

FILED

2008 JAN 11 PM 12:09

SUPREME COURT
OF GUAM

IN THE SUPREME COURT OF GUAM

<p>RE:</p> <p>ADOPTION OF APPENDIX: FORMS TO THE RULES RE: FAMILY VIOLENCE ORDERS OF PROTECTION</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Supreme Court Case Nos. PRM06-003 PRM06-006</p> <p>PROMULGATION ORDER NO. 06-006-04</p>
---	---	---

On March 21, 2006, the Subcommittee on Judicial, Attorney, and Community Education filed a report recommending adoption of the Rules of Court of the Superior Court relative to Family Violence Orders of Protection (“Protective Order Rules”). Thereafter, on March 31, 2006 the Protective Order Rules were adopted as Rule 14 of the Rules of the Superior Court, in Promulgation Order No. PRM06-003. At the time the Protective Order Rules were adopted the standard Protective Order form to be used with the Rules were not adopted or promulgated.

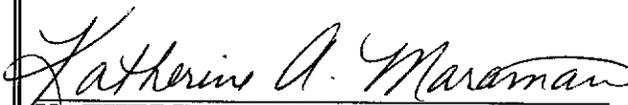
Subsequently, on May 31, 2007, this court approved the promulgation of the revised Guam Rules of Civil Procedure and Local Rules of the Superior Court of Guam in Promulgation Order No. PRM06-006-02, to be effective on June 1, 2007. As a result, the Protective Order Rules became part of the Local Rules of the Superior Court of Guam - Miscellaneous Rules and were renumbered Local Rule MR 2.1 *et seq.* No changes were made to the Protective Order Rules as a result of the reorganization. Forms to be used with the Protective Order Rules were not promulgated at that time.

On November 7, 2007, the Subcommittee filed a supplemental report in Supreme Court Case No. PRM06-003, recommending the adoption of forms to be used with the Protective Order Rules, now referred to as Local Rule M.R. 2.1 *et seq.* The forms were revised from their original draft version in order to comply with 18 U.S.C. § 922(g)(9), and to comply with national standards and requirements for a uniform “First Page Protective Order.”

20080070 ORIGINAL

1 Upon the recommendation of the Subcommittee, and under the authority to “make and
2 promulgate rules governing the administration of the judiciary and the practice and procedure in the
3 courts of the judicial branch of Guam,” 48 U.S.C. § 1424-1(a)(6), the Supreme Court hereby adopts
4 the forms which are to be used with the Protective Order Rules, now referred to as Local Rule MR
5 2.1 *et seq.* and attached hereto as Exhibits A, B, C, and D. Exhibit A is the Order to Show
6 Cause/Temporary Order of Protection. Exhibit B is the Preliminary Order of Protection which will
7 provide *pendente lite* protection from abuse, and is necessary for use during the pendency of a
8 companion domestic case. Exhibit C is a permanent Order of Protection with additional orders, and
9 Exhibit D is a permanent Order of Protection without additional orders from the court. The
10 Protective Order forms shall become effective on the date of the filing of this order.

11 **SO ORDERED**, this 9th day of January, 2008.

12
13 
14 **KATHERINE A. MARAMAN**
Justice *Pro Tempore*


ROBERT J. TORRES
Associate Justice

15
16 
17 **F. PHILIP CARBULLIDO**
Chief Justice

18
19
20
21
22
23
24
25
26
27

IN THE SUPERIOR COURT OF GUAM

ORDER TO SHOW CAUSE TEMPORARY Order of Protection	Case No. PO # Court Superior Court of Guam County Hagatna State GUAM
--	--

PETITIONER <div style="border: 1px solid black; height: 20px; width: 100%;"></div> First Middle Last And/or on behalf of minor family member(s): (list name and DOB) _____ _____	PETITIONER IDENTIFIERS <div style="border: 1px solid black; height: 20px; width: 100%;"></div> Date of Birth of Petitioner _____ Other Protected Persons/DOB: _____ _____
--	---

vs.

