

**FAMILY COURT RULES
FOR THE
SUPERIOR COURT OF GUAM**

**EFFECTIVE DATE: SEPTEMBER 1969
(AS AMENDED)**

**CURRENT AS OF
DECEMBER 31, 1994**

**RULES OF PROCEDURE FOR THE JUVENILE COURT
SEPTEMBER 1969**

NOTE: The law relating to the Family Court changed the name of the old Juvenile Court, whose rules these are, to the Family Court Division of the Superior Court. Likewise, the law was repealed and reenacted, affecting some of the provisions of these rules, which were adopted well before the new law came into effect. The current law can be found in 19 GCA Chapter 5.

These Rules have never been repealed.

**CHAPTER 1
SCOPE, PURPOSE, DEFINITIONS & ADMINISTRATION**

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Rule 1. Scope.

These rules shall govern the practice and procedure in the Family Court in all proceedings coming within the jurisdiction of the court.

These rules may be relaxed or dispensed with by the court in any case where it shall be manifest to the court that strict adherence will work an injustice.

Rule 2. Purpose.

The purpose of these rules is to provide for the just determination of all causes coming within the jurisdiction of the Family Court, to protect the welfare of children and the community, and to provide equitable relief to the parties appearing before it.

Rule 3. Definitions.

As used in these rules:

- (a) *Oath* shall include affirmations.
- (b) *Child* and *Juvenile* shall be taken to apply to any person under the age of 18 years.
- (c) *Adult* shall be construed to apply to any person of the age of 18 years or over.
- (d) *Juvenile Causes* shall include any proceeding originating through a petition to the court alleging that any juvenile is a delinquent child as defined by law.
- (e) *Hearing* shall include any proceeding in a juvenile cause before the judge of this court or a duly qualified referee, whether summary or by examination of plaintiff and defendant or offender and such witnesses as may be produced.
- (f) *Trial* shall be construed as any proceeding before the court in the exercise of its original jurisdiction to try and determine any matter other than a juvenile cause.

Rule 4. Judge of the Family Court.

- (a) The Judge of the Family Court shall be a judge of the Superior Court assigned to the Family Court.
- (b) In the event of death, sickness, disability, absence, or disqualification of the judge of the juvenile court, any other judge of the Superior Court designated by the Presiding Judge shall preside over the juvenile court or over the particular case involved.

NOTE: *Island Court* has been replaced by *Superior Court* and *Chief Judge* by *Presiding Judge* to conform to post-1974 law. Likewise, *Juvenile Court* has been

replaced by *Family Court*, and reference to minors is according to present law - those under 18 years of age.

Rule 5. Juvenile Conference Committees.

(a) Appointment. The judge may appoint men and women from the various districts and municipalities within the territory, who shall be representative of their respective municipalities or districts and may include but are not limited to, mayors, probation officers, police or educational personnel, to serve as members of juvenile conference committees, at the pleasure of the court. One such committee may serve two or more adjacent municipalities or districts, provided that all such municipalities are ultimately represented in such committee. A committee shall consist of not less than three nor more than seven members. Members of a committee, to the maximum extent feasible, shall represent the various socioeconomic, racial and ethnic groups in the community or communities to be served by it. The term of each member appointed shall be for three years, but may be removed by the judge at his discretion.

(b) Duties. The committee shall serve as an arm of the court in hearing and deciding such matters involving alleged juvenile offenders as are specifically referred to it by the court. Its function shall be to set limits upon the behavior of the juvenile offenders before it by expressing, through its disposition of each case, community disapproval of the behavior with which it deals. It shall be concerned primarily with endeavoring to forestall more serious future misconduct by the juvenile offender before it by obtaining the voluntary cooperation of the juvenile and the juvenile's parents or guardians with its recommendations for disciplinary or corrective action. The committee shall supervise and follow up its recommendations and keep the court advised as to compliance therewith.

No person shall be compelled to appear before or comply with any recommendations of the committee, but such appearance or compliance shall be entirely voluntary. If such voluntary appearance or compliance cannot be attained, or if any person interested in a committee proceeding is not satisfied therewith, the matter shall be referred by the committee to the court.

