

FILED

2015 MAY 14 PM 1:02

SUPREME COURT
OF GUAM

IN THE SUPREME COURT OF GUAM

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8 **RE:**
9 **AMENDMENTS TO THE LOCAL RULES**
10 **OF THE SUPERIOR COURT OF GUAM,**
11 **MISCELLANEOUS RULES GOVERNING**
12 **ORDERS OF PROTECTION; REVISIONS**
13 **TO CURRENT FORMS; ADOPTION OF**
14 **NEW FORMS; AND ADOPTION OF**
15 **INSTRUCTIONS TO ASSIST IN THE**
16 ***PRO SE* PROCESS.**

) SUPREME COURT CASE NO. PRM06-003
) PRM06-006

**PROMULGATION ORDER
NO. 06-006-18**

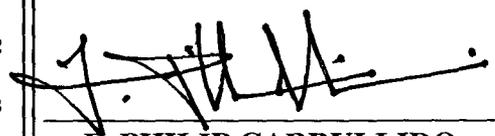
17 On March 31, 2006, the Protective Order Rules were adopted as Rule 14 of the Rules of
18 the Superior Court in Promulgation Order No. 06-003. On May 31, 2007, this Court approved
19 the promulgation of the revised Guam Rules of Civil Procedure and Local Rules of the Superior
20 Court of Guam in Promulgation Order No. 06-006-02. At that time, the Protective Order Rules
21 became part of the Local Rules of the Superior Court of Guam—Miscellaneous Rules and were
22 renumbered Local Rule M.R. 2.1 *et seq.* No changes were made to the Protective Order Rules as
23 a result of the reorganization, and forms were not promulgated at that time. On January 9, 2009,
24 forms to be used with the Protective Order Rules were adopted in Promulgation Order No. 06-
25 006-04.

26 In 2014, a Subcommittee was formed, consisting of the Family Violence Court and
27 Clerks of the Supreme and Superior Courts. The Subcommittee later proposed amendments to
28 M.R. 2.1 *et seq.*, revisions to the forms attached to those rules, the adoption of new forms, and

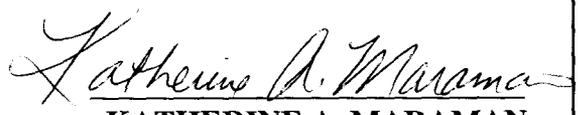
1 the adoption of instructions to assist in the *pro se* process. On March 27, 2015, all proposed
2 revisions and amendments were sent to the Guam Bar for comment, with the comment period set
3 to expire April 9, 2015.

4 Upon the recommendation of the Subcommittee and under the authority to “make and
5 promulgate rules governing the administration of the judiciary and the practice and procedure in
6 the courts of the Judicial branch of Guam,” 48 U.S.C. § 1424-1(a)(6), the Supreme Court hereby
7 adopts amendments to the Local Rules of the Superior Court of Guam—Miscellaneous Rules,
8 specifically M.R. 2.1 *et seq.*, and adopts *Pro Se* Order of Protection Instructions. The Supreme
9 Court also hereby adopts the following forms: (1) Petition for Temporary Order of Protection
10 and Order to Show Cause, FORM A1; (2) Marshals Service Information Form, FORM A2; (3)
11 Order to Show Cause Temporary Order of Protection, FORM A3; (4) Order of Protection
12 Docketing Statement, FORM A4; (5) Order of Protection, FORM B1; (6) Order of Protection,
13 FORM B2; (7) Temporary Order of Protection (Continued), FORM B3; (8) Petition/Motion to
14 Dismiss, Extend, or Modify Other Conditions of Order of Protection, FORM C; and (9) Motion
15 and Affidavit and Order to Show Cause for Violating Order of Protection, FORM D. All the
16 above are attached as Exhibit A and effective June 1, 2015.

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20 **SO ORDERED**, this 14th day of May, 2015.

