

PROTECTION ORDERS RULES COMPARISON

I. 2015 RULE 2.1, 2.1.1 AND PROPOSED RULE 1

2015 VERSION	NEW VERSION
<p>MR 2.1.1. Jurisdiction.</p> <p>Limitation of Process. The following Rules shall apply to the Order of Protection process for all persons as defined under 9 GCA § 30.10(b), and 7 GCA § 40101(d), who seek an order of the Superior Court for exigent and immediate relief from abuse or the threat of abuse by a family or household member. This process does not apply to protection cases filed by the government in cases designated Persons In Need of Services; Beyond Control; and Adult Protection.</p>	<p>POR 1 Protection Order Cases.</p> <p>These rules govern all cases involving orders of protection available under Title 7 Chapters 40, 40A, and 40B of the Guam Code Annotated. Protection order cases are separate and distinct from all other matters.</p> <p>The Forms attached to these Rules have been developed to assist litigants in filing Petitions and understanding the Protection Order process. The Committee to Revise the Protection Order Rules may convene from time to time to revise the forms in accordance with updated court practices and procedures, without notice. All forms shall be made available on the Court’s website and in the Clerk’s Office.</p>

Committee Note:

The revised rule includes the new protection orders available under Title 7 Chapters 40A and 40B.

In the proposed rule’s second paragraph, the Committee recommended a flexible process that allows it to meet to revise the forms if needed. With the anticipated adoption of a mobile protection order process, there may be new procedures and forms that will be required. Recommended *rule* changes, of course, will be submitted for promulgation.

II. 2015 RULE 2.1.2 (DELETED IN PROPOSED RULES)

2015 VERSION	NEW VERSION
<p>MR 2.1.2. Assignment of Order of Protection Cases.</p> <p>All <i>ex parte</i> applications for Temporary Orders of Protection and Permanent Orders of Protection Cases or Orders to Show Cause, shall be assigned to the Family Violence Court. Consistent with the concept of One-Judge-One Family, any domestic case involving a party or parties who are also involved in an Order of Protection Case shall be assigned, or reassigned, to the Family Violence Court.</p>	[Omitted.]

Committee Note:

Under Administrative Rule 24-001, Protection Order cases are now assigned to non-criminal courts. The Committee determined that a rule that discusses the assignment of cases was no longer necessary.

III. 2015 RULE 2.1.3 AND PROPOSED RULE 2, 3(A)

2015 VERSION	NEW VERSION
<p>MR 2.1.3. Petition.</p> <p>A. Petition for Order of Protection.</p> <p>(1) A Petition for an Order of Protection shall be filed with the Clerk of Court at the Courts and Ministerial Division of the Superior Court of Guam.</p> <p>(2) The new designation for a Petition of an Order of Protection shall be “Protective Order - PO Case #00-0000.” Plaintiff shall be the “Petitioner.” Defendant shall be the “Respondent.”</p> <p>(3) A Petition must be made under oath, and contain detailed facts and information to assist the Court in making a determination of the basis for the petition.</p> <p>B. Separate Actions. A Petition for an Order of Protection may be filed separately, filed concurrently with another case, or subsequent to another existing case. All cases involving the same parties shall be automatically consolidated by the Clerk of Court for assignment.</p> <p>C. Costs. A Petition for an Order of Protection shall be filed without cost. This fee exemption applies only to Petitions for Orders of Protection. The fee exemption is not available for any concurrent or subsequent filing of a related domestic, child custody, or child support action. Fees must be paid for related domestic, child custody, or child support actions, even if filed at the same time as the Petition for Order of Protection.</p> <p>D. Clerk Office Open. The Clerk’s Office shall be open and available to assist any person seeking an Order of Protection Monday through Friday from 8:00 a.m. to 5:00 p.m. If the Court is not open for regular business hours, or on the weekend, a petition may be heard by the magistrate judge, or any judge available on duty.</p>	<p>POR 2 Filing and Costs of a Petition for an Order of Protection.</p> <p>A) Petition for Order of Protection</p> <ol style="list-style-type: none"> 1) A Petition for an Order of Protection must be filed with the Clerk of Court at the Superior Court of Guam. 2) The party(ies) seeking relief must be designated as Petitioner(s) or Plaintiff(s), and the party(ies) answering the Petition must be designated Respondent(s) or Defendant(s). 3) All petitions must be made under oath and contain detailed facts and information to assist the Court in making a determination of the basis for the petition. <p>B) Petition Costs. Petitions for an Order of Protection must be filed without cost. This fee exemption applies only to Petitions for Orders of Protection. Fees must be paid for related domestic, child custody, or child support actions, even if filed at the same time as the Petition for an Order of Protection.</p> <p>C) Clerk’s Office. The Clerk’s office must be open and available to assist any person seeking an Order of Protection Monday through Friday during regular business hours. Petitions filed after 3 p.m. may not be acted upon until the following business day.</p> <hr/> <p>POR 3 Petition; Notice; Hearings; Order of Protection.</p> <p>A) Petition.</p> <ol style="list-style-type: none"> 1) To obtain an Order of Protection, an applicant must file the following forms: <ol style="list-style-type: none"> a) Petition for Order of Protection (Form 1) b) Marshal’s Service Information (Form 2), and c) Non-Criminal Case Coversheet. 2) The Petition may indicate whether the Petitioner is seeking a Temporary Order of Protection for immediate relief. 3) The Petitioner must provide as much information regarding the identity of and

