



Preventive Law Series

Divorce in Guam

There are three basic types of divorce in Guam – Uncontested, Contested, and Default:

1. Uncontested Divorce: An uncontested divorce is available only when both parties agree on all the terms of the divorce, and are willing to sign all documents. Typically, the court will enter a final divorce decree four (4) to eight (8) weeks after all documents are properly filed at the courthouse.

If the parties have minor children, they may still be able to file as an uncontested divorce if they agree on child custody. Please note that the Guam Court’s Uncontested Divorce Form (link below) does not cover children, so you may have to work with a private, civilian attorney to draft the petition.

REQUIREMENTS:

a. **Residency:** For an uncontested divorce, a person is considered a resident if he or she has been physically residing in Guam for *seven (7) consecutive days*. Only one party must meet this residency requirement to file for divorce.

b. **Mutual Agreement:** Both parties must agree to all terms of the divorce. Guam, as a community property jurisdiction, considers all property to be equally shared between both spouses. You must agree on the division of everything you own and any debt you may have.

PROS: Easiest of the options, fast, and least expensive.

CONS: The terms of divorce must be unanimous. If both parties cannot agree on how to resolve all debts, custody, child support, and spousal support, etc., the court will not grant a consent divorce. Instead, the parties must file for a contested divorce.

PROCEDURE:

- **Complete Paperwork:** The Judiciary of Guam provides an uncontested divorce form located at <https://www.guamcourts.org/Forms/images/SRLUncontestedDivorce.pdf>. Guam refers to the parties as “Plaintiff” and “Defendant.”
- **Notarize:** The Defendant must sign the “Appearance & Waiver of Rights Under the Soldiers’ and Sailors’ Civil Relief Act” and both parties will need to sign the “Marital Settlement Agreement” in the presence of a notary.
- **Filing:** The completed forms must be filed in person with the Court Clerk at the Guam Superior Court, along with required filing fees (~\$380.00). The Clerk will confirm your copy and keep the original. The Clerk will assign a case file number and route the file for judgment assignment.
- **Decree or Appearance:**
 - The judge may sign the court documents without requiring any appearance. If so, the Court will return the documents, certified, with the Final Decree of Divorce.

- If the judge requires a hearing, the parties will be notified, via mail, of a Notice of Hearing. At the hearing, the Court may ask several questions and inform the parties on the status of the divorce.
- Until the judge signs the Final Decree of Divorce, the parties are not divorced.

2. Contested Divorce: A contested divorce is the appropriate route when the parties disagree on whether to get divorced, or disagree on the terms of the divorce, e.g., how to divide property, child custody or support. There must be “grounds,” or reasons, to file for a contested divorce.

REQUIREMENTS:

a. **Residency:** For a contested divorce, a person is considered a resident if he or she has resided in Guam for *ninety (90) consecutive days*. For service members, proof of assignment (e.g., official orders) to a command on Guam is sufficient. Only one spouse must meet this requirement to file.

b. **Grounds for Divorce:** The most commonly cited grounds for divorce is irreconcilable differences. Other grounds recognized in Guam include adultery; extreme cruelty (mental or physical abuse); willful desertion; willful neglect; alcohol abuse; or conviction of a felony.

PROS: A judge will neutrally and impartially decide all contested issues of the divorce.

CONS: Expensive, slow. Guam’s status as a community property jurisdiction will influence how the parties’ affairs are divided. Furthermore, the court will also be unable to decide on child custody if the children have not lived in Guam for the requisite period of time (usually six (6) months or more).

It is recommended you hire a civilian attorney to file. The Guam Bar Association’s list of attorneys is available at https://guambar.org/system/homes/directory_listing?pay_for=Attorney.

3. Default Divorce: A default divorce occurs when a party fail to respond to defend against a divorce.

REQUIREMENTS:

a. **Service:** The plaintiff must use his or her best effort to locate a spouse and serve them with the Summons and Complaint. If the opposing spouse lives in Guam, personal service is required. If the opposing spouse lives outside of Guam, service via publication or mail is required.

b. **Failure to Respond:** If the judge believes that best efforts were used to give the spouse notice and the spouse failed to respond, the judge may grant the divorce.

PROS: A party can obtain a divorce from an unresponsive spouse.

CONS: Courts in Guam are very reluctant to grant divorces unless the opposing spouse was actually contacted and provided an opportunity to be heard.

The Guam Legal Assistance Office is available to provide divorce and other civil law advice and to notarize completed documents for eligible patrons.

For personal legal advice, or to schedule a notary appointment, please contact Guam Legal Assistance at GuamLegalAssistance@us.navy.mil or 671-333-2061.