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24 **F. PHILIP CARBULLIDO**
25 Associate Justice

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27 

28 **KATHERINE A. MARAMAN**
 Associate Justice



ROBERT J. TORRES
 Chief Justice

IN THE SUPERIOR COURT OF GUAM

PETITIONER,

vs.

RESPONDENT.

PROTECTIVE ORDER CASE NO.

PO#: _____

**MARSHALS SERVICE
INFORMATION FORM**

FORM A2

RESPONDENT'S INFORMATION:

| | | | |
|------------------------------------|--------------------|-------------------------------|------------------|
| NAME: | | ALIAS: | |
| RESIDENTIAL ADDRESS: | | HOME PHONE: | |
| | | CELLULAR PHONE: | |
| PLACE OF EMPLOYMENT: | WORK HOURS: | WORK PHONE: | |
| | | OTHER CONTACT NUMBERS: | |
| VEHICLE (MAKE/MODEL/COLOR): | | LICENSE PLATE NUMBER: | HANGOUTS: |
| | | | |

PETITIONER'S INFORMATION:

| | |
|-----------------------------|------------------------|
| NAME: | HOME PHONE: |
| | WORK PHONE: |
| RESIDENTIAL ADDRESS: | CELLULAR PHONE: |
| | |

PLEASE PROVIDE A PICTURE OF RESPONDENT (IF YOU HAVE ANY).

DRAW A MAP TO RESPONDENT'S RESIDENCE (HOME) ON THE BACK.

DRAW A MAP TO RESPONDENT'S RESIDENCE BELOW.



IN THE SUPERIOR COURT OF GUAM

| | |
|--|---|
| <p>_____ PETITIONER,</p> <p align="center">vs.</p> <p>_____ RESPONDENT.</p> | <p align="center">PROTECTION ORDER CASE NO. PO _____</p> <p align="center">ORDER OF PROTECTION DOCKETING STATEMENT</p> <p align="center">FORM A4</p> |
|--|---|

| | |
|--|--|
| PETITIONER'S MAILING ADDRESS: | RESPONDENT'S MAILING ADDRESS: |
| PETITIONER'S RESIDENTIAL (HOME) ADDRESS: | RESPONDENT'S RESIDENTIAL (HOME) ADDRESS: |
| PETITIONER'S CONTACT NUMBERS: HOME: WORK: MOBILE: | RESPONDENT'S CONTACT NUMBERS: HOME: WORK: MOBILE: |
| PETITIONER'S ATTORNEY(S) (FIRM NAME, ADDRESS, & CONTACT NUMBERS) | RESPONDENT'S ATTORNEY(S) (FIRM NAME, ADDRESS, & CONTACT NUMBERS) |
| TYPE - CAUSE OF ACTION: <i>ORDER OF PROTECTION</i> | |

IN THE SUPERIOR COURT OF GUAM

PETITIONER,

vs.

RESPONDENT.

PROTECTIVE ORDER CASE NO.

PO#: _____

ORDER OF PROTECTION

FORM B1

PETITIONER:

First Middle Last

Petitioner's Date of Birth: _____

And/or on behalf of minor family member(s) (list name and DOB):

Other protected person(s) (list name and DOB):

RESPONDENT:

First Middle Last

RESPONDENT'S IDENTIFIERS:

| SEX | RACE | DOB | HT | WT |
|--------------------|------|-------------------|-----|----|
| | | | | |
| EYE | HAIR | SOCIAL SECURITY # | | |
| | | | | |
| DRIVER'S LICENSE # | | STATE | EXP | |
| | | | | |

Relationship to Petitioner: _____

Respondent's Address: _____

Respondent's Distinguishing Features: _____

CAUTION: WEAPON INVOLVED

I. THE COURT FINDS AND CONCLUDES:

The Court has jurisdiction over the parties and the subject matter. Notice of this hearing was served on the Respondent by personal service. Respondent had reasonable notice and an opportunity to be heard. Respondent was was not present at the hearing.

