



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>Loni G. Amador</u>
Time	<u>4:16 p.m.</u>
Date	<u>2-17-98</u>

Refer to
FEB 16 1998 **Legislative Secretary**

The Honorable Antonio R. Unpingco
Speaker
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

Office of the Speaker
ANTONIO R. UNPINGCO
Date: 2/17/98
Time: 1:45 pm
Rec'd by: [Signature]
Print Name: Janice [Signature]

Dear Speaker Unpingco:

Enclosed please find a copy of Substitute Bill No. 417 (LS), "AN ACT TO ADD §§7102.1, 8203(g), 8219, 8323, AND 8324 TO DIVISION 1 OF TITLE 19 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING 'IRRECONCILABLE DIFFERENCES' AS A GROUND FOR THE DISSOLUTION OF MARRIAGES AND PROMOTING COUNSELING AND DIGNITY IN THE DISSOLUTION OF MARRIAGES", which I have signed into law today as **Public Law No. 24-134**.

This legislation adds language which makes it possible to get a civil divorce under Guam law by alleging "irreconcilable differences". This grounds for divorce is added to the currently available legal grounds for divorce, which are: "adultery", "extreme cruelty", "willful desertion", "willful neglect", "habitual intemperance", and "conviction of a felony".

This legislation also allows the court to close a hearing from the public in a divorce case, upon motion of at least one of the parties, and if good grounds are presented. This would make it possible to get a divorce without intimate details being released in a public record. Currently, juvenile cases are closed to the public, for the protection of the minor. Many of those who work with divorces feel that the same protection should be afforded those adults who go through divorce court.

Unfortunately, over the years there has been an increase in the incidence of divorce experienced on Guam. There are probably many reasons for this,

00654

including lack of adequate preparation or maturity on the part of some people at the time that they enter into marriage, lack of parental or community support for some, prevalence of the abuse of drugs and alcohol and the negative results of this abuse, inability of some to make a living in our changing economy, to mention a few serious problems.

This legislation requires the Superior Court to provide those who apply for a divorce to be provided with packets of materials explaining alternative dispute resolution alternatives, such as counseling or other available services. Hopefully, this will assist some persons to solve their problems and make it possible for some marriages to continue happily.

The aim of this legislation is not to encourage divorces or make it easier. In fact, it is extremely easy to get a divorce on Guam at the present time. The aim of this legislation is to reduce the hostility between married persons who are already embroiled in differences.

Very truly yours,



Carl T. C. Gutierrez

Attachment 00654

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

TWENTY-FOURTH GUAM LEGISLATURE
1998 (SECOND) Regular Session

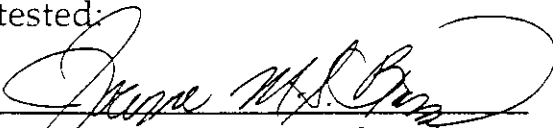
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 417 (LS), "AN ACT TO ADD §§7102.1, 8203(g), 8219, 8323, AND 8324 TO DIVISION 1 OF TITLE 19 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING "IRRECONCILABLE DIFFERENCES" AS A GROUND FOR THE DISSOLUTION OF MARRIAGES AND PROMOTING COUNSELING AND DIGNITY IN THE DISSOLUTION OF MARRIAGES," was on the 4th day of February, 1998, duly and regularly passed.




ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by the Governor this 11th day of February, 1998, at
1:20 o'clock P.M.



Assistant Staff Officer
Governor's Office

APPROVED:



CARL T. C. GUTIERREZ
Governor of Guam

Date: 2-16-98

Public Law No. 24-134

TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session

Bill No. 417 (LS)

As substituted by the author,
and as amended on the Floor.

