

**5 GCA GOVERNMENT OPERATIONS
CH. 35 UNIFORM INTERSTATE FAMILY SUPPORT ACT**

**CHAPTER 35
UNIFORM INTERSTATE FAMILY SUPPORT ACT**

NOTE: This chapter was repealed and reenacted by P.L. 24-183:1.

- Article 1. General Provisions.
- Article 2. Extended Personal Jurisdiction.
- Article 3. Civil Provisions of General Application.
- Article 4. Establishment of Support Order.
- Article 5. Enforcement of Order of Another State Without Registration.
- Article 6. Enforcement and Modification of Support Order After Registration.
- Article 7. Determining Parentage.
- Article 8. Interstate Rendition.
- Article 9. Miscellaneous Provisions.

**ARTICLE 1
GENERAL PROVISIONS**

- § 35101. Definitions.
- § 35102. Tribunals of State.
- § 35103. Remedies Cumulative.
- § 35104. High-Volume Automated Administrative Enforcement.

§ 35101. Definitions.

In this Chapter:

(a) *Child* means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

(b) *Child support order* means a support order for a child, including a child who has attained the age of majority under the law of the issuing state.

(c) *Duty of support* means an obligation imposed or impossible by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

(d) *Home state* means the state in which a child lived with a parent or a person acting as parent for at least six consecutive

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months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six months old, the state in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month or other period.

(e) *Income* includes earnings or other periodic entitlements to money from any source and any other periodic entitlements to money from any source and any other property subject to withholding for support under the law of the state.

(f) *Income withholding order* means an order or other legal process directed to an obligor's employer as defined by Section 34139 of Title 5, Guam Code Annotated, to withhold support from the income of the obligor.

(g) *Initiating state* means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under this Chapter or a law or procedure substantially similar to this Chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

(h) *Initiating tribunal* means the authorized tribunal in an initiating state.

(i) *Issuing state* means the state in which a tribunal issues a support order or renders judgment determining parentage.

(j) *Issuing tribunal* means the tribunal that issues a support order or renders a judgment determining parentage.

(k) *Law* includes decisional and statutory law and rules and regulations having the force of law.

(l) *Obligee* means:

(1) An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered;

(2) A state or political subdivision to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee; or

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(3) An individual seeking a judgment determining parentage of the individual's child.

(m) *Obligor* means an individual, or the estate of a decedent:

(1) Who owes or is alleged to owe a duty of support;

(2) Who is alleged but has not been adjudicated to be a parent of a child; or

(3) Who is liable under a support order.

(n) *Register* means to file a support order or judgment determining parentage in the family court of this state.

(o) *Registering tribunal* means a tribunal in which a support order is registered.

(p) *Responding state* means a state in which a proceeding is filed or to which a proceeding is forwarded for filing from an initiating state or territory under this Chapter or a law or procedure substantially similar to this Chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

(q) *Responding tribunal* means the authorized tribunal in a responding state.

(r) *Spousal support order* means a support order for a spouse or former spouse of the obligor.

(s) *State* means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes:

(1) An Indian tribe; and

(2) A foreign jurisdiction that has enacted a law or established procedures for issuance and enforcement of support orders which are substantially similar to the procedures under this Chapter, the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act.

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(t) *Support enforcement agency* means a public official or agency authorized to seek:

- (1) Enforcement of support orders or laws relating to the duty of support;
- (2) Establishment or modification of child support;
- (3) Determination of parentage; or
- (4) Location of obligors or their assets.

(u) *Support order* means a judgment, decree, or order, whether temporary, final, or subject to modification, for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, or reimbursement, and may include related costs and fees, interest, income withholding, attorney's fees, and other relief.

(v) *Tribunal* means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage.

§ 35102. Tribunals of State.

The Superior Court of Guam, the Judicial Hearings Division of the Superior Court of Guam and the child support enforcement agency are the tribunals of Guam.

§ 35103. Remedies Cumulative.

Remedies provided by this Chapter are cumulative and do not affect the availability of remedies under other law.

§ 35104. High-Volume Automated Administrative Enforcement.

The Guam child support enforcement agency shall use high-volume automated administrative enforcement to the same extent as used in intrastate cases, in response to a request made by another State to enforce support orders, and shall promptly report the results of such enforcement procedure to the requesting State. As used for interstate cases of child support enforcement, the term *high-volume automated administrative enforcement* shall mean the use of automatic data processing to search through databases to determine whether information is available regarding a parent owing a child support obligation.

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SOURCE: Added by P.L. 26-148:30 to reflect updated federal requirements that this system be provided for in law.

ARTICLE 2
PART A
EXTENDED PERSONAL JURISDICTION

§ 35201. Bases for Jurisdiction Over Non-resident.

§ 35202. Procedure When Exercising Jurisdiction Over Non-resident.

§ 35201. Bases for Jurisdiction Over Non-resident.

