

**19 GCA PERSONAL RELATIONS
CH. 7 CONCILIATION LAW**

**CHAPTER 7
GUAM CONCILIATION LAW**

- § 7101. Definitions.
- § 7102. Establishment of Conciliation Jurisdiction.
- § 7102.1. Discrimination of ADR and Counseling Materials.
- § 7103. Source of Conciliation Services.
- § 7104. Effect of Conciliation Jurisdiction.
- § 7105. Petition for Conciliation Jurisdiction; Contents.
- § 7106. Notice; Attendance at Hearings.
- § 7107. Restriction of Services; Priorities.
- § 7108. Court Orders; Reconciliation Agreement.
- § 7109. Privacy of Hearing; Confidentiality; Closed Records.
- § 7110. Qualifications of Conciliation Counselors.
- § 7111. Court Ordered and Court Referred Conciliation or Mediation of Cases Prohibited.

NOTE: The *Guam Conciliation Law* (19 GCA §§ 7101-7110) was added to the Civil Code by P.L. 15-26:1 as Article V, Chapter II, Title I (§§150.1-153).

§ 7101. Definitions.

As used in this Article:

(a) *Conciliation jurisdiction* means domestic relation jurisdiction in the Superior Court in any serious domestic disturbance between the spouses which may, unless reconciliation or a settlement of the disturbance is effected, result in the dissolution or annulment of the marriage or in the disruption of the household.

(b) *Conciliation services* means domestic relations counseling and related services obtained by the Superior Court exercising conciliation jurisdiction and used by the court in exercising that jurisdiction.

(c) *Domestic relations suit* means a suit for the dissolution of the marriage contract, annulment of the marriage or for separate maintenance.

SOURCE: CC §150.1.

§ 7102. Establishment of Conciliation Jurisdiction.

The Superior Court may exercise conciliation jurisdiction and obtain, use and provide conciliation services. After conciliation jurisdiction has been established, the Superior Court may at any time determine that the

**19 GCA PERSONAL RELATIONS
CH. 7 CONCILIATION LAW**

need for such service does not warrant its continuance and terminate the same.

SOURCE: CC §150.2.

§ 7102.1. Dissemination of ADR and Counseling Materials.

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

SOURCE: Added by P.L. 24-134:2.

§ 7103. Source of Conciliation Services.

(a) The Superior Court may obtain conciliation services by:

(1) Employing or contracting for counselors and other personnel;
or

(2) Contracting or entering into agreements with public or private agencies to provide conciliation services to the court.

(b) Subject to appropriation, the compensation and expenses for personnel performing conciliation services for the Superior Court and other expenses of providing conciliation services may be paid by the Superior Court.

SOURCE: CC §150.3.

§ 7104. Effect of Conciliation Jurisdiction.

(a) Whenever any domestic relations suit is commenced in the Superior Court, the court may, in its discretion, exercise conciliation jurisdiction over the controversy and over the parties thereto and all persons having any relation to the controversy. If, within forty-five (45) days after the court commences to exercise conciliation jurisdiction, a reconciliation or a settlement of the controversy has not been effected, the domestic relations suit shall proceed as if the court had not exercised conciliation jurisdiction;
or

(b) Whenever either or both spouses are undergoing such a disturbance of their marital relations such as to require the services of the conciliation

19 GCA PERSONAL RELATIONS
CH. 7 CONCILIATION LAW

jurisdiction of the Superior Court before domestic relations suit is commenced, either or both may invoke such jurisdiction by filing a petition with the Superior Court as provided in the following section.

(c)(1) In the event that the parties in a domestic relations suit have undergone conciliation services by court provided or approved conciliation services within the year next preceding the filing of the domestic relations suit and the completion of such services is authenticated by a sworn certificate of the person providing the services, then the domestic relations suit shall proceed without the exercise of any conciliation jurisdiction.

(2) If a petition is filed under Subsection (b), no domestic relations suit may be filed until after the expiration of forty-five (45) days from the filing of the petition; provided, however, that the court may exercise its full equity powers to protect and preserve the rights of the spouses.

SOURCE: CC §151.1.

§ 7105. Petition for Conciliation Jurisdiction; Contents.

(a) Whenever either spouse or both spouses file in the Superior Court a petition requesting the court to exercise conciliation jurisdiction with respect to a disturbance existing between the spouses, the court shall exercise conciliation jurisdiction over the disturbance and over the parties thereto and all persons having any relation to the disturbance.