Introduced by:

C. A. Leon Guerrero
E. Barrett-Anderson
J. M.S. Brown
E. J. Cruz
A. C. Lamorena, V
T. C. Ada
F. B. Aguon, Jr.
A. C. Blaz
Felix P. Camacho
Francisco P. Camacho
M. C. Charfauros
W. B.S.M. Flores
Mark Forbes
L. F. Kasperbauer
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 ADD §§7102.1, 8203(g), 8219, 8323, AND
8324 TO DIVISION 1 OF TITLE 19 OF THE GUAM
CODE ANNOTATED, RELATIVE TO
ESTABLISHING "IRRECONCILABLE
DIFFERENCES" AS A GROUND FOR THE

DISSOLUTION OF MARRIAGES AND
PROMOTING COUNSELING AND DIGNITY IN
THE DISSOLUTION OF MARRIAGES.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. The Guam Legislature
3 finds that marriage is at the heart of all societies and is a fundamental
4 mechanism for socializing our children and maintaining the stability of our
5 society. Couples should exhaust every means possible before dissolving a
6 marriage and that the government should facilitate the reconciliation between
7 the parties if possible.

8 However, the Guam Legislature recognizes that in certain instances it
9 may be in the best interest for spouses and their children to dissolve a
10 marriage, and that a family has a better chance of healing if the spouses are
11 allowed to keep their reasons for dissolving their marriage confidential for the
12 sake of getting through their difficult times for their dignity and for hopes of
13 potential future reconciliation. The Guam Legislature finds that other
14 jurisdictions has refocused the divorce process from assigning fault to
15 creating a standard referred to as "irreconcilable differences." Such a
16 standard should be enacted in Guam to reduce the pains that such turbulence
17 causes in the lives of our people, especially our children. Further, because
18 there are alternative dispute resolution forums and processes available to the
19 Island, the laws should encourage such mechanisms to resolve disputes such
20 as these.

1 **Section 2.** Section 7102.1 is hereby added to Chapter 7, Division 1 of
2 Title 19 of the Guam Code Annotated to read as follows:

3 **“Dissemination of ADR and Counseling Materials.** Within
4 ninety (90) days of enactment of this Section, the Superior Court of
5 Guam shall develop a packet of materials explaining to the parties the
6 possible alternative dispute resolution (“ADR”) alternatives available to
7 the parties in order for them to reconcile their domestic differences,
8 including the processes available to reconcile their marriages and
9 handling custody and visitation matters. The materials shall be
10 provided to all parties in domestic cases, either newly filed or pending a
11 final divorce decree at the time of enactment of this Act.”

12 **Section 3.** Section 8203(g) is hereby added to Article 2, Chapter 8,
13 Division 1 of Title 19 of the Guam Code Annotated to read as follows:

14 “(g) irreconcilable differences.”

15 **Section 4.** Section 8219 is hereby added to Article 2, Chapter 8,
16 Division 1 of Title 19 of the Guam Code Annotated to read as follows:

17 **“Section 8219. Irreconcilable Differences.** Irreconcilable
18 differences are those grounds which are determined by the Court to be
19 substantial reasons for not continuing the marriage and which make it
20 appear that the marriage should be dissolved.”

21 **Section 5.** Section 8323 is hereby added to Article 3, Chapter 8,
22 Division 1 of Title 19 of the Guam Code Annotated to read as follows:

23 **“Section 8323. Confidential Hearing.** Notwithstanding any
24 other law, in any domestic or child support case court hearing or
25 proceeding, including for dissolution of marriage, the Court may close

1 the hearing or proceeding to the public, upon motion by any party to
2 the action and a showing of good cause.”

3 **Section 6.** Section 8324 is hereby added to Article 3, Chapter 8,
4 Division 1 of Title 19 of the Guam Code Annotated to read as follows:

5 “**Section 8324. Records Sealed.** Notwithstanding any other
6 provision of law, all papers, records, audio recordings, documents and
7 exhibits in a domestic case or child support case, other than a divorce
8 decree, whether part of a court record or record in another government
9 Agency or Department’s possession, including the Department of Public
10 Health and Social Services, may be sealed upon motion by any party to
11 the action and a showing of good cause.”

12 **Section 7.** Sections 5 and 6 of this Act shall apply to existing domestic
13 and child support cases and newly filed court cases.