In a proceeding to establish, enforce, or modify a support order or to determine parentage, a tribunal of Guam may exercise personal jurisdiction over a non-resident individual or the individual's guardian or conservator if:

(1) the individual is personally served with summons or notice within Guam;

(2) the individual submits to the jurisdiction of Guam by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;

(3) the individual resided with the child in Guam;

(4) the individual resided in Guam and provided prenatal expenses or support for the child;

(5) the child resides in Guam as a result of the acts or directives of the individual;

(6) the individual engaged in sexual intercourse in Guam and the child may have been conceived by that act of intercourse;

(7) the individual asserted parentage in the Office of Vital Statistics maintained in Guam by the Department of Public Health and Social Services; or

(8) there is any other basis consistent with the Organic Act of Guam and the Constitution of the United States for the exercise of personal jurisdiction.

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§ 35202. Procedure When Exercising Jurisdiction Over Non-resident.

A tribunal of Guam exercising personal jurisdiction over a non-resident under Section 35201 may apply Section 35316 of this Chapter ‘Special Rules of Evidence and Procedure’ to receive evidence from another state, and Section 35318 ‘Assistance with Discovery to Obtain Discovery’ through a tribunal of another state. In all other respects, Articles 3 through 7 of this Chapter shall not apply and the tribunal shall apply the procedural and substantive law of Guam, including the rules on choice of law other than those established by this Chapter.

**PART B
PROCEEDING INVOLVING TWO OR MORE STATES**

- § 35203. Initiating and Responding Tribunal of State.
- § 35204. Simultaneous Proceedings in Another State.
- § 35205. Continuing, Exclusive Jurisdiction.
- § 35206. Enforcement and Modification of Support Order by Tribunal Having Continuing Jurisdiction.

§ 35203. Initiating and Responding Tribunal of State.

Under this Chapter, a tribunal of Guam may serve as an initiating tribunal to forward proceedings to another state and as a responding tribunal for proceedings initiated in another state.

§ 35204. Simultaneous Proceedings in Another State.

(a) A tribunal of Guam may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed in Guam after a pleading is filed in another state only if;

(1) The petition or comparable pleading in Guam is filed before the expiration of the time allowed in the other state for filing a responsive pleading challenging the exercise of jurisdiction by the other state;

(2) The contesting party timely challenges the exercise of jurisdiction in the other state; and

(3) If relevant, Guam is the home state of the child.

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(b) A tribunal of Guam may not exercise jurisdiction to establish a support order if the petition or comparable pleading is filed in another state if:

(1) The petition or comparable pleading in the other state is filed before the expiration of the time allowed in Guam for filing a responsive pleading challenging [the exercise of jurisdiction by Guam;

(2) The contesting party timely challenges the exercise of jurisdiction in Guam; and

(3) If relevant, the other state is the home state of the child.

§ 35205. Continuing, Exclusive Jurisdiction.

(a) A tribunal of Guam issuing an order consistent with the law of Guam has continuing, exclusive jurisdiction over a child support order:

(1) As long as Guam remains the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or

(2) Until all of the parties who are individuals have filed written consents with the tribunal of Guam for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction.

(b) A tribunal of Guam issuing a child support order consistent with the law of Guam may not exercise its continuing jurisdiction to modify the order if the order has been modified by a tribunal of another state pursuant to this Chapter or a law substantially similar to this Chapter.

(c) If a child support order of Guam is modified by a tribunal of another state pursuant to this Chapter or a law substantially similar to this Chapter, a tribunal of Guam loses its continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in Guam, and may only:

(1) Enforce the order that was modified as to amounts accruing before the modification;

(2) Enforce non-modifiable aspects of that order; and

(3) Provide other appropriate relief for violations of that order which occurred before the effective date of the modification.

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(d) A tribunal of Guam shall recognize the continuing, exclusive jurisdiction of a tribunal of another state which has issued a child support order pursuant to this Chapter or a law substantially similar to this Chapter.

(e) A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

(f) A tribunal of Guam issuing a support order consistent with the law of Guam has continuing, exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. A tribunal of Guam may not modify a spousal support order issued by a tribunal of another state having continuing, exclusive jurisdiction over that order under the law of the state.

§ 35206. Enforcement and Modification of Support Order by Tribunal Having Continuing Jurisdiction.

(a) A tribunal of Guam may serve as an initiating tribunal to request a tribunal of another state to enforce or modify a support order issued in that state.

(b) A tribunal of Guam that has continuing, exclusive jurisdiction over a support order may act as a responding tribunal to enforce or modify the order. If a party subject to the continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in subsequent proceedings the tribunal may apply Section 35316 of this Chapter, ‘Special rules of evidence and procedure’ to receive evidence from another state and Section 35318 of this Chapter ‘Assistance with discovery’, to obtain discovery through a tribunal of another state.

