

BEFORE THE 2011 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. JC11-015

RELATIVE TO PERMANENT INCREASE OF FINES AND FEES FOR THE SUPERIOR COURT OF GUAM

WHEREAS, pursuant to JC Resolution No. 10-2003, JC Resolution No. 04-010, JC Resolution No. 06-016, it has been recognized that the authority to act on any judicial fee increase is now vested with the Judicial Council, as reconstituted in Public Law 27-31; and

WHEREAS, the Legislature has expressed a desire in 7 GCA § 9601 that services to indigent defendants will be paid out of all increases in fines, fees or any revenue collected by the Courts of Guam; and

WHEREAS, recognizing that the Superior Court fees have not been adjusted since 2003 and the Traffic Violation Bureau fines have not been raised since 1995, the Administrator of the Courts presented a revised Fee and Fine Schedule to the Judicial Council on February 25, 2011, at the regularly scheduled meeting of the Judicial Council, proposing a 50% across-the-board increase in all Superior Court fees, and in all Traffic Violations Bureau fines, and

WHEREAS, at the February 25, 2011, Judicial Council tasked the Administrator of Courts and court management to undertake an extensive study of the necessity and appropriateness of fee and fine increases, to include but not be limited to: assembling data showing how the increases compare with similar jurisdictions, and examination of cost of services analysis, and resolved that the Interim Increase of Fines and Fees would expire on September 30, 2011, if the Judicial Council does not act to make the Increases permanent; and

WHEREAS, at the regularly scheduled July 20, 2011, Judicial Council meeting, the Administrator of Courts and court management presented their four-month study, division by division, on the cost of providing services and of comparable fines and fees in other jurisdictions. The Study that was presented at the July 20, 2011 meeting is attached hereto as Exhibit "A"; and

WHEREAS, as a result of the discussions held at the July 20, 2011 Judicial Council meeting, the Judicial Council agreed that most fee and fine increases are appropriate and proper, though certain adjustments in fee and fine increases were proposed and accepted. All of the proposed Revised 2011 Fines and Fees are reflected in the Revised 2011 Fine and Fee schedule, attached hereto as Exhibit "B"; and

NOW THEREFORE BE IT RESOLVED, that the Judicial Council HEREBY ADOPTS the Revised 2011 Fine and Fee Schedule attached hereto as Exhibit "B" and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the Revised 2011 Fine and Fee Schedule will be effective as of October 1, 2011.

DULY ADOPTED this 18th day of August, 2011 at a duly noticed meeting of the Judicial Council of Guam.



F. PHILIP CARBULLIDO, Chairman

Date: _____

5/16/12

ATTEST:



POPING CEPEDA, Secretary

Date: _____

5/16/12

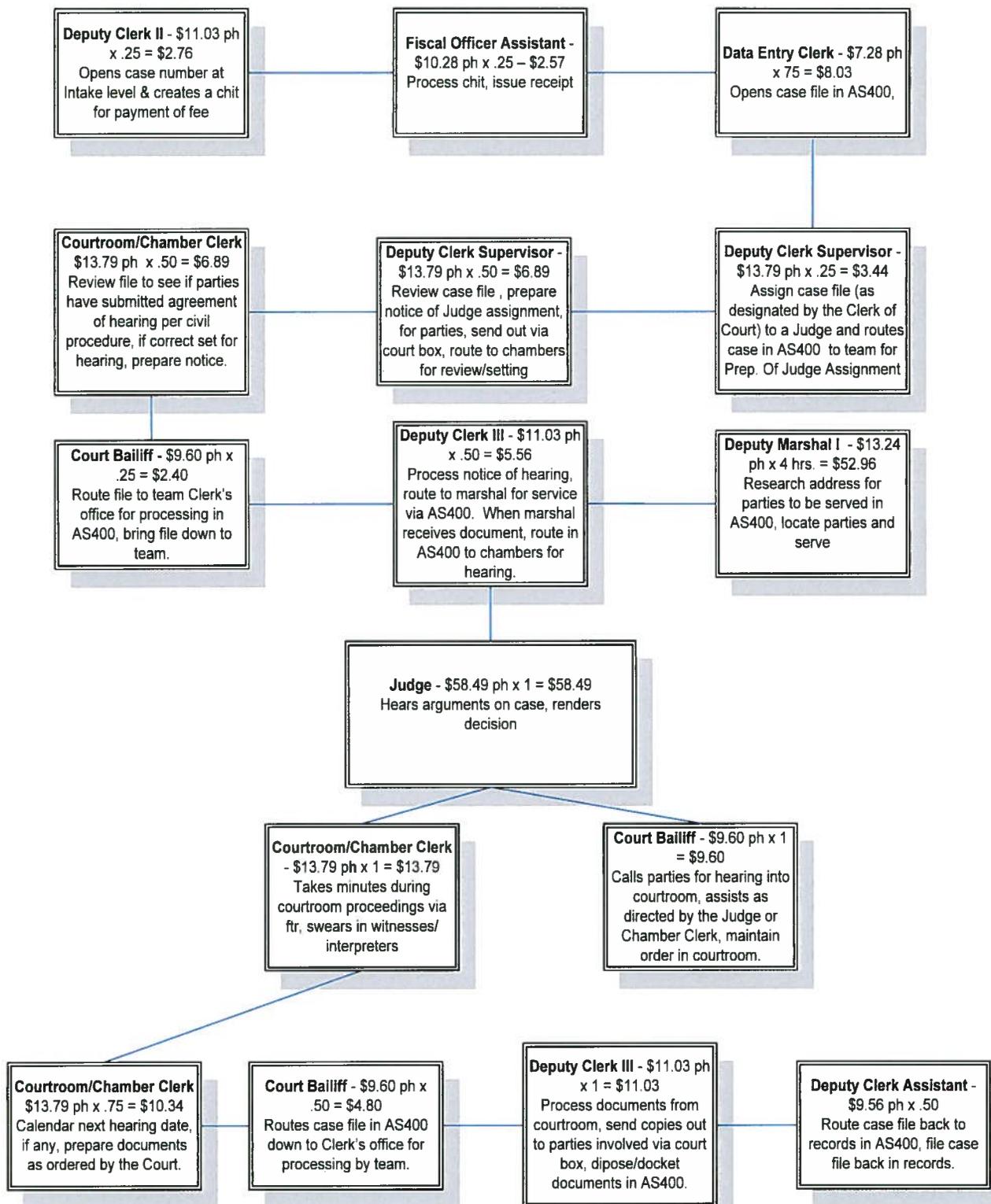
The schedule of fees for the Judiciary of Guam, Superior Court of Guam, Clerk's Office was implemented effective April 1, 2011. The Courts & Ministerial Division deals with 93 different filing fees for the following areas: 1) Civil, 2) Family, 3) Probate, 4) Jury, 5) Marriage, 6) Appeal, 7) Records/Retrieval/Copy/Certification, 8) Court Reporters, and Small Claims.