(c) Confidentiality. All matters coming before a committee shall be held in strict confidence and under no circumstances shall be made public. Every committee member shall be duly sworn by the court to observe the

confidential nature of committee proceedings. A committee member, however, when authorized by the entire committee, may publicize in general terms the duties of the committee, the kinds and numbers of cases it hears (without in any way revealing the names of identity of persons involved or the action taken in any specific case), or any community conditions which the committee's work indicates may require correction to prevent future delinquency.

Rule 6. Referees.

The Judge of the Family Court may appoint a probation officer, or other suitable person, to act, without compensation for such service, as referee. The court shall refer to a referee for hearing only juvenile matters involving first offenses of misdemeanor violations. The recommendations of the referee shall be subject to the approval of the court and shall not be effective until incorporated in an appropriate order or judgment of the court.

Rule 7. Orders.

All orders, judgments and determinations of this court shall be in writing and signed by the judge.

Rule 8. Recording and Transcript of Proceedings.

(a) The Family Court, being a court of record, shall have a court reporter for all hearings and trials in all proceedings, except those held before a juvenile conference committee or a referee.

(b) No public use shall be made of any stenographic transcript of any hearing or trial by any person, including a party, except in the course of an appeal, or, if no juvenile is involved in the proceeding, in other legal proceedings, or as authorized by the court.

Rule 9. Classification and Availability of Court Records.

(a) **Procedural Records.** Procedural records shall include the docket, petitions, citations, summonses, orders, calendars, index cards, and minutes.

(b) **Social Records.** Social records shall include reports of social investigations, probation treatment and supervision, psychological or psychiatric examination reports, and other reports concerning family life or compositions, school or occupational history, physical condition, foster home placement and delinquent behavior of children.

(c) **Availability.** All procedural and social records in juvenile causes and all social records in adult cases shall be strictly safeguarded from

indiscriminate public inspection. The court may, in its discretion, whenever the best interest or welfare of a child or adult or where other good cause makes such actio desirable or helpful, permit inspection of key procedural or social records, except that procedural and social records shall be available on a confidential basis, without an order of the court: to the probation officer and his assistant; to social workers of the Department of Public Health and Social Services to the Department of Corrections; to the Attorney General or his representative; to a judge of the territory of Guam; and to the Governor of Guam. Social records shall not be used as evidence during the trial or hearing of any person.

Rule 10. Pleadings Generally.

(a) **First Pleading.** Proceedings in this court shall be instituted by the filing of a written petition.

(b) **Answer.** No formal answer need be filed in writing to answer any petition filed in this court. Upon the return day set forth in the process the cause will be heard unless adjourned with the consent of the court.

Rule 11. Right to Counsel: Appearances.

(a) In all causes the parties shall have the right to be represented by counsel.

(b) In all causes the court shall advise the juvenile and his parents, guardian, or custodian of their right to retain counsel and, if they are unable to afford counsel the court shall assign counsel to represent them unless such right to the aid of counsel is expressly waived.

Rule 12. Prosecuting Attorney.

(a) All petitions to the court involving violations of the law which amounts to a felony if committed by an adult shall be filed and prosecuted by the Attorney General or his representative.

(b) All other petitions to the court involving alleged violations of the law shall be filed and prosecuted by the probation officer or his representative, except that the court may, where the interest of justice requires, request the Attorney General or his representative to appear and prosecute the petition and except further that where the Attorney General or his representative feels the interest of justice requires, he may make such an appearance.

(c) All petitions for certification of a juvenile for trial in the criminal court shall be filed and prosecuted by the Attorney General or his representative.

Rule 13. Process in General.

At any time after filing of an original pleading the court may issue such writs, summonses, subpoenas, warrants, or other process which will assure the presence in court of the parties concerned, the parents, guardian, or custodian of any juvenile cited to appear before the court, or any necessary witnesses or documentary evidence.

Rule 14. Subpoena.

(a) For Attendance of Witnesses; Form; Issuance. A subpoena may be issued under the seal of the court by the judge or clerk of the court, or in the name of the clerk of the court by the probation officer or any attorney at law. It shall state the name of the court and the title, if any, of the proceedings, and shall command each person to whom it is directed to attend and give testimony at the time and place specified therein. The clerk shall issue a subpoena signed and sealed but otherwise in blank, to a party requesting it, who shall fill in the blanks before it is served.