(c) A tribunal of Guam which lacks continuing, exclusive jurisdiction over a spousal support order may not serve as a responding tribunal to modify a spousal support order of another state.

PART C
RECONCILIATION OF MULTIPLE ORDERS

§ 35207. Recognition of Controlling Child Support Orders.

§ 35208. Multiple Child Support Orders for Two or More Obligees.

§ 35209. Credit for Payments.

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§ 35207. Recognition of Controlling Child Support Orders.

(a) if a proceeding is brought under this Chapter and only one tribunal has issued a child support order, the order of that tribunal controls and must be so recognized.

(b) If a proceeding is brought under this Chapter, and two or more child support orders have been issued by tribunals of Guam or another state with regard to the same obligor and child, a tribunal of Guam shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction:

(1) If only one of the tribunals would have continuing, exclusive jurisdiction under this Chapter, the order of that tribunal controls and must be so recognized.

(2) If more than one of the tribunals would have continuing, exclusive jurisdiction under this Chapter, an order issued by a tribunal in the current home state of the child controls and must be so recognized, but if an order has not been issued in the current home state of the child, the order most recently issued controls and must be so recognized.

(3) If none of the tribunals would have continuing, exclusive jurisdiction under this Chapter, the tribunal of Guam having jurisdiction over the parties shall issue a child support order, which controls and must be so recognized.

(c) If two (2) or more child support orders have been issued for the same obligor and child and if the obligor or the individual obligee resides in Guam, a party may request a tribunal of Guam to determine which order controls and must be so recognized under subsection (b) of this Section 35207. The request must be accompanied by a certified copy of every support order in effect. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.

(d) The tribunal that issued the controlling order under Subsections (a), (b), or (c) of this Section 35207 is the tribunal that has continuing, exclusive interest jurisdiction under Section 35205 of this Chapter.

(e) A tribunal of his State which determines by order the identity of the controlling order under Subsections (b)(1) or (b)(2) of this Section 35207 or which issues a new controlling order under subsection (b) (3) of

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this Section 35207 shall state in that order the basis upon which the tribunal made its determination.

(f) Within thirty (30) days after issuance of an order determining the identity of the controlling order, the party obtaining the order shall file a certified copy of it with each tribunal that issued or registered an earlier order of child support. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.

§ 35208. Multiple Child Support Orders for Two or More Obligees.

In responding to multiple registrations or petitions for enforcement of two (2) or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one (1) of which was issued by a tribunal of another state, a tribunal of Guam shall enforce those orders in the same manner as if the multiple orders had been issued by a tribunal of Guam.

§ 35209. Credit for Payments.

Amounts collected and credited for a particular period pursuant to a support order issued by a tribunal of another state must be credited against the amounts accruing or accrued for the same period under a support order issued by the tribunal of Guam.

ARTICLE 3
CIVIL PROVISIONS OF GENERAL APPLICATION

- § 35301. Proceedings Under this Chapter.
- § 35302. Action by Minor Parent.
- § 35303. Application of Law of State.
- § 35304. Duties of Initiating Tribunal.
- § 35305. Duties and Powers of Responding Tribunal.
- § 35306. Inappropriate Tribunal.
- § 35307. Duties of Support Enforcement Agency,
- § 35308. Duty of Attorney General.
- § 35309. Private Counsel.

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- § 35310. Duties of Child Support enforcement Agency as State Information Agency.
- § 35311. Pleadings and Accompanying Documents.
- § 35312. Nondisclosure of Information in Exceptional Circumstances.
- § 35313. Costs and Fees.
- § 35314. Limited Immunity of Petitioner.
- § 35315. Nonparentage as Defense.
- § 35316. Special rules of Evidence and Procedure.
- § 35317. Communications Between Tribunals.
- § 35318. Assistance with Discovery.
- § 35319. Receipt and Disbursement of Payments.

§ 35301. Proceedings Under this Chapter.

(a) Except as otherwise provided in this Chapter, this article applies to all proceedings under this Chapter.

(b) This Chapter provides for the following proceedings:

(1) establishment of an order for spousal support or child support pursuant to Article 4 of this Chapter;

(2) enforcement of a support order and income withholding order of another state without registration pursuant to Article 5 of this Chapter;

(3) registration of an order for spousal support or child support of another state for enforcement pursuant to Article 6 of this Chapter;

(4) modification of an order for child support or spousal support issued by a tribunal of Guam pursuant to Part of Article 2 of this Chapter;

(5) registration of an order for child support of another state for modification pursuant to Article 6 of this Chapter;

(6) determination of parentage pursuant to Article 7 of this Chapter; and

(7) assertion of jurisdiction over non-residents pursuant to Part B of Article 2, of this Chapter.

(c) An individual petitioner or a support enforcement agency may commence a proceeding authorized under this Chapter by filing a

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petition in an initiating tribunal for forwarding to responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state which has or can obtain personal jurisdiction over the respondent.