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	<p>contact information for the respondent as is known to Petitioner.</p> <p>4) Within the Petition, the Petitioner may request to seal documents or submit them <i>in camera</i>.</p> <p>5) In examining the petition, the Court may consider publicly available records concerning the parties such as criminal history and other relevant court cases.</p> <p><i>[further sections listed on next page]</i></p>

Committee Note:

The Committee recommended separating some of the preliminary portions of a Petition (cost, filing procedures), with other aspects (Petition contents, sealing requests).

The Committee also recommended including what information a court can review in examining a Petition, so as to avoid potential issues of reviewing *ex parte* information. Under the revised rule, a judge can consult the parties' criminal case history and domestic case history (such as divorce) as part of its due diligence, without being concerned of an *ex parte* communication violation.

IV. 2015 RULE 2.1.4 AND PROPOSED RULE 3(B), 3(C), 3(D), 3(E)

2015 VERSION	NEW VERSION
<p>MR 2.1.4. Hearings and Notice.</p> <p>A. <i>Ex Parte</i> Application for Temporary Orders of Protection.</p> <p>(1) <i>Ex parte</i> applications for Temporary Orders of Protection shall be heard each day. A Rule CVR 7.1.1 declaration of notice is required only in cases where the Respondent is represented by counsel. Notice is not required to be served on a <i>pro se</i> Respondent if such notice would further endanger the safety and welfare of the Petitioner and/or minor child/ren. The Clerk of Court will transmit the <i>ex parte</i> application for a Temporary Order of Protection, request for a Show Cause hearing for a Permanent Order of Protection, and Petition and Affidavit for Temporary Order of Protection to the Family Violence Court Judge for immediate review. The Family Violence Court Judge, in his or her discretion, may choose to have a hearing before granting or denying a Temporary Order of Protection and may designate hearing times. If the Family Violence Court Judge is unavailable, then the Clerk of Court will transmit the application to the <i>Ex Parte</i> Judge, or any available Judge, should the <i>Ex Parte</i> Judge be unavailable.</p> <p>(2) An <i>ex parte</i> application for a Temporary Order of Protection and a request for a Show Cause hearing for a Permanent Order of Protection shall be filed together with a Petition and Affidavit for Temporary Order of Protection subscribed under oath by the Petitioner.</p> <p>(3) The Judge after review of the Petition and Affidavit, if the Judge deems a hearing necessary, may require the Petitioner to respond to any questions from the Court at an <i>ex parte</i> hearing. If the Petitioner is not present at the <i>ex parte</i> hearing and is instead represented by an attorney, the Court may accept the Affidavit of the Petitioner as establishing grounds for issuance of the Temporary Order of Protection.</p> <p>(4) Upon grant of the Temporary Order of Protection, the Clerk of Court shall set the matter</p>	<p>POR 3 Petition; Notice; Hearings; Order of Protection. (continued)</p> <p>B) Notice. Notice of the Petition is not required to be served on a Respondent until ordered by the court.</p> <p>C) Hearings.</p> <p>1) Initial Hearing. After a review of the Petition, the court may opt to schedule a hearing whereby the petitioner responds to questions from the court.</p> <p>2) Show Cause Hearing on Temporary Order of Protection or Final Order of Protection.</p> <p>a) The Court must set the matter for a Show Cause Hearing within ten (10) business days. The hearing may be continued as deemed necessary by the Court.</p> <p>b) Upon issuance of a Temporary Order of Protection, the Court must also issue a Notice to Respondent.</p> <p>c) If Respondent fails to appear at a Show Cause Hearing after being properly served and noticed, the case may proceed by default.</p> <p>d) At a Show Cause Hearing or any subsequent evidentiary hearing, the Court may take testimony and evidence.</p> <p>D) Order of Protection. After taking testimony and evidence at the Show Cause Hearing, or upon receiving a consent by Respondent to an Order of Protection, the Judge may issue an Order of Protection for such periods as authorized by law. Any Order of Protection or approved consent agreement must be for a fixed period of time as the Court deems appropriate. The Court may amend its order or agreement at any time upon subsequent petition or motion filed by either party.</p> <p>E) Mutual Restraining Orders. A court may not issue a mutual restraining order unless the Court has made specific findings that each party was entitled to such an order, including findings of fact indicating that both parties</p>

