the child's needs. General Moylan further stated that it is the legal requirement of the Office of the Attorney General to update the Child Support Guidelines every two (2) years and indicated that the last update made was in 1996.

**Barbara Cepeda, Deputy Attorney General & IV-D Director**, presented oral and written (see attached) in support of Bill No. 128(EC). Ms. Cepeda stated that the proposed Guidelines have been endorsed by the U.S. Department of Health & Human Services (Region 9) provided that an amendment be made to 19 G.A.R. §1204(a).

**Kathleen Maher, Director, Public Defender Service Corporation**, presented oral and written (see attached) testimony in opposition to the legislative passage of the Child Support Guidelines proposed by the Attorney General. Ms. Maher stated that the proposed Child Support Guidelines do not apply to joint and equal custody cases but only to sole custody cases. Ms. Maher stated that this will encourage litigation between parents who may now want to seek sole custody since there will be a presumed guideline child support amount to be received by the sole custody parent.

**Ron Moroni, Attorney-at-Law, Tarpley & Moroni**, presented oral testimony in opposition to the legislative passage of the Child Support Guidelines proposed by the Attorney General. Mr. Moroni stated that he has concerns regarding joint custody cases. He indicated that many of the custody cases are moving to joint custody and are already problematic under the current guidelines. Mr. Moroni would like to see a mathematical formula used in joint custody situations.

**Alec Raphael, Staff Attorney, Guam Legal Services Corp.**, presented oral testimony citing concerns with the visitation credits in the proposed Guidelines. Mr. Raphael said that it would be very difficult to say with precision how many days a parent visited. Mr. Moroni stated even with strict visitation orders in place many parents modify the order to accommodate schedules. Mr. Moroni further stated that visitation credits is not a bad idea but with the strict guidelines in place may promote more litigation.

**Jane Kennedy, Staff Attorney, Public Defender Services Corp**, presented oral testimony in opposition to the legislative passage of the Child Support Guidelines proposed by the Attorney General. Ms. Kennedy stated her concern that the language of the Bill would eliminate child support in joint custody situations. Ms. Kennedy further stated that, while it is not the intent of the AG's office to eliminate support in joint custody cases, she recommended that the language be rewritten to be clear that there would be support in joint custody cases.

**Tricia Ada, Staff Attorney, Public Defender Services Corp.**, presented oral testimony in opposition to the legislative passage of the Child Support Guidelines proposed by the Attorney General. Ms. Ada stated that the Guideline should always be the basis whatever the custody situation may be. Ms. Ada further stated that when different formulas are used in different living situations this would encourage the parties to aim for the best one they would want to fall under to have their calculation made.

**Kristi Dunning, private citizen**, presented oral and written (see attached) testimony in opposition to the legislative passage of the Child Support Guidelines proposed by the Attorney General. Ms. Dunning stated that it would be costly to pay legal fees for the Court to determine child support in joint custody cases. Ms. Dunning inquired as to why a Guideline cannot be established for joint and equal custody arrangements.

**Curtis Van deVeld, Attorney-at-Law, Van deVeld, Shimizu, Fisher & Canto**, presented oral testimony in favor of the passage of certain sections. Mr. Van deVeld, however, did not indicate the sections that he favored but pointed out that the Guidelines should not be used as an income distribution tool.

**Jeffrey Cook, Attorney-at-Law, Cunliffe & Cook**, submitted written testimony (see attached) that a more comprehensive review of the Guidelines be done with input from all members of the community who the Guidelines affect.

**Richard Pipes, Attorney-at-Law, Law Offices of Richard Pipes**, submitted written testimony (see attached) against the Guidelines as drafted. Mr. Pipes stated that there are some areas that need to be addressed with corrective legislation.

**R. Todd Thompson, Attorney-at-Law, Mair, Mair, Spade & Thompson**, submitted written testimony (see attached) in opposition to the legislative passage of the Child Support Guidelines proposed by the Attorney General. Mr. Thompson wrote that the proposed changes are unnecessary and ill conceived and that the ramifications have not been fully thought through.

**Senator Klitzkie** posed the question to the panel if any harm would be caused if the Guidelines were not adopted? General Moylan replied that there would be harm caused because the legal precedent set by the Supreme Court of Guam was not being followed. Ms. Maher stated that there would be no harm caused.

**Senator B.J. Cruz** asked Ms. Barbara Cepeda to clarify her statement regarding the endorsement of the Guidelines by Region 9 but indicated that Region 9 has problems with the Guidelines. Ms. Cepeda replied that the Guidelines were endorsed if the amendment offered in Exhibit 7 were included with the Guidelines. There is, however, no proof of evidence provided by Ms. Cepeda indicating the approval by Region 9.

### III. FINDINGS

The Committee on Criminal Justice, Public Safety, Youth & Foreign Affairs finds that the proposed Child Support Guidelines submitted by the Attorney General contain several issues that need to be further researched and clarified such as the issue regarding support payments in Joint and Equal Physical Custody situations. Another issue is whether the economic indicators used are up-to-date.

The Committee further finds that in light of the opposition by various members of the legal and general community, it would serve the best interest for all parties involved that a Commission be created to further examine the Guidelines.

#### IV. RECOMMENDATION

The Committee on Criminal Justice, Public Safety, Youth & Foreign Affairs hereby reports out Bill No. 128(EC), as substituted by the Committee: "An act to disapprove the new Child Support Guidelines filed by the Attorney General of Guam and to create a Commission for further review of said Guidelines and to amend Title 5 G.C.A. Section 34118(a) to require that the Guidelines be amended once every four years" to *I Mina Bente Ocho Na Liheslaturan Guåhan* with the recommendation **TO PASS**.

##### Attachments

1. Bill No. 128(EC), as substituted
2. Written Testimony
  - a. Barbara Cepeda
  - b. Kathleen Maher
  - c. Kristi Dunning
  - d. Jeffrey Cook
  - e. Richard Pipes
  - f. R. Todd Thompson
3. Exhibit
  - a. Leon Guerrero vs. Moylan, Supreme Court Case No. CVA01-020
  - b. Information submitted by the Office of the Attorney General
4. Witness Sign-in Sheet
5. Public Hearing Notice
6. Bill No. 128(EC)