

LOCAL RULES OF THE SUPERIOR COURT OF GUAM

MISCELLANEOUS RULES¹

UPDATED THROUGH PROMULGATION ORDER NO. 06-006-30 (SEPT. 26, 2025)

¹ **SOURCE:** The Judicial Council on Nov. 28, 1989 adopted the Local Rules of the Superior Court of Guam which went into effect on May, 3, 1990 through legislative inaction. These rules were superseded when the Supreme Court of Guam through its authority under 48 U.S.C. §1424-1(a)(6) adopted new Local Rules of the Superior Court pursuant to Prom. Order No. PRM06-006-01 (May 3, 2007), revised and amended by Prom. Order. No. PRM06-006-02 (May 31, 2007) effective June 1, 2007 (General Rules, Civil Rules, and Miscellaneous Rules). Since 2007, any addition and/or amendment to a rule are reflected in the Source annotation for that rule.

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MISCELLANEOUS RULES

Effective June 1, 2007

2014 NOTE: Pursuant to the authority granted by 1 GCA § 1606, numbers and/or letters in these Miscellaneous Rules were altered to adhere to the Compiler's alpha-numeric scheme.

Indigent Defense

[Repealed]

Post Judgment Appearance and Violations

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Records Retention

- MR 6.1. Records Retention.

Relief from Disabilities

- MR 7.1. Relief from Disabilities.

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FORMS

Rules of Procedure and Forms are available on the Judiciary of Guam website at:
<https://www.guamcourts.gov/Rules-of-Procedure/Superior-Court-Rules-of-Procedure.html>.

MR 1.1. Appointment of Counsel for Indigent Defendants

[Repealed]

MR 1.4. Collection Court

MR 1.4. Notice of Conversion of Case to Collection Court Docket under 9 GCA § 80.56.

MR 1.4. Collection Order.

MR 2.1. Family Violence Orders of Protection

[Repealed]

See the Rules and Forms Governing Protection Order Cases.

MR 3.1. Video Conferencing

MR 3.1 Standard Operating Procedures for Video Conferencing Magistrate Hearing

MR 3.1 Flowchart

MR 3.1 Order of Conditional Release and Appearance Bond

MR 4.1. Court-Referred Mediation Rules

Model Standards for Conduct of Mediators. (Available on the American Arbitration Assn. website -
<https://www.adr.org/Mediation>)

MR 4.1 Form B1 Mediation Certification

MR 4.1 Form B2 Order for Mediation

MR 4.1 Form B3 Statement Requesting Relief from Order for Mediation

MR 4.1 Form B4 Order for Relief from Order for Mediation

MR 4.1 Form B5 Statement of Financial Indigence

MR 4.1 Form B6 Order Regarding Indigent Status

MR 4.1 Form B7 Order to Show Cause Regarding Failure to Mediate

MR 4.1 Form B8 Mediator's Statement

MR 4.1 Form B9 Stipulated Judgment Upon Mediation

MR 5.1. Small Claims

Small Claims Rules and Procedures and Small Claims Court Forms are available at:
<https://www.guamcourts.gov/Small-Claims-Court/Small-Claims-Court.html>

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**INDIGENT DEFENSE
[REPEALED]**

2025 NOTE: In light of the enactment of P.L. 38-048 (Aug. 18, 2025) and pursuant to Promulgation Order No. PRM06-006-30 (Sept. 26, 2025), the Local Rules of Court governing Indigent Defense were repealed and would have no effect after Sept. 30, 2025. Certain portions of former MR 1.1.4 and MR 1.1.5 relating to the appointment and compensation of court interpreters were promulgated as General Rule GR 12.1 by Prom. Order No. PRM06-006-30.

The Indigent Defense Rules that were valid through Sept. 30, 2025 may be viewed [here](#).

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POST JUDGMENT APPEARANCE AND VIOLATIONS

MR 1.2. Post Judgment Appearance and Violations.

(a) When an indigent defendant has been placed on probation as provided for in 9 GCA § 80.64, and a judgment of conviction, or an order on deferred plea has been docketed by the Clerk of Court, or defendant is released pursuant to a suspended sentence, right to indigent counsel and representation shall automatically terminate on entry of the judgment (including the amount of restitution, if any), and counsel shall not be required to appear at post judgment hearings, unless a summons or warrant is noticed as provided for herein.

(b) During the period of defendant's probation, if the Probation Division of the Superior Court determines that it appears a defendant has violated a condition of his probation, release or suspended sentence, the Violation Report, including a Declaration of the probation officer describing the nature of the alleged violation, and the facts in support of the probable cause determination of the alleged violation, shall be filed with the Court. Probation may submit a proposed warrant directly to the Court with the Report and Declaration in extreme circumstances. A copy of the Violation Report, together with a proposed unsigned Summons on Violation, shall be served on the Attorney General's Office Prosecution Division.

(c) The Prosecution Division of the Attorney General's Office will decide on the basis of the filed report whether there are grounds to proceed to revoke conditions of probation or release, and/or recommend immediate imposition of defendant's suspended sentence. If the Attorney General declines to act on the Report of Violation, no hearing will be set unless otherwise ordered by the court under 9 GCA § 80.66(a)(1).

(d) If the Attorney General elects to proceed on the Report of Violation, the Attorney General shall submit the Summons on Violation to the court indicating that the Attorney General wishes to proceed with a violation hearing. On the submission of the unsigned Summons on Violation, the Court shall set the matter for a violation hearing pursuant to 9 GCA § 80.66 for the appearance of the defendant at hearing. The filing of the Summons or Warrant tolls the period of probation (9 GCA § 80.66). Copies of the Summons or Warrant shall be served on prior counsel of record.

(e) If counsel for an indigent defendant has been relieved as counsel pursuant to the provisions of Rule 1.2(A), then if the court issues a summons or warrant, indigent counsel shall be re-appointed to represent the defendant for purposes of assistance at the violation hearing. Appointment shall cease upon resolution of the violation unless otherwise ordered.

SOURCE: Adopted pursuant to Promulgation Order No. PRM06-006-09, Mar. 19, 2010.

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CALENDARING BY JUDGES

MR 1.3. Calendaring by Judges.

Superior Court Judges are encouraged to arrange their criminal calendars with the following principle in mind: Judges are asked to designate particular days on which different criminal proceedings will be called. For example, arraignments, trial settings, guilty pleas, violation hearings, and discovery motions can all be scheduled for different days.

SOURCE: Adopted pursuant to Promulgation Order No. PRM06-006-09, Mar. 19, 2010.

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COLLECTION COURT

MR 1.4. Collection Court – Pilot Program.