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<p>for a Show Cause Hearing for a Permanent of Protection no later than ten (10) calendar days from date of the issuance of the Temporary Order of Protection.</p> <p>B. Final Orders of Protection/Show Cause Hearing.</p> <p>(1) All Show Cause Hearings for Permanent Orders of Protection shall be heard by the Family Violence Court Judge, the <i>Ex Parte</i> Judge should the Family Violence Court Judge be unavailable, or any other available judge should the <i>Ex Parte</i> Judge be unavailable.</p> <p>(2) All Show Cause hearings shall be heard no later than ten (10) calendar days after issuance of the Temporary Order of Protection, and shall be calendared at such times as designated by the Court.</p> <p>(3) The Respondent shall be ordered to appear before the Court at the times and dates specified in the Temporary Order of Protection. Failure to appear may subject the Respondent to contempt charges. If the Respondent fails to appear at the hearing after being properly served and noticed, the case may proceed by default.</p> <p>(4) The Court shall inform the Respondent of his right to seek assistance of an attorney at his own expense. If the Respondent desires to obtain assistance of an attorney, the Court may continue the Show Cause hearing for a reasonable period to afford the Respondent an opportunity to obtain counsel and may enter a continued Temporary Order of Protection in the interim. A Temporary Order of Protection may be modified, may continue as a temporary order, or may be made permanent as deemed appropriate by the Court.</p> <p>(5) After taking testimony and evidence at the Show Cause hearing, and upon a showing of proof by a preponderance of the evidence as to the truth of the allegations in the Petition, the Judge may issue an Order of Protection for such periods as authorized by law, or may approve any consent agreement to bring about cessation of abuse of the Petitioner or minor child/ren. Any Order of Protection or approved consent agreement shall be</p>	<p>acted primarily as aggressors and that neither acted primarily in self-defense.</p>

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<p>for a fixed period of time as the Court deems appropriate. The Court may amend its order or agreement at any time upon subsequent petition or motion filed by either party.</p> <p>(6) Mutual restraining orders, either stipulated to by the parties or issued by the court, are prohibited unless:</p> <p>(a) based on a cross or counter petition or complaint, or</p> <p>(b) the Court has made specific findings that each party was entitled to such an order, including detailed findings of fact indicating that both spouses acted primarily as aggressors and that neither acted primarily in self-defense.</p>	

Committee Note:

The Committee recommends deleting the language requiring Petitions to be heard every day. The relevant laws do not require this. The current practice is that judges act promptly when they receive a Petition. The judge can determine if the Petition warrants immediate action, and the law requires that a hearing be scheduled within ten days. Thus, it is unnecessary for a rule to require daily hearings.

The revised rule omits the role of an Ex Parte Judge—a process no longer in place.

The revised rule requires the issuance of a Notice to Respondent, which will offer the Respondent more information. The Notice to Respondent was developed in response to comments from the Bar. The Notice to Respondent offers information about the right to retain counsel; thus, provisions related to the retention of counsel were eliminated from the revised rule.