14 **Section 8. Severability.** If any provision of this Law or its
15 application to any person or circumstance is found to be invalid or contrary to
16 law, such invalidity shall not affect other provisions or applications of this
17 Law which can be given effect without the invalid provisions or application,
18 and to this end the provisions of this Law are severable.



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

Senator
Elizabeth Barrett-Anderson
Chairperson

January 20, 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. 417**, wishes to report back to the Legislature with its recommendation **TO DO PASS BILL NO. 417**.

Senator
Mark Forbes
Member

The voting record is as follows:

Senator
Edwardo J. Cruz, M.D.
Member

<u>5</u>	TO PASS
<u>1</u>	NOT TO PASS
---	ABSTAIN
---	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

Attachments

COMMITTEE ON JUDICIARY, PUBLIC SAFETY AND C O N S U M E R P R O T E C T I O N T W E N T Y - F O U R T H G U A M L E G I S L A T U R E

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. 417: As Substituted by the Author. An act to amend 19 GCA §8203 by adding “irreconcilable differences” as a cause for dissolution of marriage, and to add new sections §§8218, 8323, 8324 and 8416.

<u>COMMITTEE MEMBERS</u>	<u>INITIALS</u>	<u>TO DO</u> <u>PASS</u>	<u>NOT TO</u> <u>PASS</u>	<u>ABSTAIN</u>
1). Sen. Elizabeth Barrett-Anderson Chairperson	<i>EBA</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2). Sen. John C. Salas Vice-Chairperson	<i>JS</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3). Sen. Frank B. Aguon, Jr. Member	<i>FBA</i> <i>11/23/98</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4). Sen. Anthony C. Blaz Member	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5). Sen. Joanne M.S. Brown Member	<i>JMB</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6). Sen. Edwardo J. Cruz M.D. Member	<i>EJC</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7). Sen. Mark Forbes Member	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8). Sen. Vicente C. Pangelinan Member	<i>VCP</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9). Speaker Antonio Unpingco Ex-Officio Member	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

**ELIZABETH BARRETT-ANDERSON
CHAIRPERSON**

Twenty-Fourth Guam Legislature

REPORT

on

**Bill 417 as substituted by the
Author. An Act to amend 19 GCA
§8203 by adding “irreconcilable
differences” as a cause for
dissolution of marriage, and to add
new sections §§8218,8323,8324 and
8416.**

I. SUMMARY

The Committee on Judiciary, Public Safety and Consumer Protection held a public hearing on Bill No. 417 at the Committee Public Hearing Room at 2:00 PM, 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 Edwrado J. Cruz
Senator Vicente C. Pangelinan
Senator Frank B. Aguon, Jr.

Senators present

Senator Carlotta Leon Guerrero

Providing Public Testimony on the Bill:

Richard Dirx, **oral**
Ed Kabina, **oral/written**
Jerry Hogan, **oral**
Alicia Limtiaco, **oral/written**
David Moore, **written**
Seaton Woodley, **oral**
Gail Kippen, **oral**
Ross Putnam, **oral**
Mamie Balajadia, ED.D, **written**
Zeny Custodio, **written**
Pat Wolf, **written**

Comment:

The purpose of this bill is to add a new basis for divorce and to protect the welfare of children. The Committee reported out Bill 460, relative to family support, on January 19, 1998. The bill at hand may require some legislative floor amendments in Sections 4& 5 to alleviate any conflicts with Bill 460.

II. Summary of Testimony

MR. RICHARD DIRX
PUBLIC DEFENDER

Mr. Dirx testified in favor of Bill 417 urging its quick passage. Mr. Dirx stated that his office does many divorce and domestic relations work and that he felt strongly that the time has come to add "irreconcilable differences" as a basis for divorce. The current basis' tend to put the parties into two war camps making it essential that the parties do one of two things (1) agree or (2) they have to sling mud at each other which is never in the interest of the children.

