

TAKAMATSU R. EMESIOCHL,
Plaintiff,

v.

JULYNN MEDIOLA MARATITA,
Defendant

CP/CIVIL ACTION NO. 12-089

Court of Common Pleas
Republic of Palau

Decided: March 22, 2013

[1] **Family Law:** Custody

Under common law, the lodestar for the court in any child custody proceeding is the best interest of the child.

[2] **Family Law:** Custody

Looking to common law, the court developed a non-exhaustive framework to weigh the best interest of a child in determining which of the tow parets to award custody of the child. Specifically, the court considered an array of factors, including: the wishes of the parents; the wishes of the child; interaction and interrelationship of the child with his parents, siblings, and other persons who may significantly affect the childe's best interests; adjustment to home, school, community; and the mental and physical health of all individuals involved.

[3] **Family Law:** Custody

A parent does not relinquish parental rights by voluntarily placing a child under the care of a third party.

[4] **Family Law:** Custody

Ideally, in a situation where both parents are fit and proper, an award of joint custody, which will allow both parties to share physical custody and have an equal say over the rearing of their child, is appropriate.

[5] **Attorneys Fees**

Absent a statute or contract to the contrary, each party is responsible for his own attorney fees.

Counsel for Plaintiff: Micronesian
Legal Services Corporation, By: Scott Hess

Counsel for Defendant: Law Office of
Kirk and Shadel, By: David F. Shadel

The Honorable HONORA E.
REMENGESAU RUDIMCH, Senior Judge:

BACKGROUND

Plaintiff Takamatsu R. Emesiochl (“plaintiff”) filed this action for custody and visitation seeking an order awarding him sole custody of the parties’ minor child R.C.M.II.T.E (“Robert”), born on July 19, 2007 in Saipan, Commonwealth of Northern Mariana Islands (“CNMI”), with reasonable visitations by defendant Julynn Mediola Maratita (“defendant”). Defendant filed an answer and counterclaim, in which she seeks sole custody of all the parties’ minor children, T.I.M.E (“T’Keyah”), born on January 05, 2006, in Saipan, CNMI, Robert, and T.E.M.M. (“Tyrese”), born on October 25, 2008, in Saipan, CNMI. She also seeks a judgment establishing paternity and determining plaintiff as the father of each of their children; ordering plaintiff to pay child support; allowing plaintiff reasonable

visitations; directing plaintiff and all persons otherwise having physical control over Robert to promptly surrender and deliver Robert to her; and ordering plaintiff to pay her reasonable expenses and attorney fees. The parties in their joint pre-trial statement stipulated that a judgment establishing plaintiff as the father of each of the children should be entered,¹ along with custody of both T’Keyah and Tyrese to defendant, with reasonable visitations by plaintiff, that the parties shall cooperate to arrange. A trial on the remaining issues was held on January 21, 2013. Based on the parties’ stipulations and evidence presented, the court hereby enters the following:

FINDINGS OF FACT

Plaintiff is a Palauan citizen. He received his high school diploma from Belau Modekngai School and attended Palau Community College part time for one semester and then University of Hawaii at Hilo for about a year. Later, he attended Northern Marianas College part time for one semester. Defendant is a United States citizen. She is Chamorro and grew up in Rota. She graduated high school in Rota and has a Certificate of Completion in business management from Northern Marianas College that she received in May of 2004.

The parties often lived at relatives’ homes in Rota and worked various jobs. As a result of their relationship, T’Keyah was born on January 05, 2006; Robert was born on July 19, 2007, and Tyrese was born on

¹ Plaintiff is listed as the father of T’Keyah and Robert in their birth certificates, but not Tyrese’s. Accordingly, the court need only enter a finding as to Tyrese.

October 25, 2008. All the children were born in Saipan, CNMI. Plaintiff is listed as T'Keyah and Robert's father in their birth certificates, except Tyrese's, who does not have a father listed. Plaintiff and defendant, however, agree that plaintiff is Tyrese's father.

Plaintiff moved back to Palau in September of 2008 with T'Keyah and Robert. At that time, defendant was still pregnant with Tyrese and parties agreed that she would move to Palau after she gave birth. Shortly after Tyrese was born, defendant came to Palau with him. Both parties and the three children lived with plaintiff's parents in Ibobang. After a month, however, plaintiff's parents told defendant that she should move back home because she had just given birth and customarily she should not live with the child's father and his family until the child was bigger and stronger. Defendant and Tyrese left Palau in late December of 2008 to Guam and have resided there since. T'Keyah and Robert stayed back with plaintiff. According to plaintiff, sometime after defendant left, he decided he no longer wanted to be in a relationship with her.

