

FILED
SUPERIOR COURT
OF GUAM

2026 OCT 23 PM 4: 12

CLERK OF COURT

By: 

IN THE SUPERIOR COURT OF GUAM

SHANE RICHARD AGUON,

Plaintiff,

v.

MONICA MICHELLE SHERRY,

Defendant.

DOMESTIC CASE NO. DM0008-18

DECISION AND ORDER

Before the Court is Father's Motion for Modification of Child Custody. Shane Richard Aguon ("Father") and Monica Michelle Sherry ("Mother") are the biological parents of the minor child, J.L.A. (DOB: 03/01/2015, Female).

Father seeks modification of the parties' existing custodial arrangement following his relocation to Virginia pursuant to military orders and subsequent employment. Mother opposes Father's request for alternating annual physical custody and contends that the child's best interests are served by maintaining the child's primary residence on Guam while affording Father substantial parenting time.

The Court has considered the pleadings, declarations, exhibits admitted into evidence, testimony presented at the evidentiary hearings, arguments of counsel, and the entire record. Having weighed the evidence and considered the applicable law, the Court now issues the following Decision and Order.

PROCEDURAL HISTORY

On November 20, 2018, the Court entered a Stipulated Judgment of Custody awarding the parties joint legal custody and joint physical custody of their minor child, J.L.A. The

1 stipulated judgment established an alternating custodial arrangement designed to permit both
2 parents substantial and meaningful participation in the child's upbringing.

3 For several years following entry of the stipulated judgment, the parties generally
4 exercised the agreed-upon custodial arrangement. The evidence presented at the evidentiary
5 hearings established that both Mother and Father remained actively involved in the child's
6 upbringing and that the child developed strong and loving relationships with both parents.

7 In January 2025, Father received military orders requiring relocation from Guam to
8 Virginia. Following receipt of those orders, Father notified Mother of the impending relocation
9 and attempted to discuss modifications to the parties' custodial arrangement in light of the
10 substantial geographic separation that would result. Although the parties engaged in discussions
11 concerning future custody and visitation, they were ultimately unable to reach agreement
12 regarding a long-term parenting plan.

13 Father thereafter filed the present Motion for Modification of Child Custody, asserting
14 that his relocation constituted a substantial change in circumstances rendering the parties'
15 existing custody arrangement impracticable. Father requested modification of the existing
16 judgment and proposed a custodial arrangement that would preserve the substantial role he had
17 historically exercised in the child's life notwithstanding the parties' geographic separation.

18 In support of his motion, Father filed a declaration describing the circumstances
19 surrounding his relocation, the nature of his employment in Virginia, his living arrangements, his
20 continued involvement in the child's life, and his proposed parenting plan.

21 Mother subsequently filed a written response opposing Father's request for annual
22 alternating custody. Although Mother acknowledged that modification of the existing
23 arrangement was necessary, she contended that the child's best interests would be served by
24 maintaining the child's primary residence on Guam. In support of her position, Mother
25 emphasized the child's educational stability, extracurricular activities, church participation,
26 friendships, family relationships, and established community ties on Guam.

27 On February 24, 2026, Attorney Catherine Bejerana Camacho entered an appearance on
28 behalf of Mother. Following counsel's appearance, Mother continued to oppose Father's request

1 for alternating annual physical custody and advocated for a parenting arrangement that would
2 preserve the child's residence and continuity on Guam while ensuring Father substantial and
3 meaningful contact.

4 Father subsequently filed a declaration responding to Mother's opposition and disputing
5 certain factual assertions contained therein. Father reiterated his request for a custody
6 arrangement that would permit him to maintain a substantial role in the child's upbringing and
7 requested such relief as the Court deemed appropriate under the circumstances.

8 The Court conducted evidentiary hearings on May 8, 2026, and July 30, 2026. During
9 those proceedings, the Court received testimony from the parties, family members, and other
10 witnesses concerning the child's upbringing, educational needs, community involvement,
11 extracurricular activities, relationship with each parent, and adjustment to the parties' changed
12 circumstances.

13 The Court also received testimony concerning the child's participation in SKIP and
14 related activities, including testimony regarding her level of achievement, advancement within
15 the program, and the potential impact repeated interstate relocations could have upon her
16 continued participation and development.

17 Following conclusion of the evidentiary proceedings, the Court took the matter under
18 advisement. Having reviewed the testimony, documentary evidence, declarations, exhibits, and
19 arguments presented, the Court now issues its decision.

