

I MINA'TRENTA NA LIHESLATURAN GUÅHAN  
2010 (Second) Regular Session

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WJW

Bill No. 463-30 (Cor)

Introduced by:

Adolpho B. Palacios, Sr. 

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AN ACT TO REPEAL AND REENACT §34152 CHAPTER 34 OF  
TITLE 5 GUAM CODE ANNOTATED RELATIVE TO  
DISBURSING CHILD SUPPORT PAYMENTS BY ELECTRONIC  
MEANS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 SECTION 1. **Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that Section 454B of the Social Security Act [42 U.S.C. 654b] requires a State  
4 agency, including Guam, to use automated procedures, electronic processes and  
5 computer-driven technology to the maximum extent feasible, efficient, and  
6 economical, for the collection and disbursement of support payments, including  
7 procedures to ensure prompt disbursement of the custodial parent's share of any  
8 payments.

9 Direct deposit programs allow Guam's State Disbursement Unit to deposit  
10 child support payments directly into an account designated by a custodial  
11 parent. This eliminates the public expense of issuing paper checks, as well as the

1 delay and risk associated with the mailing and delivery of paper checks. As  
2 such, it is in the best interest of the children of our island and their caretakers  
3 that a direct deposit program be made mandatory.

4 **SECTION 2.** Section 34152 of Chapter 34, Division 3 of Title 5 of the  
5 Guam Code Annotated is hereby repealed and reenacted to read as follows:

6 **“Section 34152. Guam State Disbursement Unit.** ~~The Department~~  
7 ~~is designated as the Guam child support disbursement unit. The~~  
8 ~~Department shall use automated procedures for the collection and~~  
9 ~~disbursement of child support payments made for support orders being~~  
10 ~~enforced by the Department, all child support orders subject to the~~  
11 ~~withholding of income, and all other child support orders as directed by a~~  
12 ~~court of competent jurisdiction.~~ The Child Support Enforcement Division  
13 [CSED] of the Office of the Attorney General is designated as Guam’s  
14 State Disbursement Unit [SDU]. The SDU shall use automated procedures  
15 for the collection and disbursement of child support payments.

16 (a) Guam’s SDU shall remit child support payments via electronic  
17 benefit transfer system or by direct deposit to an account designated by a  
18 custodial parent or other obligee. If no account is designated, the Deputy  
19 of the Child Support Enforcement Division, or the Deputy’s designee,  
20 shall inform the SDU which method to use.

1            (b) Exceptions.

2            1. Hardship. If payment by electronic means causes  
3            hardship, a custodial parent or obligee may request a hardship  
4            exception to be approved by the Deputy of the Child Support  
5            Enforcement Division or the Deputy's designee. Such request must  
6            be in writing and include documentation that supports the request.  
7            The Deputy will consider the individual's needs and if appropriate,  
8            will inform SDU to make the requestor's payments by paper check.  
9            The Deputy will review exceptions periodically.

10           2. Intra-governmental Payments. Payments to the  
11           Department of Public Health and Human Services will continue by  
12           paper check until electronic payments become a feasible option.

13           3. Other good cause. Where payments on an account  
14           are so infrequent that electronic means is impracticable, or other  
15           good cause exists, the Deputy of the Child Support Enforcement  
16           Division or the Deputy's designee, may direct the SDU to continue  
17           payment by paper check."

18           **SECTION 3. Effective Date.** This Act is effective upon enactment.