Petitioner and/or the individual, if any, who Petitioner is petitioning on behalf of is a "family or household" member as defined by 9 G.C.A. § 30.10(b) and 7 G.C.A. § 40101(d). Petitioner has pled "abuse" as defined by 7 G.C.A. § 40101(a).

Respondent admits does not admit there was abuse and consents to enter into an Order of Protection.

Respondent has failed to appear at the OSC hearing after being properly served and noticed; thus, the case may proceed by default.

Respondent objected to the allegations in the Petition, and after a full evidentiary hearing, Petitioner has proved the allegations of abuse by a preponderance of the evidence.

Other: _____

I. THE COURT HEREBY ORDERS:

1. That the Respondent is enjoined and restrained from threatening, abusing, harassing or disturbing the peace and well-being of those protected on page 1 or removing them from Guam;
2. That the Respondent is prohibited from coming within 500 feet of those protected on page 1, such as their residence, place of employment, and school;
3. That the Respondent is prohibited from contacting those protected on page 1, directly or indirectly, such as by telephone, letter, e-mail, social media, or through third party.

II. THE COURT FURTHER ORDERS:

- Immediately deliver to the Marshals the following: _____
 - Immediately vacate the family residence at: _____
 - Surrender any and all firearms, firearm IDs, and firearm permits, in Respondent's control and/or possession to the Superior Court Marshals.
 - Bring your most recent W-2 forms, or a copy of your most recent income tax return and your last paycheck for the purpose of assessing your ability to pay spousal/child support.
 - Other: _____
- _____

THE ORDER IS EFFECTIVE THROUGH: _____

DATE: _____ TIME: _____

JUDGE, SUPERIORCOURT OF GUAM

NOTICE TO RESPONDENT: VIOLATION OF THIS ORDER MAY SUBJECT YOU TO PUNISHMENT UNDER 9 G.C.A. §30.40 (VIOLATION OF COURT ORDER), A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS (\$1,000) OR BY IMPRISONMENT FOR NOT MORE THAN ONE (1) YEAR, OR BY BOTH SUCH FINE AND IMPRISONMENT.

VIOLATION OF THIS ORDER MAY ALSO SUBJECT YOU TO PUNISHMENT UNDER 7 G.C.A. §§ 34101(B) AND 34102(B) (CONTEMPT OF COURT), A FINE OF NOT MORE THAN \$500 OR BY IMPRISONMENT OF NOT MORE THAN 60 DAYS, OR BY BOTH FINE AND IMPRISONMENT.

FEDERAL LAW PROVIDES PENALTIES FOR POSSESSING, TRANSPORTING, SHIPPING, OR RECEIVING ANY FIREARM OR AMMUNITION (18 U.S.C. §922(g)(8) and (9)) FOLLOWING AN EVIDENTIARY HEARING AS TO WHICH THE DEFENDANT HAD NOTICE AND AN OPPORTUNITY TO APPEAR. THIS ORDER SHALL BE ENFORCED, EVEN WITHOUT REGISTRATION, BY THE COURTS AND LAW ENFORCEMENT OFFICERS OF ANY STATE, THE DISTRICT OF COLUMBIA, ANY U.S. TERRITORY, AND MAY BE ENFORCED BY TRIBAL LANDS (18 U.S.C. §2265). CROSSING STATE, TERRITORIAL, OR TRIBAL BOUNDARIES TO VIOLATE THIS ORDER MAY RESULT IN FEDERAL IMPRISONMENT (18 U.S.C. §2262).

ANY COMMUNICATION INITIATED BY PETITIONER DOES NOT WAIVE OR NULLIFY THIS ORDER. THE GUAM POLICE DEPARTMENT, PORT AUTHORITY POLICE, AIRPORT POLICE AND SUPERIOR COURT MARSHALS SHALL ENFORCE THIS ORDER.