(b) For Production of Documentary Evidence and Objects. A subpoena may also command the person to whom it is directed to produce books, papers, documents, or other objects designated therein. The judge on motion may quash or modify the subpoena, if compliance would be unreasonable or oppressive. The judge may direct that books, papers, documents or other objects designated in the subpoena be produced before the court at a time prior to the hearing or trial or prior to the time they are to be offered as evidence and may, upon that production, permit the books, papers, documents, or objects or portions thereof, to be inspected by the parties and their attorneys or by a probation officer.

(c) Service. All writs, and notices issuing out of such court may be served by the Superior Court marshal, by his deputy, by the probation officer, or by some person specially appointed by the court for that purpose.

(d) Failure to Respond to Process. Upon proper service of process for appearance being shown and failure of the person named to respond, the court may issue a warrant for the apprehension of the person so summoned. Upon being taken into custody the court may fix bail for appearance and hear the matter summarily to determine whether or not the said person shall

be held in contempt, or the court may cause an order to show cause to be served upon him or her requiring the said person to show cause on a day certain why he should not be adjudged guilty of contempt.

Rule 15. Mental and Physical Examination.

The court may cause any person coming under its jurisdiction to be examined by a physician, psychiatrist, or psychologist, designated by the court, in order that the condition, special needs and personality of such person may be given due consideration in the disposition of the case. The court may direct who shall pay the cost of such examination.

Rule 16. Social Investigation.

The court may require a social investigation by a probation officer, by a social worker of the Department of [Public Health &] Social Services, by a social worker of the Department of Corrections, or by other person at any time during the proceedings.

**CHAPTER 2
CRIMINAL PROCEEDINGS**

Rule 17. Procedure in Criminal Proceedings.

All proceedings to be tried by the court in the exercise of its original jurisdiction over adults as set forth in 9 GCA §31.30 shall be tried in accordance with the Rules of Criminal Procedure [Title 8, Guam Code Annotated], except that the defendant shall not be entitled to trial by jury.

**CHAPTER 3
CUSTODY OF CHILDREN**

This Rule has been superseded by Title 9, GCA. The replacement section for Penal Code 273a can be a felony and, therefore, the defendant has a right to jury trial in such circumstances.

Rule 18. Custody of Children.

(a) In any action where the issue of the custody or guardianship of the person of any child is involved the court shall, before final judgment or order, require an investigation to be made by the probation officer or by a social worker of the Department of [Public Health and] Social Services] of the character and fitness of the parties, the economic situation of the family and the financial ability of the father and/or mother to pay support.

(b) **Periodic Reports Required.** In any action where an award of custody of minor children has been made, the court may in its discretion direct the probation officer or the Department of [Public Health and] Social Services] that periodic reports be made to the court as to the status of the custody. Upon the filing of such report, the court may on its own motion and where it deems it necessary, reopen the case and schedule a formal hearing on proper notice to all parties.

(c) **Investigation After Award.** In any action where an award of custody of minor children has been made the court may, on its own motion when it deems it necessary or where an application is made by either party to modify the award or terms thereof, in its discretion require an investigation to be made by the probation officer or by a social worker of the Department of [Public Health and] Social Services] of the status of the custody of the children, the character, fitness and financial circumstances of both parties, and the ability to pay for the support.

(d) **Filing of Reports.** Whenever the court has required an investigation and report to be made under paragraphs (a), (b) or (c), the results of such investigation shall be reduced to writing and the report shall be filed with the court and shall be made available to the parties. The report shall be regarded as confidential, except as otherwise provided in these rules or by order of the court. The report shall be received as direct evidence of the facts contained therein, subject to cross-examination of the officer who made such investigation and report.

(e) **Recital in Judgment or Order.** In all actions involving the custody of children the court shall set out in its order or judgment fully and specifically all terms and conditions relating to the award of custody and proper support, if any, for the children.

(f) **Support Payment.** In awarding custody of minor children, the court shall separately set out in its order or judgment the amount allowed for each child, and shall provide that payments be made through the clerk of

the Superior Court.