Upon researching comparables, for certain fees, there were none available as other courts do not charge for such fees. It was more likely done by a private company or handled by the state. Therefore, our fee amount was based on an average of County A, B, C & D.

After the last Judicial Council meeting regarding the schedule of fees, concerns were brought to our attention with regards to the fee increases. One of the suggestions made was to do an analysis on what it costs to open a case file. Of course with the understanding that this analysis would not be totally accurate, as you would assign a deputy clerk a certain task based on years in service and knowledge in the task. Therefore, you could not truly give an accurate analysis based on job title.

I prepared a flow chart of on the cost of a case file. This hypothetical scenario was based on personnel salary on a step one level or the lowest hourly rate for that position title. Further, basic pre-judgment life of a case and did not include motion hearings, jury or bench trials or when a case is taken under advisement, or even post judgment hearings, for that matter.

COST OF A CASE FILE



***Total Hours Spent: 13 *Total Amount From all Personnel \$204.33**
 Personnel hourly wages are based on step one or the lowest hourly rate. Time spent and step process are hypothetical. Note that this step process was prepared based on one case file.

COST OF A CIVIL CASE FILE	No. of Civil Cases filed in 2010	Minimal Amount based on No. of Cases in 2010
\$204.33 – Cost of Clerk, Court & Marshal based on Step One or Lowest Hourly Rate	2064	\$421,737.12

- Note: This cost analysis does include other case categories such as Domestic, Special Proceedings, Probate, Adoption, etc.

	Cost Before 4/1/11	Cost After 4/1/11
COURT CLEARANCE	\$15	\$25
TRAFFIC COURT CLEARANCE	\$1.50 plus \$1 for each citation within the last 10 years	\$3.00 plus \$2 for each citation within the last 10 years

The fee increase of a court clearance and traffic clearance was brought up with concerns. Court patrons who need to obtain a court clearance are seeking employment. A majority of patrons coming in to apply for these clearances are unemployed and cannot afford to pay \$25 for a Superior Court clearance. Further, most employers would not accept a Superior Court clearance that is over 30 days old and need to come in and get an updated one in order to turn in an application for employment. A Traffic Court clearance is obtained basically for the same purposes or for car insurance purposes, but is much more affordable than a Superior Court clearance. A proposal reducing the Superior Court Clearance to \$10 and raising the Traffic Court clearances to a flat fee of \$5 could be a solution to compensate for the dollar amount lost in the reduction of the Superior Court Clearance.

In conclusion, there is no accurate way to do cost service analysis on the C&M's schedule of fees. Therefore, I feel that the best and most logical way would be to base an average of the costs of the comparables of County A, B, C & D.

JOHN MATTHIAS, Principal Court Management Consultant-National Center for State Court

(April 29, 2011 Respond to Method or Formula used to ascertain cost of service analysis)

Findings: "As a short and direct answer to the question of justifying the temporary increase, the NCSC experts consulted do not believe that any system or formula exists in other jurisdictions for increases to schedules of traffic or civil fees. Long-time observers see no consistent thread of rationality from jurisdiction to jurisdiction. Increases seem to be implemented out of expediency."

The two (2) criteria that may be used as a gauging tool but not recommended:

1. Per capita income

- Guam's average household income for 2010 was \$49,263 – an increase of \$3,477, or 7.1%, from 2008, when it was \$45,786;
- The median household income increased from \$37,741 to \$39,052 in 2010;
- The per capita income for Guam residents in 2010 was \$12,864;
- The average household size increased to 3.8 in 2010, up from 3.5 in 2008;

Information by: Guam Department of Labor 2010 Report

This method/tool would be hard to use to determine cost service analysis because it has several weaknesses:

1. It does not measure income distribution or wealth;
2. Economic activity that does not result in monetary income, such as services provided within the family, or for barter, is usually not counted. The importance of these services varies widely between economies, both between countries and among different groups within a country;
3. If the distribution of income within a country is skewed, a small wealthy class can increase per capita income far above that of the majority of the population;
4. International comparisons can be distorted by skewed exchange rates. The same good, e.g., one pound of rice may sell for a much different price in two countries.

Information by Bureau of Labor Statistics, United States Department of Labor

2. Consumer Price Index

- This method or tool is difficult to use because index can go down as well as up and is an approximate gauge, when used consistently, may create an expectation that fee and fines may decrease when the index goes down.

Information by Bureau of Labor Statistics, United States Department of Labor

SUGGESTED STEPS TO TAKE:

1. Tracking civil filing data during comparable periods of previous years to see if filings decreased SIGNIFICANTLY because of the increased filing fees:

<u>Case Type</u>	<u>Year 2011 (April 1 to July 19)</u>	<u>2010</u>
CIVIL	575	480
DOMESTIC	266	266
PROBATE	50	58

2. Tracking collection of traffic fines during comparable periods of previous years to see if the rate of collection decreases SIGNIFICANTLY because of the increased fees:

April 1 to July 19, 2011	6,889 Filed	\$775,153
April 1 to July 19, 2010	5,510 Filed	\$504,094

This cost of service analysis is prepared following the "Proposed Interim Increase of Fine and Fees" of April 1, 2011. The interim fees increased three CSFC Division fees, the FV Group Treatment, Family Violence Individual Counseling and Sex Offender Individual Counseling fees, all administered through CSFC.