V. **2015 RULE 2.1.5 AND PROPOSED RULE 4**

2015 VERSION	NEW VERSION
<p>MR 2.1.5. Relief.</p> <p>(a) The Court shall be empowered to grant protection by appropriate order or approve any consent agreement to bring about a cessation of abuse of the Petitioner or minor children, which are not limited to but may include:</p> <p>(1) directing the Respondent to refrain from abusing the Petitioner or minor children;</p> <p>(2) granting possession of the residence or household to the Petitioner to the exclusion of the Respondent by evicting the Respondent or restoring possession to the Petitioner when the residence or household is jointly owned or leased by the parties;</p> <p>(3) when the Respondent has a duty to support the Petitioner or minor children living in the residence or household and the Respondent is the sole owner or lessee, granting possession to the Petitioner of the residence or household to the exclusion of the Respondent by evicting the Respondent to restoring possession to the Petitioner or by consent agreement allowing the Respondent to provide suitable, alternative housing; or</p> <p>(4) awarding temporary custody or establishing temporary visitation rights with regard to minor children.</p>	<p>POR 4 Relief.</p> <p>The Court must grant relief in accordance with Chapters 40, 40A, and 40B of Title 7 of the Guam Code Annotated.</p> <p>Copies of Orders to Show Cause and Protection Orders must be furnished to all parties at no cost.</p>

Committee Note:

The 2015 rule reflects relief only for Family Violence Orders of Protection. In contrast, the recommended revisions incorporate relief from all types of protection orders.

The revised rule also directs that copies shall be furnished at no cost. The Committee believed this was important to clarify.

VI. 2015 RULE 2.1.6 AND PROPOSED RULE 5

2015 VERSION	NEW VERSION
<p>MR 2.1.6. Service of Orders.</p> <p>Service of Orders of Protection and Show Cause Orders. The Marshals Division of the Superior Court of Guam will serve all Orders of Protection and Show Cause Orders upon order of the Court, or at the request of the Petitioner. The Petitioner or his/her attorney should provide complete and detailed information on the whereabouts of the Respondent. If the Respondent is incarcerated the Petitioner should notify the Marshals of the date of arrest.</p>	<p>POR 5 Service of Orders of Protection and Show Cause Orders</p> <p>A) Unless otherwise directed by the Court, the Marshals Division of the Superior Court of Guam must serve all Orders of Protection and Show Cause Orders.</p> <p>B) The Marshal must notify Petitioner and/or his/her attorney: (1) as soon as practicable that service has been accomplished; and (2) of non-service and the attempts to serve.</p> <p>C) If the Marshals Division has been unable to serve an Order to Show Cause after multiple attempts, the Petitioner may apply to serve the Order to Show Cause by publication pursuant to Guam Rule of Civil Procedure 4 and 7 GCA § 14106.</p>

Committee Note:

The revised rule reflects a request by attorneys representing Petitioners that the Marshal advise Petitioners when service has been accomplished.

The revised rule allows service by publication after personal service has been unsuccessful. In current practice, it is unclear how a Petition and Temporary Order of Protection may be served if personal service fails. Notably, the Committee makes no recommendation at this time to adopt electronic service.

VII. 2015 RULE 2.1.7 AND PROPOSED RULE 6

2015 VERSION	NEW VERSION
<p>MR 2.1.7. Standard of Review.</p> <p>(a) Burden of Proof.</p> <p>(1) The burden of proof is upon the Petitioner who seeks an Order of Protection to prove by a preponderance of the evidence the truth of the allegations stated in the petition.</p> <p>(2) Immediate and present danger to the Petitioner or minor child/ren shall constitute good cause for the issuance of a Temporary Order of Protection in an <i>ex parte</i> proceeding.</p> <p>(3) The Rules of Evidence do not apply to <i>ex parte</i> hearings for Temporary Orders of Protection; however, The Rules of Evidence are applicable to Permanent Orders of Protection.</p> <p>(b) Additional Evidence Required on <i>Ex Parte</i> Application.</p> <p>(1) A party seeking removal of another party from the family residence under MR 2.1.5(A)(2) on <i>ex parte</i> application must provide, to the satisfaction of the Court, proof of ownership of the family residence or leasehold.</p> <p>(2) A party seeking temporary custody of minor children of the parties under MR 2.1.5(A)(4) on <i>ex parte</i> application must provide proof, by a preponderance of the evidence, of immediate and present danger of abuse to the minor children.</p>	<p>POR 6 Burden of Proof.</p> <p>A) Petitioner must prove by a preponderance of the evidence the allegations stated in the Petition.</p> <p>B) The Guam Rules of Evidence do not apply to applications for or hearings for Temporary Orders of Protection; however, the Guam Rules of Evidence apply to hearings for Permanent Orders of Protection.</p>

Committee Note:

The Committee recommended eliminating language that is already present in the statute, such as the immediate and present danger standard contained in Rule 2.1.7(A)(2) Rule 2.1.7(b)(2).