§ 35302. Action by Minor Parent.

A minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

§ 35303. Application of Law of State.

Except as otherwise provided by this Chapter, a responding tribunal of Guam:

(1) Shall apply the procedural and substantive law, including the rules on choice of law, generally applicable to similar proceedings originating in Guam and may exercise all powers and provide all remedies available in those proceedings; and

(2) Shall determine the duty of support and the amount payable in accordance with the law and support guidelines of the State.

§ 35304. Duties of Initiating Tribunal.

Upon the filing of a petition authorized by this Chapter, an initiating tribunal of Guam shall forward three (3) copies of the petition and its accompanying documents:

(1) To the responding tribunal or appropriate support enforcement agency in the responding state; or

(2) If the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

(b) If a responding state has not enacted this Chapter or a law or procedure substantially similar to this Chapter, a tribunal of Guam may issue a certificate or other document and make findings required by the law of the responding state. If the responding state is a foreign jurisdiction, the tribunal may specify the amount of support sought and provide other documents necessary to satisfy the requirements of the responding state.

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§ 35305. Duties and Powers of Responding Tribunal.

(a) When a responding tribunal of Guam receives a petition or comparable pleading from an initiating tribunal or directly pursuant to subsection (c) of Section 35301 ‘Proceedings under this Chapter’, it shall cause the petition or pleading to be filed and notify the petitioner where and when it was filed.

(b) A responding tribunal of Guam, to the extent otherwise authorized by law, may do one (1) or more of the following:

(1) issue or enforce a support order, modify a child support order, or render a judgment to determine parentage;

(2) order an obligor to comply with a child support order, specifying the amount and the manner of compliance;

(3) order income withholding;

(4) determine the amount of any arrearages, and specify a method of payment;

(5) enforce orders by civil or criminal contempt, or both;

(6) set aside property for satisfaction of the support order;

(7) place liens and order execution on the obligor’s property;

(8) order an obligor to keep the tribunal informed of the obligor’s current residential address, telephone number, employer, address of employment, and telephone number at the place of employment;

(9) issue a bench warrant for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the bench warrant in any local and state computer systems for criminal warrants;

(10) order the obligor to seek appropriate employment by specified methods;

(11) award reasonable attorney’s fees and other fees and costs; and

(12) grant any other available remedy.

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(c) A responding tribunal of Guam shall include in a support order issued under this Chapter, or in the documents accompanying the order, the calculations on which the child support order is based.

(d) A responding tribunal of Guam may not condition the payment of a support order issued under this Chapter upon compliance by a party with provisions for visitation.

(e) If a responding tribunal of Guam issues an order under this Chapter, the tribunal shall send a copy of the order to the petitioner and the respondent and to the initiating tribunal, if any.

§ 35306. Inappropriate Tribunal.

If a petition or comparable pleading is received by an inappropriate tribunal in Guam, that tribunal shall forward the pleading and accompanying documents to an appropriate tribunal in Guam or another state and notify the petitioner where and when the pleading was sent.

§ 35307. Duties of Support Enforcement Agency.

(a) The child support enforcement agency of Guam, upon request, shall provide services to a petitioner in a proceeding under this Chapter.

(b) A support enforcement agency that is providing services to the petitioner as appropriate shall:

(1) take all steps necessary to enable an appropriate tribunal in Guam or another state to obtain jurisdiction over the respondent and to process all registration requests received from an individual who has applied for child support enforcement agency services or support enforcement agencies in other jurisdictions;

(2) request an appropriate tribunal to set a date, time, and place for a hearing;

(3) make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;

(4) within two (2) days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written notice from an initiating, responding, or registering tribunal, send a copy of the notice to the petitioner;

(5) within two (2) days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written communication from the

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respondent of the respondent's attorney, send a copy of the communication to the petitioner; and

(6) notify the petitioner if jurisdiction over the respondent cannot be obtained.

(c) This Chapter does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.

§ 35308. Duty of Attorney General.

If the Attorney General determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the Attorney General may order the agency to perform its duties under this Chapter or may provide those services directly to the individual.

§ 35309. Private Counsel.

An individual may employ private counsel to represent the individual in proceedings authorized by this Chapter.

§ 35310. Duties of Child Support Enforcement Agency as State Information Agency.

(a) The child support enforcement agency is the state information agency under this Chapter.

(b) The state information agency shall:

(1) compile and maintain a current list, including addresses, of the tribunals in Guam which have jurisdiction under this Chapter and any support enforcement agencies in Guam and transmit a copy to the state information agency of every other state;

(2) maintain a register of tribunals and support enforcement agencies received from other states;

(3) forward to the appropriate tribunal in the place in Guam in which the individual obligee or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this Chapter received from an initiating tribunal, an individual, or the state information agency of the initiating state; and

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(4) obtain information concerning the location of the obligor and the obligor's property within Guam not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses, and social security.