SERVICE: RESPONDENT SERVED WITH COPY OF THIS ORDER ON _____ AT
_____ : _____ A.M./P.M.

IN THE SUPERIOR COURT OF GUAM

| | |
|--|--|
| <p>_____</p> <p>PETITIONER,</p> <p align="center">vs.</p> <p>_____</p> <p>RESPONDENT.</p> | <p align="center">PROTECTIVE ORDER CASE NO.</p> <p align="center">PO#: _____</p> <p align="center">ORDER OF PROTECTION</p> <p align="center">FORM B2</p> |
|--|--|

PETITIONER:

First Middle Last

And/or on behalf of minor family member(s) (list name and DOB):

Petitioner's Date of Birth: _____

Other protected person(s) (list name and DOB):

RESPONDENT:

First Middle Last

Relationship to Petitioner: _____

Respondent's Address: _____

Respondent's Distinguishing Features: _____

RESPONDENT'S IDENTIFIERS:

| | | | | |
|---------------------------|-------------|--------------------------|------------|-----------|
| SEX | RACE | DOB | HT | WT |
| | | | | |
| EYE | HAIR | SOCIAL SECURITY # | | |
| | | | | |
| DRIVER'S LICENSE # | | STATE | EXP | |
| | | | | |

CAUTION: **WEAPON INVOLVED**

I. THE COURT FINDS AND CONCLUDES:

The Court has jurisdiction over the parties and the subject matter. Notice of this hearing was served on the Respondent by personal service. Respondent had reasonable notice and an opportunity to be heard. Respondent was was not present at the hearing.

Petitioner and/or the individual, if any, who Petitioner is petitioning on behalf of is a "family or household" member as defined by 9 G.C.A. § 30.10(b) and 7 G.C.A. § 40101(d). Petitioner has pled "abuse" as defined by 7 G.C.A. § 40101(a).

Respondent admits does not admit there was abuse and consents to enter into an Order of Protection.

Respondent has failed to appear at the OSC hearing after being properly served and noticed; thus, the case may proceed by default.

Respondent objected to the allegations in the Petition, and after a full evidentiary hearing, Petitioner has proved the allegations of abuse by a preponderance of the evidence.

Other: _____

II. THE COURT HEREBY ORDERS:

1. That the Respondent is enjoined and restrained from threatening, abusing, harassing or disturbing the peace and well-being of those protected on page 1 or removing them from Guam;
2. That the Respondent is prohibited from coming within 500 feet of those protected on page 1, such as their residence, place of employment, and school;
3. That the Respondent is prohibited from contacting those protected on page 1, directly or indirectly, such as by telephone, letter, e-mail, social media, or through third party.

III. THE COURT FURTHER ORDERS:

- Immediately deliver to the Marshals the following: _____
- Immediately vacate the family residence at: _____
- Surrender any and all firearms, firearm IDs, and firearm permits, in Respondent's control and/or possession to the Superior Court Marshals.
- Bring your most recent W-2 forms, or a copy of your most recent income tax return and your last paycheck for the purpose of assessing your ability to pay spousal/child support.
- Other: _____

IV. THE COURT ORDERS CUSTODY/VISITATION:

1. Temporary Custody

- Petitioner is granted temporary custody of the minor children;
- Respondent is enjoined and restrained from interfering with Petitioner's custody of the minor children;
- Parties shall not remove the minor children of the parties from the Territory of Guam;
- Temporary Legal Custody to Petitioner / Respondent of the minor children;
- Temporary Physical Custody to Petitioner / Respondent of the minor children.

