

Guam 7-Day Divorces

Imagine that you are a married active-duty military member stationed somewhere in Asia. Or, you're a married American businessperson working in an Asian country. Further imagine, for any number of reasons, your marriage has taken a nosedive and both you and your spouse realize that it's time to call it quits and file for divorce. What can you do?

Couples in this position may think that their options are limited or non-existent. After all, many Asian countries only allow divorces between couples where at least one spouse is a citizen or resident of that country. Other obstacles to pursuing a foreign divorce include language barriers, high legal fees, complicated procedures, and lengthy waiting periods.

Most couples finding themselves in this situation wrongly reach the conclusion that their only option is to wait until they move back to the U.S., establish residency in a state, and then go forward with a divorce. For those who don't plan on returning to the U.S. any time in the near future, this isn't a practical option. So, what can they do?

The solution may be as easy as hopping on a plane bound for Guam and chilling out on our beaches for a week. Let me explain. Since 2006, off-islanders have been able to pursue a divorce on Guam if they meet three requirements. First, they must both agree to the divorce. Second, they must put their agreement to divorce in writing. And third, one of them must travel to Guam and stay a minimum of seven consecutive days.

You might think that Guam's 7-day divorce law would make us the Las Vegas of the Western Pacific and fill our hotels to capacity. However, this hasn't happened. Despite the liberal nature of our law, the number of 7-Day residency divorces is relatively modest. I estimate that only about 200 off-island couples a year pursue these divorces. Considering the number of American expats living in the Asian region, this is a relatively low number. Undoubtedly, the overall cost of the process is the leading factor that keeps the numbers in check. Although the legal fees and costs are reasonable, ranging from \$1,500 to \$2,000, the additional expenses for airfare, hotels, food, and car rentals price our 7-day divorces beyond the financial means of many couples.

You might be surprised to learn that a dozen years ago Guam processed over fifteen hundred off-island island divorces a year. Why? Because from 1985 through 2005 Guam was truly a divorce mill. As a result of a 1984 amendment to Guam's divorce laws, neither party had to step foot on the island to obtain a divorce here. The person pursuing the divorce could simply file an affidavit that he "intended" to make Guam his home. Frequently, this was a legal fiction.

Often times, a spouse was able to obtain a Guam divorce without the other spouse's consent or knowledge. Because neither couple had to travel to Guam, the cost was relatively cheap. As a result, the number of off-island divorces soared. I personally never handled one of these divorces because I felt they were an embarrassment to Guam.

Indeed, the national press picked up on the matter. Guam's divorce law was publicly ridiculed across the country for its lack of residency requirements. The Guam Legislature sprang into action and on November 26, 2004 passed Bill 283. The amended law restored the former 90-day residency requirement. That is, at least one spouse had to reside on island for a minimum of 90 days prior to filing for divorce. The divorce mill came to a grinding halt.

A legal backlash soon erupted. Some attorneys and members of the general public argued that the door to off-island divorces should not be completely shut. After all, there were military couples and civilian expatriates residing in Asia who had no other viable alternative to pursuing a divorce. A compromise was finally reached and on December 13, 2005, Governor Felix Camacho signed P.L. 28-93 into law. Under this revision, consenting off-island couples can pursue a divorce on Guam if they put their agreement into writing and one spouse spends a week on the island.

For the past few years, I've been processing 7-day residency divorces. In my opinion, the law provides an important service to Americans living abroad while at the same time safeguarding the process against the type of abuses that existed under the old law. This is a win-win situation for Guam and for those who otherwise would be stuck in dead-end marriages.