§ 35311. Pleadings and Accompanying Documents.

(a) A petitioner seeking to establish or modify a support order or to determine parentage in a proceeding under this Chapter must verify the petition. Unless otherwise ordered under Section 35312 of this Chapter, 'Nondisclosure of information in exceptional circumstances', the petition or accompanying documents must provide, so far as is known the name, residential address, and social security numbers of the obligor and the obligee, and the name, sex, residential address, social security number, and date of birth of each child for whom support is sought. The petition must be accompanied by a certified copy of any support order in effect. The petition may include any other information that may assist in locating or identifying the respondent.

(b) The petition must specify the relief sought. The petition and accompanying documents must conform substantially with the requirements imposed by the forms mandated by federal law for use in cases filed by a support enforcement agency.

§ 35312 Nondisclosure of Information in Exceptional Circumstances.

Upon a finding, which may be made ex parte, that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this Chapter.

§ 35313. Costs and Fees.

(a) The petitioner may not be required to pay a filing fee or other costs.

(b) If an obligee prevails, a responding tribunal may assess against an obligor filing fees, reasonable attorney's fees, other costs, and

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necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs, or expenses against the obligee or the support enforcement agency of either the initiating or the responding state, except as provided by other law. Attorney's fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs, and expenses.

(c) The tribunal shall order the payment of costs and reasonable attorney's fees if it determines that a hearing was requested primarily for delay. In a proceeding under Article 6 of this Chapter, 'Enforcement and modification of support order after registration', a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

§ 35314. Limited Immunity of Petitioner.

(a) Participation by a petitioner in a proceeding before a responding tribunal, whether in person, by private attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction over the petitioner in another proceeding.

(b) A petitioner is not amenable to service of civil process while physically present in Guam to participate in a proceeding under this Chapter.

(c) The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this Chapter committed by a party while present in Guam to participate in the proceeding.

§ 35315. Nonparentage as Defense.

A party whose parentage of a child has been previously determined by or pursuant to law may not plead nonparentage as a defense to a proceeding under this Chapter.

§ 35316. Special Rules of Evidence and Procedure.

(a) The physical presence of the petitioner in a responding tribunal of Guam is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage.

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(b) A verified petition, an affidavit, a document substantially complying with federally mandated forms, and a document incorporated by reference in any of them, not excluded under the hearsay rule if given in person, is admissible in evidence if given under oath by a party of witness residing in another state.

(c) A copy of the record of child support payments certified as a true copy of the original by the custodian of the records may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it, and it admissible to show whether payments were made.

(d) Copies of bills for testing for parentage, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least ten days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.

(e) Documentary evidence transmitted from another state to a tribunal of Guam by telephone, telecopier, or other means that do not provide an original writing may not be excluded from evidence on an objection based on the means of transmission.

(f) In a proceeding under this Chapter, a tribunal of Guam may permit a party or witness residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means at a designated tribunal or other location in that state. A tribunal of Guam shall cooperate with tribunals of other states in designating an appropriate location for the deposition or testimony.

(g) If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

(h) A privilege against disclosure of communications between spouses does not apply in a proceeding under this Chapter.

(i) The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this Chapter.

§ 35317. Communications Between Tribunals.

A tribunal of Guam may communicate with a tribunal of another state in writing, or by telephone or other means, to obtain information

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concerning the laws of that state, the legal effect of a judgment, decree, or order of that state, the legal effect of a judgment, decree, or order of the tribunal, and the status of a proceeding in the other state. A tribunal, and the status of a proceeding in the other state. A tribunal of Guam may furnish similar information by similar means to a tribunal of another state.

§ 35318. Assistance with Discovery.

A tribunal of Guam may:

- (1) Request a tribunal of another state to assist in obtaining discovery; and
- (2) Upon request, compel a person over whom it has jurisdiction to respond to a discovery order issued by a tribunal of another state.

§ 35319. Receipt and Disbursement of Payments.

A support enforcement agency or tribunal of Guam shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requested party or tribunal of another state a certified statement by the custodian of the record of the amounts and dates of all payments received.

ARTICLE 4
ESTABLISHMENT OF SUPPORT ORDER

§ 35401. Petition to Establish Support Order.

(a) If a support order entitled to recognition under this Chapter has not been issued, a responding tribunal of Guam may issue a support order if:

- (1) the individual seeking the order resides in another state; or
- (2) the support enforcement agency seeking the order is located in another state.

(b) The tribunal may issue a temporary child support order if:

- (1) the respondent has signed a verified statement acknowledging parentage;
- (2) the respondent has been determined by or pursuant to law to be the parent; or

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(3) there is other clear and convincing evidence that the respondent is the child's parent.

(c) Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to Section 35305 of this Chapter, *Duties and powers of responding tribunal*.