Plaintiff, in the meantime, continued to stay with his parents and T'Keyah and Robert until sometime in 2009 when he and T'Keyah moved to Ngerkebesang in Koror to live with plaintiff's grandmother. Robert however continued to stay with plaintiff's parents in Ibobang. In August of 2010, defendant came to Palau and took T'Keyah to Guam. Defendant had told plaintiff it would only be for vacation, however, according to defendant she shortly thereafter found a job and so she did not bring T'Keyah back to Palau. T'Keyah was later

enrolled in kindergarten and is now in first grade in Ordot Chalan Pago Elementary School in Guam. Robert, now five years old, will be enrolled in first grade this coming school year.

Defendant had another child, Jacone, with another man who turned one in November of 2012, and of whom she has custody. Defendant and her children, T'Keyah, Tyrese and Jacone, live with her brother, sister and her sister's boyfriend in a three bedroom apartment. She and her children share the master bedroom, while her brother is in one room and her sister and her boyfriend are in another room. According to defendant, she has sought family housing but was told she first needs to have a court order awarding her custody of her children in order to complete her application.

Defendant works at Leo Palace Resort and earns a regular gross of about \$580 every two weeks, not including overtime, etc. Her net pay after taxes and medical insurance deductions is about \$342.70. She receives \$900 a month in food stamps for her and her children as well as her brother and sister, along with about \$150-\$250 a month from her father. Of their monthly rent, utilities, and water, defendant's share ranges from \$150-\$200 a month. T'Keyah and Tyrese's expenses are:

- a) School supplies (T'Keyah)
\$100/school year (\$8.33/mo.)
- b) Class pictures (T'Keyah)
\$35/school year (\$2.92/mo.)
- c) Backpack (T'Keyah)
\$40/school year (\$3.33/mo.)

- d) Field trips (T'Keyah)
\$20/school year (\$1.67/mo.)
- e) School magazines (T'Keyah)
\$50/school year (\$4.17/mo.)
- f) School programs (T'Keyah)
\$33/school year (\$2.75/mo.)
- g) Medical/dental insurance
premiums
\$146/bi-weekly (\$292/mo.)
- h) Medical/dental co-payments
\$500-\$600/year
(\$41.67-\$50/mo.)
- i) Groceries (T'Keyah & Tyrese)
\$400-\$500/month
- j) Clothes (T'Keyah & Tyrese)
\$400-\$500/year
(\$33.33-\$41.67/mo.)
- k) Beddings/Towels/Hygiene
\$200-\$250/year
(\$16.67-\$20.83/mo.)
- l) Laundry (T'Keyah & Tyrese)
\$25/bi-weekly (\$50/mo.)
- m) Gasoline (transportation)
\$20/bi-weekly (\$40/mo.)

TOTAL**\$896.84-\$1,017.67 per month**

Robert, on the other hand, has since continued to live in plaintiff's parents' house, but plaintiff visits him at least three times during the week and on the weekends. According to his parents, defendant provides the bulk of Robert's needs, including whatever he wants. Currently, Robert does not attend school, but will be enrolled in first grade this coming school year. Each of plaintiff's parents work and so they have a relative watching him during the day until they return home. Plaintiff moved into an apartment with his girlfriend from April to December of 2011, but then moved back with his grandmother in Ngerkebesang and continues to live with her until today.

Plaintiff currently works at POLARIS and earns a gross pay of \$410.23 every two weeks. After his regular allotments for tax, social security, pension, medical and life insurance, as well as, his loans, he is left with a net pay of \$124.98. He also has been working part-time as a musician at Palau Pacific Resort ("PPR") and currently performs on Mondays, Wednesdays and Sundays at a rate of \$75 per performance. His contract at PPR ends in March of 2013 and he is not sure whether it will be renewed. He is enrolled under the national health care insurance, with Robert listed as his dependent. Plaintiff has no other source of income.

