

***MINA' TRENTA NA LIHESLATURAN GUÅHAN***  
2009 (First) Regular Session

Bill No. 185 (COR)  
As Substituted by the Committee on  
Economic Development, Health & Human  
Services, and Judiciary

Introduced by:

B.J.F. Cruz

---

**AN ACT TO ADD A NEW CHAPTER 16 TO TITLE 19,  
GUAM CODE ANNOTATED; RELATIVE TO CIVIL  
PARTNERSHIPS.**

**BE IT ENACTED BY THE PEOPLE OF GUAM:**

**Section 1.** A new Chapter 16, to Title 19, Guam Code Annotated is hereby  
added to read as follows:

**“Guam Civil Partnership Act**

**§ 16101. Definitions.** As used in this Chapter, unless the context  
otherwise requires:

(a) *Agent* means the person or persons appointed as agents by the  
Director of the Department of Public Health and Social Services to process a  
license for a civil partnership pursuant to this Chapter.

(b) *Civil Partnership* means a social contract between two  
individuals established pursuant to this Chapter.

1 (c) **Civil Partner** means an individual who is a party to a  
2 civil partnership established pursuant to this Chapter who has not terminated  
3 the civil partnership pursuant to § 16109.

4 **§ 16102. Eligibility to enter into a civil partnership.**

5 (a) To be eligible to register pursuant to subsection § 16105, two  
6 persons desiring to enter into a civil partnership must furnish proof  
7 satisfactory to the Agent that:

8 (1) Both persons are at least eighteen (18) years of age;

9 (2) Neither person is a partner in an existing civil partnership or  
10 a spouse in a marriage;

11 (3) The two persons are not related by blood to the other  
12 proposed civil partner in the civil partnership, as provided in § 16103.

13 (4) Both persons have a common residence; and

14 (5) Both persons are competent to consent to the civil  
15 partnership.

16 (b) As used in this section:

17 (1) **Common residence** means a residence shared by both civil  
18 partners on at least a part-time basis, irrespective of whether:

19 (a) Ownership of the residence or the right to occupy the  
20 residence is in the name of only one of the civil partners; and

21 (b) One or both of the civil partners own or occupies an  
22 additional residence.

23 (2) **Residence** means any house, room, apartment, tenement or  
24 other building, vehicle, vehicle trailer, semi-trailer, house trailer or  
25 boat designed or intended for occupancy as a residence.

26 **§ 16103. Civil partnerships void; when.**

27 A civil partnership shall be void between the following persons:

1 Parents and children, ancestors and descendants of every degree, and  
2 between siblings of the half as well as the whole blood, and between uncles  
3 and aunts and their nieces and nephews.

4 **§ 16104. Applicants for civil partnership; license required;**  
5 **limitations.**

6 (a) No persons shall enter into a civil partnership in Guam unless both  
7 partners have:

8 (1) Met the requirements of § 16102;

9 (2) Complied with § 16105 and, if applicable, § 16106; and

10 (3) Been issued a license by the Agent, pursuant to § 16105,  
11 which license shall bear the certification of the Agent that all  
12 requirements have been met.

13 **§ 16105. Application for license for persons who wish to enter into**  
14 **a civil partnership; fee; records.**

15 (a) No license for a civil partnership may be issued until both  
16 applicants have completed the application for the license. The license  
17 application shall be completed in its entirety, dated, signed, and notarized by  
18 each applicant and shall state each applicant's full name, date of birth,  
19 birthplace, residence, whether single, widowed, or divorced, dissolved from  
20 a civil partnership, regardless of whether the relationship bears the name  
21 "civil partnership," and whether the applicant is under the supervision or  
22 control of a conservator or guardian. The application shall also include an  
23 election for either applicant to maintain his/her maiden name, or to carry the  
24 last name of the applicant, or to place a hyphen between each of their last  
25 names.

26 (b) The application shall include a written statement declaring that  
27 both persons: (1) have chosen to share one another's lives in an intimate and

1 committed relationship of mutual caring; and (2) desire of their own free  
2 will to enter into a civil partnership. The Agent shall issue a civil  
3 partnership license to any person applying for such license if completed in  
4 accordance with the guidelines of this Chapter.

5 (c) The application for a civil partnership license shall be made on a  
6 form prescribed by the Director of Public Health and Social Services and  
7 must be notarized by both applicants.

8 (d) A non-refundable fee of Thirty Dollars (\$30.00) shall accompany  
9 each application for a civil partnership license regardless if the license is not  
10 issued or used.

11 (e) A license shall be issued if the application is properly completed.  
12 However, no license shall be issued until five (5) days after the filing of the  
13 application, except as provided in subsection (f).

14 (f) One may elect for an immediate issuance of a civil partnership  
15 license upon the proper completion of the application accompanied by an  
16 additional, non-refundable payment of a Fifty Dollar (\$50.00) waiver fee.  
17 Upon receipt of the Fifty Dollar (\$50.00) waiver fee, the agent shall  
18 authorize the immediate issuance of a civil partnership license.

19 (g) The Director of Public Health and Social Services shall maintain a  
20 record of each civil partnership license application filed with or issued by  
21 the Director.

22 (h) The Director of Revenue and Taxation shall deposit all fees  
23 collected pursuant to subsection (d) of this Section into the Healthy Futures  
24 Fund.

25 **§ 16106. Wards under control of a guardian.**

26 (a) No civil partnership license may be issued to any applicant under  
27 the supervision or control of a guardian, appointed in accordance with 19

1 GCA Chapter 9 (Guardian and Ward), unless the written consent of the  
2 guardian, signed and notarized, is filed with the agent.