ARTICLE 5
ENFORCEMENT OF ORDER OF ANOTHER
STATE WITHOUT REGISTRATION

- § 35501. Employer's Receipt of Income Withholding Order of Another State.
- § 35502. Employer's Compliance with Income Withholding Order of Another State.
- § 35503. Compliance with Multiple Income Withholding Orders.
- § 35504. Immunity from Civil Liability.
- § 35505. Penalties for Noncompliance.
- § 35506. Contest by Obligor.
- § 35507. Administrative Enforcement of Orders.

§ 35501. Employer's Receipt of Income Withholding Order of Another State.

An income withholding order issued in another state may be sent to the person or entity defined as the obligor's employer under Section 34132 of Title 5, Guam Code Annotated, without first filing a petition or comparable pleading or registering the order with a tribunal of Guam.

§ 35502. Employer's Compliance With Income Withholding Order of Another State.

(a) Upon receipt of an income withholding order, the obligor's employer shall immediately provide a copy of the order to the obligor.

(b) The employer shall treat an income withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of Guam.

(c) Except as otherwise provided in subsection (d) of this Section and Section 35503 of this Chapter, the employer shall withhold and

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distribute the funds as directed in the withholding order by complying with the terms of the order which specify:

(1) the duration and the amount of periodic payments of current child support, stated as a sum certain;

(2) the person or agency designated to received payments and the address to which the payments are to be forwarded;

(3) medical support, whether in the form of periodic cash payment, stated as a sum certain, or ordering the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment;

(4) the amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal, and the obligee's attorney, stated as sums certain; and

(5) the amount of periodic payments of arrearages and interest on arrearages, stated as sums certain.

(d) An employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to:

(1) the employer's fee for processing an income withholding order;

(2) the maximum amount permitted to be withheld from the obligor's income; and

(3) the times within which the employer must implement the withholding order and forward the child support payment.

§ 35503. Compliance With Multiple Income Withholding Orders.

If an obligor's employer receives multiple income withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the multiple orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for multiple child support obligees.

§ 35504. Immunity from Civil Liability.

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An employer who complies with an income withholding order issued in another state in accordance with this article is not subject to civil liability to an individual or agency with regard to the employer's withholding of child support from the obligor's income as to that income withholding order.

§ 35505. Penalties for Noncompliance.

An employer who willfully fails to comply with an income withholding order issued by another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this state.

§ 35506. Contest by Obligor.

(a) An obligor may contest the validity or enforcement of an income withholding order issued in another state and received directly by an employer in Guam in the same manner as if the order had been issued by a tribunal of Guam. Section 35604 of this Chapter, 'Choice of law', applies to the contest.

(b) The obligor shall give notice of the contest to:

(1) a support enforcement agency providing services to the obligee;

(2) each employer that has directly received an income withholding order; and

(3) the person or agency designated to receive payments in the income withholding order; or if no person or agency is designated, the obligee.

§ 35507. Administrative Enforcement of Orders.

(a) A party seeking to enforce a support order or an income withholding order, or both, issued by a tribunal of another state may send the documents required for registering the order to a support enforcement agency of Guam.

(b) Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of Guam to enforce a support order or an income withholding order, or both. If the obligor does not contest administrative enforcement, the

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order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order pursuant to this Chapter.

ARTICLE 6
ENFORCEMENT AND MODIFICATION OF
SUPPORT ORDER AFTER REGISTRATION

PART A
REGISTRATION AND ENFORCEMENT OF SUPPORT ORDER

- § 35601. Registering of Order for Enforcement
- § 35602. Procedure to Register Order for Enforcement.
- § 35603. Effect of Registration for Enforcement.
- § 35604. Choice of Law.

§ 35601. Registering of Order for Enforcement.

A support order or an income withholding order issued by a tribunal of another state may be registered in Guam for enforcement.

§ 35602. Procedure to Register Order for Enforcement.

(a) A support order or income withholding order of another state may be registered in Guam by sending the following documents and information to the registering tribunal:

- (1) a letter of transmittal to the registering tribunal requesting registration and enforcement;
- (2) two copies, including one certified copy, of all orders to be registered, including any modification of an order;
- (3) a sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of any arrearage;
- (4) the name of the obligor and, if known:
 - (a) the obligor's address and social security number;
 - (b) the name and address of the obligor's employer and any other source of income of the obligor; and

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(c) a description and the location of property of the obligor in Guam not exempt from execution; and

(5) the name and address of the obligee and, if applicable, the agency or person to whom support payments are to be remitted.

(b) On receipt of a request for registration, the registering tribunal shall cause the order to be filed as a foreign judgment, together with one copy of the documents and information, regardless of their form.

(c) A petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of Guam may be filed at the same time as the request for registering or later. The pleading must specify the grounds for the remedy sought.

§ 35603. Effect of Registration for Enforcement.