Plaintiff's living expenses are:

- a) Utilities \$60/month
- b) Cell phone \$50/month
- c) Food \$40/month
- d) Gasoline \$100/month
- TOTAL \$250 per month**

As for Robert's expenses, plaintiff states he spends about \$80-\$100 every month for his food and other necessities, including what Robert wants.

Plaintiff has gotten a lease for land and is looking into obtaining a loan to build a house. Once he has his own place, then he plans on taking Robert to live with him full time. In the meantime, his parents are willing to have Robert live with them until plaintiff gets his own place. According to plaintiff's father, it is customary for grandparents to help raise their grandchildren until their parents are able to take them, especially as in this case, where plaintiff has no place of his own and works.

CONCLUSIONS OF LAW

Defendant seeks a judgment establishing plaintiff as the father of all of the parties' children. Although plaintiff does not object to such a request, the court believes it is not necessary, particularly for T'Keyah and Robert, as plaintiff is already listed in their birth certificates as their father. See 41 Am. Jur. 2d *Illegitimate Children* §42 (2005) ("A valid acknowledgment of paternity filed with the proper agency is equivalent to an adjudication of paternity of a child and confers upon the acknowledged father all the rights and duties of a parent."). Tyrese, however, has no father listed in his birth certificate. Accordingly, because both parties are in agreement, the court finds plaintiff is the biological and legal father of Tyrese.

As prior courts have noted, there is little in the way of statutory guidance regarding custody and support of minor children. The current statutes merely authorize the court to order the custody of and support for minor children in divorce proceedings, mandate parents to provide support for their minor children, and establish a duty to provide support regardless of presence or residency of the person owed the support. 21 PNC §§ 302, 335 and 504. Accordingly, the court will turn to common law as applicable. 1 PNC §303.

A. CHILD CUSTODY:

[1] Under common law, the lodestar for the court in any child custody proceeding is the best interest of the child. See, e.g., *Helen S.K. v. Samuel M.K.*, 288 P.3d 463,

474 n. 23 (Alaska 2012); 24A Am. Jur. 2d *Divorce and Separation* § 849 (2008). Furthermore, ". . . there is no prima facie presumption in favor of the mother [or the father], and the parents are to receive equal consideration for custody of a minor child." 24A Am. Jur. 2d *Divorce and Separation* § 851 (2008).

[2] In *Kumangai v. Decherong*, 13 ROP 275 (Tr. Div. 2006), the court touched on the issue of child custody in a manner relevant to the current situation, and, looking to common law, it established a non-exhaustive framework by which a court weighs the best interest of a child in determining which of the two parents to award custody of the child. Specifically, the court considered an array of factors, including: "the wishes of the parents; the wishes of the child; interaction and interrelationship of the child with his parents, siblings, and other persons who may significantly affect the child's best interests; adjustment to home, school, community; and the mental and physical health of all individuals involved." *Id.* at 279.

At the outset, despite the fact that defendant has been residing in Guam with T'Keyah and Tyrese for more than several years and plaintiff, himself, lives in Koror, while Robert lives in his paternal grandparents' house in Ibobang, both parties stipulated that neither of them has abandoned any of their children. In any case, defendant argues, citing *Britt v. Britt*, 567 P.2d 308 (Alaska 1977), and other cases, that parents, not other relatives, are entitled to custody and to allow plaintiff to have custody of Robert "is tantamount to giving his effective custody to his paternal grandparents." (Def.'s Trial Mem. 2). *Britt*

v. *Britt* is distinguishable from the current case in that the grandparents were originally awarded custody by the court, a ruling that was then contested by the mother. Such is not the case here as the father (and the mother) still retains legal custody.

The parental preference doctrine articulated in *Britt v. Britt* is meant as a safeguard against nonparents using the court to wrest custody away from a parent. See *Evans v. McTaggart*, 88 P.3d 1078, 1084 (Alaska 2004); *C.R.B. v. C.C.*, 959 P.2d 375, 380 (Alaska 1998). It does not apply here.

[3] Plaintiff's parents are not contesting custody. Neither has Plaintiff officially relinquished custody of the child to his parents, either by legal decree or by abandoning the child at his parents' home. See *In re E.S.*, 264 P.3d 623, 627 (Colo. Ct. App. 2011) ("A parent does not relinquish parental rights by voluntarily placing a child under the care of a third party."); *Hanson v. McGowan*, 555 N.E.2d 80, 82 (Ill. App. Ct. 1990) (same).