CSFC Fee Increases		
Fee Disbursement	Fees	Fees eff. 4/1/11
Family Violence Group Treatment through CSFC (Plus \$40 court costs)	\$300.00 Per cycle	\$450.00 per cycle
Family Violence Individual Counseling through Client Services and Family Counseling Division	\$10.00 Per session	\$15.00 per session
Sex Offender Individual Counseling through Client Services and Family Counseling Division	\$10.00 per session	\$15.00 per session

Family Violence Group Treatment and Individual Counseling Fee Analysis:

The Family Violence treatment fees for both group and individual counseling sessions have been in place since 1997 and have not increased. Although the increase may be warranted, 9 Guam Code Annotated Chapter 30 §30.80.5 indicates that "The fee shall be set by order of the Presiding Judge of the Superior Court of Guam. The fee shall not exceed Ten Dollars (\$10.00) per session or per class." These fees were set by Presiding Judge Alberto Lamorena II with Special Proceedings 0325-97 dated October 20, 1997. This order assigns \$300 per group treatment cycle and \$10.00 for individual counseling or psychological evaluation and \$150.00 per cycle for the Domestic Abuse Project at the Alternative Sentencing Office.

The fee increase that took effect on 4/1/11 has yet to be applied, until further guidance is obtained. The fee charged remains at \$10.00. Since the fee is established by statute (9GCA§30.80.5), legislation is required to increase the fees specifically for group counseling, individual counseling, and psychological evaluations in family violence cases. Coincidentally, there is a draft substitute of Bill 214-31 that had a public hearing on June 16, 2011. Senator Adolpho Palacios sent a June 21, 2011 letter to Chief Justice Carbullido with a copy of the final draft of this bill. It is an act to amend 8GCA relative to deferred pleas for domestic violence abusers. 9 GCA Chapter 30 §30.80.5 is in this bill and there is one minor change. However, the original language addressing fees is still in this final draft, with the fees still set at not to exceed \$10.00. There is a small window for the judiciary to make comments to recommend a change in the amount, as the Legislature is planned to go into session the week of July 27, 2011 and the Committee intends to place on the agenda the final version of this bill.

The comparable fees were collected as required, however they are now provided for information purposes only. The fees of Florida, California, Hawaii, Arizona and Washington State were obtained as comparables. The proposed \$15.00 fee per session for Family Violence treatment is low with the average cost for group treatment in the 5 states at \$24.40 per session, \$9.40 higher than Guam's proposed increase to \$15.00. The proposed fee of \$15.00 for individual counseling is even lower in comparison to the average cost for individual counseling in 5 of the states at \$68.00. Many of the programs compared, however, have a sliding fee schedule based on the individual's income.

Fee Disbursement	Fees eff. 4/1/11	Comparables*				
		FL	CA	HI	AZ	WA
Group Treatment through Client Services and Family Counseling Division (Plus \$40 court costs)	\$15.00 ** Per session (\$450 per cycle)	\$25.00 Per session	\$25.00 Per session	\$20.00 Per session	\$25.00 Per session	\$25.00 Per session
Individual Counseling through Client Services and Family Counseling Division	\$15.00** Per hour		\$30.00 Per hour		\$75.00 Per hour	100.00 Per hour

* sliding fee schedule

9GCA§30.80.5(c) allows the fees to be placed in a revolving fund and the monies be used to hire, as independent contractors, licensed individual and family counselors who shall conduct either group sessions or individual sessions for the perpetrators of family violence, victims of family violence or children who have witnessed family violence. The family violence groups are 30 sessions in length, with each session 2 hours long, for a total of 60 hours. The current rate charged for group is \$300.00, making the cost per hour to be \$5.00. Larger groups require two therapists. Smaller groups are facilitated by a single therapist. Large groups generally start with 25 members but through attrition (termination for non-attendance), groups generally complete with anywhere from 15 to 20 attendees. Contractors charge \$75.00 per hour and the average hourly salary for CSFC therapists is \$25.26, not inclusive of benefits. If 20 men were in attendance at \$10.00 per session, \$200.00 would theoretically be collected. However, many of the defendants are unemployed and convert the fees to community service, so collection would be much less.

FV Group Treatment Cost Analysis				FV Group Treatment Cost Analysis (Proposed Increase)			
Group Fee	Sessions	Hours	Cost Per Session	Group Fee	Sessions	Hours	Cost Per Session
\$300.00	30	60	\$10.00	\$450.00	30	60	\$15.00
Contractor Hourly Salary		Therapist Average Hourly Salary		Contractor Hourly Salary		Therapist Average Hourly Salary	
\$75.00 x 2hours = \$150.00		\$ 25.26*		\$75.00 x 2hours = \$150.00		\$ 25.26*	
Average # Group Attendees				Average # Group Attendees			
20x\$10=\$200				20x\$15=\$300			

The fees for individual and group counseling are low and barely cover the cost of the therapists, let alone supplies, counseling materials and office overhead. Not factored into the cost of treatment is the cost of assessment of client, individual or group preparation, clinical notes and progress or completion reports.

Sex Offender Individual Counseling Fee Analysis:

Comprehensive programs and policies exist nationwide to address sexual violence to include punishment (confinement), community notification (registration), management (probation supervision and monitoring) and community based treatment. These policies, most especially treatment, are designed to rehabilitate the offender and to address community safety. Specialized treatment for sex offenders in many states involves stringent credentialing criteria for practitioners, requiring documented and current training in specific areas to include sex offender evaluation and assessment, offender typologies, victim issues, treatment techniques/methods; and a minimum number of hours of clinical experience that is face to face therapy with convicted sex offenders. Treatment is part of a comprehensive release plan that includes intensive therapy, medication, supervision and monitoring, polygraph examination, penile plethysmograph testing, random urine screens, and other interventions.