In an effort to minimize the time and judicial resources dedicated to post-judgment fine and restitution issues in criminal cases, the following Post-Judgment Collection Court Procedure pursuant to 9 GCA § 80.56 shall be implemented for one year as a pilot program:

(a) Opening of Collection Court Case. Pursuant to 9 GCA § 80.56(c), when a criminal defendant's probation expires, the unpaid balance of any fine or restitution shall give rise to a related criminal-collections case to be opened by the Clerk of Court. A case removing unpaid fines or restitution from the underlying criminal case to an ancillary criminal-collections case shall be given a new enumeration by the Clerk of Court in the manner of: "RS 0 - ." This will indicate that it is a criminal case with unresolved fine or restitution issues that has been converted to an uncollected criminal-collections case. The Clerk of Court is authorized to open this new ancillary case without filing fees. The Clerk of Court shall open such case at any time that he is notified either by the Judge or by a representative of the Probation Services Division that a fine or restitution remains unpaid and the case is within 90 days of expiration of probation. Such notification shall be provided in the form attached to this Rule as "Form 1: Notification of Conversion of case to Collection Court Docket under 9 GCA § 80.56." Within 90 days of receipt of "Notification of Conversion to Collection Court" and before the expiration of defendant's probation, the judge shall direct defendant to attend Criminal-Collection Court in an order which the defendant is ordered to pay a certain dollar amount toward the total fines, restitution or costs each month. The due date shall be set for the first of each month. The Criminal-Collection-Court Order will include a list of court dates the defendant must appear for if the defendant's payments become delinquent. The Order shall also contain guidelines within to which the defendant must adhere. The defendant must read and acknowledge receipt of the Order in writing before leaving the courtroom. The Order may be in the form of a Stipulated Order and Judgment.

(b) Assignment to Magistrate Judge and Representation of Parties. All cases opened under this new docket known as the "RS Docket" shall be assigned to the Superior Court of Guam Magistrate pursuant to 7 GCA § 4401(c)(4), authorizing a Superior Court Magistrate to hear "post judgment civil matters relating to the execution of judgment . . .". Cases in the "RS Docket" shall be calendared by the Clerk of Court on the calendar of the Magistrate Judge, who may schedule them at any time deemed suitable by the Magistrate or his staff.

(c) Procedure of Collection Court.

(1) If a defendant is delinquent, the defendant must appear for court to explain to the Magistrate why he or she is unable to make the payments in a timely manner. The Assistant Attorney General may discuss the case with the defendant, and try to work out a better plan. The Magistrate may consider options to avoid the defendant's further delinquency but nonetheless shall order the defendant to meet his or her obligation.

(2) If the defendant does not appear in court, the Magistrate will either reset to the next Collection Court date or issue a summons or a recommendation for a warrant of arrest under Administrative Rule 10-001 and assess court costs or fees accordingly. When a warrant of arrest is issued, the court shall set cash bail in an amount equal to the balance due or \$250.00, whichever is less.

SOURCE: Adopted pursuant to Promulgation Order No. PRM06-006-09, Mar. 19, 2010.

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**FAMILY VIOLENCE ORDERS OF PROTECTION
[REPEALED]**

2025 NOTE: Pursuant to Promulgation Order No. PRM25-002-01 (Sept. 17, 2025), the Local Rules of Court for Family Violence Orders of Protection were repealed, and replaced with the Rules Governing Protection Order Cases. The following revised forms were adopted: Form 1 (Petition for Order of Protection), Form 3 (Respondent's Inventory of Firearms, Firearms Parts, Ammunition, and Permits/Registrations), and Notification to Respondent. The following forms were not substantively changed and were renumbered: Form 2 (Marshals Service Information Form, formerly Form A2), Form 4 (Motion to Dismiss, Extend or Modify, formerly Form C), Form 5 (Motion and Affidavit and OSC for Contempt for Violating an Order of Protection, formerly Form D).

The Family Violence Orders of Protection Rules that were valid through Sept. 16, 2025 may be viewed here.

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VIDEO CONFERENCING

SOURCE: Adopted as Interim Rule 15 by Sup. Ct. Prom. Order No. 06-004 for 30 days (Mar. 31, 2006), extended a minimum of 30 days by Sup. Ct. Prom. Order No. 06-004-1 (Aug. 9, 2006), adopted as Rule 15 by Sup. Ct. Prom. Order No. 06-004-2 (Oct. 13, 2006), effective immediately. Adopted as Miscellaneous Rule (“MR”) 3.1 of the Local Rules of the Superior Court by Sup. Ct. Prom. Order No. 06-006-01 (May 3, 2007). Amended by Sup. Ct. Prom Order No. 06-004-03 (Feb. 27, 2015), effective Mar. 2, 2015.

MR 3.1. Video Conferencing.

(a) Video Conferencing in Certain Adult Criminal Proceedings.

(1) The trial court may, except as provided in section (3), use video conferencing technology in the following proceedings:

- (A) First appearances as defined by 8 GCA § 45.30;
- (B) Arraignments as defined by 8 GCA § 60.10;
- (C) Bail determination hearings as defined by 8 GCA §§ 40.10, .50;
- (D) Pretrial conferences as defined by 8 GCA § 80.10;
- (E) Criminal trial settings; and
- (F) Other pretrial motion hearings as defined by 8 GCA § 65.20.

(2) A record of any proceeding conducted by video conference shall be made in the same manner as all such similar proceedings not conducted by video conference. However, the court may, upon its own motion or motion of a party, record a proceeding with an audio visual recording system.

The courtroom shall be accessible to the public to the same extent as such proceedings would be if not conducted by video conference.

(3) The trial court may order the personal appearance of a defendant in court for a proceeding governed by section (1) upon a finding of good cause.

(b) Video Conferencing in Certain Juvenile Proceedings.

(1) The Family Court may, except as provided in section (3), use video conferencing technology in the following proceedings:

- (A) Preliminary hearings pursuant to Guam Fam. Ct. R. 23;
- (B) Answers as defined by Guam Fam. Ct. R. 10; and
- (C) Other prehearing motions.

(2) A record of any proceeding conducted by video conference shall be made in the same manner as all such similar proceedings not conducted by video conference. However, the court may, upon its own motion or motion of a party, record a proceeding with an audio visual recording system.

Pursuant to 19 GCA § 5112(a), the general public shall be excluded from hearings. The Family Court, however, may admit persons it finds have a direct interest in the case or in the work of the court into the courtroom.

(3) The Family Court may order the personal appearance of a juvenile in court for a proceeding governed by section (1) upon a finding of good cause.

(c) Video Conferencing Standards.

- (1) All participants must be able to see, hear and communicate with each other simultaneously.

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(2) All participants must be able to see, hear and otherwise observe any physical evidence or exhibits presented during the proceeding either by video, PDF, facsimile, or other method.

(3) Video quality must be adequate to allow participants to observe each other's demeanor and nonverbal communications.

(4) Each location must provide parties with a means of communicating fully and confidentially with counsel.

(5) In interpreted proceedings, the court may order that the interpreter be available to interpret when necessary subject to Guam Super. Ct. R.GR 12.1.

(6) Equipment for the immediate transmission of documents or papers, including but not limited to facsimile equipment and computers, must be made available.

(d) Standard Operating Procedures. The Subcommittee on the Proposed Rules and Procedures for Video Conferencing shall develop a set of Standard Operating Procedures necessary to implement the use of video conferencing technology in proceedings authorized by this rule. The Subcommittee, or other authorized body, may update and amend the Standard Operating Procedures as may be required.

2025 NOTE: Reference in subsection (c)(5) to MR 1.1.4 replaced with GR 1.12 pursuant to Promulgation Order No. PRM 06-006-030 (Sept. 26, 2025), which repealed MR 1.1-1.1.5 and adopted GR 12.1.

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COURT-REFERRED MEDIATION RULES

SOURCE: Adopted as Interim Rule 16 of the Rules of the Superior Court of Guam by Promulgation Order No. 06-005-01 (July 20, 2006), extended and amended by Promulgation Order No. 06-005-02 (Jan. 19, 2007), Promulgation Order No. 06-005-03 (Jul 5, 2007), Promulgation Order No. 06-005-04 (Dec 23, 2013), Promulgation Order No. 06-005-05 (Dec 26, 2013). Adopted as Permanent Court-Referred Mediation Rules by Promulgation Order No. 06-005-06 (May 21, 2014).