Mr. Dirx testified that one of the most important things that this Bill will do is protect the victims of the divorce. Mr. Dirx stated that he felt that it was important the Court have the authority to seal cases, because in most cases there is very little public interest. Mr. Dirx stated that there are cases where a victim of an abusive relationship will not move on with life because the divorce level of proof is so high. Mr. Dirx stated that he has seen cases where stalkers, abusers or men who don't want to let their partners go maintain control simply by putting the day of the trial further back. Mr. Dirx testified that it has been his experience that many times the act of divorce is enough to end the abusive episodes, stating that a divorce sets her free and it helps him realize the marriage is over and now he must deal with a different situation. Mr. Dirx felt that the divorce record should remained sealed if its in the best interest of the children, however he was not opposed to giving the court the option of sealing the record rather than mandating a court to seal the record at the request of either party. Mr. Dirx recommended giving the courts guidelines of when a divorce record could be sealed.

**ED KABINA
CAPTAIN, GUAM POLICE DEPARTMENT
FAMILY VIOLENCE TASKFORCE MEMBER**

Captain Kabina testified in support of Bill 417. Captain Kabina testified that during the divorce proceeding hostilities tend to increase and the thought of a lengthy drawn out public trial only adds to the anxiety of both parties. Captain Kabina stated that this type of legislation is one more step in refining the divorce process. Captain Kabina stated that Bill 417 would help preserve the dignity of the parties involved.

**JERRY HOGAN
ATTORNEY AT LAW**

Mr. Hogan testified in favor of Bill 417. Mr. Hogan explained to the Committee the historical progression of divorce law. Mr. Hogan stated by imposing grounds for divorce that are seventy-five years old in modern society we are creating a violent and adversarial relationship. Mr. Hogan pointed out that Bill 417 is a Bill that recognizes divorce need not be name calling and threatening. Mr. Hogan made two suggestions (1) not require a neutral third witness and (2), sealing of the record for 48 hours or reasonable length of time.

**ALICIA LIMTIACO
TRANSITIONING TO PROSECUTOR
ATTORNEY OF DOMESTIC VIOLENCE TASK FORCE**

Mrs. Limtiaco testified in support of the Bill. Mrs. Limitiaco stated that she supports the Bill to the extent that it allows victims of family violence who willingly choose to dissolve their marriages with the perpetrators, to do so while preserving their dignity and well-being.

**MS. GAIL KOEPPEN
CLIENT SERVICES AND FAMILY COUNSELING**

Ms. Koeppen testified in support of Bill 417. Ms. Koeppen stated that when marriages continue because one party doesn't want to blame the other for the dissolution of the marriage, it is the children who suffer. Ms. Koeppen stated that if Guam law provided for irreconcilable differences then no-one has to be the "bad guy". "Relationships fail for many reasons and to air those reasons to the public doesn't justify anyone," stated Ms. Koeppen.

**MR. SEATON WOODLEY
ATTORNEY AT LAW**

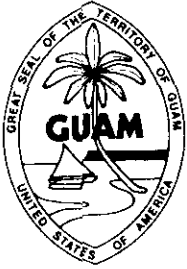
Mr. Woodley stated that he agrees with sections 2 & 3 of the Bill as far as making irreconcilable differences an additional grounds for divorce. Mr. Seaton stated that he did not believe that by adding irreconcilable differences divorces would increase or that divorce would become easier. Mr. Seaton stated that divorce is a bitter pill, Bill 417 takes a little of the bitterness away. Mr. Seaton stated that some States added additional requirements when they added irreconcilable differences to law, for example, an additional six month waiting period. Mr. Seaton stated that he did like the idea of closed hearings stating that they were not helpful. Mr. Seaton requested that the Legislature provide more clarification or refine the Bill with regard to the "closed record" section of the Bill.

**ROSS PUTNAM
ATTORNEY AT LAW**

Mr. Putnam testified in support of Bill 417. Stated that he had little to add to what testimony has already been presented, however, with regard to sections 4 & 5 he found those sections to be repugnant. Mr. Putnam testified that the grounds for divorces as currently written are offensive causing people to seek divorces in other jurisdictions, which leaves the party residing on Guam at some disadvantage.