(a) A support order or income withholding order issued in another state is registered when the order is filed in a tribunal of Guam.

(b) A registered order issued in another state is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of Guam.

(c) Except as otherwise provided in this article, a tribunal of Guam shall recognize and enforce, but may not modify a registered order if the issuing tribunal had jurisdiction.

§ 35604. Choice of Law.

(a) The law of the issuing state governs the nature, extent, amount, and duration of current payments and other obligations of support and the payment of arrearages under the order.

(b) In a proceeding for arrearages, the statute of limitation under the laws of Guam or of the issuing state, whichever is longer, applies.

PART B
CONTEST OF VALIDITY OF ENFORCEMENT

§ 35605. Notice of Registration of Order.

§ 35606. Procedure to Contest Validity or Enforcement of Registered Order.

§ 35607. Contest of Registration or Enforcement.

§ 35608. Confirmed Order.

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§ 35605. Notice of Registration of Order.

(a) When a support order or income withholding order issued in another state is registered, the registering tribunal shall notify the non-registering party. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

(b) The notice must inform the non-registering party:

(1) that a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of Guam;

(2) that a hearing to contest the validity or enforcement of the registered order must be requested within twenty days after receipt of the notice;

(3) that failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages and precludes further contest of that order with respect to any matter that could have been asserted; and

(4) of the amount of any alleged arrearages.

(c) Upon registration of an income withholding order for enforcement, the registering tribunal shall notify the obligor's employer pursuant to Sections 34132 and 34138 of Title 5, Guam Code Annotated.

§ 35606. Procedure to Contest Validity or Enforcement of Registered Order.

(a) A non-registering party seeking to contest the validity or enforcement of a registered order in Guam shall request a hearing within twenty (20) after receipt of the notice of the registration. The non-registering party may seek to vacate the registration, to assert any defense to an allegation of non-compliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to Section 35607, of this Chapter, 'Contest of registration of enforcement'.

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(b) If the non-registering party fails to contest the validity or enforcement of the registered order in a timely manner, the order is confirmed by operation of law.

(c) If a non-registering party requests a hearing to contest the validity or enforcement of the registered order, the registering tribunal shall schedule the matter for hearing and give notice to the parties of the date, time and place of the hearing.

§ 35607. Contest of Registration or Enforcement.

(a) A party contesting the validity or enforcement of a registered order or seeking to vacate the registering has the burden of proving one or more of the following defenses:

(1) the issuing tribunal lacked personal jurisdiction over the contesting party;

(2) the order was obtained by fraud;

(3) the order has been vacated, suspended, or modified by a later order;

(4) the issuing tribunal has stayed the order pending appeal;

(5) there is a defense under the law of Guam to the remedy sought;

(6) full or partial payment has been made; or

(7) the statute of limitation under Section 35604 of this Chapter, 'Choice of law', precludes enforcement of some or all of the arrearages.

(b) If a party presents evidence establishing a full or partial defense under Subsection (a) of this Section 35607, a tribunal may stay partial defense under Subsection (a) of this Section 35607, a tribunal may stay enforcement of the registered order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered order may be enforced by all remedies available under the law of Guam.

(c) If the contesting party does not establish a defense under Subsection (a) of this Section 35607 to the validity or enforcement of the order, a tribunal of Guam shall issue an order confirming the order.

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§ 35608. Confirmed Order.

Confirmation of a registered order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

PART C

REGISTRATION AND MODIFICATION OF CHILD SUPPORT ORDER

- § 35609. Procedure to Register Child Support Order of Another State for Modification.
- § 35610. Effect of Registration for Modification.
- § 35611. Modification of Child Support Order of Another State.
- § 35612. Recognition of Order Modified in another State.
- § 35613. Jurisdiction to Modify Child Support of Another State When Individual Parties Reside in Guam.
- § 35614. Notice to Issuing Tribunal of Modification.

§ 35609. Procedure to Register Child Support Order of Another State for Modification.

A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state shall register that order in Guam in the same manner provided in Part A of this Chapter if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or later. The pleading must specify the grounds for modification.

§ 35610. Effect of Registration for Modification.

A tribunal of Guam may enforce a child support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of Guam, but the registered order may be modified only if the requirements of Section 35611 of this Chapter, ‘Modifications of child support order of another state’, have been met.

§ 35611. Modification of Child Support Order of Another State.

(a) After a child support order issued in another state has been registered in Guam, the responding tribunal of Guam may modify that order only if Section 35613 of this Chapter does not apply and after notice and hearing it finds that:

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(1) the following requirements are met:

(A) the child, the individual obligee, and the obligor do not reside in the issuing state;

(B) a petitioner who is a non-resident of Guam seeks modification; and

(C) the respondent is subject to the personal jurisdiction of the tribunal of Guam; or

(2) the child, or a party who is an individual, is subject to the personal jurisdiction of the tribunal of Guam and all of the parties who are individuals have filed written consents in the issuing tribunal for a tribunal of Guam to modify the support order and assume continuing, exclusive jurisdiction over the order. However, if the issuing state is a foreign jurisdiction that has not enacted a law or established procedures substantially similar to the procedures under this Chapter, the consent otherwise required of an individual residing in Guam is not required for the tribunal to assume jurisdiction to modify the child support order.