MR 4.1. Title.

These rules shall be referred to as the Superior Court of Guam’s Court-Referred Mediation Rules.

MR 4.1.1. Purpose.

The Judiciary of Guam desires to encourage the prompt and equitable resolution of disputes, to reduce financial and emotional burdens of lengthy litigation, to promote restorative justice and peer mediation, and to resolve cases within recommended judicial time standards and these Rules support these principles.

MR 4.1.2. Scope and Application.

These Rules apply to all parties involved in non-criminal cases and have limited application in juvenile proceedings.

MR 4.1.3. Definitions.

(a) “Mediation” means a process in which a neutral person or organization facilitates communication between the disputants to assist in reaching a mutually acceptable agreement.

(b) “Mediation costs” include the following, unless otherwise ordered or agreed between the parties to the mediation:

- (1) A reasonable fee to be paid to the mediator or mediators;
- (2) The travel and other reasonable expenses of the mediator or mediators;
- (3) The travel and other reasonable expenses of witnesses requested by the mediator or mediators with the consent of the parties;
- (4) The cost of any expert advice requested by the mediation or mediators with the consent of the parties; and
- (5) The costs of any court or other institution’s administration of the mediation.

MR 4.1.4. Mediation Costs and Fees.

(a) Mediation should be accessible to all parties. Except for peer mediation, restorative justice, or court-ordered mediation in matters involving custody and visitation, mediation costs and fees shall be paid by the parties in equal proportions unless otherwise agreed to with the mediation service provider and parties. No party may offer or give a Mediator any gift without the consent of all the parties. A party may request the judge to be granted financial accommodation due to indigence as provided for below.

(b) Any and all fees charged by the mediator shall be in accordance with a fee structure approved by the Chief Justice and made a part of the service provider agreement entered into between the Judiciary of Guam and the mediation service provider. Compensation shall be paid directly to the mediation service provider or as otherwise directed by the mediation service provider. Failure of a party to make payments due may result, upon motion or application, in the issuance of an order to pay, and imposition of sanctions. The Judiciary of Guam shall not be responsible for the collection or payment of any mediation fees or costs.

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MR 4.1.5. Case Management Review for Mediation.

At any time after a case is filed, parties may agree by stipulation or the assigned judge may initiate mediation. The assigned judge may undertake a case management review for mediation at any time, in the discretion of the assigned judge including but not limited to, after the filing of last responsive pleading, at the scheduling conference, on the discovery deadline, and/or at the first pretrial conference.

MR 4.1.6. Attorney Certification.

Prior to the filing under CVR 16.1 of a Proposed Scheduling Order and a Proposed Discovery Plan, and no later than seventy-five (75) days after filing of the initial complaint, the attorneys are required to file a written certification regarding mediation, using Form B1.

MR 4.1.7. Parties' Duty to Confer and Report.

The parties shall meet and confer about whether they might benefit from mediation services, and the most appropriate time for mediation to be conducted. In every Proposed Scheduling Order and Proposed Discovery Plan parties must report their shared or separate views about the possible benefits of mediation in the particular case, and when mediation should occur.

MR 4.1.8. Mediation Referral Procedures.

The following procedures govern referral of a case to mediation services:

(a) Judicial Referral. All judges should conduct regular review of their case dockets for mediation referral. Consideration should include factors such as the age of the case, subject matter, the amount in controversy, the complexity of issues, the number of parties, prior referrals, and the likelihood of settlement. Prior to referral, the assigned judge may discuss with the parties the prospects for settlement of the case through mediation services.

(b) Stipulation of Parties. The parties may agree to engage in mediation by stipulation requesting the assigned judge to issue an Order of Mediation to an appropriate mediation service provider selected by the parties, or as determined appropriate by the assigned judge.

MR 4.1.9. Order for Mediation.

(a) An Order for Mediation, using Form B2, shall be issued requiring the parties to commence mediation promptly, appointing a designated mediation service provider, and ordering the parties to contact the mediation service provider promptly.

(b) Designated Mediation Service Provider. An Order for Mediation shall refer the parties to a mediation service provider approved by the Chief Justice of the Supreme Court of Guam, unless the parties agree by stipulation to mediation not covered by these rules.

(c) Stay of Proceedings. A stay of all proceedings, a portion of the proceedings or of discovery may be ordered when the assigned judge determines a stay would be beneficial, otherwise no stay should be entered while a case is in mediation. All applicable limitation periods, including periods of prescription, shall be tolled or extended upon commencement of mediation, and shall remain tolled until the tenth (10th) day following the termination of mediation.

(d) Contact Information Required. The Order for Mediation shall include the name, address and telephone number of the mediation services provider designated by the assigned judge to conduct mediation in the case. It shall also include the names and contact information of the attorneys or self-represented litigants participating in mediation.

(e) Hearing on Status of Mediation. The Order for Mediation shall provide for a hearing on the status of mediation services within sixty (60) days of the date the order is issued. The hearing may be continued where the parties have agreed to extend mediation services as herein provided.

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MR 4.1.10. Relief from Judicially Referred Mediation.

(a) When an assigned judge has referred a case to mediation absent a stipulation of the parties, a party may file a “Statement Requesting Relief from Order for Mediation” using Form B3, seeking return of the case to the assigned judge’s regular docket.

(b) The Statement must be filed within ten (10) calendar days of the date of filing the Order for Mediation, and must provide the reason(s), supported by relevant facts, why the party believes the case is not then appropriate for mediation.

(c) If the assigned judge agrees that the case should be removed from mediation an Order For Relief From Mediation shall issue using Form B4 within 15 days of the filing of the Form B3 Statement Requesting Relief from Order for Mediation. The assigned judge may hold a hearing on the issue at his or her discretion. Absent such an order, the case shall remain in mediation. Unless and until an order removing a case from mediation is filed, the mediation process shall continue notwithstanding the filing of the Statement Requesting Relief from Order for Mediation.

MR 4.1.11. Financial Accommodation for Indigent Parties.

(a) The Judiciary recognizes that certain parties may not have the financial resources to pay for the costs and fees of mediation and does not want financial considerations alone to prevent parties from participating in court referred mediation. Therefore the Judiciary will permit parties to request indigent status.

(b) A party requesting indigent status shall file a Statement of Financial Indigence using Form B5 no later than five (5) business days after filing of the Order for Mediation.

(c) No party shall qualify for indigent status if represented by an attorney, except for pro bono or non-profit legal service representation for which the party pays no attorney fees. Financial qualification for indigent status shall be based on the same financial guidelines for eligibility for indigent representation in criminal cases in the Superior Court of Guam.

(d) The assigned Judge shall make a determination on a party’s indigent status request, within ten (10) calendar days of the request, using Form B6.

(e) If indigent status is approved, the judge shall refer the indigent party to an appropriate mediation service provider, issuing an amended Order for Mediation using Form B2, where financial accommodations are available.

MR 4.1.12. Sanctions for Nonappearance of Party at Scheduled Session.

A party who fails to appear at mediation without good cause may be subject to contempt and sanctions upon the issuance of an Order to Show Cause by the judge assigned to the case using Form B7. Sanctions may be imposed on attorneys or parties and may include payment of mediation costs and fees incurred for the scheduled mediation session(s), as well as other costs and fees, including attorney’s fees, of the party appearing for the scheduled session(s).

