

19 GCA PERSONAL RELATIONS
CH. 5A EXPEDITED JUDICIAL PROCESS

CHAPTER 5A
EXPEDITED JUDICIAL PROCESS

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NOTE: This Chapter in its entirety was added by P.L. 20-170:1. The Compiler of Laws renumbered this Chapter from Chapter 12 to Chapter 5A to fit better into the scheme of Title 19.

§ 5501. Authorization for Expedited Judicial Process; Hearings Officers.

(a) There is hereby created an expedited judicial process agency which *shall* constitute a division of the Superior Court to be designated the Judicial Hearings Division.

(b) The Judicial Hearings Division (the Division) *shall* be a court of record administered by one (1) *or more* Hearings Officers who *shall* be appointed by the Chief Justice of the Supreme Court of Guam to serve on a full-time *or* part-time basis and who *shall* be subject to the conditions articulated in § 4401(b) of Title 7, Guam Code Annotated, regarding magistrates.

SOURCE: Amended by P.L. 29-109:5 (Aug. 26, 2008).

§ 5502. Principal Purpose of the Division; Expedited Process.

(a) The principal purpose of the Division is to provide a speedy and efficient legal process in child support cases which will assist the Superior Court judges in adjudicating maintenance and support matters and in enforcing orders for support in accordance with applicable federal and territorial laws, rules and regulations.

(b) The Presiding Judge of the Superior Court may assign such other pre-adjudication matters as he considers proper, and in conformance with Rules and Regulations promulgated by the Supreme Court, to the Courts established under the Superior Court, including, the Family Division matters as provided in §5113 of Title 19 of the Guam Code Annotated, provided such assignments do not impair the principal purpose of the Division as set out in Subsection (a) of § 5502.

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SOURCE: Subsection (b) repealed and reenacted by P.L. 24-135:5 Subsection (b) repealed and reenacted by P.L. 24-139:42 [nullified by *Pangelinan v. Gutierrez*, 2000 Guam 11]. Subsection (b) amended by P.L. 27-31:39.

§ 5503. Functions and Duties of Referees.

Under the authority of the Superior Court, a referee shall have the following duties in relation to family law matters only:

- (a) To take testimony and receive evidence for the record;
- (b) To hear and decide motions and preliminary matters, unless the same are appealed by any party, including but not limited to the following matters:
 - (1) Orders to show cause for contempt;
 - (2) Orders to show cause or motions for child support, modification of spousal support, modification of child support, injunctive relief, other relief, attorney's fees and costs and related matters;
 - (3) Stipulated orders as to child custody or visitation;
 - (4) Orders for enforcement of visitation rights;
 - (5) Motions of joinder;
 - (6) Motions to amend pleadings or to dismiss;
 - (7) Pretrial settlement conferences;
 - (8) Motions to withdraw;
 - (9) Motions or ex parte applications for wage assignments;
 - (10) Mediation to compel discovery or for protective orders;
 - (11) To enter default and stipulated orders, excluding default divorces;
 - (12) To accept and approve voluntary acknowledgments of child support liability and stipulated agreements to pay support;
 - (13) To accept and approve voluntary acknowledgments of paternity;
 - (14) To enter temporary orders for support;
 - (15) To conduct informal office conferences with the parties to discuss and resolve problems or questions about any matters

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relating to child support including support guidelines, payment schedules, paternity and support payment delinquencies;

(16) To refer appropriate custody cases to mediation or to home study referral or to both;

(17) To enter judgments and contempt orders for failure to comply with support orders or for other contempt of the family court;

(18) To carry out all other duties necessary to adjudicate child support matters, modification of support and related matters; and

(19) To discharge on behalf of the Superior Court, subject to the approval of the presiding judge, any other duties the Superior Court may have under 5 Guam Code Annotated, Chapter 34, relating to child support enforcement.

(c) Subpoena powers. A referee or the clerk of court may issue subpoenas and subpoenas duces tecum at the request of any party in accordance with the provisions of §7201, et seq., of Title 6, Guam Code Annotated.

(d) To hear and decide, unless the Referee's recommended decision is appealed by any party, whether an employer has committed the violation of failing to report the hiring or rehiring of an employee.

SOURCE: Repealed and reenacted as 19 GCA §12103 by P.L. 22-99:1. Renumbered by Compiler. Subsection (d) added by P.L. 24-116:12, expired by operation of P.L. 24-116:13 on 9/30/1999, reenacted by P.L. 25-161:9 eff. 7/10/2000..

NOTE: P.L. 22-99:1, in (b)(19), referred to 20 GCA Chapter 2. This Chapter has nothing to do with Child Support. Clearly, the Legislature intended "10 GCA Chapter 2". That Chapter is now found in 5 GCA as Chapter 34.

§ 5504. Appropriation Authorized.

There are hereby authorized to be appropriated from the General Fund such sums as may be necessary to carry out the provisions of this chapter.

§ 5505. Referee *shall* mean Hearing Officer.

Any reference to referee *or* referees within this Chapter *shall* also mean "Hearings Officer" *or* "Hearings Officers".

SOURCE: Added by P.L. 29-109:6 (Aug. 26, 2008).