RESPONDENT <div style="border: 1px solid black; height: 20px; width: 100%;"></div> First Middle Last Relationship to Petitioner: _____ _____ Respondent's Address _____ _____	RESPONDENT IDENTIFIERS <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:15%;">SEX</th> <th style="width:15%;">RACE</th> <th style="width:15%;">DOB</th> <th style="width:15%;">HT</th> <th style="width:15%;">WT</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <th>EYES</th> <th>HAIR</th> <th colspan="3">SOCIAL SECURITY #</th> </tr> <tr> <td> </td> <td> </td> <td colspan="3"> </td> </tr> <tr> <th colspan="2">DRIVER'S LICENSE #</th> <th>STATE</th> <th colspan="2">EXP</th> </tr> <tr> <td colspan="2"> </td> <td> </td> <td colspan="2"> </td> </tr> </table>	SEX	RACE	DOB	HT	WT						EYES	HAIR	SOCIAL SECURITY #								DRIVER'S LICENSE #		STATE	EXP						
SEX	RACE	DOB	HT	WT																											
EYES	HAIR	SOCIAL SECURITY #																													
DRIVER'S LICENSE #		STATE	EXP																												

CAUTION: WEAPON INVOLVED

Distinguishing Features: _____

I. THE COURT HEREBY ORDERS:

1. That the Respondent be enjoined and restrained from threatening, abusing, harassing or disturbing the peace and well-being of the Petitioner, Petitioner's minor child/ren, or removing them from Guam;
2. The Respondent is prohibited from coming within 500 / 1,000 feet of the Petitioner, Petitioner's residence and place of employment.
3. Contacting the Petitioner, directly or indirectly, by telephone, letter, e-mail or through third party.

[See reverse for additional orders]

NOTICE TO APPEAR: YOU ARE COMMANDED to appear on _____ at **10:30 A.M.**, in the Superior Court of Guam, to **SHOW CAUSE** why the above orders should not continue or be made permanent, as well as any other orders the Court deems necessary.

Date: _____ Time: _____

Judge, Superior Court of Guam

NOTICE TO RESPONDENT: VIOLATION OF THIS ORDER MAY SUBJECT THE VIOLATOR/S TO PUNISHMENT UNDER 9 G.C.A. §30.40, A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS (\$1,000.00) OR BY IMPRISONMENT FOR NOT MORE THAN ONE (1) YEAR, OR BY BOTH SUCH FINE OR IMPRISONMENT. FEDERAL LAW PROVIDES PENAL TIES FOR POSSESSING, TRANSPORTING, SHIPPING, OR RECEIVING ANY FIREARM OR AMMUNITION (18 U.S.C. §922 (g)(8) and (9)). 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).

SERVICE: Respondent was served with a copy of this Order on _____ at _____:_____ a.m./p.m.]

II. YOU ARE FURTHER ORDERED TO:

- ___ 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: _____

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.

IN THE SUPERIOR COURT OF GUAM

<p>PRELIMINARY Order of Protection <input type="checkbox"/> Amended</p>	<p>Case No. PO #</p> <p>Court Superior Court of Guam</p> <p>County Hagatna State GUAM</p>
--	---

<p>PETITIONER</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <p>First Middle Last</p> <p>And/or on behalf of minor family member(s): (list name and DOB)</p>	<p>PETITIONER IDENTIFIERS</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <p>Date of Birth of Petitioner</p> <p>Other Protected Persons/DOB:</p>
--	---

vs.

<p>RESPONDENT</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <p>First Middle Last</p> <p>Relationship to Petitioner: _____</p> <p>Respondent's Address _____</p> <p>CAUTION: <input type="checkbox"/> WEAPON INVOLVED</p>	<p>RESPONDENT IDENTIFIERS</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:15%;">SEX</td> <td style="width:15%;">RACE</td> <td style="width:15%;">DOB</td> <td style="width:15%;">HT</td> <td style="width:15%;">WT</td> </tr> <tr> <td>EYES</td> <td>HAIR</td> <td colspan="3">SOCIAL SECURITY #</td> </tr> <tr> <td colspan="2">DRIVER'S LICENSE #</td> <td>STATE</td> <td colspan="2">EXP DATE</td> </tr> <tr> <td colspan="5">Distinguishing Features _____</td> </tr> </table>	SEX	RACE	DOB	HT	WT	EYES	HAIR	SOCIAL SECURITY #			DRIVER'S LICENSE #		STATE	EXP DATE		Distinguishing Features _____				
SEX	RACE	DOB	HT	WT																	
EYES	HAIR	SOCIAL SECURITY #																			
DRIVER'S LICENSE #		STATE	EXP DATE																		
Distinguishing Features _____																					

THE COURT HEREBY ORDERS:

1. That the Respondent be enjoined and restrained from threatening, abusing, harassing or disturbing the peace and well-being of the Petitioner, Petitioner's minor child/ren, or removing them from Guam;
 2. The Respondent is prohibited from coming within 500 / 1,000 feet of the Petitioner, Petitioner's residence and place of employment.
 3. Contacting the Petitioner, directly or indirectly, by telephone, letter, e-mail or through third party.
- [See reverse for additional orders]

This Order is effective until further order of the Court, or until _____.