III. FINDINGS and RECOMMENDATIONS

The Committee on Judiciary, Public Safety and Consumer Protection finds support for the passage of Bill No. 417 as substituted by the Author. The Committee 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**
Governor of Guam

**MADELEINE Z.
BORDALLO**
Lieutenant Governor

Guam Police Department

Government of Guam

Bldg. No. 233, Central Avenue, Tiyan, Guam 96913
Tel: (671) 475-8473 (Switchboard) • (671) 475-8509/8512/8514
Fax: (671) 472-4036



JAMES M. MARQUES
Chief of Police

RONALD J. DERVISH
Deputy Chief of Police

January 15, 1998

Senator Elizabeth Barret-Anderson
Chairperson, Committee on Judiciary,
Public Safety and Consumer Protection
Twenty-fourth Guam Legislature
Suite 108A, Ada Plaza Center
173 Aspinall Avenue
Agana, Guam 96910

RECEIVED

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

Date: 1/15/98 *vg*

RE: Testimony relative to Bill 417, amending 19 GCA, section 8302, by adding "Irreconcilable Differences" as a cause for dissolution of marriage and to add new sections 8219, 8323 and 8416.

Dear Senator Barret-Anderson:

As a member of the Guam Police Department and the Family Violence Task Force, I have first hand experience with the effects of family violence. The task force has worked to put into place an effective network to address the effects of family violence. Law enforcement has received state of the art training in dealing with the response, handling and referral of the victim to the victim services network and the perpetrator to the criminal justice and counseling network. The networks and all the components within the network ensure that every effort is made to assist the family with the opportunity to reunite and reconcile their differences.

However, there are those relationships which have experienced enormous obstacles to reunification. Attempts made by the structured network to assist the parties with a healthy resolution have failed. As such, the obvious alternative of separation and divorce as the last option must be exercised. It is during this process that hostilities tend to increase and the thought of a lengthy public trial toward divorce adds greater anxiety to both parties. Certainly, the public exposure of private matters of a family serve no beneficial purpose to the public. Instead, it provides a performance stage for an often brutally painful event. This is especially true when family violence is prevalent or was a catalyst for the divorce action. The criminal aspects of a case are often exposed and open to view by the public. However, the painful process of divorce is a matter of privacy and should be spared from courtroom drama for the general public.

Drug Free Guam Para Todos

Page 2. January 15, 1998

RE: Testimony relative to Bill 417, amending 19 GCA, section 8302, by adding "Irreconcilable Differences" as a cause for dissolution of marriage and to add new sections 8219, 8323 and 8416.

It is important that this legislation not be considered an "easy out" for parties to expedite the dismantling of a marriage. All attempts should be made to spare a relationship whenever possible. This legislation serves the good of the family unit, parents and children alike. Often the family has endured mental and physical abuse. As members of the Family Violence Task Force, we have worked diligently to provide assistance and dignity to the victims and an avenue of rehabilitation for the perpetrator. When there are irreconcilable differences and reunification is no longer a viable option, then the parties must look to divorce. However, we must take the necessary steps to refine the divorce process as we have with the process of reconciliation.

Although many relationships end up before the bench due to violence within the family, there are those relationships that just grow apart. In such cases, the parties are willing to amicably terminate the union. Unfortunately, often the parties must make negative statements concerning one another to facilitate legitimate grounds for divorce. This should not be the case. This legislation would allow for the irreconcilable differences to address those cases and spare the parties any embarrassment. It also provides a safeguard against violence occurring, in what would otherwise be a civil and amenable divorce. Otherwise, even in civil situations, tensions can reach extreme levels. The humiliation of airing personal laundry before the public immeasurably compounds that tension. Therefore, any attempt to reduce or neutralize that tension should be pursued. The preservation of dignity of the parties involved should be considered. This community has lost too many loved ones through family violence and the effects of nasty divorce proceedings. As a community we should do whatever is in our power to mitigate the potentiality of that violence.

Madam Chair and Senators, I endorse the proposed legislation by Senator Carlotta Leon Guerrero. It is my hope that the legislation will be used for its intended purpose of releasing parties from violent relationships with dignity and not humiliation and remove the possibilities for violence, in what would otherwise be civil separations.