(b) Modifications of a registered child support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by a tribunal of Guam and the order may be enforced and satisfied in the same manner.

(c) A tribunal of Guam may not modify any aspect of a child support order that may not be modified under the law of the issuing state. If two (2) or more tribunals have issued child support orders for the same obligor and child, the order that controls and must be so recognized under Section 35207 establishes the aspects of the support order which are non-modifiable.

(d) On issuance of an order modifying a child support order issued in another state, a tribunal of Guam becomes the tribunal having continuing, exclusive jurisdiction.

§ 35612. Recognition of Order Modified in Another State.

A tribunal of Guam shall recognize a modification of its earlier child support order by a tribunal of another state which assumed jurisdiction pursuant to this Chapter or a law substantially similar to this Chapter and, upon request, except as otherwise provided in this Chapter shall:

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- (1) enforce the order that was modified only as to amounts accruing before the modification;
- (2) enforce only non-modifiable aspects of that order;
- (3) provide other appropriate relief only for violations of that order which occurred before the effective date of the modification; and
- (4) recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

§ 35613. Jurisdiction to Modify Child Support of Another State When Individual Parties Reside in Guam.

(a) If all of the parties who are individuals reside in Guam and the child does not reside in the issuing state, a tribunal of Guam has jurisdiction to enforce and to modify the issuing state's child support order in a proceeding to register that order.

(b) A tribunal of Guam exercising jurisdiction under this § 35613 shall apply the provisions of Articles 1 and 2 of this Chapter, this Article 6, and the procedural and substantive law of Guam to the proceeding for enforcement or modification. Articles 3, 4, 5, 7, and 8 of this Chapter shall not apply.

§ 35614. Notice to Issuing Tribunal of Modification.

Within thirty (30) days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal that had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows the earlier order has been registered. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure does not affect the validity or enforceability of the modified order of the new tribunal having continuing, exclusive jurisdiction.

ARTICLE 7
DETERMINING PARENTAGE

§ 35701. Proceeding to Determine Parentage.

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§ 35701. Proceeding to Determine Parentage.

(a) A tribunal of Guam may serve as an initiating or responding tribunal in a proceeding brought under this Chapter or a law or procedure substantially similar to this Chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act to determine that the petitioner is a parent of a particular child or to determine that a respondent is a parent of that child.

(b) In a proceeding to determine parentage, a responding tribunal of Guam shall apply the procedural and substantial law of Guam and the rules of Guam on choice of law.

ARTICLE 8
INTERSTATE RENDITION

§ 35801. Grounds for Rendition.

§ 35802. Conditions of Rendition.

§ 35801. Grounds for Rendition.

(a) For purposes of this article, "governor" includes an individual performing the functions of governor or the executive authority of a state covered by this Chapter.

(b) The Governor of Guam may:

(1) demand that the governor of another state surrender an individual found in the other state who is charged criminally in Guam with having failed to provide for the support of an obligee; or

(2) on the demand by the governor of another state, surrender an individual found in Guam who is charged criminally in the other state with having failed to provide for the support of an obligee.

(c) a provision for extradition of individuals not inconsistent with this Chapter applies to the demand even if the individuals whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled therefrom.

§ 35802. Conditions of Rendition.

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(a) Before making a demand that the governor of another state surrender an individual charged criminally in Guam with having failed to provide for the support of an obligee, the Governor of Guam may require a prosecutor of Guam to demonstrate that at least sixty (60) days previously the obligee had initiated proceedings for support pursuant to this Chapter or that the proceeding would be of no avail.

(b) If, under this Chapter or a law substantially similar to this Chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act, the governor of another state makes a demand that the Governor of Guam surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the Governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the Governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

(c) If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the Governor may decline to honor the demand. If the petitioner prevails and the individual whose rendition is demanded is subject to a support order, the Governor may decline to honor the demand if the individual is complying with the support order.

ARTICLE 9
MISCELLANEOUS PROVISIONS

- § 35901. Uniformity of Application and Construction.
- § 35902. Short Title.
- § 35903. Severability Clause.

§ 35901. Uniformity of Application and Construction.

This Chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this Chapter among states enacting it.

§ 35902. Short Title.

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This Chapter may be cited as the *Uniform Interstate Family Support Act*.

§ 35903. Severability Clause.

If any provision of this Chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or application of this Chapter which can be given effect without the invalid provision of application, and to this end the provisions of this Chapter are severable.