On January 15, 2009, the Judicial Council adopted a resolution to charge fees for sex offender treatment. Group treatment would be \$500 per cycle (50 sessions), with each group session to be \$10.00. Individual counseling would be charged \$10.00 per session. These nominal fees were to be comparable to the family violence treatment fees. Sex offenders typically find it more difficult to obtain employment, more so than family violence offenders. They, too, have difficulty paying their therapy fees and may convert fees to community service or drop out of treatment entirely.

Comparables						
Fee Disbursement	Fees eff. 4/1/11	FL	CA	HI	AZ	WA
Sex Offender Individual Counseling through Client Services and Family Counseling Division	\$15.00 Per session	\$75.00 Per session	\$30.00 Per session	\$50.00 Per session	\$75.00 Per session	\$75.00 Per session
Sex Offender Group Counseling** (Plus \$40 court cost)	\$10.00 Per session	\$25.00 Per hour	\$35.00 per session	\$50.00 Per session	\$25.00 per session	\$26.00 Per session

** No increase

The fee increase that took effect on 4/1/11 only applies to individual counseling. The group treatment fee charged remains at \$10.00. The fees of Florida, California, Hawaii, Arizona and Washington State were obtained as comparables. The group treatment fees were included for information purposes only.

The proposed \$15.00 fee per session for Sex Offender individual counseling is low, with the average cost for the 5 states at \$61.00 per session, \$46.00 higher than Guam's proposed increase to \$15.00. Many of the programs compared however have a sliding fee schedule based on the individual's income and ability to pay.

With no sex offender treatment programs available in the community, through government or private providers, the Judiciary has had the burden of procuring these services and paying for treatment since October 1996. CSFC has no therapist on staff with the specialized training or experience as outlined above in sex offender treatment. CSFC has had to procure the services of a private therapist to provide this treatment at \$75.00 per hour. The fee increase to \$15.00, does not pay for the cost of the therapist, with \$60.00 incurred by the Court. Length of treatment is determined on a

case by case basis. Sessions are usually one hour in length. If CSFC were to hire a therapist, the average CSFC therapists' hourly salary is \$25.26. The proposed \$15.00 increased does not cover the cost of the therapist

Similar to the family violence treatment fees, the fees for sex offender individual and group counseling are low and barely cover the cost of the therapists, let alone supplies, counseling materials and office overhead. Not factored into the cost of treatment is the cost of assessment of client, individual or group preparation, preparation of clinical notes and progress or completion reports.

Ex-Parte, (Civil TRO, non family or domestic related, OSC to refrain from liquidating assets.) Covers all other documents not listed.

Parties requesting urgent/immediate services causes additional use of resources.

\$30.00

\$30.00 per document (flat rate)

\$20.00

Marshal Mileage fee (Standard)

See proposed Mileage fee below

CURRENT MILEAGE FEE: \$20.00 Flat Rate

\$20/\$10/\$20

Proposed Mileage Fee in addition to Marshals Service Fee:

Northern Areas: Tamuning, Tumon, Harmon, Dededo, NCS, Yigo, AAFB, Agaña Gumas, Late Heights. \$20.00

Central Area: Agaña, Agaña Heights, Sinajana, Ordor, Chalan Pago, Mangilao, Barrigada, Asan, Maína, Anigua, Nimitz Hills, Piti. \$10.00 charge for central area

Southern Area: Yona, Windward Hills, Ipan, Talafofo, Malojoj, Inarajan, Umatac, Merizo, Agat, Santa Rita, Piti, Apra Heights, Naval Station. \$20.00

Subsequent attempts of service may go beyond Flat rate.



JUDICIARY OF GUAM

Probation Services Division
120 West O'Brien Drive • Hagåtña, Guam 96910-5174
Telephone: (671) 475-3448 • Facsimile: (671) 477-4944



JAY J. PEREZ
Acting Deputy Chief Probation
Officer

JOHN Q. LIZAMA
Chief Probation Officer

July 15, 2011

Memorandum

To: Deputy Administrative Director of the Courts
From: Acting Deputy Chief Probation Officer
Via: Chief Probation Officer
Subject: Probation Services Division Interim Fees Cost of Services Analysis
RE: Sex Offender Registration Fee & Domestic Abuse Program Fee

This cost of services analysis is being prepared as a result of the Judiciary of Guam, "Proposed Interim Increase of Fine and Fees" which was implemented on April 1, 2011. The implementation increased 2 Probation Services Division fee schedules, the Sex Offender Registration Fee and the Domestic Abuse Project which is administered by the Alternative Sentencing Office.

CIVIL FILING FEES	Fees	Eff. 4/1/11
Sex Offender Registration Fee (PL 25-75)		
Fee Disbursement		
Registration Fee	\$50.00	\$75.00
FAMILY VIOLENCE COUNSELING OF EDUCATION		
Fee Disbursement		
Domestic Abuse Project	\$150.00	\$225.00

Sex Offender Registration Fee Analysis:

The proposed interim increase of fines and fees increased the Sex Offender Registry registration fee from \$50.00 to \$75.00. This "one time" registration fee triggers the following actions, there are no implied treatment or counseling services associated with the registration process;

- Inform client of registry requirements and have client sign SOR documentation
- Create Offender file (Hard Case Copy)
- Create profile in AS400 (Electronic Case File)
- Take photo of client

- Perform NCIC query for RAP SHEET and FBI number
- Enter client information in NCIC NSOR (FBI computer)
- Schedule (at a later date) DNA collection (No cost to offender)
- Enter client information on spreadsheet and submit to MIS for dissemination on Guam SOR Website
Guam SOR Website is part of the Dru Sjodin National Sex Offender Public website.
- Monitor client based on Supervision Tier Levels I, II, III

On average, it takes approximately 2 hours to complete the entire process from initial interview to visibility of the offender in the Dru Sjodin National Sex Offender Public website. The JOG employs 4 individuals who play a direct roll in the registration of convicted sex offenders. Combined, their average hourly salary is \$21.52, when multiplied by 2 “man hours”, the time it take to complete the registration process, the JOG incurs the cost of \$43.04 per sex offender registrant.