2. Visitation

- Erica's House**
- Neutral location:** _____
- Every / Every other weekend from _____ at _____ a.m/p.m through _____ at _____ a.m/p.m, starting on _____.
- 30 Minute Rule will apply: If more than 30 minutes late for pick up - lose that visitation; if more than 30 minutes late for return/drop off - lose next scheduled visitation.
- Respondent responsible for pick-up and drop-off at _____.
- Visitation to be supervised at **Erica's House** every _____ at _____ a.m./p.m.
- HOLIDAYS: Share all major holidays, including, Christmas, New Years, Easter & Thanksgiving; share Child/ren(s) birthday, Father's Day w/Father, Mother's Day w/Mother.
- Additional visits may be arranged by parties.
- Other: _____

SECTIONS I - III OF THE ORDER IS EFFECTIVE THROUGH:_____

SECTION IV (CUSTODY AND SUPPORT ORDERS) ARE EFFECTIVE THROUGH:_____

DATE:_____ TIME:_____

JUDGE, SUPERIORCOURT OF GUAM

NOTICE TO RESPONDENT: VIOLATION OF THIS ORDER MAY SUBJECT YOU TO PUNISHMENT UNDER 9 G.C.A. §30.40 (VIOLATION OF COURT ORDER), A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS (\$1,000) OR BY IMPRISONMENT FOR NOT MORE THAN ONE (1) YEAR, OR BY BOTH SUCH FINE AND IMPRISONMENT.

VIOLATION OF THIS ORDER MAY ALSO SUBJECT YOU TO PUNISHMENT UNDER 7 G.C.A. §§ 34101(B) AND 34102(B) (CONTEMPT OF COURT), A FINE OF NOT MORE THAN \$500 OR BY IMPRISONMENT OF NOT MORE THAN 60 DAYS, OR BY BOTH FINE AND IMPRISONMENT.

FEDERAL LAW PROVIDES PENALTIES FOR POSSESSING, TRANSPORTING, SHIPPING, OR RECEIVING ANY FIREARM OR AMMUNITION (18 U.S.C. §922(g)(8) and (9)) FOLLOWING AN EVIDENTIARY HEARING AS TO WHICH THE DEFENDANT HAD NOTICE AND AN OPPORTUNITY TO APPEAR. THIS ORDER SHALL BE ENFORCED, EVEN WITHOUT REGISTRATION, BY THE COURTS AND LAW ENFORCEMENT OFFICERS OF ANY STATE, THE DISTRICT OF COLUMBIA, ANY U.S. TERRITORY, AND MAY BE ENFORCED BY TRIBAL LANDS (18 U.S.C. §2265). CROSSING STATE, TERRITORIAL, OR TRIBAL BOUNDARIES TO VIOLATE THIS ORDER MAY RESULT IN FEDERAL IMPRISONMENT (18 U.S.C. §2262).

ANY COMMUNICATION INITIATED BY PETITIONER DOES NOT WAIVE OR NULLIFY THIS ORDER. THE GUAM POLICE DEPARTMENT, PORT AUTHORITY POLICE, AIRPORT POLICE AND SUPERIOR COURT MARSHALS SHALL ENFORCE THIS ORDER.

SERVICE: RESPONDENT SERVED WITH COPY OF THIS ORDER ON _____ AT _____ : _____ A.M./P.M.

IN THE SUPERIOR COURT OF GUAM

| | |
|--|--|
| <p>_____ PETITIONER,</p> <p style="text-align: center;">vs.</p> <p>_____ RESPONDENT.</p> | <p>PROTECTIVE ORDER CASE NO. PO#: _____</p> <p>PETITION/MOTION TO DISMISS, EXTEND, OR MODIFY OTHER CONDITIONS OF ORDER OF PROTECTION</p> <p style="text-align: center;">FORM C</p> |
|--|--|

1. I, **Petitioner**, ask the Court, pursuant to 7 G.C.A. § 40105(b), to **dismiss**, **extend**, or **modify any other conditions of the** **Temporary Order of Protection** or **Permanent Order of Protection** issued by the Superior Court on _____.