3 (b) Any person who enters into a civil partnership without  
4 the consent provided for in subsection (a) shall acquire no rights, by that  
5 civil partnership, in the property of any person who was under the control or  
6 supervision of a conservator or guardian at the time of entering into the civil  
7 partnership.

8 **§ 16107. Rights and Obligations.**

9 (a) Civil partners to a civil partnership lawfully entered into pursuant  
10 to this Chapter shall have all the same rights, benefits, protections, and  
11 responsibilities under law, whether derived from statutes, administrative  
12 rules, court rules, government policies, the common law, or any other source  
13 of civil law, as are granted to and imposed upon spouses.

14 (b) Former civil partners have the same rights, protections and  
15 benefits, and are subject to the same responsibilities, obligations and duties  
16 under law, whether derived from statutes, administrative regulations, court  
17 rules, government policies, common law or any other provisions or sources  
18 of law, as are granted to and imposed upon former spouses.

19 (c) A surviving civil partner, following the death of the other partner,  
20 has the same rights, protections and benefits, and is subject to the same  
21 responsibilities, obligations and duties under law, whether derived from  
22 statutes, administrative regulations, court rules, government policies,  
23 common law or any other provisions or sources of law, as are granted to and  
24 imposed upon a widow or widower.

25 (d) The rights and obligations of civil partners with respect to a child  
26 of either of them are the same as those of spouses. The rights and

1 obligations of former or surviving civil partners with respect to a child of  
2 either of them are the same as those of former or surviving spouses.

3 (e) To the extent that provisions of Guam law adopt, refer to or rely  
4 upon provisions of federal law in a way that otherwise would cause civil  
5 partners to be treated differently from spouses, civil partners must be treated  
6 by Guam law as if federal law recognized a civil partnership in the same  
7 manner as Guam law.

8 (f) Civil partners have the same right to nondiscriminatory treatment  
9 as that provided to spouses.

10 (g) A public agency of Guam shall not discriminate against any  
11 person or couple on the basis or ground that the person is a civil partner  
12 rather than a spouse or that the couple are civil partners rather than spouses.

13 (h) The provisions of this chapter do not preclude a public agency  
14 from exercising its regulatory authority to carry out laws providing rights to,  
15 in imposing responsibilities upon, civil partners.

16 (i) Where necessary to protect the rights of civil partners pursuant to  
17 this chapter, gender-specific terms referring to spouses must be construed to  
18 include civil partners.

19 (j) For the purposes of statutes, administrative regulations, court  
20 rules, government policies, common law and any other provision or source  
21 of law governing the rights, protections and benefits, and the responsibilities,  
22 obligations and duties of civil partners in Guam, as effectuated by the  
23 provisions of this chapter, with respect to:

24 (1) Community property;

25 (2) Mutual responsibility for debts to third parties;

1                   (3) The right in particular circumstances of either partner to  
2                   seek financial support from the other following the dissolution of the  
3                   partnership; and

4                   (4) Other rights and duties as between the partners concerning  
5                   ownership of property,

6                   any reference to the date of marriage shall be deemed to refer to the date of  
7                   registration of the civil partnership.

8                   **§ 16108. Civil Partnership Performed in Foreign Jurisdictions.**

9                   A legal union of two persons other than a marriage as recognized  
10                  under Guam law, that was validly performed in any foreign jurisdiction, and  
11                  that is substantially equivalent to a civil partnership as defined in this  
12                  chapter, shall be recognized as a civil partnership in Guam regardless of  
13                  whether the relationship bears the name civil partnership. For a legal union  
14                  that was validly formed in another jurisdiction to be recognized as a valid  
15                  civil partnership in Guam, the parties must comply with provisions of  
16                  section § 16105.

17                  **§ 16109. Termination of Civil Partnerships.**

18                  Civil partners who wish to terminate a civil partnership registered  
19                  pursuant to § 16105 must follow the procedures set forth in Chapter 8,  
20                  Article 2, of Title 19 Guam Code Annotated.

21                  **§ 16110. Marriage Defined.**

22                  A civil partnership is not a marriage which is hereby defined as a  
23                  personal relationship between one male and one female arising out of a civil  
24                  contract, to which the consent of parties capable of making the contract is  
25                  necessary.

26                  **§ 16111. No Solemnization Required.**

1           The provisions of this chapter do not require the performance of any  
2 solemnization ceremony to enter into a binding civil partnership contract. It  
3 is left to the dictates and conscience of partners entering into a civil  
4 partnership to determine whether to seek a ceremony or blessing over the  
5 civil partnership and to the dictates of each religious faith to determine  
6 whether to offer or allow a ceremony or blessing of civil partnerships.  
7 Providing recognition to partnerships through a civil partnership system in  
8 no way interferes with the right of each religious faith to choose freely to  
9 whom to grant the religious status, sacrament or blessing of marriage under  
10 rules or practices of that faith.

11           **§ 16112. Effective Date.**

12           This Act shall take effect ninety (90) days after the enactment of this  
13 act. This Act does not affect rights and duties that matured, penalties that  
14 were incurred, and proceedings that began, before its effective date.

15           **§ 16113. Severability.**

16           If any provision of this chapter is found to be illegal or invalid, said  
17 finding shall be severable and shall not affect the validity of the remaining  
18 provisions of this chapter.

19           **§ 16114. Chapter to be Liberally Construed.**

20           The provisions of this chapter must be construed liberally to the effect  
21 of resolving any doubt or question in favor of finding that a civil partnership  
22 is a valid contract entitled to be treated in all respects under the laws of  
23 Guam as any other civil contract created pursuant to Chapter 3 of Title 19  
24 Guam Code Annotated.