(g) Failure to Pay. When a person fails to make payments as directed by an order or judgment of the court, any aggrieved party may file a petition to the court alleging such failure and praying for the court to enforce such order for payment. The court, in its discretion, may order such person failing to make payment as required to appear and show cause why he shall not be held in contempt. Action taken by the court pursuant to this paragraph shall not preclude any aggrieved party from applying for relief by a civil action.

NOTE: 5 GCA Chapter 35 contains the Uniform Reciprocal Enforcement of Support Act (URESAs), and other new laws give aggrieved parties more options for securing support than existed when these rules were adopted.

Rule 19. Procedure in Adoption Proceedings.

(a) The petition in an action for the adoption of a child shall be verified and shall state the title of the action as "In the matter of the adoption of a child (or children) by _____".

(b) The petition shall state the following:

(1) The name, age, citizenship and domicile of each petitioner and the relationship, if any, of each petitioner to the child to be adopted.

(2) The name, age and citizenship of the spouse of the petitioner (if the spouse is not also a petitioner), and the relationship, if any, of such spouse to the child to be adopted.

(3) The name, age and birthplace of the child to be adopted; or if unknown to the petitioner or petitioners, the petition shall so state.

(4) The name, age and birthplace of all natural and adopted children of the petitioner or petitioners.

(5) The name, age and birthplace of all natural and adopted children of the spouse of the petitioner (if such spouse is not also a petitioner).

(6) The approved agency or other source from which the petitioner or petitioners received the child to be adopted.

(7) The date of commencement of each period during which the child to be adopted came under the continuous care of the petitioner or petitioners and the duration of each continuous period. If the child has

not been received from or with the approval of an approved agency then a statement of how, when and from whom the child has been received shall be made.

(8) The name and residence of each natural parent and guardian or custodian of the child to be adopted. If unknown to the petitioner or petitioners, or if deceased, the petition shall so state. If unknown, there shall be annexed to the petition an affidavit of the petitioner or petitioners stating the extent of their inquiry and knowledge with respect thereto and the circumstances under which the child was received into their home. Such affidavit may be omitted if the child to be adopted was received by the petitioner or petitioners from an approved agency.

(9) Whether or not either natural parent of the child to be adopted has been granted a divorce from the other natural parent, unless such information is unknown to the petitioner or petitioners. If unknown, the petition shall so state.

(10) A full description of all property belonging to the child to be adopted. If none or unknown, the petition shall so state.

(11) The name by which the child to be adopted shall be known.

(12) The occupation of the petitioner or petitioners, and an allegation that the petitioner or petitioners are able to support the child to be adopted.

(13) Whenever a spouse of a petitioner has consented to the proposed adoption, such consent shall be annexed to the petition or appended thereto.

(14) Whenever the petitioner or petitioners shall have received the child to be adopted from or with the approval of an approved agency, the consent of such approved agency to the proposed adoption shall be annexed to the petition or appended thereto.

(c) Action on Petition. Upon the filing of a petition for the adoption of a child, if it appears therefrom that there is jurisdiction and that each petitioner is qualified and that the petition is substantially complete in all respects, the court will fix a day for hearing. If there is lack of jurisdiction or lack of qualification on the part of a petitioner, the court shall dismiss the petition forthwith. If a petition is not substantially complete in all respects,

the court shall order the petitioner to file an amended petition or shall dismiss the petition without prejudice, as the situation may require.

(d) Social Investigation. The court shall require a social investigation by a social worker of the Department of Public Health and Social Services or by a probation officer in all proceedings for adoption where the petition does not show that the petitioner received the child from an approved agency, except where the petitioner is related to the child by blood or by marriage within the third degree computed according to the rules of law.

(e) Investigation Report to be Filed. Whenever the court ordered a social investigation, the officer who made the investigation shall file his report to the court not later than 30 days from the date of notification of such order, unless the court ordered otherwise.

NOTE: The current adoption law is found in Title 19 of the Guam Code Annotated.