MR 4.1.13. Conduct of Mediation.

(a) Mediation is deemed to have commenced upon the filing of the Form B2 Order for Mediation.

(b) Scheduling Pre-Mediation Conference. The parties, and the attorneys primarily responsible for the litigation, shall promptly, after receiving an Order for Mediation, contact the designated mediation service provider to schedule a pre-mediation conference/teleconference with the mediator, at which all parties or their counsel must participate, to establish the date, time and place for mediation, the procedures to be followed in mediation, and the names of all persons who will be attending mediation sessions.

(c) Mediation Statements. Counsel should be prepared to discuss the following:

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(1) Identity, by name and title or status of:

(A) Person(s) with decision making authority, who, in addition to counsel, will attend the mediation as representative(s) of the party; and

(B) Person(s) connected with a party opponent whose presence might substantially improve the utility of the mediation or the prospects for settlement;

(2) Brief description of the substance of the suit, addressing the party's views of the key liability issues and damages and discussing the key evidence;

(3) Identify the discovery or motions that promise to contribute most to equipping the parties for meaningful settlement negotiations;

(4) Except to the extent prohibited by applicable laws of privilege, describe the history and current status of any settlement negotiations;

(5) Provide additional information about any needs, interests or other considerations not described elsewhere in the statement that might be pertinent to settlement; and

(6) Include copies of documents likely to make the mediation more productive or to materially advance settlement prospects.

SOURCE: U.S. Dist. Ct. Northern Dist. of Calif. ADR Local Rule 6-7.

MR 4.1.14. Confidentiality.

(a) Notwithstanding Guam Rule of Evidence 504.2, no information used or discussed in mediation shall be communicated to the assigned judge, unless expressly consented to by all parties. No writing of the mediator, except the Mediator's Statement as required by the Court to be filed, shall be disclosed to the parties, the public, or anyone other than the mediator, unless all parties consent to the disclosure. All information disclosed, admissions of the parties, and documents produced in mediation shall be inadmissible and protected from disclosure at all times before, during, or after mediation, except as permitted by law or these Rules.

(b) A mediator has the duty to disclose to the proper authorities information obtained in mediation which the mediator reasonably believes will prevent a participant from committing a criminal or illegal act likely to result in death or serious bodily injury. No mediator may be required to participate in any subsequent hearing or trial of the mediated matter or appear as a witness or counsel for any person in the same or related matter.

MR 4.1.15. Evidence Admissible.

Evidence which is admissible or subject to discovery outside mediation shall not become inadmissible or protected from disclosure solely by reason of its use in mediation.

MR 4.1.16. Evidence Not Admissible.

Evidence which is inadmissible or not otherwise subject to discovery outside of mediation which is disclosed during mediation proceedings, or any admission made by the parties or document produced in the course of mediation, shall not become admissible in evidence at a later trial in the case, nor can any disclosure therein made be compelled in any civil or criminal action, except upon consent of all the parties.

MR 4.1.17. Stipulated Extension of Mediation – Limited.

In the event the parties are unable to commence mediation or reach any agreement within sixty (60) calendar days of the filing of the Order for Mediation, the parties may agree that continued mediation is appropriate. The parties may stipulate to successive mediation to be commenced within ninety (90) calendar days of the filing of the Order for Mediation without further approval of the assigned judge. Notice of any such successive mediation shall be promptly provided to the assigned judge through the Mediation Service

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Provider's filing of a Mediator's Statement, using Form B8. No further extensions of mediation are permitted without approval of the assigned judge.

MR 4.1.18. Termination or Conclusion of Mediation Services.

Mediation may be terminated or concluded at any time as follows:

- (a) A written declaration by the mediator that mediation efforts are not currently justified;
- (b) A written declaration by all the parties that mediation is terminated by mutual agreement of all the parties, or terminated as to particular parties; or
- (c) Signing of a mediation settlement agreement by all parties to that agreement.

MR 4.1.19. Mediator's Statement.

Within ten (10) calendar days of the completion of mediation services, or termination of mediation by all the parties, Form B8 -- Mediator's Statement shall be filed with the Court by the Mediation Services Provider advising the assigned judge of the outcome of the mediation.

MR 4.1.20. Stipulated Judgment Upon Mediation – Enforcement.

The parties may submit, and the assigned judge may enter, a Stipulated Judgment Upon Mediation, using Form B9, and which thereafter may be enforced as any Superior Court of Guam judgment may be enforced.

MR 4.1.21. Qualification of Mediators.

The Chief Justice of the Guam Supreme Court shall approve all mediators who are engaged by mediation service providers at the time the Judiciary enters into an agreement with the mediation service provider. Mediation service providers who are engaged at the time of the adoption of these Rules are deemed approved. All mediators engaged by an approved mediation service provider shall be deemed approved by the Chief Justice. Additional qualification, training and experience may be required of mediators from time to time by the Supreme Court. In the absence of training qualifications it shall be the duty and responsibility of the mediation service provider to exercise all proper due diligence to ensure the qualifications of all mediators it engages.

MR 4.1.22. Standards of Conduct for Mediators.

The ethical standards applicable to mediation service providers, and mediators, shall be the 2005 Model Standards of Conduct for Mediators. Attached as Appendix A.

MR 4.1.23. Data Collection Requirements.

The Clerk of Court shall collect all data pertaining to all Orders for Mediation, and Mediator's Statements, and shall report to the Chief Justice within a reasonable time following the end of each calendar year regarding mediation services within the Superior Court of Guam during the prior year.

MR 4.1.24. Judicial Time Standards Tolerated.

The aging of a case referred to mediation shall be tolled for case age time standard purposes until such time as mediation ends. Tolling commences from date of the issuance of the Order for Mediation and ends when the assigned judge determines mediation has concluded or terminated.

MR 4.1.25. Juvenile Proceedings.

(a) These rules do not strictly apply to juvenile special proceedings including, but not limited to, PINS, beyond control, truancy, guardianship, and delinquency cases. Judges may exercise discretion and order mediation in such proceedings.

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(b) These rules do not strictly apply to juvenile delinquency proceedings. Judges may exercise discretion and order mediation, peer mediation, or restorative justice in juvenile delinquency proceedings.

(c) For juvenile proceedings, the judge may refer such cases to appropriate government or non-government programs or to the mediators approved by the Chief Justice.

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SMALL CLAIMS

MR 5.1. Small Claim Rules and Procedures.

These rules and procedures shall be known and may be cited as “The Small Claims Rules and Procedures.”

NOTE: Formerly Rule 92 of the Guam Rules of Civil Procedure. Adopted and made part of the Miscellaneous Rules of the Local Rules of the Superior Court of Guam by Supreme Court Promulgation Order Nos. 06-006-02 and 10. Except where otherwise indicated, these rules were approved and adopted by the Judicial Council on May 19, 1999 and effective June 1, 1999.

MR 5.1.1. Authority to Waive Compliance.

The Small Claims judge or referee has the authority to waive compliance with the Small Claims Rules and Procedures in order to effectuate substantial justice between the parties.

MR 5.1.2. Small Claims Division.

A Small Claims Division is created within the Superior Court of Guam pursuant 48 U.S.C. § 1424(a)(2) and Guam Public Law 20-028 (June 13, 1989).

MR 5.1.3. Definitions.