Sincerely,



CAPTAIN EDWARD T. KABINA
Member, Family Violence Task Force

cc: Chief of Police
Deputy Chief of Police
Chairperson, Family Violence Task Force

RECEIVED24th Guam Legislature
Committee on Judiciary, Public
Safety and Consumer ProtectionDate: 1/15/98 *ms*

January 15, 1998

The Honorable Elizabeth Barret-Anderson
Senator, 24th Guam Legislature
Chairperson, Committee on Judiciary,
Public Safety and Consumer Protection
Agana, Guam 96910

RE: Bill 417 "Irreconcilable Differences"

Dear Madam Chair:

We submit this written testimony in support of Bill 417 "Irreconcilable Differences." As prosecutors who have handled numerous cases of family violence, it is not uncommon for a victim to seek information regarding the dissolution of her marriage with the perpetrator. Given the already overwhelming burden and guilt many of these victims experience as they perceive themselves as causing the breakup of their families by reporting the incident to authorities and participating in the criminal justice system, the laws and legal system of our community must continually be responsive to the needs of our victims. When faced with what in most instances would be a full blown contested divorce case, many victims become resigned to staying in the marriage and "reconciling" because they do not or cannot endure any further humiliation and pain -- the end result: "the cycle of violence continues." To the extent that Bill 417 allows victims of family violence who willingly choose to dissolve their marriages with the perpetrators, to do so while preserving their dignity and well-being as well as those of their children, we support Bill 417.

Respectfully submitted for your information.

Alicia A. G. Limtiaco
ALICIA A.G. LIMTIACO
Family Violence Task Force
Attorney

David M. Moore
DAVID M. MOORE
Assistant Attorney General

cc: The Honorable Carlotta A. Leon Guerrero
Senator, 24th Guam Legislature

MAMIE C. BALAJADIA, ED.D.

Clinical Psychologist
Dr. Chen's Clinic, GfTC Bldg., 1st Floor
Tamuning, Guam 96911
(671) 646-4078

January 22, 1998

Senator Carlotta A. Leon Guerrero
Chairperson, Committee on Transportation,
Telecommunications, and Micronesian Affairs
24th Guam Legislature
Union Bank Building, Suite 312
194 Hernan Cortez Avenue
Agana, Guam 96910

RE: Bill No. 417 (LS)

Dear Senator Leon Guerrero:

As a Clinical Psychologist licensed to practice in the Territory of Guam, I am in full support of Bill No. 417 (LS), which you are sponsoring, AN ACT TO ADD §§7102.1, 8203(g), 8219, 8323, AND 8324 TO DIVISION 1 OF TITLE 19 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING "IRRECONCILABLE DIFFERENCES" AS A GROUND FOR THE DISSOLUTION OF MARRIAGES AND PROMOTING COUNSELING AND DIGNITY IN THE DISSOLUTION OF MARRIAGES.

At this time, as I understand the current law, "extreme mental cruelty" is the only ground that allows an individual to file for divorce.

All of us have differences, and sometimes they are irreconcilable. Some may perceive "Irreconcilable Differences" as an avenue to make dissolution of a marriage easier. However, I see this differently. In fact, Section 8219 allows the Court to make the determination of what the substantial reason(s) are for a divorce, which the parties must submit.

Guam is a religious community. I believe that it is healthier, both physically and mentally, for couples and children to go on with their lives in a positive environment, than living in a home environment full of anger, tension, frustration, and in total emotional turmoil and possible violence.

It is healthier for this community to have families, couples, and children living in a home with harmonious relationship, rather than couples staying married while their lives are full of anger, hatred, and pain, which ultimately affect the children or the couple themselves even when there are no children involved.

The current divorce law with the language of "extreme mental cruelty" is archaic and I believe this community should have laws that reflect the "Sign of the Times". This Bill, I believe, would put us in the present, and not in the past.