SOR REGISTRATION COST ANALYSIS				
Registration Fee	Frequency	Hours	Cost to Offender per Hour	
\$75.00	Once	2	\$37.50	
SOR/MIS Staff Ave. Hrly Salary		X's 2 Hrs.	Cost to JOG	Profitability
\$21.52		\$43.04	\$43.04	\$31.96

Pursuant to Title 9, Guam Code Annotated, Chapter 89 §89.08(f), “The Judiciary of Guam is authorized to collect reasonable registration fees from registrants. Such fee shall be used for the maintenance and support of the sex offender registration and notification program. One hundred percent (100%) or the fee paid by the registrant shall be given to the Judiciary of Guam, Sex Offender Registry Management Office”.

The statute does not reference a minimum or maximum registration fee cost. In comparison to the following jurisdictions, the offender is required to pay the following registration fees;

SOR Registration Fee Comparison			
Jurisdiction	Fee	Frequency	SORNA Compliant
Guam	\$75.00	Once	YES
Saipan	0	N/A	NO
Hawaii	0	N/A	NO
Tennessee	\$150.00	Annually	NO
Massachusetts	\$75.00	Annually	NO
Georgia	\$250.00	Annually	NO
Illinois	\$120.00	Annually	NO
*Colorado Indian Tribe	\$125.00	*Initial	NO
Oregon	\$70.00	Annually	NO
* \$55.00 annually thereafter			

In all, there are only 7 States, 1 US Territory, and 4 Tribal Indian Communities that are Sex Offender Registration and Notification Act (SORNA) compliant. Under Federal law, states failing to implement SORNA by July 27, 2011, will be subjected to a ten percent reduction in Byrne Justice Assistance Grant funding.

Domestic Abuse Program Analysis:

The proposed interim increase of fine and fees increased the DAP tuition fee from \$150.00 to \$225.00. The DAP is administered by the Probation Services Division, Alternative Sentencing Office. Class room instruction is held on Wednesday's at the PSD, 1st Floor conference room from 3:00pm to 5:00pm. Participants are required to complete 7 sessions, totaling fourteen academic hours. Certificates of completion are provided to offenders upon their completion of the course.

ASO instructors are not certified counselors and curriculum is purely educational in nature. The JOG employs 4 individuals who play a direct roll in administering the DAP. Combined, their average hourly salary is \$22.86 when multiplied by 14 "man hours", the JOG incurs a cost of \$320.04 per course completion leaving an unpaid balance of \$94.04.

DAP COST ANALYSIS				
Tuition Fee	Sessions	Hours	Cost Per Session	Cost per Hour
\$225.00	7	14	\$32.14	\$16.07
ASO Staff Ave. Hourly Salary		Instructional Cost (14hrs)		Unpaid Balance
\$22.86		\$320.04		\$95.04

DAP Fee Comparison				
Jurisdiction	Sessions	Hours	Cost Per Hour	Total Cost
Guam	7	14	\$16.07	\$320.04
State Approved Online Courses	Court may order 1 to 52	14	\$35.00	\$490.00
California	12	12	\$25.00	\$300.00
Washington King County			\$288 + \$40.00 material fee	\$328.00
*Hawaii	12	12	\$120.00	\$1,440.00
Oregon	10	10	\$12.50	\$125.00

State Approved Domestic Violence Treatment Programs follow an approved standard to insure quality treatment leading to the elimination of violence

DAP Objective:

- Programs are psycho-educational in nature, no real "treatment" per se
- Focuses on individual enlightenment and empowerment

- Teaches students to rely on taking a proactive approach (using their mind) instead of a reactive (reacting with their emotions) approach
- Covers different aspects; notably
 1. Anger Management Steps
 2. Family Violence Law
 3. Self-Defense
 4. Proactive vs. Reactive
 5. S.A.C. – Situation, Action, Consequence. (Action must be proportionate to Situation with regards to the Consequence)
 6. Communication
 7. Change
- Assists individual with recognizing laws and boundaries
- Recognizing different types of communication and possible reactions to each type (positive vs. negative, verbal and non-verbal)
- Teaches students to avoid conflict and confrontations
- Emphasizes the use of thought processes and problem solving as a means of controlling and/or managing their anger
- Attempts to help students re-evaluate their perspective and corresponding behaviors (what is it about this situation that gets me so upset and what can I do to change my reaction to it)
- Teaches students constructive ways of dealing with anger; drugs and alcohol are not viable solutions

DAP Goal:

- to help students recognize their anger and how to positively communicate it and manage it
 - to alter their perspective; in doing so they can change how they both react and feel about situations that would normally upset them
 - to be more cognizant of the laws and the boundaries that they must follow; some practices/reactions are not acceptable
 - to realize that drugs and/or alcohol are not acceptable as ways of relaxation, as they diminish or eliminate inhibitions and make them more susceptible to criminal behavior
 - teaches students that they hold the key to improving themselves; no one can do it for them
 - emphasizes that they MUST utilize their thought processes (hopefully bringing about a change in perspective and therefore behavior) to not only manage but solve anger
-

DAP Curriculum Resources:

Victim Impact (VHS) – focuses on impact that the crime has not only on the individual, but the family and community as well.