Unless the context indicates otherwise:

(a) “Plaintiff” means the party who has filed a Small Claims action; the term includes a defendant who has filed a claim against a plaintiff.

(b) “Defendant” means the party against whom the plaintiff has filed a Small Claims action; the term includes a plaintiff against whom a defendant has filed a claim.

(c) “Judgment Creditor” means the party, whether plaintiff or defendant, in whose favor a money judgment has been rendered.

(d) “Judgment Debtor” means the party, whether plaintiff or defendant, against whom a money judgment has been rendered.

(e) “Person” means an individual, corporation, partnership, limited liability company, firm, association, or other entity.

(f) “Individual” means a natural person.

(g) “Party” means a plaintiff or defendant.

(h) “Motion” means a party’s written or oral request to the court for an order or other action; the term includes an informal written request to the court, such as a letter.

(i) “Declaration” means a written statement signed by an individual which includes the date and place of signing, and a statement under penalty of perjury that its contents are true and correct.

(j) “Good cause” means circumstances sufficient to justify the requested order or other action, as determined by the judge or referee.

(k) “Mail” means first-class mail with postage fully prepaid, unless stated otherwise.

MR 5.1.4. Jurisdiction.

Any person having a claim of ten thousand (\$10,000.00) dollars or less may apply for relief through the Small Claims Division. Counterclaims or cross-claims may also be filed for up to ten thousand (\$10,000.00) dollars. If a bona-fide counterclaim or cross-claim is in excess of ten thousand (\$10,000.00) dollars, the matter shall be handled as a regular civil or other case. Any person having a claim against him

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or her for more than five thousand (\$5,000.00) dollars may make a timely application to the court for transfer of the matter out of the Small Claims Division to be handled as a regular civil or other case within the Superior Court of Guam, which motion, if timely made, shall be granted as a matter of right.

MR 5.1.5. No Right to a Jury Trial.

Parties who file their case in the Small Claims Division or who appeal their case are not entitled to a jury trial.

MR 5.1.6. Removal.

Any person against whom a claim is filed in the Small Claims Division may apply to the Court for transfer of the matter out of the Small Claims Division to the Superior Court of Guam to be handled as a regular civil or other case. The court may grant such a motion only upon a showing of significant prejudice for the applicant if the matter continues in the Small Claims Division, or a clear showing by the applicant that the Small Claims Division is an inappropriate forum. The court may consider the costs of pursuing a regular case and availability of attorneys who might handle the matter as some of the deciding factors. Such motion for discretionary transfer shall be disfavored, and shall be granted only in exceptional cases.

MR 5.1.7. Court Sessions; Schedules.

Sessions of the Small Claims Court may be scheduled at any time and on any day, including Saturdays, but excluding other Government of Guam holidays. They may also be scheduled at any public building within Guam, including places outside the courthouse.

MR 5.1.8. Filing Fees.

(a) The filing fee for filing a complaint or counterclaim or cross-claim in Small Claims cases shall be one (1%) percent of the amount claimed for the first one thousand (\$1,000.00) dollars and two (2%) percent for all amounts thereafter, provided, that the total filing fee does not exceed the cost of filing a civil case in the Superior Court of Guam.

(b) If the case is removed from the Small Claims Division to the Superior Court, the party requesting removal shall pay the filing fee for a civil case filed at Superior Court.

2024 NOTE: Subsection designations added by the Compiler.

MR 5.1.9. Attorneys.

(a) Pro Se. Parties filing or defending a claim in the Small Claims Division need not hire an attorney and are encouraged to appear on their own behalf. However, if one party is represented by an attorney then the other party shall be given an opportunity to obtain an attorney. The court shall have the discretion to set time limitations for a party to hire an attorney. The parties shall have the right to offer evidence in their behalf by witnesses. The court may also informally make any investigation of the controversy between the parties. The court may give judgment and make such orders as to time of payment or otherwise as may, by him, be deemed to be right and just and, in an action against several defendants, may, in his discretion, give judgment against one or more of them, leaving the action to proceed against the others, whenever a separate judgment is proper.

(b) Attorney's Fees. No attorney's fee may be awarded in Small Claims cases unless expressly authorized by statute or in contract cases as stated in the contract, and only at the discretion of the court.

(c) Representation by Persons who are not Attorney's. Representation by persons who are not attorney's will be subject to the following provisions:

(1) A bona fide full time employee, officer or director of a corporation may represent such corporation in Small Claims court.

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(2) Persons who are not attorneys and are not subject to subsection (1) above shall not represent or advise any other person in Small Claims court.

(3) No claim shall be filed or presented by the assignee of such claim, unless the assignee is an attorney admitted to practice law in Guam and the assignor is not a resident of Guam.

MR 5.1.10. Referee.

(a) Appointments. Small Claims cases may be heard by any Judge of the Superior Court of Guam, a magistrate appointed under 7 GCA § 4401 or the Chief Justice may appoint one or more Small Claims Referees from among members of the Guam Bar Association, to hear Small Claims cases pursuant to court rules, who shall have the power of a Superior Court Judge in respect to such Small Claims matters. Such appointments shall be for six months or less. Incumbent Referees may be reappointed by the Chief Justice for additional terms of six months or less. Referees may be disqualified from hearing a matter in the same manner as a Judge of the Superior Court may be disqualified.

As used in this Rule, Referees may be referred to as “Judge” or “Judicial Officer”.

(b) Civil Liability of Small Claims Referees. No referee shall be liable in a civil action for damages by reason of any judicial action or judgment rendered by him or her.

(c) Contempt Powers of Small Claims Referees. Pursuant to 7 GCA, § 7119, Small Claims Referees are judicial officers whose powers include, but are not limited to, the powers as stated in 7 GCA, § 7111, and powers of contempt as stated in 7 GCA, § 7112.

(d) Injunctions: What is, and Who May Grant it. An injunction is a writ or order requiring a person to refrain from a particular act. It may be granted by the court in which the action is brought, by a judge, or by a Small Claims Referee thereof, and when granted by a judge or Small Claims Referee it may be enforced as an order of the court. The provisions in Title 7 relating to injunctions and the procedures in CVR 65 of the Guam Rules of Civil Procedure apply to the Small Claims Division.

MR 5.1.11. Law Clerks Authorized.

The Small Claims Division may use law clerks to assist the court with legal research of Small Claims cases.

MR 5.1.12. Ex Parte Applications Before Small Claims Referee.

All applications for ex parte orders may be heard in open court at a time to be prescribed by the judge or referee. Such applications shall be accompanied by a declaration containing the following:

(a) Name of the opposing party and their counsel, if any;

(b) That good faith effort has been made to advise the opposing party or their counsel, of the date, time, place and substance of the ex parte application, or there as on supporting the claim that notice should not be required;

(c) Who opposes the application;

(d) Which party or counsel expresses an intention to be present at the time the application will be presented to the court.

This rule does not apply to an application for an alternative writ of mandate, prohibition or review, or a subpoena.

MR 5.1.13. Ex Parte Communications.

(a) No one shall directly or indirectly communicate with a Judge, Referee or Judicial Officer, the Judge’s chamber personnel (including law clerks), the Clerk of Court, or the Clerk’s Deputies and Assistants about any matter pending with the court except:

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- (1) In open court; or
- (2) With the consent of all other parties or their counsel in such matters; or
- (3) In the presence of all other parties or their counsel in such matters; or
- (4) By means of motions, or other papers provided for or allowed by rule or law.