Further, "[t]he mere fact of separation for several years while the parent permits the child to be raised by others does not in itself establish abandonment." *In re Guardianship of Newell*, 10 Cal.Rptr. 29, 31 (Cal. Ct. App. 1960). In other words, temporary absences do not necessarily evidence an intent to surrender parental rights. As both parties stipulate, neither party has abandoned any of the children. That the child currently lives in the grandparents' house is a factor to be considered, but is a single factor in a multitude which must be weighed by the court.

Accordingly, the court will turn to the factors as set out in *Kumangai v. Decherong* and will begin with the mental and physical health of all individuals involved. Robert appears to be in good health and does not have any special needs for which the court needs to take into consideration. Plaintiff and defendant do not have any special needs either, and no specific mental or physical characteristic was raised to give the court concern.

Both parties each wish to have sole custody of Robert. Parents have the right to custody of their children and make decisions regarding their welfare. 59 Am. Jur. 2d *Parent and Child* §26 (2008). Even though defendant presented some evidence appearing to impeach plaintiff's character, the court finds that each party is a proper person to be awarded custody. Both parties love Robert and want what is best for him. Despite the fact they are not necessarily earning enough money to support themselves and their children, they have steady employment. Plaintiff has taken on a part-time job that allows him to provide for Robert's needs and wants, but at the same time allows him time to visit with Robert on a regular basis. In the meantime, he is trying to get a house for himself so he can bring Robert to live with him. He has the national health insurance which Robert is listed as his dependent and has life insurance with all his children listed as beneficiaries. Defendant, on the other hand, has sought assistance from the government through food stamps and is currently applying for low-income family housing so she can move to a bigger place. She has medical and dental insurance for herself and the children.

[4] Ideally, in a situation where both parents are fit and proper, an award of joint custody, which will allow both parties to share physical custody and have an equal say over the rearing of their child, is appropriate. *See Kumangai*, 13 ROP at 279. Unfortunately, because both parties live in different countries, such an arrangement for its obvious reasons is not practical and would not be in the best interest of Robert.

As to Robert's wishes, the court did not consider it because of his young age, and neither party objected to the court's decision. However, in terms of his interaction and relationship with his parents and other individuals in his life, as well as, adjustment to his living situation, the court notes the following:

Robert first moved to Palau when he was about a year old. He is now five years old. For the past four years, Robert has been with plaintiff, his paternal grandparents, cousins, and relatives here in Palau. This is what he has known. Although he lives with his paternal grandparents, plaintiff visits him almost every day and provides for most if not all of his needs. He has cousins, ages seven and nine that live with him. His aunt watches him whenever his paternal grandparents are at work. As plaintiff states, he is in a good and safe environment. He and plaintiff get along well. They are not just father and son, but friends. His paternal grandparents are there to help take care of him until plaintiff finds his own place and they treat him like their own son. They both work at the school where plaintiff plans on enrolling Robert this coming school year.

On the other hand, although, Robert knows his mother and spent some time with

her, most recently, for several days before and after the trial in this case, the court knows very little about his interaction with her, aside from defendant's own testimony, that they get along well.

In addition, Robert has had no significant relationship with his siblings over the past two to four years. There is no dispute that siblings generally should be raised in the same household so they can share their lives together as brothers and sisters. However, some jurisdictions have held that:

Although it is desirable to keep siblings together, no rigid rule prevents separation. Instead, the matter is committed to the trial court's discretion to best respond to the myriad of factual settings which will invariably arise in custody matters, at all times cognizant that it is the best interests of the child which is the paramount consideration. Though maintaining sibling relationships will typically be in the best interests of the child, cases will undoubtedly arise where the best interests of the child dictate otherwise.

I.J.D. v. D.R.D., 961 P.2d 425, 430-31 (Alaska 1998) (internal citations omitted); *Accord In re Marriage of Morales*, 159 P.3d 1183, 1189 (Or. Ct. App. 2007) (same).

Furthermore, some courts have held that "[s]eparating siblings may be justified for reasons including the relationship between the siblings, the children's respective custodial preferences, the children's prior separations and custodial

placements, or one child's emotional and educational problems while with one parent.” *In re Marriage of Morales*, 159 P.3d at 1189; *Accord Matter of Marriage of Scott*, 571 P.2d 1281, 1283 (Or. Ct. App. 1977) (“a preference [for keeping siblings together], in the absence of other factors, carries weight in determining custody in the first instance; however, it is considerably less persuasive where custody was divided initially and a change is sought years later.”). Therefore, even though separation of siblings is an important factor to consider, the fact that Robert has been separated from his siblings for about two to four years, (two years from T’Keyah; four years from Tyrese), and has not even met his younger brother Jacone, makes such a factor less persuasive.