DAP/ASMP (VHS) – focuses on definitions of anger and stress and cause thereof. Also offers ways to manage and control anger as well as problem solving solutions

Codependency, Emotional Violence and Domestic Abuse (DVD) – Gives examples of psychological and emotional abuse and domestic violence and explains why they are wrong. Briefly addresses anger management.

Domestic Violence: The Law Enforcement Response (VHS) – gives examples of domestic violence and briefly touches on managing anger. Also informs viewers of different types of situations where it is construed as family violence.

Domestic Violence: Behind Closed Doors (VHS) – depicts situations of domestic violence and the effects that it has not only on the individual, but the family as well. Offers tips on how to handle anger as well as effective communication methods. Offers hotlines for who to call in instances of domestic violence.

The Story of Fathers and Sons/Mothers and Daughters (VHS) – Focuses on relationships between fathers and sons and mothers and daughters. Depicts relationships that suffer from high expectations and impassiveness; also offers current viewpoints of the relationship now that the children have matured.

Family Violence: Breaking the Chain (VHS) – Focuses on impact of family violence not only on the spouse, but the children as well. Features ways to communicate and cope to help eliminate the perpetuation of family violence from generation to generation.

R.E.T. SHAME (VHS) – Focuses on feelings of worthlessness and ineptitude as possible causes for anger. Features methods of improving self-esteem and views of ones self-worth.

R.E.T. UNDERSTANDING (VHS) – Focuses on expectations in interpersonal relationships and how to facilitate a better perspective through compromise.

Anger Management (DVD) – Focuses on definitions of anger and stress and the cause. Also explains anger management steps and offers tips on how to deal with stress. Also covers how stress and anger affect the body and mindset.

Moyers on Addiction: The Hijacked Brain (VHS) – Focuses on physical and psychological effects that drugs and alcohol have on the mind. Explains areas of the brain affected by certain drugs and the effects of dealing with drug and alcohol addiction.

16 Years of Alcohol (DVD) – movie that tells the story of a young man who grew up in a household where domestic violence and alcohol abuse are commonplace. Depicts trials and challenges that he faces not only in dealing with alcohol addiction and anger management problems, but the challenges he faces as he tries to break the chain and change for the better.

Conclusion:

Based on the information above, it is my belief that the fee increases to the Sex Offender Registration Fee and the Domestic Abuse Project Fee are minimal and proportionate to the national standard based on my research.

Although the increase may be warranted, 9 Guam Code Annotated Chapter 30 §30.80.5 indicates that “The fee shall be set by order of the Presiding Judge of the Superior Court of Guam. The fee shall not exceed Ten Dollars (\$10.00) per session or per class.” These fees were set by Presiding Judge Alberto Lamorena II with Special Proceedings 0325-97 dated October 20, 1997. This order assigns \$300 per group treatment cycle and \$10.00 for individual counseling or psychological evaluation and \$150.00 per cycle for the Domestic Abuse Project at the Alternative Sentencing Office. The Probation Services Division did not increase the fees associated with the DAP program on April 1, 2011. Further review and guidance is required by the Judicial Counsel as to not violate the current mandate.

Offenders registering with the Sex Offender Registry and Domestic Abuse Project are required to sign a payment agreement form. Offenders placed on a 10 month payment agreement plan make the following minimal payments towards their court order fee, \$7.50 per month for SOR and \$15.00 per month for DAP.

The American Probation and Parole Association (2007 report) estimates the cost of probation/parole supervision per offender is \$3.49 per day, adjusted for inflation (based on the consumer price index) then multiplied by 365 days. Thus, the average cost to supervise an offender for a one year period is \$1273.85.

Should additional information be required, I can be contacted at 475-3448 ext. 127

Respectfully,

JAY J. PEREZ

JUDICIARY OF GUAM SCHEDULE OF FEES

CIVIL FILING FEES

Fee Disbursement	Fees
Complaint, Petition or Other First Paper in Civil or Special Proceedings	\$225.00
Filing of first Paper in Registration of Land	\$225.00
Issuance of Summons, Alias Summons, Amended Summons	\$11.00
Abstract of Judgment	\$15.00
Subpoena Fees (All Categories)	\$8.00
Confession of Judgment	\$90.00
Issuing Writ of Execution, Attachment Sale, Possession (One payment per party per action)	\$30.00
Affidavit for an Order of Examination of Judgment Debtor and Order for Examination (JDX)	\$30.00
Application for Renewal of Judgment	\$30.00
Filing a Cross-Complaint, Counterclaim or a Third Party Complaint	\$115.00
Filing an Amended Complaint or an Amendment to a Complaint, Amended Cross-Complaint or Amendment to a Cross-Complaint, Amended Counterclaim, or an Amended Third Party Complaint, or an Amendment to a Counterclaim or a Third Party Complaint	\$40.00
Notice of Motion/Order to Show Cause or any other paper requiring a Court hearing subsequent to filing the First Paper (any party). This fee must now be paid for an Exparte Motion, Stipulation by the parties for a continuance of hearing	\$15.00
Motion for Summary Judgment	\$150.00
Alternative Writ, Writ of Habeas Corpus, Mandate and Prohibition (Special Proceeding Filing)	\$225.00

FAMILY LAW FILING FEES

Fee Disbursement	Fees
Complaint, Petition or Other First Paper for Divorce/Dissolution, Legal Separation, Nullity, Custody and/or Visitation, Conciliation Jurisdiction and Statement to Register Foreign Support or Custody Order (Private Party)	\$225.00
Petition for Adoption, per individual being adopted	\$225.00
Motions, Ex Parte Motions and Order to Show Cause to Modify or Enforce Custody and/or Visitation Judgment or Order	\$15.00

PROBATE FILING FEES

Fee Disbursement	Fees
First Petition for Letters of Administration, Petition for Special Letters of Administration, Petition for Letters of Testamentary (Credited towards closing cost)	\$115.00
First Paper on behalf of each Adverse Party (not the original petitioner), Intervener or Respondent, whether separately or jointly, except for the purpose of making disclaimer	\$225.00