Date: _____ Time: _____

Judge Superior Court

NOTICE TO RESPONDENT: VIOLATION OF THIS ORDER MAY SUBJECT THE VIOLATOR/S TO PUNISHMENT UNDER 9 G.C.A. §30.40, A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS (\$1,000.00) OR BY IMPRISONMENT FOR NOT MORE THAN ONE (1) YEAR, OR BY BOTH SUCH FINE OR IMPRISONMENT. FEDERAL LAW PROVIDES PENAL TIES FOR POSSESSING, TRANSPORTING, SHIPPING, OR RECEIVING ANY FIREARM OR AMMUNITION (18 U.S.C. §922 (g)(8) and (9)). 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).

[SERVICE: Respondent was served with a copy of this Order on _____ at _____: _____ a.m./p.m.]

II. CUSTODY/SUPPORT

1. Custody

- Petitioner is granted temporary/permanent legal and physical 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.
- Joint Legal Custody to Petitioner & Respondent, with Physical Custody to () Petitioner / () Respondent

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 - loose that visitation More than 30 minutes late for return/drop off - loose 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.

3. Child Support

- Respondent shall pay child support in accordance with the guidelines.
- Respondent shall pay temporary child support in the amount of \$_____ per month/per child until a hearing can set to determine the amount in accordance with the guidelines.

4. Medical/Dental Insurance

- Respondent shall continue to provide medical and dental insurance coverage for the minor children
- The Respondent shall provide medical insurance coverage for the minor children as soon as a program becomes available through his place of work;
- The Respondent shall pay any costs that incur, not covered by insurance, in proportion to the child support guidelines

III. YOU ARE FURTHER ORDERED TO:

- _____ Immediately deliver to the Marshals the following: _____
- _____ Surrender any and all firearms, firearm IDs, and firearm permits, in Respondent's control and/or possession to the Superior Court Marshals.
- _____ Other _____

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

Judge, Superior Court of Guam

IN THE SUPERIOR COURT OF GUAM

Order of Protection	Case No.	PO #	
	Court	Superior Court of Guam	
	County	Hagatna	State GUAM

PETITIONER	PETITIONER IDENTIFIERS
First Middle Last	Date of Birth of Petitioner
And/or on behalf of minor family member(s): (list name and DOB)	Other Protected Persons/DOB:
_____	_____
_____	_____

vs.

RESPONDENT	RESPONDENT IDENTIFIERS																														
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:15%;">SEX</td> <td style="width:15%;">RACE</td> <td style="width:15%;">DOB</td> <td style="width:15%;">HT</td> <td style="width:15%;">WT</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td>EYES</td> <td>HAIR</td> <td colspan="3">SOCIAL SECURITY #</td> </tr> <tr> <td> </td> <td> </td> <td colspan="3"> </td> </tr> <tr> <td colspan="2">DRIVER'S LICENSE #</td> <td>STATE</td> <td colspan="2">EXP DATE</td> </tr> <tr> <td colspan="2"> </td> <td> </td> <td colspan="2"> </td> </tr> </table>	SEX	RACE	DOB	HT	WT						EYES	HAIR	SOCIAL SECURITY #								DRIVER'S LICENSE #		STATE	EXP DATE						
SEX	RACE	DOB	HT	WT																											
EYES	HAIR	SOCIAL SECURITY #																													
DRIVER'S LICENSE #		STATE	EXP DATE																												
First Middle Last																															
Relationship to Petitioner: _____																															

Respondent's Address																															

CAUTION: <input type="checkbox"/> WEAPON INVOLVED	Distinguishing Features _____																														

THE COURT HEREBY ORDERS:

1. That the Respondent be enjoined and restrained from threatening, abusing, harassing or disturbing the peace and well-being of the Petitioner, Petitioner's minor child/ren, or removing them from Guam;
 2. The Respondent is prohibited from coming within 500 / 1,000 feet of the Petitioner, Petitioner's residence and place of employment.
 3. Contacting the Petitioner, directly or indirectly, by telephone, letter, e-mail or through third party.
- [See reverse for additional orders]**

THIS ORDER IS EFFECTIVE through _____.