Rule 2.1.7(B)(1) may conflict with 7 GCA § 40105, which does not require proof of ownership and, alternatively, recognizes parties may reside in jointly-leased property. When a Petitioner is seeking immediate protection and wishes to remain in the household safe from abuse, a court may not be able to sort out ownership issues at the initial stages of a case. Under these circumstances, requiring proof of ownership while a Petitioner is seeking immediate shelter may be unreasonable. The Committee recommended omitting this provision from the revised rule.

VIII. **2015 RULE 2.1.8 AND PROPOSED RULE 7**

2015 VERSION	NEW VERSION
<p>MR 2.1.8. Contempt. (a) Contempt.</p> <p>(1) Upon violation of an Order of Protection, or a court-approved consent agreement of the parties, the Court may hold the Respondent in contempt, as follows:</p> <p>(a) If the judge certifies that he or she saw or heard conduct constituting contempt and it was committed in the actual presence of the Court, and any person found guilty of such contempt may be punished summarily by a fine not exceeding \$25.00 or by imprisonment not exceeding five days or by both. The order of contempt shall recite the facts and shall be signed by the judge and entered of record.</p> <p>(b) Other than as provided by subsection (a), civil and criminal contempt shall be prosecuted on notice and a hearing. Any person found guilty of contempt, other than as provided by subsection (a), may be subject to the same penalty as a person found guilty of a petty misdemeanor, which is, a definite term set by the Court not to exceed sixty (60) days imprisonment and fine not to exceed \$500.</p>	<p>POR 7 Violations; Contempt Proceedings.</p> <p>A) Motion for Contempt. A motion seeking to hold a party in contempt must be filed contemporaneously with an affidavit detailing the factual basis for the motion for contempt.</p> <p>B) Contempt. Upon a preliminary finding that a violation may have occurred, the Court must issue an Order to Show Cause and schedule a hearing. Notice of the hearing must be provided to the responding party within a reasonable time.</p> <p>C) Contempt Hearing. To make a finding of contempt, the Court must conduct an evidentiary hearing and evaluate if a contempt has occurred by a preponderance of the evidence.</p> <p>D) Orders of Contempt. If the Court finds the Respondent in contempt, the Court may impose sanctions pursuant to 7 GCA §§ 34101(b), 40A106(f), or 40B106(e), as applicable.</p>

Committee Note:

Contempt relief is not uniform among the three types of protection orders, and the 2015 rule reflects the relief only for Family Violence cases.

The revised rule more clearly explains the process for seeking a contempt hearing—an area not discussed in the current rule.