2. Explain what you want **dismissed, extended, or modified** (for example, you can ask the Court to dismiss or extend an Order of Protection; you can also ask the Court to modify any other terms within an Order of Protection, such as visitation):

3. Explain why you want the **dismissal, extension, or modification of any other conditions**:

4. I declare under oath or penalty of perjury that the following statements are true.

PETITIONER PRINT NAME, SIGN, AND DATE

I. THE COURT HEREBY ORDERS:

- NOTICE TO APPEAR:** A hearing has been scheduled to dismiss, extend, or modify other terms of the above Order of Protection. **YOU ARE ORDERED** to appear on _____ at _____ **A.M./P.M.** in the Superior Court of Guam to **SHOW CAUSE** why the Order of Protection should not be amended.
- Without a hearing, the Court **GRANTS Petitioner's** request to **dismiss** the **Temporary** Order of Protection or **Permanent** Order of Protection **WITHOUT PREJUDICE.**

DATE: _____ **TIME:** _____

JUDGE, SUPERIOR COURT OF GUAM

SERVICE: NONMOVANT SERVED WITH COPY OF THIS ORDER ON _____ **AT** _____ **:** _____ **A.M./P.M.**

IN THE SUPERIOR COURT OF GUAM

| | |
|--|--|
| <p>PETITIONER,</p> <p align="center">vs.</p> <p>RESPONDENT.</p> | <p align="center">PROTECTION ORDER CASE NO. PO#: _____</p> <p align="center">MOTION AND AFFIDAVIT AND ORDER TO SHOW CAUSE FOR CONTEMPT FOR VIOLATING ORDER OF PROTECTION</p> <p align="center">FORM D</p> |
|--|--|

PETITIONER:

First Middle Last

Date of birth: _____

And/or on behalf of minor family member(s) OR other person(s) (list name and DOB):

- | | |
|----------|----------|
| 1. _____ | 4. _____ |
| 2. _____ | 5. _____ |
| 3. _____ | 6. _____ |

RESPONDENT:

First Middle Last

RESPONDENT'S IDENTIFIERS:

| | | | | |
|--------------------|------------|------------------|-----|-----|
| SEX | RACE | DOB | HT. | WT. |
| EYE COLOR | HAIR COLOR | SOCIAL SECURITY# | | |
| DRIVER'S LICENSE # | STATE | EXP. | | |
| | | | | |

Relationship to Petitioner: _____

Respondent's Address: _____

Respondent's Distinguishing Features: _____

CAUTION: WEAPON INVOLVED

I. MOTION AND AFFIDAVIT:

1. I am the Petitioner or protected party in a valid Order of Protection/Foreign Order of Protection dated _____ and issued by the Court in Protection Order Case Number _____. Attached is a copy of that Order.

2. The Respondent has violated the above Order by doing or not doing the following:

3. I ask the Court to Order the Respondent to appear at a specified time to answer a contempt charge or to issue a bench warrant for the arrest of the Respondent.

4. This affidavit is made on my personal knowledge and, if sworn as a witness, I can testify competently to the facts in this affidavit.

5. I declare under penalty of perjury under the laws of Guam (6 G.C.A. § 4308) that the foregoing is true and correct and to the best of my knowledge.

PETITIONER PRINT NAME, SIGN, AND DATE

II. THE COURT HEREBY ORDERS:

NOTICE TO APPEAR: YOU ARE ORDERED to appear on _____ at _____ in the Superior Court of Guam, to **SHOW CAUSE** why you should not be held in contempt for violating a valid Order of Protection. Failure to appear for this contempt hearing may result in a bench warrant issued for the Respondent's arrest.

Surrender any and all firearms, firearm IDs, and firearm permits, in Respondent's control and/or possession to the Superior Court Marshals.

A bench warrant to be issued for the Respondent's arrest to answer a contempt charge for violating a valid Order of Protection.

SO ORDERED ON: _____

JUDGE, SUPERIOR COURT OF GUAM

[SERVICE: RESPONDENT WAS SERVED WITH A COPY OF THIS ORDER ON
_____ AT _____:_____ A.M./P.M.]