(b) Nothing in this Rule shall prevent the Clerk of Court from entertaining questions or complaints.

(c) The practice of writing a letter to a judge or judicial officer (even when the opposing party or their counsel receives copies of such letter) is expressly prohibited.

2025 NOTE: Subsection designations modified pursuant to the authority of 1 GCA § 1606.

MR 5.1.14. Court Records.

The Clerk shall establish and maintain a Small Claims Division docket and enter herein:

- (a) The title of every action;
- (b) The sum of money claimed;
- (c) The date of issuance of the summons;
- (d) The judgment of the Court and when required;
- (e) The date of receipt of a motion for a new trial, if any be filed, and the payment of the fee.

MR 5.1.15. Docketing Statement.

No complaint or declaration is acceptable for filing unless accompanied by a properly executed docketing statement. The Clerk of Court shall prescribe the form of the docketing statement and shall make such forms available.

MR 5.1.16. Commencement of Action; Forms; Necessary Information.

(a) A plaintiff may commence a Small Claims action by filing a complaint or declaration under oath with the Small Claims court. The plaintiff must submit enough copies of the complaint or declaration for the following: the court, the plaintiff, and each named defendant.

(b) The complaint or declaration shall be a simple nontechnical form approved by the Judicial Council. The complaint or declaration shall set forth

- (1) the name and address of the defendant, if known;
- (2) the amount and basis of the claim;
- (3) that the plaintiff, where possible has demanded payment and, in applicable cases, possession of the property;
- (4) that the defendant failed or refused to pay, and, where applicable, has refused to surrender the property; and
- (5) that the plaintiff understands that the judgment on his or her claim will be conclusive and without a right of appeal.

(c) The form and accompanying instructions shall include information that the plaintiff

- (1) need not be represented by an attorney,
- (2) has no right of appeal on his or her claim, and

(3) may ask the court to waive fees for filing and serving the claim on the grounds that the plaintiff is unable to pay them, using the forms approved by the Judicial Council for that purpose.

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MR 5.1.17. Summons; Service.

The plaintiff shall also submit a summons with the complaint or declaration for each defendant named in the complaint or declaration. The Clerk shall sign the summons and immediately thereafter shall cause the summons and a copy of the complaint or declaration to be served by the Marshal upon each named defendant. The Clerk shall then attach to the original complaint or declaration for the Marshal's return of service.

MR 5.1.18. Counterclaim.

The defendant in any such action may file a verified answer stating any new matter which shall constitute a counterclaim; a copy of such answer shall be delivered to the plaintiff in person not later than forty-eight (48) hours prior the hour set for the appearance of the defendant in such action. The applicable provisions of the Guam Rules of Civil Procedure relating to counterclaims is hereby made applicable to the Small Claims Division of the Superior Court except as herein provided in this Rule.

MR 5.1.19. Time for Appearance.

(a) Order for Plaintiff to Appear and Approve Claim: Application for New Order for Appearance of Defendant. The date for the appearance of the defendant as provided in the summons endorsed on the affidavit shall not be more than thirty (30) days nor less than twenty (20) days from the date of said summons.

(b) When the Clerk has fixed the date and time for the appearance of the defendant, he shall inform the plaintiff of said date and time, order the plaintiff to appear and to have with him his books, papers and witnesses necessary to prove his claim. If the summons is not served upon the defendant at least five (5) days prior to the appearance date, the court must, upon request of an appearing defendant, continue the date of the hearing for not less than ten (10) days, and in such case, the Clerk shall inform the plaintiff of the new date set for the hearing.

(c) If the summons is not served upon the defendant prior to the appearance date, the plaintiff may apply to the judge, referee or clerk for a new summons setting a new date for the appearance of the defendant which shall not be more than thirty (30) days nor less than twenty (20) days from the date of the new summons.

2024 NOTE: Subsection designations added by the Compiler. MR 5.1.20. Mandatory Mediation.

MR 5.1.20. Mandatory Mediation.

Upon the timely request of any party to a Small Claims action or upon the court's own initiative, the court may order and structure mandatory mediation between the parties.

MR 5.1.21. Motion Practice.

(a) Calendaring and Service. A motion shall be served not later than five (5) days before the time set for hearing. The court may allow the non-moving party five (5) or more days to review the motion and file a response to the motion. If the non-moving party waives any response time allowed by the court, the court may hear the matter immediately. If the non-moving party does not waive the response time allowed by the court, then the court shall set the next hearing date not less than five (5) days from that hearing date.

(b) Reply and Supplemental Memorandum. Unless the court otherwise orders, no reply or supplemental memoranda shall be filed,

(c) Further Proceedings on Motion under Advisement. No motion addressing the a lack of a decision may be filed with the court prior to the expiration of fourteen (14) calendar days from the last hearing on a motion.

(d) Proposed Orders.

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(1) A moving party and each party opposing a motion may prepare, or may be read to prepare by the court, a proposed order for submission to the court. Prior to the commencement of the hearing, the parties should exchange proposed orders and be prepared to discuss the appropriateness of those orders should the court rule from the bench.

(2) In lieu of the proposed order described above, a party may submit a statement containing language which the court could adopt in fashioning its own order.

(3) For the purposes of this rule, a warrant of arrest is an order.

(e) Orders. After a hearing the court may require the prevailing party to prepare an order which is consistent with the ruling of the court in that matter. The prevailing party shall expeditiously submit the order to the opposing party for his review and signature who shall then expeditiously return the order to the prevailing party. The order shall then be expeditiously submitted to the court for its final approval, signature and filing. In the event that the parties are unable to agree upon the wording of the order, then a hearing shall be requested by the party required to prepare the order.

MR 5.1.22. Continuance.

Hearings may be continued upon the filing of a written stipulation signed by the parties and their respective attorneys, if any. If after exercising due diligence a party's signature cannot be obtained by his counsel, the attorney shall submit with the stipulation an affidavit stating the reasons why the signature could not be obtained. The court after reviewing the affidavit may then accept the stipulation for further consideration. Stipulations shall include a proposed date for the continued hearing and are subject to the approval of the court. Stipulations for continuances shall not be treated as ex parte applications.

MR 5.1.23. Discovery.

Discovery is permitted in Small Claims actions upon prior approval by the court which may include reasonable interrogatories, request for production of documents, request for admissions, and depositions.

MR 5.1.24. Rules of Evidence.

For purposes of Small Claims cases, the court may relax the Guam Rules of Evidence, including the rules relating to proof of damages, in order to effectuate the purpose of the Small Claims Court.

MR 5.1.25. Utilities Disputes.

The Small Claims Court shall have the ability to issue declaratory rulings or other forms of relief as is just in disputes over utility billings. The court may provide for continued utility services pending its final decision and sanction parties pursuant to its contempt powers for bad faith disputes over utility billings.

MR 5.1.26. Filing.

(a) Untimely Filing. Absent good cause shown, papers not timely filed shall be disregarded by the court.

(b) Photocopied Facsimiles Accepted. Legible photocopies of electronically transmitted papers are acceptable for filing. A cover sheet may be used when necessary to comply with GRCP, Rules 10 and 11.

MR 5.1.27. Payment of Judgment.

If the judgment be against the defendant, or against the plaintiff upon the defendant's counterclaim, such judgment shall be paid forthwith or at the time and upon such terms and conditions as the judge may prescribe.

MR 5.1.28. Proof of Service after Judgment.