CHAPTER 4 JUVENILE CAUSES

- Rule 20. Petition.
- Rule 21. Preliminary Notice.
- Rule 22. Taking into Custody Without Process.
- Rule 23. Preliminary Action by Judge.
- Rule 24. Summons.
- Rule 25. Warrant.
- Rule 26. Detention.
- Rule 27. Material Witnesses.
- Rule 28. Necessary Parties.
- Rule 29. Hearings Generally; Formal and Informal Calendar.
- Rule 30. Friends of the Court.
- Rule 31. Classification and Study.
- Rule 32. Manner of Disposition.
- Rule 33. Order of Disposition.
- Rule 34. Retention of Jurisdiction.
- Rule 35. Adult Responsibility for Juvenile Delinquency.
- Rule 36. Community Responsibility for Juvenile Delinquency.

Rule 20. Petition.

The petition is a written statement of the essential facts upon which the allegation of delinquent conduct of a juvenile is founded. It shall be upon oath before the judge or clerk of the court. The petition shall be entitled **“THE PEOPLE OF THE TERRITORY OF GUAM IN THE INTEREST OF _____.”**

Rule 21. Preliminary Notice.

In the event that any person has reason to believe that a juvenile is a delinquent child but is unsure whether or not a petition should be filed, a preliminary notice containing a statement of the circumstances or misconduct in which the juvenile is believed to be involved may be filed with the court in lieu of a petition.

Rule 22. Taking into Custody Without Process.

(a) Any duly appointed peace officer may take into custody without process any juvenile who in the opinion of the officer, is engaging in conduct defined by law as juvenile delinquency. Such action shall not be construed as an arrest but shall be deemed a measure to protect the health, welfare, and well-being of the juvenile.

(b) The officer taking the child into custody shall make immediate arrangements to have the juvenile taken to his home where he shall be released in the custody of his parents, guardian, or custodian, upon the written promise of the parents, guardian, or custodian to assume responsibility for the presence of the juvenile in court should a hearing be scheduled; or such child may be released in the custody of a probation officer, whenever so requested by the probation officer.

(c) If it be impracticable to proceed as in paragraph (2) above, or if the nature of the offense is such as to require the immediate detention of the juvenile, the officer in charge of the Juvenile Crime Prevention Bureau shall make immediate arrangements to have the juvenile placed in a detention facility approved by the court. In such event the officer of the Juvenile Crime Prevention Bureau shall, as soon as possible, report the fact of such detention to the court, accompanied by a written report by the officer taking the child into custody stating: (i) the facts of the offense and (ii) the reason why the child is not released to the parent. Pending further disposition of the case, the court may release such child to the custody of the parent or other person or may detain the child in such place as the court shall

designate, subject to further order, but no child shall be held in detention longer than TWO days excluding Saturdays, Sundays and holidays unless an order for such detention is signed by the judge.

(d) Whenever a juvenile has been taken into custody in accordance with this rule, the Attorney General or his representative or the probation officer or his representative shall proceed to file a petition with the court in accordance with Rule 19(a).

Rule 23. Preliminary Action by Judge.

(a) Upon receipt of the petition, the judge may forthwith proceed to schedule a hearing, or he may dismiss the petition.

(b) Upon receipt of a preliminary notice, the judge may forthwith: (i) direct that a petition be filed after which he may proceed as in paragraph (d)(1) of this rule; or (ii) advise the individual or agency filing the preliminary notice that no cause exists for action by the court.

Rule 24. Summons.

(a) **Issuance.** If it appears upon the petition that there is probable cause to believe that a juvenile is a delinquent child, a summons shall issue to the juvenile and his or her parents or guardians or person standing in loco parentis.

(b) **Form.** The summons shall have affixed thereto a copy of the petition and shall set forth the name of the juvenile and the names of the parents, guardian, or custodian of the juvenile; shall command the juvenile and his parents, guardian, or custodian to appear before the court at a stated time and place; shall advise that the juvenile and his parents, guardian, or custodian have the right to be represented by counsel at every stage of the proceeding and that if unable to afford counsel, upon application to the court counsel will be assigned if in the opinion of the court the proceedings may result in the institutional commitment of the juvenile; and shall be signed by the judge or by the clerk of the court.

(c) **Service and Return.**

(i) The summons shall be executed by any peace officer, a marshal of the Superior Court, a probation officer, or by a person specially appointed by the court for that purpose.