What is persuasive is Robert appears to be thriving in his current living arrangement. He is in a stable environment. Despite plaintiff’s move to Koror, Robert continues to see plaintiff on a regular basis and is surrounded by the same people he has grown up knowing. The court believes in determining the best interest of Robert, the desirability of maintaining continuity of a stable environment is significant to the court’s determination. *See Burns v. Burns*, 737 N.W.2d 243 (N.D. 2007) (finding trial court’s consideration of the length of time the child has lived in a stable satisfactory environment and the desirability of maintaining continuity in determining the best interest of the child was not clearly erroneous).

As the court noted above, defendant is a fit and proper person, and the court does not doubt that she is trying her best to raise her children in a stable and thriving

environment. What concerns the court, however, is placing Robert with defendant will completely take away from Robert what he has grown up to know. He will move to a completely different country. He will no longer be able to see the people in his life right now that he has lived with for the past four years. Although arrangements could be made for visits, considering the potential costs and the current income of both parties, the likelihood of any significant visitation schedule is minimal. Furthermore, because the court knows very little about defendant and Robert’s interrelationship, the court is not confident that Robert will transition smoothly.

Defendant argues, citing *In Re Custody of Anderson*, 890 P.2d 525 (Wash. 1995), that because plaintiff has not been providing a home to Robert, he has not and will not be providing a better home environment for Robert and therefore defendant should be awarded custody. Although, the court agrees that determining the best interest of the child includes considering which of the parents can provide a better home environment, the court is not convinced that defendant will provide a home environment any better than what Robert is receiving now. Defendant currently lives in a three-bedroom apartment with her three children, her brother, her sister and her sister’s boyfriend. She and her children share the master bedroom, while her brother is in one room and her sister and her boyfriend are in another room. Although defendant states they have enough room to accommodate Robert if the court awards her custody, looking at the pictures presented, they barely have enough room as it is. (*See* Def.’s Exh. C). All the children’s mattresses are lined up next to each other on

the floor and defendant herself sleeps alongside them. The children range in ages from T'Keyah, 7, Tyrese, 4, and Jacone, 1. Defendant herself is 29 years old. None of them have any privacy. They live on the second floor of an apartment complex. The children cannot play outdoors unless they go to a park.

According to defendant, she has sought family housing but was told she first needs to have a court order awarding her custody of her children in order to complete her application. Although the court understands defendant's situation, it would be premature to award her custody, specifically of Robert, just so that she can then qualify for family housing.

From what the court can tell, there are benefits available in Guam that are not available here in Palau, such as food stamps, low-income house, advanced health care, etc. Robert however, does not appear to have any special needs for which any such services (or lack thereof) will have an effect on. Plaintiff has provided the bulk of his needs, including what he wants. Although plaintiff does not have his own place where Robert can live with him, his parents have a house that Robert can live in until he gets his own place.

In addition, despite defendant's emphasis on Robert living in plaintiff's grandparents' house, plaintiff visits with him regularly and provides for his needs. Defendant, herself, works and during those times, Robert would be cared for by her sister, who is already taking care of Tyrese and Jacone.

Based on all of the above, the court therefore believes it is in the best interest of Robert that plaintiff be awarded sole custody over him, with reasonable visitations by defendant. The court realizes the difficulty of arranging visitations as defendant lives in Guam, and hopes that the parties can use their best efforts to arrange such visits to nurture an environment where Robert can enjoy a relationship not only with plaintiff and his family here in Palau, but with defendant and his siblings in Guam, as well.

As for custody of T'Keyah and Tyrese, plaintiff does not object to defendant having sole custody over them. Because they have been living with defendant all this time and seem to be thriving with defendant, the court awards defendant sole custody over them.

B. CHILD SUPPORT:

According to the parties' pleadings, plaintiff is not seeking child support for Robert. Defendant, however, seeks child support for T'Keyah and Tyrese. Defendant initially requested child support in the amount of \$125 every month for each child. Later she alleged support of at least \$270 every two weeks for the children in Guam is warranted.