20 FINDINGS

- 21 1. The parties are the parents of J.L.A., a minor child.
- 22 2. Both Mother and Father are fit and appropriate parents.
- 23 3. No evidence was presented establishing abuse, neglect, substance abuse, abandonment, or
24 any other circumstance that would impair either party's ability to care for the child.
- 25 4. The child enjoys a close and loving relationship with both parents.
- 26 5. Prior to Father's relocation, the parties successfully exercised the custodial arrangement
27 established by the 2018 stipulated judgment.
- 28

- 1 6. Father's relocation to Virginia resulted from military obligations and subsequent
2 employment opportunities.
- 3 7. The Court finds that Father's relocation was not undertaken to interfere with Mother's
4 custodial rights or the child's relationship with Mother.
- 5 8. Father presently maintains stable employment, appropriate housing, and the ability to
6 provide a safe and supportive environment for the child.
- 7 9. The child has resided on Guam for the substantial majority of her life.
- 8 10. The child attends school on Guam and is well integrated within her educational
9 environment.
- 10 11. The child maintains friendships, family relationships, church involvement, extracurricular
11 activities, and community connections on Guam.
- 12 12. The Court finds that Guam presently serves as the center of the child's educational,
13 social, familial, religious, and extracurricular life.
- 14 13. The child participates extensively in SKIP and related activities.
- 15 14. The Court credits the testimony establishing that the child has attained an advanced level
16 of participation in those activities.
- 17 15. The Court further finds that recurring annual relocations between Guam and Virginia
18 would likely disrupt the child's continuity of participation and advancement in those
19 programs.
- 20 16. The Court finds that those activities provide meaningful educational, developmental,
21 social, and personal benefits.
- 22 17. The Court finds that Father sincerely believes an alternating annual custodial
23 arrangement would best preserve his relationship with the child.
- 24 18. The Court does not question Father's commitment to the child or his desire to remain
25 deeply involved in the child's upbringing.
- 26 19. The Court nevertheless finds that the evidence does not establish that annual transitions
27 between Guam and Virginia would affirmatively advance the child's welfare.
- 28

1 20. The Court finds that requiring the child repeatedly to change schools, peer groups,
2 extracurricular programs, and community environments would create recurring disruption
3 to a child who is presently thriving within a stable and established environment.

4 21. The Court finds that continuation of the previous equal-time arrangement is no longer
5 practicable given the parties' geographical separation.

6 22. The Court finds that the child's best interests are served by preserving continuity in the
7 child's established environment while maximizing Father's meaningful involvement
8 through a long-distance parenting plan.

9 **APPLICABLE LAW**

10 1. This Court has jurisdiction over the parties and the subject matter of this action.

11 2. Under 19 GCA § 8404(a)(1), custody determinations are governed by the best interests of
12 the child.

13 3. Under 19 GCA § 8404(a)(6), custody awards remain subject to modification whenever
14 the child's best interests require or justify such modification.

15 4. The Court concludes that Father's relocation to Virginia constitutes a material and
16 substantial change in circumstances warranting modification of the existing custody
17 order.

18 5. The Court further concludes that both Mother and Father are fit custodians and that the
19 child benefits from maintaining meaningful relationships with both parents.

20 6. The Court concludes that preserving the child's educational, social, familial, religious,
21 and extracurricular continuity serves the child's best interests.

22 7. The Court further concludes that the evidence does not establish that alternating primary
23 residence between Guam and Virginia on a year-to-year basis would better serve the
24 child's interests than maintaining a stable primary residence while providing Father
25 substantial parenting time.

26 8. The Court concludes that Father's relationship with the child remains essential to the
27 child's welfare and should be preserved and encouraged through a liberal and
28 comprehensive parenting schedule.

DISCUSSION

The Court begins with the governing legal framework. Under Guam law, custody determinations are governed by the best interests of the child. 19 GCA §8404(a)(1). The Legislature has further provided that custody orders remain subject to modification whenever the child's best interests require or justify such modification.

The parties do not meaningfully dispute that Father's relocation to Virginia constitutes a substantial change in circumstances warranting reconsideration of the existing custodial arrangement. The 2018 Stipulated Judgment contemplated that both parents would reside on Guam and exercise a schedule involving frequent custodial exchanges. The evidence demonstrates that the arrangement functioned successfully while both parties resided within the same jurisdiction. It is equally apparent that the arrangement can no longer function as originally intended given the substantial geographic distance now separating the parties.

The principal dispute concerns the nature of that modification.

Father requests an arrangement under which the child's primary residence alternates annually between Guam and Virginia. Mother advocates for a parenting plan under which the child remains primarily on Guam while maintaining substantial and meaningful parenting time with Father.

At the outset, the Court emphasizes what this case is not about. This is not a proceeding in which one parent has been shown to be unfit. This is not a case involving allegations of abuse, neglect, substance dependency, abandonment, or parental incapacity.