(ii) The summons shall be served by delivering a copy to the parents or either of them, guardian or custodian of the juvenile, or by

leaving it at their place of abode with some person of the family over the age of 14 years, residing therein, or by mailing it to the last known address.

(d) Return. On or before the return date a person to whom a summons was delivered shall make return thereof to the court before which the summons is returnable.

Rule 25. Warrant.

(a) Immediate Custody in Public Interest. In lieu of summons in the event that the misconduct alleged in the petition indicates that immediate custody of the juvenile is in the public interest, the judge may issue a warrant.

(b) Failure to Appear. In the event that any person or persons fails to appear in court as required by summons, the judge may issue a warrant.

(c) Form. The warrant shall be in the same form as the summons except that it shall command that the person or persons named therein be taken into custody and placed in detention, or brought before the court.

(d) Service and Return. The warrant shall be served and return made thereof in the same manner as in a criminal proceeding.

Rule 26. Detention.

(a) No juvenile under the age of 16 years shall be detained or placed in any police station, lockup, jail or prison.

(b) A juvenile of the age of 16 years of over shall not be placed in any police station, lockup, jail or prison; except that by order of the judge in which reasons therefor shall be specified, a child 16 years of age or over whose conduct or conditions are such as to endanger his safety or welfare or that of others in the detention facility for children, may be placed in a jail or other place of detention for adults, but in a room or ware entirely separate from adults confined therein and where the juvenile cannot have contact with any adult convicted of crime or under arrest.

(c) At any time between the filing of a petition and its disposition, the judge may order the release of any juvenile from detention and fix the terms of such release.

Rule 27. Material Witnesses.

(a) The judge of this court shall be notified when any juvenile has been taken into custody or detained as a material witness. The custody and conditions of detention of such juvenile material witness, pending the arraignment and the trial of the adult involved, shall be determined by this court upon notice to the prosecutor and other proper parties. Where a juvenile is held in detention as a material witness the prosecutor shall bring on the trial of the adult with all possible dispatch.

(b) The court may, in a proper case, dismiss a petition for juvenile delinquency and designate the juvenile a material witness.

Rule 28. Necessary Parties.

The parents, guardians or persons having control and supervision over the child shall be necessary parties to the proceedings in all juvenile cases.

Rule 29. Hearings Generally; Formal and Informal Calendar.

(a) **Confidentiality of Hearing.** In the best interests of the juvenile, every hearing shall be conducted in private with only such persons in attendance as have a direct interest in the proceeding, except as hereinafter provided. The judge, in his discretion, may also permit the attendance at any hearing of any person who has a direct interest in the work of the court, provided, however, that such person shall agree not to record, disclose or publish the names, photographs or other identifying data with respect to any of the participants in the hearing except as expressly authorized by the judge.

(b) **Conduct of Hearing.** The hearing shall not be conducted as a criminal trial.

(c) **Offenses to be Tried on the Formal Calendars.** All juvenile petitions which in the opinion of the judge may result in the commitment of the juvenile shall be listed for hearing on the formal calendar, to be heard in accordance with subparagraph (4) of this rule. All other petitions shall either be listed on the informal calendar or, in the discretion of the judge, may be referred to a juvenile conference committee or a referee for hearing.

(d) **Conduct on Formal Calendar.** Where the petition charges the juvenile with a violation which amounts to a felony if committed by an adult, the Attorney General or his representative shall appear at all hearings and prosecute the petition on behalf of the people. In any other case on the formal calendar, the court may request a prosecuting attorney in accordance with Rule 12. Representation by counsel for the juvenile, his parents,

guardian, or custodian shall be in accordance with Rule 11. At any such hearing, the court may, in its discretion, conduct the examination of witnesses, but the prosecuting attorney, if any, and counsel for the juvenile, has parents, guardian or custodian, shall be permitted to participate in such examination and to present evidence, call witnesses and examine or cross-examine all witnesses with respect to any issues to be decided by the court.