RE: Bill No. 417 (LS)

January 22, 1998

Page 2

From a clinical perspective, I find the ground to point harshly at one spouse "at fault", even though both parties may come to terms that their marital relationship must end due to whatever their own personal reasons may be, as negative and unhealthy for both parties.

The scenario of pointing at one spouse being at fault tends to cause much tension, anger, frustrations between husband and wife, and undoubtedly would affect the children as well.

Irregardless whether one party is at fault, the reason or grounds for dissolving a marriage should be amicable. This is not to say that the language of "Irreconcilable Differences" is going to dissolve a marriage easier. "Irreconcilable Differences" allows both parties to dissolve a marital relationship merely indicating that no party is at fault, which, in some sense, is a more positive approach to a "not-working-out" marriage.

In my 26 years of mental health care, and in seeing couples for marital counseling, usually couples have already made up their mind to dissolve a marriage, or are in the process of doing so, or are contemplating in dissolving a marriage. "Mental Cruelty" grounds usually triggers anger and "who's at fault" issues in the counseling session which makes it more difficult for couples to decide and look at their relationship's strength and weaknesses, and make a decision in a positive sense for a resolution. "Irreconcilable Differences" allows the couple to focus on their differences to decide the worth of their relationship and the outcome. This allows the couple to be in charge of their lives, rather than focusing on who is at fault.

I find this bill to be more positive for people to work within a divorce situation (which is already negative). I believe laws should be enacted to make a positive impact on people's lives.

I urge members of the 24th Guam Legislature to take this Bill in a positive manner and vote for it, even with reservations.

Sincerely yours,

Mamie C. Balajadia

MAMIE C. BALAJADIA, ED.D.
Clinical Psychologist



Bureau of Women's Affairs

Setbesion Asuntun Fanalao'an

Volunteers are Important People

I manbulantariu na tuotao man Imputtante



Office of the Governor • P.O. Box 2950 Agana, Guam 96910

Tel: (671) 475-9360 • Fax: (671) 475-9362/477-4826

January 21, 1998

Sen. Carlotta A. Leon Guerrero
24th Guam Legislature
Union Bank Bldg., Suite 312
104 Hernan Cortes Avenue
Agana, Guam 96932

Dear Senator:

RE: Bill 417 "Irreconcilable Differences"

We are submitting herewith our testimony on Bill 417 "Irreconcilable Differences"

AN ACT TO AMEND 10 GCA 8203 BY ADDING "IRRECONCILABLE DIFFERENCES" AS A CAUSE FOR DISSOLUTION OF MARRIAGE, AND TO ADD NEW SECTIONS 8219, 8323, 8324, AND 8416.

We believe that husband and wife who can no longer live together or share common grounds due to irreconcilable differences should dissolve the marriage.

Sincerely,


Zeny C. Custodio
Executive Director



Commonwealth (New)

Inafa' Maolek
P.O. BOX CE
Agana, Guam 96932

January 21, 1998

Ms. Carlotta Leon Guerrero
Senator
Guam Legislature
Agana, Guam 96910

Subject: Divorce Bill - Irreconcilable
Difference

Dear Carlotta,

We do not take exception to the specific language of this bill but we wish to suggest enlarging the viewpoint to facilitate opportunity for marriages to be saved. We recommend that upon filing a divorce complaint both parties are, by law, notified of the option of alternative dispute resolution. At the very least, they should be made aware that mediation services to help reconcile differences are available from both Sister Mary John Cristobal at the Superior Court and from Inafa Maolek. In this way, our court via its Clerk's Office, would be functioning as a multicolor courthouse...routing clients towards various avenues for resolving their disputes.

Sincerely,



PAT WOLFF

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. 417

	NAME(Please print)	ORGANIZATION	My Testimony: Oral/Written	I am For Bill 417	I am Against Bill 417
1	CHR. ED KABINA	GPD	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
2	JE HOGAN	DUI vult	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
3	Richard Deeks	Public Defender	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
4	Coail Kuyper	CS Fe	<input checked="" type="checkbox"/>		
5	Seaton Woodley	private attorney	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
6	ROSS PUTNAM	attorney	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					