Date: _____ Time: _____ Judge Superior Court

NOTICE TO RESPONDENT: VIOLATION OF THIS ORDER MAY SUBJECT THE VIOLATOR/S TO PUNISHMENT UNDER 9 G.C.A. §30.40, A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS (\$1,000.00) OR BY IMPRISONMENT FOR NOT MORE THAN ONE (1) YEAR, OR BY BOTH SUCH FINE OR IMPRISONMENT. FEDERAL LAW PROVIDES PENAL TIES FOR POSSESSING, TRANSPORTING, SHIPPING, OR RECEIVING ANY FIREARM OR AMMUNITION (18 U.S.C. §922 (g)(8)and (9)). 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).

[SERVICE: Respondent was served with a copy of this Order on _____ at _____ : _____ a.m./p.m.]

II. CUSTODY/SUPPORT

1. Custody

- Petitioner is granted temporary/permanent legal and physical 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.
- Joint Legal Custody to Petitioner & Respondent, with Physical Custody to () Petitioner / () Respondent

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 - loose that visitation More than 30 minutes late for return/drop off - loose 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.

3. Child Support

- Respondent shall pay child support in accordance with the guidelines.
- Respondent shall pay temporary child support in the amount of \$ _____ per month/per child until a hearing can set to determine the amount in accordance with the guidelines.

4. Medical/Dental Insurance

- Respondent shall continue to provide medical and dental insurance coverage for the minor children
- The Respondent shall provide medical insurance coverage for the minor children as soon as a program becomes available through his place of work;
- The Respondent shall pay any costs that incur, not covered by insurance, in proportion to the child support guidelines

III. YOU ARE FURTHER ORDERED TO:

- ___ Immediately deliver to the Marshals the following: _____
- ___ Surrender any and all firearms, firearm IDs, and firearm permits, in Respondent's control and/or possession to the Superior Court Marshals.
- ___ Other _____

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

 Judge, Superior Court of Guam

IN THE SUPERIOR COURT OF GUAM

Order of Protection

Case No. **PO #**
 Court **Superior Court of Guam**
 County **Hagatna** State **GUAM**

PETITIONER

First Middle Last

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

PETITIONER IDENTIFIERS

Date of Birth of Petitioner

Other Protected Persons/DOB:

vs.

RESPONDENT

First Middle Last

Relationship to Petitioner: _____

Respondent's Address _____

CAUTION:

WEAPON INVOLVED

RESPONDENT IDENTIFIERS

SEX	RACE	DOB	HT	WT
EYES	HAIR	SOCIAL SECURITY #		
DRIVER'S LICENSE #		STATE	EXP DATE	

Distinguishing Features _____

THE COURT HEREBY ORDERS:

1. That the Respondent be enjoined and restrained from threatening, abusing, harassing or disturbing the peace and well-being of the Petitioner, Petitioner's minor child/ren, or removing them from Guam;
2. The Respondent is prohibited from coming within 500 / 1,000 feet of the Petitioner, Petitioner's residence and place of employment.
3. Contacting the Petitioner, directly or indirectly, by telephone, letter, e-mail or through third party.

THIS ORDER IS EFFECTIVE through _____.

Date: _____ Time: _____

Judge Superior Court

NOTICE TO RESPONDENT: VIOLATION OF THIS ORDER MAY SUBJECT THE VIOLATOR/S TO PUNISHMENT UNDER 9 G.C.A. §30.40, A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS (\$1,000.00) OR BY IMPRISONMENT FOR NOT MORE THAN ONE (1) YEAR, OR BY BOTH SUCH FINE OR IMPRISONMENT. FEDERAL LAW PROVIDES PENAL TIES FOR POSSESSING, TRANSPORTING, SHIPPING, OR RECEIVING ANY FIREARM OR AMMUNITION (18 U.S.C. §922 (g)(8) and (9)). 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).

[SERVICE: Respondent was served with a copy of this Order on _____ at _____: _____ a.m./p.m.