



“ The twentieth century will be remembered as a century marked by violence..... Less visible, but even more widespread, is the legacy of day-to-day, individual suffering. It is the pain of children who are abused by people who should protect them, women injured or humiliated by violent partners, elderly persons maltreated by their caregiver, youths who are bullied by other youths, and people of all ages who inflict violence on themselves..... No country, no city, no community is immune. But neither are we powerless against it..... Violence can be prevented..... We owe it to our children – the most vulnerable citizens in our society, a life free from violence and fear. In order to insure this, we must be tireless in our efforts not only to attain peace, justice and prosperity for country, but also for communities and members of the same family. We must address the roots of violence. Only then will we transform the past century’s legacy from a crushing burden into a cautionary lesson.”

Nelson Mandela

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Family Violence Diversion Program



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FAMILY VIOLENCE DIVERSION PROGRAM

The Family Violence Diversion Program was made possible through the Family Violence Acts of 1994 and 1998 (9GCA Chapter 30).

What is the Family Violence Diversion Program?

Diversion is a statutory alternative to prosecution which allows defendants charged with family violence who meet eligibility criteria to be diverted from criminal proceedings and instead, be referred to an education and treatment program. In misdemeanor cases the diversion program can last for a period of one (1) year which may, subject to the Court's discretion be extended to no more than three (3) years and no more than five (5) years in felony cases.

Who is Eligible for the Program?

The intent of diversion is to allow *first time offenders of family violence* the opportunity to undergo treatment and successfully comply with an education program in order to eventually have their criminal record in the matter be dismissed and expunged. The law specifies that a defendant is *ineligible* for diversion if he/she has a felony conviction involving violence within seven years; been diverted within five years prior to charged offense; been sentenced for a violation of of a court order within one year prior to charged offense; or whose current charge involves serious bodily injury or criminal sexual conduct involving sexual penetration, unless the court finds that due to unusual circumstances diversion of the criminal proceedings is in the interest of justice.

What is Family Violence?

As defined by Guam Law, family violence means the occurrence of one or more of the following acts by a family or household member but does not include acts of self-defense or defense of others:

- Attempting to cause or causing bodily injury to another family or household member;
- Placing a family or household member in fear of bodily injury.

Family or household members include:

- Adults or minors who are current or former spouses;
- Adults or minors who live together or who have lived together;
- Adults or minors who are dating or who have dated;
- Adults or minors who are engaged in or who have engaged in a sexual relationship;
- Adults or minors who are related by blood or adoption;
- Persons who have a child in common;
- Minor children of a person in a relationship as described above.

If you have been charged with an offense that has been designated as a form of family violence under Guam Law you may be allowed to avoid prosecution by participating in the Family Violence Diversion Program.

Through a Stipulation and Order for Diversion which is signed by you, your attorney, the Attorney General's Office, and a Judge, you agree to enter a treatment program which may include court ordered conditions such as:



- Stay away orders/No contact with the victim(s);
- Court-approved contact with the victim(s);
- Intake and assessment with the Client Services and Family Counseling Division of the Judiciary; to include possible counseling or other recommendations, and all fees associated with treatment;
- No threats, physical violence against the victim(s);
- Refrain from threatening to commit or committing acts of family violence against, or from harassing or molesting the victim(s), a family or household member, or any person named in the order;
- No alcohol orders/ restrictions from establishments that sell alcohol;
- Monthly reporting with the Probation Services Division;
- Surrender passport to the Probation Services Division;
- No traveling without permission of the Court;
- No firearms

Upon completion of all requirements stipulated in the Diversion order your case will be dismissed and expunged.

Criminal proceedings may be re-instituted if you perform unsatisfactorily in recommended treatment programs; if you do not appear to be benefiting from education and treatment, or you are convicted of any offense involving violence.

You may also be found in contempt of court pursuant to 7GCA §34101 for failure to perform satisfactorily according to the terms of your diversion order.