The absence of proof of service at the time of any hearing at which the party seeks post-judgment relief with the attendance of a person shall be deemed non-service.

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MR 5.1.29. Motion for a New Trial.

The judgment of the court shall be conclusive upon the plaintiff and upon the defendant upon the counterclaim, but if the defendant as to the claim or the plaintiff as to the counterclaim is dissatisfied, he may, within ten (10) days of the entry of the judgment against him, make a motion for a new trial. Upon the filing of such motion for a new trial, the moving party shall pay the same fees as are charged for the filing of an original action in the Superior Court.

MR 5.1.30. Statement on Motion for a New Trial.

The motion for a new trial shall be filed by completing Form 3 following, and filing the same with the Clerk. The Clerk shall thereupon enter the case in the regular docket of the Superior Court.

MR 5.1.31. Trial De Novo.

Upon the payment of the filing fee and the completion and filing of the form set forth above, the right to a new trial is absolute and a trial de novo shall be granted in the Superior Court under the rules of the Superior Court excepting that no further pleadings shall be required of either party.

MR 5.1.32. Abstract of Judgment.

If no motion for a new trial is filed and the prevailing party is not paid the amount of the judgment according to the terms and conditions thereof, the Clerk shall, upon application by the prevailing party, certify such judgment in the form set forth in Form 4 following.

MR 5.1.33. Schedule of Fees.

NOTE: Adopted October 24, 2003, effective, December 01, 2003, by Promulgation Order No. PRM03-008, Supreme Court of Guam. Repealed December 22, 2003, by Promulgation Order No. PRM03-012. Reinstated April 30, 2004, effective, July 1, 2004, by Judicial Council Resolution No. JC04-010. [Pursuant to P.L. 27-031, the Supreme Court shall now defer matters pertaining to court fees to the Judicial Council]

(a) Small Claims Schedule of Fees (Based on Claim Amount)

Initial Claim Amount	
\$ 500.00	\$20.00
\$ 501.00 - \$ 2,000.00	\$30.00
\$ 2,000.00 - \$ 3,500.00	\$40.00
\$ 3,501.00 - \$ 5,000.00	\$50.00
\$ 5,001.00 - \$ 6,500.00	\$60.00
\$ 6,501.00 - \$ 8,000.00	\$70.00
\$ 8,001.00 - \$ 9,500.00	\$80.00
\$ 9,501.00 - \$ 10,000.00	\$90.00

(b) Small Claims Schedule of Fees.

Summons	\$ 4.00
Judgment Debtor Examination	\$ 10.00
Order to Show Cause	\$ 10.00
Writs	\$ 15.00
Confession of Judgment	\$ 15.00
Abstract of Judgment	\$ 5.00
Motion / Joinder for Summary Judgment	\$ 20.00

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Counterclaim	Same as Initial Filing Claim
Any Motion Requiring a Hearing, Stipulation or Litigant Requesting to Continue Hearing	\$ 10.00

(c) Amended Declaration:

- (1) If amended claim amount does not exceed the initial claim amount, no fee is required.
- (2) If amended claim amount exceeds the initial claim amount, filing fee will be based on the difference of the claim.
- (3) If amendment is to add a defendant(s), fee is assessed as in summons.
- (4) Any other amendments, no fee is required.

MR 5.1.34. Cost.

The prevailing party in any action under this rule is entitled to costs of the action and also the costs of executing upon a judgment rendered therein.

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RECORDS RETENTION

MR 6.1. Records Retention.

(a) Supreme Court of Guam. Title 7 GCA § 7120 and Miscellaneous Rule 6.1 of the Local Rules of Court govern the retention periods and disposition of court records. The record retention and disposition periods provided in this section are effective April 14, 2022, and apply to all court records in existence. Case records may be preserved on paper, microfilm, or as electronic documents. The paper records, microfilm or electronic documents are the official record of the court. The Clerk may certify a copy of the paper case records, a printed copy of microfilm or a printed electronic copy of an electronic document as a true and correct copy of the document in the record of the court.

Case Type	Retention Period (Original copy destroyed after expiration of period and/or microfilming/conversion to electronic document)	Disposition
Appellate Procedure	6 months after case is closed.	Microfilm or convert to electronic document; retain microfilm or electronic indefinitely unless otherwise ordered by the court.
Attorney Discipline	6 months after case is closed.	Microfilm or convert to electronic document; retain microfilm or electronic indefinitely unless otherwise ordered by the court.
Certified Question	6 months after case is closed.	Microfilm or convert to electronic document; retain microfilm or electronic indefinitely unless otherwise ordered by the court.
Civil Case	6 months after case is closed.	Microfilm or convert to electronic document; retain microfilm or electronic indefinitely unless otherwise ordered by the court.
Criminal Case	6 months after case is closed.	Microfilm or convert to electronic document; retain microfilm or electronic indefinitely unless otherwise ordered by the court.
Pro Hac Vice	6 months after case is closed.	Microfilm or convert to electronic document; retain microfilm or electronic indefinitely unless otherwise ordered by the court.
Promulgation Order	At least 6 months after order is entered.	Microfilm or convert to electronic document; retain microfilm or electronic indefinitely unless otherwise ordered by the court.
Writ of Habeas Corpus	6 months after case is closed.	Microfilm or convert to electronic document; retain microfilm or electronic indefinitely unless otherwise ordered by the court.
Writ of <i>Mandamus</i>	6 months after case is closed.	Microfilm or convert to electronic document; retain microfilm or electronic indefinitely unless otherwise ordered by the court.
Writ of Prohibition	6 months after case is closed.	Microfilm or convert to electronic document; retain microfilm or electronic indefinitely unless otherwise ordered by the court.

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Case Type	Retention Period (Original copy destroyed after expiration of period and/or microfilming/conversion to electronic document)	Disposition
Writ of Certiorari	6 months after case is closed.	Microfilm or convert to electronic document; retain microfilm or electronic indefinitely unless otherwise ordered by the court.

(b) Superior Court of Guam. Title 7 GCA § 7120 and Miscellaneous Rule 6.1 of the Local Rules of Court govern the retention periods and disposition of court records. The record retention and disposition periods provided in this section are effective April 14, 2022, and apply to all court records in existence. Case records may be preserved on paper, microfilm, or as electronic documents. The paper records, microfilm or electronic documents are the official record of the court. The Clerk may certify a copy of the paper case records, a printed copy of microfilm or a printed electronic copy of an electronic document as a true and correct copy of the document in the record of the court.

(1) For Records Prior to 2011.