IX. 2015 RULE 2.1.9 AND PROPOSED RULE 8

2015 VERSION	NEW VERSION
<p>MR 2.1.9. Firearms.</p> <p>(a) Surrender of Firearms and/or Ammunition.</p> <p>(1) The Court shall require a Respondent subject to an Order of Protection to immediately surrender all firearms and/or ammunition to the Marshals of the Court, or other law enforcement officers.</p> <p>(2) The Court may issue to the Marshals such search warrants as are necessary to effect the federal statute, the Gun Control Act of 1996, 18 U.S.C. § 922(g)(9). The Court may find probable cause determination based on the allegations contained in the Petition and Affidavit of the Petitioner, or evidence presented at hearing.</p> <p>(3) Any firearms and/or ammunition seized by the Marshals shall comply with Standard Operating Procedures of the Superior Court of Guam Marshals Division for the seizure, storage and return of all firearms and/or ammunition seized in all protection from abuse cases. Any firearm seized by any other law enforcement officer shall comply with that department’s standard operating procedure for the seizure, storage and return of all firearms and/or ammunition seized.</p> <p>(b) Federal Firearm Prohibition. An Order of Protection must meet the requirements to satisfy the requirements of a “Qualifying Protection Order” under the federal firearm prohibitions:</p> <p>(1) the Respondent must have received notice of the hearing,</p> <p>(2) the Respondent must have had an opportunity to participate in the hearing,</p> <p>(3) include a finding that the Respondent represents a credible threat to the physical safety of the Petitioner or child; or by its terms, explicitly prohibit the actual, attempted, or threatened use of physical force against the Petitioner or child.</p> <p>(c) Release of Firearms and/or Ammunition.</p> <p>(1) Any firearm and/or ammunition that has been surrendered pursuant to MR 2.1.9(A) shall not be released to a Respondent who is subject to an Order of Protection as set forth in MR 2.1.9(B), until the Respondent obtains a court order granting such release.</p>	<p>POR 8 Firearms; Surrender of Firearms and/or Ammunition.</p> <p>The Court may require a Respondent subject to any Order of Protection to immediately surrender all firearms and/or ammunition to the Marshals of the Court, or other law enforcement officers. Should firearms be seized, the Marshals shall keep an inventory of the seized items, have the Respondent fill out a Statement Re Firearms, Firearm Parts, Ammunition and Permit Registrations (Form 3), and file the Statement with the Court.</p>

2015 VERSION	NEW VERSION
<p>(2) The Respondent or other registered owner may request, by motion to the assigned judge, for the release of any firearm and/or ammunition surrendered pursuant to MR 2.1.9(A). Such motion shall be made after the expiration of the Order of Protection.</p> <p>(3) At the hearing, the judge shall consider the following:</p> <ul style="list-style-type: none"> (a) has the Order of Protection been extended or made permanent; (b) is the Respondent subject to any court order that precludes the ownership or possession of firearms and/or ammunition; (c) the ownership and registration status of the firearm and/or ammunition; (d) any other factor which, in the sound discretion of the court will justify the release or other disposition of the firearm(s) or ammunition, including but not limited to, the grounds for Respondent’s request for release, possible danger for the victim(s), and employment purposes. <p>(4) No firearm shall be released by any Judiciary Marshal pursuant to this rule unless the Respondent complies with the applicable statutes regarding registration, Chapter 60 of Title 10 of the GCA.</p> <p>(5) The Judiciary shall not be held liable for alleged damage or deterioration due to the storage, transportation of any firearm that was surrendered to the Marshals pursuant to MR 2.1.9(A).</p>	

Committee Note:

During the Committee’s review of these Rules, the United States Supreme Court issued *Rahimi v. United States*, 602 U.S. 680 (2024), upholding the constitutionality of 18 USC § 922(g)(8). Section 922(g) states that it is unlawful for a person to possess a firearm if he is subject to a court order for which the person had notice and an opportunity to participate, and the order restrains the person from harassing, stalking or threatening an intimate partner of such person or child of the intimate partner, or placing the person in reasonable fear of bodily injury. Additionally, there must be a finding that the person represents a credible threat to the physical safety of the intimate partner or child or explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner or child. Although the particular firearm restriction was upheld, the court continued to direct that Second Amendment challenges must be analyzed consistent with the nation’s “regulatory tradition” concerning firearms, as discussed in *New York State Rifle Ass’n v. Bruen*, 591 U.S. 1 (2022).

2015 VERSION	NEW VERSION
<p>Given the legal landscape involving firearms, portions of the 2015 rule were concerning to the Committee. For instance:</p> <ul style="list-style-type: none"> • MR 2.1.9(a)(2), which allows judges to issue search warrants, is not grounded in any statute. • M.R. 2.1.9(a)(3) references Marshal Standard Operating Procedures for seizing and storing firearms; those SOPs do not currently exist. • M.R. 2.1.9(b) relative to federal firearm prohibitions implicitly references 18 USC § 922(g), which concerns only intimate partner violence; however, the two new types of protection orders are not confined to just persons seeking protection from their intimate partners. • M.R. 2.1.9(c) requires Respondents to apply for release of the firearms. However, the Committee did not believe the burden was on the Respondent to obtain the firearms, and the expiration of a protection order should be enough cause for the Marshals to release them. <p>After review of <i>Rahimi</i> and these various issues, the Committee decided it was ideal to keep the rule simplistic. Judges should continue to utilize the governing statutes—7 GCA §§ 40A106 and 40B106—to determine if firearm confiscation is appropriate in a particular case. Lastly, challenges to the constitutionality of those and other applicable statutes should endure the <i>Rahimi/Bruen</i> analysis.</p> <p>Finally, the Committee created Form 3, which is filled out by the Respondent when firearms are being seized.</p>	