(e) Conduct of Informal Calendar. Petitions listed on the informal calendar shall be conducted in a summary manner and may result in any disposition provided in Rule 31 except commitment. The judge may conduct the examination of witnesses, but if the juvenile, has parents, guardian or custodian are represented by counsel, such counsel shall be permitted to participate in the hearing and to present evidence, call and examine or cross-examine witnesses. At any stage of the hearing of a petition listed on the informal calendar, the court may, in its discretion, suspend the hearing and transfer the petition to the formal calendar to be heard in accordance with the provisions of paragraph (4) of this rule. The hearing on the formal calendar shall be conducted de novo and any statements made by the juvenile at the hearing on the informal calendar shall not be admissible in evidence.

(f) Hearing After Finding Proof of Delinquency. After hearing of a juvenile petition, if the court finds beyond a reasonable doubt that the evidence is sufficient to support an adjudication of delinquency, it may either adjudicate delinquency or postpone adjudicate and, in either event, order an inquiry into the habits, mode of life, physical or mental condition of the juvenile and such other matters as may be of assistance to the court in determining the disposition of the petition that will best serve the welfare of the juvenile.

(g) Individual Hearing. Each juvenile brought before the court may receive an individual hearing even though the delinquent conduct alleged may have been performed in association with other juveniles.

(h) Consolidation: Amendment of Petition.

(1) If two or more petitions are filed with the court alleging separate acts of delinquency on the part of a juvenile, hearing of the several petitions may be consolidated and a single disposition made of the combined cases.

(2) If at the hearing of a juvenile petition an act or acts of delinquency other than the act or acts specified in the petition are proved or admitted, the court, on its own motion, may cause the petition to be amended at the hearing so as to incorporate the other act or acts of delinquency, or may instruct the clerk, probation officer or some other proper person forthwith to sign a new or amended petition incorporating the other act or acts of delinquency, to the end that all matters known to the court may be concurrently adjudicated. The court may adjourn the hearing for such time and on such terms as it shall deem proper.

(i) Failure to Appear. If the complaining witness does not attend the hearing of the matter before the court, the court may dismiss the petition, or adjourn the matter to a future date and renotify the parties or may take such action in the matter as may be just and proper in the circumstances.

(j) Preliminary Hearing; Reference to Prosecutor. (1) The judge may at any time before final disposition refer a petition to the Attorney General with a request for the Attorney General to institute proceedings for the certification of the juvenile to the criminal court for prosecution, in which event the Attorney General shall file a petition in accordance with Rule 12.

(2) Upon filing of such a petition, the court shall schedule it for preliminary hearing for the sole purpose of determining whether the juvenile should be certified to the criminal court for prosecution as an adult. The evidence to be presented and considered at such preliminary hearing, including the examination and cross-examination of the juvenile and other witnesses, shall relate only to the issue to be decided by the court at such hearing, and not to the issues of guilt or innocence of the charge or of probable cause.

(3) Any admissions by the offender shall not be held against him in any criminal proceedings that may follow such referral to the prosecutor.

(4) If the court determines to refer the petition to the prosecutor, it shall remand the juvenile to the Guam Police Department pending action by the prosecutor, and thereafter the juvenile may be admitted to bail only by a judge of the court having jurisdiction over the offense alleged in the petition.

(5) Upon receipt of written notice of the referral of the petition, the Attorney General shall forth with cause a proper pleading to be filed in the court having jurisdiction. Upon the filing of a proper pleading in the criminal court, the jurisdiction of the juvenile court over the proceeding shall terminate, and further proceedings shall be in accordance with the rules of the criminal court where it is filed. The judge of the juvenile court shall not sit as the judge of the criminal court in any such criminal proceeding.

(k) Transfer of Causes from Other Courts. If during the pendency of any cause in any criminal court it is discovered that the defendant is a juvenile under the age of 18 years, proceedings shall be halted and all papers shall be transmitted to the juvenile court, except in cases involving violations of the Vehicle Code of Guam (16 GCA) and within the jurisdiction of the Traffic Court, by any juvenile who is the holder of a valid license to operate a motor vehicle. The criminal court which refers the matter shall direct that a petition be filed in the juvenile court charging the juvenile with juvenile delinquency.

Rule 30. Friends of the Court.

Before disposition the judge may consult with, as friends of the court, recognized child caring agencies, either public or private, representatives or agencies of the religious faith of the juvenile, and the probation officer familiar with the matter, as an aid in making a disposition in the best interest of the juvenile.