(b) The petition shall:

(1) Allege that a disturbance exists between the spouses and request the aid of the court to effect a reconciliation or a settlement of the disturbance;

(2) State the name, address and age of each spouse and the date and place of marriage;

(3) State the name, address and age of each minor child of the spouses or either spouse;

(4) State, if known, whether a domestic relations suit involving the same marriage is pending in any other court in this or any other state; and

(5) State such other information as the court, by rule may require.

SOURCE: CC §151.2.

§ 7106. Notice; Attendance at Hearings.

When the Superior Court undertakes to exercise conciliation jurisdiction, it shall refer the matter to the conciliation services provided by the court. The court shall cause notice to be given to the spouses of the undertaking to exercise conciliation jurisdiction and the authority therefor and of the time and place of any hearing, conference or other proceeding scheduled pursuant to the exercise of conciliation jurisdiction. The court may require the attendance of the spouses and of witnesses as in other civil cases.

SOURCE: CC §151.3.

§ 7107. Restriction of Services; Priorities.

Whenever the Superior Court determines that the conciliation services provided by it are not adequate for the proper disposition of all matters that may be referred to the services, the court, by rule, may restrict the services provided but shall give priority to disturbances in which the spouses have children under fifteen (15) years of age whose welfare is involved in the outcome of the disturbance or controversy if a domestic relations suit has been commenced.

SOURCE: CC §152.1.

§ 7108. Court Orders; Reconciliation Agreement.

(a) The Superior Court, with the consent of the spouses, may make orders with respect to the conduct of the spouses and with respect to the subject of the controversy or disturbance as it considers necessary to preserve the marriage or to implement the reconciliation of the spouses; but an order shall not be effective for more than sixty (60) days unless the spouses consent to a continuation of the order.

(b) Any reconciliation agreement between the spouses may be reduced to writing, and, with the consent of the spouses, the court may make an order requiring the spouses to comply with the agreement.

(c) The court may at any time terminate or modify any order previously made.

SOURCE: CC §152.2.

§ 7109. Privacy of Hearing; Confidentiality; Closed Records.

(a) All hearings, conferences and other proceedings held pursuant to the court's exercise of conciliation jurisdiction shall be held in private and

19 GCA PERSONAL RELATIONS
CH. 7 CONCILIATION LAW

all persons other than officers of the court, conciliation services personnel, the spouses, their counsel and witnesses shall be excluded.

(b) All communications, verbal or written, between spouses and from spouses to counselors, the court, attorneys, doctors or others engaged in the conciliation proceedings, made in conciliation conferences, hearing and other proceedings had pursuant to the exercise of the court's conciliation jurisdiction shall be confidential.

(c) All records of the court with respect to exercise of conciliation jurisdiction shall be closed. However, any petition and written reconciliation agreement between the spouses and any court order made in the matter may be opened to inspection by either spouse or his counsel upon written authorization by a judge of the court.

SOURCE: CC §152.3.

§ 7110. Qualifications of Conciliation Counselors.

Persons performing conciliation services shall have minimum educational and experience qualifications of a master's degree in the behavioral sciences; or a bachelor's degree and one (1) year's graduate training, both in the behavioral sciences plus two (2) year's recognized case work or clinical experience; or a bachelor's degree in the behavioral sciences plus four year's recognized case work or clinical experience.

SOURCE: CC §153.

§ 7111. Court Ordered and Court Referred Conciliation or Mediation of Cases Prohibited.

The Superior Court of Guam shall not order parties into conciliation or mediation when either party asserts that family violence has occurred. The Court shall make available conciliation or mediation services for resolution of the issues in a petition for an order of protection only under the following circumstances:

(a) conciliation or mediation is requested by the victim of the alleged family violence; and conciliation or mediation is deemed appropriate after screening by a licensed Individual Marriage and Family Therapist, clinical psychologist or psychiatrist trained in family violence issues; and

(b) conciliation or mediation is provided in a specialized manner that protects the safety of the victim by a certified mediator who is trained in family violence; and

19 GCA PERSONAL RELATIONS
CH. 7 CONCILIATION LAW

(c) the victim is permitted to have in attendance at conciliation or mediation a supporting person of his or her choice, including, but not limited to, an attorney or advocate at no expense to the Court; and

(d) the mediator or conciliation or mediation service provides any other procedure deemed necessary by the Court to protect the victim from intimidation from the alleged perpetrator.

SOURCE: Added by P.L. 24-239:31.