X. 2015 RULE 2.1.10 AND PROPOSED RULE 9

2015 VERSION	NEW VERSION
<p>MR 2.1.10. Enforcement of Orders of Protection.</p> <p>(a) Orders of Protection. Orders of Protection issued by the courts of Guam shall be certified by the Clerk of the Superior Court of Guam, and shall be accorded full faith and credit in all jurisdictions in the United States, including territories, tribes and commonwealths.</p> <p>(b) Foreign Orders of Protection.</p> <p>(1) A certified copy of an order for protection or restraining order issued in another state or jurisdiction may be filed with the Clerk of Court of the Superior Court of Guam. The Clerk of Court shall take the same action upon foreign orders as is taken with orders issued by a court of Guam.</p> <p>(2) Any valid protection order relating to abuse or domestic violence issued in another state, territory, tribe, or commonwealth of the United States, and filed with the Clerk of Court in accordance with subsection MR 2.1., shall be afforded full faith and credit by the courts of Guam and enforced as if issued by a court of Guam.</p> <p>(3) At the request of a court of another state, or of a person who is affected by or has a legitimate interest in a foreign order for protection, the Clerk of Court shall certify and forward a copy of the foreign order to the requesting party at no cost.</p>	<p>POR 9 Enforcement of Orders of Protection.</p> <p>A) Guam Orders of Protection. Orders of Protection issued by the courts of Guam must be certified by the Clerk of the Superior Court of Guam and must be accorded full faith and credit in all jurisdictions in the United States, including territories, tribes and commonwealths.</p> <p>B) Foreign Orders of Protection.</p> <p>1) A certified copy of an order for protection or restraining order issued in another state or jurisdiction may be filed with the Clerk of Court of the Superior Court of Guam. The Clerk of Court must take the same action upon foreign orders as is taken with orders issued by a court of Guam.</p> <p>2) Any valid protection order relating to abuse or domestic violence issued in another state, territory, tribe, or commonwealth of the United States, and filed with the Clerk of Court in accordance with subsection MR 2.1., must be afforded full faith and credit by the courts of Guam and enforced as if issued by a court of Guam.</p> <p>3) At the request of a court of another state, or of a person who is affected by or has a legitimate interest in a foreign order for protection, the Clerk of Court must certify and forward a copy of the foreign order to the requesting party at no cost.</p>

Committee Note:

No substantive changes.

XI. 2015 RULE 2.1.11 AND PROPOSED RULE 10

2015 VERSION	NEW VERSION
<p>MR 2.1.11. Protective Order Registry.</p> <p>(a) Registry. The Clerk of the Superior Court of Guam shall maintain a registry of all orders of protection and restraining orders which are:</p> <ul style="list-style-type: none"> (1) issued by the courts of Guam. Such orders shall be included in the registry within 24 hours after they are issued. (2) issued by a court in another state, territory, tribe, or commonwealth of the United States, which has been and filed with the Clerk of Court in accordance with Rule 2.1.10(B)(1). Such orders shall be included in the registry within 24 hours after a certified copy of the foreign order is filed with the Clerk of Court. <p>(b) Availability of Information. Upon request, the information contained in the registry shall be available at all times to a court, law enforcement agency, and other governmental agency.</p>	<p>POR 10 Protective Order Registry.</p> <p>A) Registry. The Clerk of the Superior Court of Guam must maintain a registry of all orders of protection and restraining orders which are:</p> <ul style="list-style-type: none"> 1) issued by the courts of Guam. Such orders must be included in the registry within 24 hours after they are issued. 2) issued by a court in another state, territory, tribe, or commonwealth of the United States, which has been and filed with the Clerk of Court in accordance with Rule 2.1.10(B)(1). Such orders must be included in the registry within 24 hours after a certified copy of the foreign order is filed with the Clerk of Court. <p>B) Availability of Information. Upon request, the information contained in the registry must be available at all times to a court, law enforcement agency, and other governmental agency.</p>

Committee Note:

No substantive changes.