The evidence establishes that both Mother and Father are fit parents who love their child and who seek to remain actively involved in the child's life. The Court's task is therefore not to choose between competing parents. Rather, the Court's obligation is to determine which custodial structure presently serves the child's best interests.

Several considerations weigh heavily in that analysis.

First, the evidence establishes that the child's educational, social, familial, religious, and extracurricular life is presently centered on Guam. The child has resided on Guam for the substantial majority of her life. She attends school on Guam, participates in extracurricular

1 activities on Guam, maintains friendships on Guam, and enjoys the support of family and
2 community connections located on Guam. The Court finds that these circumstances provide
3 continuity and stability that contribute positively to the child's welfare.

4 Second, the Court places significant weight on the evidence concerning the child's
5 participation in SKIP and related activities. The testimony established that the child has invested
6 substantial time and effort in those programs and has progressed to an advanced level of
7 participation. The Court further finds that continuity within those activities provides meaningful
8 educational, developmental, and social benefits. While extracurricular participation alone cannot
9 determine a custody dispute, it is one relevant factor among many bearing upon the child's
10 overall welfare and development.

11 Third, the Court has carefully considered Father's proposal for alternating annual physical
12 custody. The Court recognizes Father's sincere desire to maintain the substantial role he has
13 historically occupied in the child's life. The Court further recognizes that Father is fully capable
14 of providing a stable, supportive, and nurturing home environment in Virginia.

15 The record, however, does not persuade the Court that annual relocation between Guam
16 and Virginia would better serve the child's interests than a custodial arrangement that preserves
17 continuity in residence, school, community connections, and extracurricular activities while
18 maintaining substantial parenting time with Father.

19 The distinction is important.

20 The question before the Court is not whether the child can thrive while in Father's care in
21 Virginia. The evidence demonstrates that she can. The question is whether the child's welfare is
22 advanced by requiring her repeatedly to transition between schools, peer groups, extracurricular
23 programs, and community environments on an annual basis. On the record before the Court, the
24 asserted benefits of such transitions do not outweigh the benefits associated with continuity and
25 stability.

26 At the same time, the Court emphasizes that maintaining the child's primary residence on
27 Guam should not be understood as diminishing Father's place in the child's life. To the contrary,
28 the Court finds that Father's continued involvement is essential to the child's welfare. The Court

1 therefore concludes that any modified parenting arrangement must preserve substantial,
2 meaningful, and liberal parenting opportunities for Father notwithstanding the geographical
3 separation created by his relocation.

4 The Court likewise recognizes the importance of the child's participation in competitions,
5 performances, camps, showcases, tournaments, and similar programs. The evidence established
6 that these activities contribute positively to the child's development and enrichment. The Court
7 therefore concludes that the parenting plan should be administered with sufficient flexibility to
8 permit continued participation in those activities whenever reasonably practicable. Whenever the
9 child travels to the continental United States for such events, reasonable efforts should be made
10 to maximize Father's parenting opportunities consistent with the child's schedule and obligations.

11 Ultimately, this case does not turn on whether one parent is better suited than the other to
12 care for the child. Rather, it turns on which custodial structure best promotes the child's welfare
13 under the circumstances now presented to the Court.

14 Having carefully considered the testimony, exhibits, statutory factors, and record as a
15 whole, the Court concludes that the child's best interests are served by maintaining the child's
16 primary residence on Guam while preserving and fostering a substantial and meaningful
17 relationship with Father through a comprehensive long-distance parenting plan. This
18 arrangement best accommodates the child's need for continuity and stability while ensuring that
19 Father remains an active and significant participant in the child's life.

20 CONCLUSION

21 IT IS HEREBY ORDERED that Father's Motion for Modification of Child Custody is
22 **GRANTED IN PART** and **DENIED IN PART**. The parties shall continue to share joint legal
23 custody of the minor child. Mother shall have primary physical custody of the minor child. The
24 child's primary residence shall remain on Guam.

25 All parenting time, visitation, holiday allocation, communication provisions,
26 transportation arrangements, and related matters shall be governed by a separate Parenting Plan
27 and Visitation Order entered following this Decision and Order.
28

1 The Court reserves jurisdiction regarding transportation expenses, child support,
2 implementation disputes, enforcement issues, and any future modification warranted by a
3 material change in circumstances or the best interests of the child.

4 The Court emphasizes that its ruling does not reflect a preference for one parent over the
5 other. Rather, it reflects the Court's determination that the child's welfare is best promoted by
6 preserving the stability presently available on Guam while ensuring that Father remains a
7 substantial and meaningful participant in the child's life.

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9 **IT IS SO ORDERED** _____

OCT 23 2026

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13 **HONORABLE ARTHUR R. BARCINAS**
14 **Judge, Superior Court of Guam**
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