Record Title	Retention Period (Original copy destroyed after expiration of period and/or microfilming/conversion to electronic document)	Disposition
A. Case Files (Paper)		
Adoption (AT)	5 years	Microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
Child Support (CS)	3 years	Convert complaint, final order or judgment to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Civil (CV)	5 years	Convert complaint, final order, or judgment to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Criminal Felony (CF)	7 years	Convert complaint, indictment, information, plea agreement, final order, and judgment to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Criminal Misdemeanor (CM)	7 years	Convert complaint, information, plea agreement, final order, and judgment to electronic document; retain electronic document indefinitely unless otherwise ordered by the court

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Record Title	Retention Period (Original copy destroyed after expiration of period and/or microfilming/conversion to electronic document)	Disposition
Domestic (DM)		
1. Divorce	5 years	Convert complaint, settlement agreement, interlocutory judgment, and final decree, or final order to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
2. All Others	5 years	Convert complaint, judgment, or final order to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Foreign Order (FO)	5 years	Convert complaint, foreign judgment, and final order; retain electronic document indefinitely unless otherwise ordered by the court
Juvenile Delinquency (JD)	5 years	Destroy pursuant to 19 GCA § 5124
Juvenile Proceedings (JP)	5 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court; Destroy pursuant to 19 GCA § 5124
Land Registration (LR)	7 years	Convert to microfilm or electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
Probate (PR)	7 years	Convert to microfilm or electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
Special Proceedings (SP)	5 years	Convert petition, final order, and judgment to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Protective Order (PO)	3 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Restitution (RS)	1 year	Convert collection order and final order to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Small Claims (SD)	2 years	Destroy
Traffic	2 years	Destroy
Marriages (SPM)	1 year	Destroy

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Record Title	Retention Period (Original copy destroyed after expiration of period and/or microfilming/conversion to electronic document)	Disposition
B. Other Records		
Original Wills	Permanent	Permanent
Exhibits	Return to party submitting after time for appeal has passed	Return to party submitting after time for appeal has passed
Jury Records		
1. Juror Lists	4 years after the master jury wheel is emptied	Destroy
2. Grand Jury Voting Sheets	3 years	Destroy
3. Trial Questionnaires	3 years	Destroy
Court Recordings		
1. Cassette Tapes	10 years	Destroy
2. DVD Audio recordings		
Search Warrants	5 years	Destroy
Docket Sheets	2 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Cardex File	2 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court

(2) For Records from 2011 to Present.

Record Title	Retention Period (Original copy destroyed after expiration of period and/or microfilming/conversion to electronic document)	Disposition
A. Case Files (Paper)		
Adoption (AT)	5 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court

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Record Title	Retention Period (Original copy destroyed after expiration of period and/or microfilming/conversion to electronic document)	Disposition
Child Support (CS)	3 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Civil (CV)	5 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Criminal Felony (CF)	7 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Criminal Misdemeanor (CM)	7 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Domestic (DM)	5 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Foreign Order (FO)	5 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Juvenile Delinquency (JD)	5 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Juvenile Proceedings (JP)	5 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Land Registration (LR)	7 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Probate (PR)	7 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Special Proceedings (SP)	5 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Protective Orders (PO)	5 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Restitution (RS)	1 year	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court

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Record Title	Retention Period (Original copy destroyed after expiration of period and/or microfilming/conversion to electronic document)	Disposition
Small Claims (SD)	3 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Traffic	3 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Marriages (SPM)	1 year	Destroy

B. Other Records		
Original Wills	Permanent	Permanent
Exhibits	Return to party submitting after time for appeal has passed unless electronically presented pursuant to EFR 4.12	Return to party submitting after time for appeal has passed unless electronically presented pursuant to EFR 4.12
Jury Records		
1. Juror Lists	4 years after the master jury wheel is emptied	Destroy
2. Grand Jury Voting Sheets	3 years	Destroy
3. Trial Questionnaires	3 years	Destroy
Audio and electronic recordings of official court proceedings	10 years	Destroy
Search Warrants	5 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court

SOURCE: Guam Bar Committee. Amended pursuant to Promulgation Order No. PRM06-006-21 (April 14, 2022).

COMMENT: The Superior Court has been faced with questions of storage and disposal of records without any law or rule for guidance. This Rule provides necessary guidance, in accordance with applicable law, for the storage and disposal of all the papers accumulated by the court.

CROSS-REFERENCES: Public Law 22-124 enacted 7 GCA §7120, which provided the statutory guidance which was lacking when this Rule was adopted. Section 7120(d) confirmed and continued this Rule under it may be changed in due course.

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RELIEF FROM DISABILITIES

MR 7.1. Relief from Disabilities.

(a) A person who has been involuntarily committed to a mental institution or otherwise formally adjudicated as mentally defective as defined in 27 C.F.R. § 478.11, may petition to the Superior Court of Guam for relief from the firearms prohibitions contained in 18 U.S.C. § 922 (d)(4), 18 U.S.C. § 922(g)(4), and 10 GCA § 60108(b)(4).

(1) The relief provided under this Rule shall only be from mental health adjudications or commitments which occurred within Guam.

(2) A Petition filed under this Rule must be served upon the Attorney General of Guam, who may object to and present evidence relevant to the relief sought by the Petitioner.

(b) The Superior Court of Guam must consider the Petitioner's request for relief.

(1) In the case of a civil commitment, the Superior Court of Guam shall accept for filing in the Special Proceedings case in which the person was found to have a mental defect, without cost, a Petition for Relief from Disabilities under 18 U.S.C. § 922 (d)(4), 18 U.S.C. § 922(g)(4), and 10 GCA § 60108(b)(4).

(2) In the case of a criminal defendant who has put his mental state at issue, the Superior Court of Guam shall accept for filing in the underlying criminal case or cases in which the criminal defendant put his mental state at issue and a finding of defective mental state was found, without cost, a Petition for Relief from Disabilities under 18 U.S.C. § 922(d)(4), 18 U.S.C. § 922(g)(4), and 10 GCA § 60108(b)(4).

(c) The court shall accord the petitioner all due process of law, including:

(1) Petitioner shall have an opportunity to submit evidence.

(2) Petitioner shall have the opportunity for a Judge of the Superior Court to review the evidence.

(3) Petitioner shall have a right to a record to be made of the matter, which shall be maintained for review.

(d) Record of proceedings.

(1) The court must receive and consider a proper record of how the mental disability was imposed in the first place, which will be contained in the record of the case in which the disability arose.

(2) This must include but is not limited to

(A) the circumstances regarding the firearm disability;

(B) the Petitioner's record, including at a minimum, Petitioner's mental health and criminal history records; and

(C) Petitioner's reputation, which may be developed on the record, at a minimum, through character witness statements, testimony, or other character evidence.

(e) The court must grant Petitioner's request for relief if, at the conclusion of the consideration of the evidence noted above, the court makes the following findings;

(1) the Petitioner will not be likely to act in a manner dangerous to public safety, and

(2) granting relief from disability will not be contrary to public interest.

(f) If the court denies relief, the Petitioner may not petition again for relief under this Rule until one (1) year after the date of the judgment.

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(g) The Petitioner is entitled to de novo appellate review of a denied Petition in the Supreme Court of Guam.

(1) the Supreme Court of Guam may but is not required to give deference to the decision of the Superior Court in denying the Petition.

(2) The Supreme Court of Guam has the discretion to receive additional evidence necessary to conduct an adequate review.

(h) After a judgment granting restoration of rights under this Section has become final and the time period for appeal has passed without an appeal being filed, the Clerk of Court of the Superior Court shall, as soon as is practicable, but in no case later than ten (10) business days after the time period for appeal has passed without an appeal being filed, forward a copy of the judgment to the Marshal of the Court. The Marshal of the Court shall within fifteen (15) business days after receipt of the judgment revise the Petitioner's record in any information database that the Judiciary of Guam makes available to the National Instant Criminal Background Check System and shall notify the United States Attorney General for the purpose of reporting to the National Instant Criminal Background Check System that the basis for the disabilities imposed by 18 U.S.C. § 922(d)(4) and (g)(4) no longer applies.

SOURCE: Added by Promulgation Order No. PRM06-006-12 (July 23, 2010). Amended by Promulgation Order No. PRM06-006-19 (Apr. 14, 2022).