Creditor filing a claim against the Estate (Not to be credited towards closing costs)	\$50.00
Filing of Last Will & Testament & Codicil	\$40.00
Where the valuation is less than \$1,000	\$8.00
Where the valuation is \$1,000 or more but less than \$2,000	\$40.00
Where the valuation is \$2,000 or more but less than \$4,000	\$40.00
Where the valuation is \$4,000 or more but less than \$7,500	\$75.00
For each additional \$1,000 above \$7,500, provided that the maximum fee shall not exceed \$5,000 unless the Judicial Council decides that the complexity or work required on a particular case justifies a higher fee. In no event shall the fee be lowered.	\$15.00
<p>REDUCED COURT FEES FOR ADMINISTRATION OF LAND CLAIMS AWARDS. The fee payable out of the estate pursuant to Rule 91(A)(5), for probate administration on land claims award shall be the sum equal to ten percent (10%) of the amount otherwise payable under said Rule. A single fee, computed as aforesaid, shall be assessed against each award. No additional fees shall be assessed against any portion of an award distributed to the estate of a deceased heir, for separate administration thereon, if said portion was included in computing the fee for administration upon the estate of the deceased heir's predecessor [Rule 9(A)(6) added by the 15 GCA §4912 (P.L. 19-34:34)]</p>	

JURY DEMAND FEES

Fee Disbursement	Fees
Demand for Jury of Six (6)	\$150.00
Demand for Jury of Twelve (12)	\$300.00
Demand for Jury of Six (6) \$210 a day, advance deposit of \$420; plus \$210 a day for each day trial exceeds two (2) days.	\$420.00
Demand for Jury of Twelve (12) \$390 a day, advance deposit of \$780; plus \$390 a day for each day of trial exceeds two (2) days.	\$780.00
Note: All Jury Fees in Civil Suits shall be paid upon making demand for jury trial, which is not refundable.	

MARRIAGE FEES

Fee Disbursement	Fees
Judges perform marriage ceremony which includes issuance of Certificate of Marriage	\$25.00

APPEAL FEES

Fee Disbursement	Fees
Notice of Appeal from the Superior Court	\$75.00
Notice of Appeal or Transfer from Small Claims Court to Civil Action	\$225.00
Notice of Appeal from Traffic Court	\$115.00
Filing an Amended Appeal or an Amendment to an Appeal	\$40.00

RECORDS, SEARCH, RETRIEVAL, COPY AND CERTIFICATION FEES

Fee Disbursement	Fees
Searching Records or Files	\$3.00
Retrieval Fee: On Site Location, per case. (Not to include Criminal Felony, Criminal Misdemeanor, Adoption, Juvenile Special Proceedings & Juvenile	\$3.00

Division cases.)	
Retrieval Fee: Remote Storage Location, per case	\$15.00
Copy Fee: Copy per page / Electronic	\$1.00
Certification:	
Certify a copy of any filed paper:	\$3.00
Certify a copy of a paper, records or proceeding on file other than filed papers: (Clerk=s minute entry, letters, etc.)	\$3.00
For each certificate to the official: (capacity of any public official)	\$5.00
For every certificate where no fee is fixed:	\$3.00
For certification of documents produced from microfilm records, per document	\$5.00
<u>Superior Court Clearance Fee/ Electronic or Hard Copy</u>	\$10.00
Traffic Clearance Fee:	\$5.00
Taking acknowledgment or subscription of an affidavit or other court-related document	\$8.00
Authentication / Exemplification	\$25.00
File Retrieval for Electronic Data Input (\$2.00 each file)	\$3.00

COURT REPORTERS FEES

Fee Disbursement	Fees
Transcript to be provided within 30 days:	
Original Page: (per page)	\$5.00
Copies Page (per page)	\$2.00
Transcript to be provided within 10 days:	
Original Page: (per page)	\$6.00
Copies Page (per page)	\$2.00
Transcript to be provided within 24 hours	
Original Page: (per page)	\$7.00
Copies Page (per page)	\$3.00
Tape Duplication (reproduction of magnetic recording tape with court-issued cassette tapes)	\$25.00
Electronic file)PDF, WP Docs of Transcripts, Email, Fax)	\$25.00
Note: Court Reporters shall give certified transcript of notes taken by them to every person requesting same on 8 2 X 11 paper according to the schedule above	

COURT COSTS

Court Cost Assessment	
Minimum:	\$60.00
Maximum:	\$150.00
Traffic Court Cases	\$3.00
Minimum:	Amount of Fine Assessed
Maximum	

MISCELLANEOUS AND OTHER FEES

Fee Disbursement	Fees
Special Process Server Training/Examination/Material Cost	\$50.00
Returned Checks	\$40.00