Rule 31. Classification and Study.

Before disposition the court may refer the juvenile to a suitable public or private agency for diagnostic examination, study and classification. Upon the receipt of the report of the examination, study and classification the court shall dispose of the cause.

Rule 32. Manner of Disposition.

The court may dispose of juvenile causes in the following ways:

1. Dismiss the petition;
2. Continue the hearing for a period not exceeding nine months, even where there is proof or admission of guilt of the offense charged, for the purpose of determining whether the juvenile makes a satisfactory adjustment, and, if such adjustment has been made during the period of

continuance, after further hearing, dismiss the petition. Such a matter shall be designated "matter adjusted - petition dismissed".

3. Place the juvenile on probation to the probation officer on such terms as may be deemed to the best interest of the juvenile. The terms of such probation may include conditions which shall be binding upon the parents, guardians and custodians of the juvenile as well as on the juvenile himself.

4. Place the juvenile under the supervision of a suitable person, public or private agency, if they will accept such supervision, or under the care, custody and supervision of a juvenile conference committee; or

5. Commit the juvenile as provided by law.

Rule 33. Order of Disposition.

(a) An order shall be filed in every case indicating the disposition thereof.

(b) Whenever a juvenile is placed on probation or is committed, the order of the court shall have attached thereto a memorandum containing such information as may be of use to the receiving agency in the treatment of the juvenile.

(c) Whenever a juvenile case is disposed in the manner set out in Rule 31(d) or (e), the judge shall make inquiry as to the ability of the parent or guardian to pay the expense of commitment and the board of the juvenile and he shall endorse on his order or placement or commitment a statement of his findings in that regard.

Rule 34. Retention of Jurisdiction.

(a) The juvenile court may retain jurisdiction over juveniles, whose causes have been adjudicated in such court, for a period not exceeding the term indicated in the order of disposition.

(b) In the event a juvenile is committed to the Youth Correctional Institution, the court shall relinquish such jurisdiction unless retention of jurisdiction is stated in the order of commitment.

Rule 35. Adult Responsibility for Juvenile Delinquency.

If during the pendency of any juvenile cause, it shall appear that the parents, guardian, or custodian of the juvenile, or any other person of the age of 18 years or more has contributed to the delinquency of a juvenile in

any manner constituting a violation of law, the judge shall bring the facts to the attention of the Attorney General.

Rule 36. Community Responsibility for Juvenile Delinquency.

If it shall appear the delinquency of a child appearing before the court is attributable in whole or in part to the existence of deleterious, degrading, or deteriorating conditions, practices or influences within the municipality or district wherein the convicted defendant or delinquent child resides, the judge shall send a report as to such conditions, practices, or influences to the Mayor of the district or municipality, and to the juvenile conference committee for the district or municipality.

**CHAPTER 6
APPEALS, TITLE & DATE**

Rule 37. Appeals.

Rule 38. Title.

Rule 39. Effective Date.

Rule 37. Appeals.

Appeals in causes determined by the Family Court shall be taken to the Appellate Division of the District Court of Guam in accordance with the rules of that Court.

Rule 38. Title.

These rules may be known and cited as the Family Court Rules.

Rule 39. Effective Date.

These rules shall not take effect until they have been reported to the Legislature by the Chairman of the Judicial Council at or after the beginning of a regular session thereof, but not later than the first day of May, 1969, and until the expiration of ninety days after they have been thus reported.

JUVENILE LOCAL RULES

Local Rule No. 1. Photographing And Fingerprinting.

Whenever a minor is taken into custody charged with an offense which would be a felony if committed by an adult, the Guam Police Department shall photograph and fingerprint the minor and take special precautions to insure that the photographs and fingerprints concerning the minor will be maintained in such a manner and under such safeguards as will protect against disclosure to any unauthorized person. Such photographs and fingerprints shall be used when required for the following purposes:

1. for identification in event of the runaway from custody by the minor; and
2. for identification and use in the investigation of subsequent crimes.

SOURCE: Promulgated by Judge Richard H. Benson, sitting as Family Court Judge on December 30, 1975.