**OFFICERS AND OTHERS SERVING PROCESS (MARSHAL FEES)
REFERENCE ADMINISTRATIVE ORDER NO. ADM10-002-01**

Fee Disbursement (<i>NOTE: Mandatory collection of the \$20.00 flat rate mileage fee PER DOCUMENT - PER DEFENDANT if document(s) is (are) to be served by the Marshals Division.</i>)	Fees
Judgment (Amended/Alias/Satisfaction/Other)	\$20.00
Judgment Debtor Examination (Amended/Alias/Other) - (NOTE: This must be collected in addition to Civil Filing Fee of \$30 + \$20 mileage fee.)	\$20.00
Motion (Motion to Vacate/Amended/Alias/Modification/Summary Judgment/Other)	\$20.00
Notice (Notice of Hearing/Trial, Amended Notice/Alias/Other)	\$20.00
Summons (Summons & Complaint/Declaration/Alias/Amended/Other)	\$20.00
Cancellation of Marshal Sale	\$20.00
Certificate of Sale/Redemption	\$20.00
Indemnity RE: Surety Bond, Undertaking, Demand (Posting of bonds to ensure guarantee)	\$20.00
Marshal Deed	\$20.00
Order to Show Cause (Alias/Amended/Other)	\$25.00
Subpoena(s) (for each or per document)	\$25.00
Conduct of Marshal Sale/Execution Sale (Conducting Marshal Sale) (Execution Sale/Foreclosure Sale)	\$50.00
Notice of Attachment (Banks per document/Real Property per lot/Personal Property/Wages per document/Other) For serving an attachment against the property of the defendant with the writ, together with a reasonable allowance to be assessed by the court for expense, if any, necessarily incurred in caring for the property. (plus storage and handling fees)	\$25.00
Writ of Possession/Eviction (Forcible/Other) per lot or premises/grounds	\$50.00
Notice of Garnishment (Cancellation/Wages/Other)	\$25.00
Notice of Levy (Banks per Document/Real Property per lot/Personal Property/Wages per document/Other) For serving levy against the property of the defendant with the writ, together with a reasonable allowance to be assessed by the court for expense, if any, necessarily incurred in caring for the property. (plus storage and handling fees)	\$25.00
Posting 3 public places: Notice of Execution Sale (Real Property/Personal Property) (Sale Posting/Sale/Other)	\$50.00
Release of Garnishment (Cancellation/Other)	\$20.00
Release of Levy (Cancellation/Other)	\$20.00
Release of Attachment (Cancellation/Other)	\$20.00
Warrant of Arrest (Alias/2nd/Etc.) Civil Capias	\$50.00
Writ (Execution/Mandate/Review/Prohibition/Cancellation/Other)	\$30.00

Ex-Parte, (Civil TRO, non-family or domestic related, OSC to refrain from liquidating assets.) Covers all other documents not listed.	\$30.00
Marshal Mileage Fee (Standard)	\$20.00

SEX OFFENDERS REGISTRATION FEE (PL 25-75)

Fee Disbursement	SEX OFFENDER REGISTRATION FEES
REGISTRATION FEE	\$75.00

FAMILY VIOLENCE COUNSELING OF EDUCATION (Program Fees)

Fee Disbursement	Fees
Group Treatment through Client Services and Family Counseling Division (Plus \$40 court court)	\$300.00
	per cycle
Individual Counseling through Client Services and Family Counseling Division	\$10.00
	per session
Domestic Abuse Project	\$150.00
	per cycle
Sex Offender Counseling (Plus \$40 court cost)	\$500.00
	per cycle
Sex Offender Individual Counseling through Client Services and Family Counseling Division	\$15.00
	per session
* If a person drops out of a group he or she shall pay an additional fee of \$200.00 for the next group.	

**NATIONAL CRIME INFORMATION CENTER (NCIC) BACKGROUND CHECK
Interstate Identification Index (III)
(Federal Bureau of Investigation)**

Fee Disbursement	NCIC BACKGROUND CHECK	
For criminal history searches, includes criminal justice employment and use by state and/or local governments for purposes of employment (teachers, bus drivers, doctors and nurses...etc.) And licensing (day care providers...etc.) pursuant to local statute \$25 Processing Fee \$25 National Clearance	\$25.00	Processing Fee
	\$15.00	National Clearance
	\$40.00	Total

**AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM (AFIS)
Interstate Identification Index (III)
(Federal Bureau of Investigation)**

Fee Disbursement	FIREARMS IDENTIFICATION FEES
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For felony criminal history searches through the FBI's Automated Fingerprint Identification System/III/NCIC to authorize GPD issuance of Firearms Identification Card. \$22.00 Maintenance Fee for FBI \$18.00 Maintain Fee	\$22.00	Maintain fee for FBI
Maintenance Fee for FBI	\$18.00	Maintain fee for JOG
Maintain Fee	\$40.00	Total

SMALL CLAIMS SCHEDULE OF FEES

INITIAL CLAIM AMOUNT \$500.00	\$500.00	
\$501-\$200.00	\$ 501.00 - \$ 2,000.00	
\$2,001-\$3,500	\$2,001.00 - \$ 3,500.00	
\$3,501.00 - \$5,000.00	\$3,501.00 - \$ 5,000.00	
\$5,001.00 - \$6,500.00	\$5,001.00 - \$ 6,500.00	
\$6,501.00 - \$8,000.00	\$6,501.00 - \$ 8,000.00	
\$8,001.00 - \$9,500.00	\$8,001.00 - \$ 9,500.00	
\$9,501.00 - \$10,000.00	\$9,501.00 - \$10,000.00	
Counterclaim Cross -Complaint or 3rd Party Com(Same as Initial Filing Claim)		

SMALL CLAIMS SCHEDULE OF FEES

Fee Disbursement	Fees
Summons	\$6.00
Judgment Debtor Examination	\$15.00
Order to Show Cause	\$15.00
Writs	\$30.00
Confession of Judgment	\$25.00
Abstract of Judgment	\$8.00
Motion / Joinder for Summary Judgment	\$30.00
Any Motion Requiring a Hearing, Stipulation or Litigant Requesting to Continue	\$15.00
Warrant of Arrest	\$15.00
Motion to Vacate Warrant of Arrest	\$15.00

SUPREME COURT SCHEDULE OF FEES

Docket Fee for new appeals	\$250.00
Facsimile Transmission Fee	\$5.00
In addition, for documents (motions, applications or Petitions) requiring copies, there shall be a fee for each page copied	\$1.00
Photo Copies	\$0.50
Certification of Documents	\$1.00
Marriage Filing Fee	\$50.00
Copy of audio recordings for hearings on Compact Disc	\$10.00
Bar Exam Application Fee	\$675.00
Bar Exam Late Filing Fee	\$250.00

Pro Hac Vice Filing Fee	\$1,000.00
Petition for Reinstatement Filing Fee	\$100.00
Certificate of Good Standing 2-3 Day service	\$25.00
Certificate of Good Standing each copy	\$5.00
Expedited 1 day service	\$50.00
Expedited 1 day service per copy	\$5.00