Under Palau law, a biological parent of a minor child is obligated to provide support for his or her minor child unless the child was adopted. 21 PNC §335(b). Providing support means providing the minor child with his or her basic necessities of life. 59 Am. Jur. 2d *Parent and Child* §49 (2008). In determining the parents' ability to provide adequate support, the court considers not just the actual income of the

parents, but the earnings capacity and total financial circumstances of each parent. *Id.* at §48.

According to defendant, T'Keyah and Tyrese's monthly expenses range from \$896.84-\$1,017.67 per month. Of that amount she receives government assistance of about \$500 in food stamps, leaving a balance of \$517.66 per month. She earns about \$342.70 every two weeks (or \$685.40 per month), not including overtime. And of the monthly rent, utilities, water, etc. her share is about \$150-\$200 a month. Her father however sends her about \$150-\$200 a month.

Plaintiff on the other hand, earns a gross pay of \$410.23 every two weeks. After his regular allotments for tax, social security, pension, medical & life insurance, as well as his loans, he is left with a net pay of \$124.98 every two weeks (or \$249.96 per month). He also earns \$300 a month for his part-time employment at PPR, although his contract ends in March of 2013 and he is not sure whether it will be renewed. His monthly living expenses total about \$250, while Robert's ranges from \$80-\$100.

Based on the parties' income and financial circumstances, plaintiff is left with about \$199 a month while defendant is left with about \$168. Accordingly, the court believes plaintiff should pay child support for his two children in Guam in the amount of \$50 every month. This would assist defendant in any unexpected expenses while leaving enough for plaintiff to cover any of his own and Robert's expenses.

C. EXPENSES AND ATTORNEY FEES

[5] Finally, defendant requests the court order plaintiff to pay her reasonable expenses and attorney fees for having to come to Palau to litigate this matter, citing *Crowe v. Crowe*, 134 N.E.2d 211 (Ind. 1965) and others. The cases defendant cites held that courts have inherent authority to award attorney fees in custody hearings. Palau case law however, is clear that "[a]bsent a statute or contract to the contrary, each party is responsible for his own attorney fees." *WCTC v. Kloulechad*, 15 ROP 127, 128-129 (2008); *Accord Rdialul v. Kirk & Shadel*, 12 ROP 89 (2005).

As for defendant's expenses, pursuant to 14 PNC §702, courts may award costs which the court finds has been necessarily incurred. Defendant argues that plaintiff could have filed the suit in Guam where defendant resides but chose to bring the lawsuit here in Palau making it necessary for her to come to Palau to defend it. On the contrary, it was proper for plaintiff to file this complaint here in Palau as he and Robert both reside here, and he is not seeking support for Robert from defendant. Defendant's argument is therefore without merit. Defendant's request for plaintiff to pay her reasonable expenses and attorney fees is therefore denied.

JUDGMENT

Pursuant to the above findings and conclusions, the court HEREBY ENTERS the following judgment:

1st. Plaintiff Takamatsu R. Emesiochl is the biological and legal father of T.E.M.M.

(“Tyrese”), born on October 25, 2008, in Saipan, CNMI.

2nd. Defendant Julynn Mendiola Maratita is awarded sole custody of T.I.M.E (“T’Keyah”), born on January 05, 2006, in Saipan, CNMI and T.E.M.M. (“Tyrese”), born on October 25, 2008, in Saipan, CNMI. Plaintiff Takamatsu R. Emesiochl is awarded reasonable visitations. Parties shall use their best efforts to arrange such visits to nurture an environment where both children can enjoy a relationship with plaintiff and his family here in Palau.

3rd. Plaintiff Takamatsu R. Emesiochl shall pay child support for T’Keyah and Tyrese in the amount of \$50 every month, beginning March 29, 2013 and every end of the month thereafter. Payments shall be made to the parties’ joint account at Bank of Guam.

4th. Plaintiff Takamatsu R. Emesiochl is awarded sole custody of R.C.M.II.T.E (“Robert”), born on July 19, 2007 in Saipan, CNMI. Defendant Julynn Mediola Maratita is awarded reasonable visitations. Parties shall also use their best efforts to arrange such visits to nurture an environment where Robert can enjoy a relationship with defendant and his siblings in Guam.

5th. Each party shall bear their own costs and fees.

6th. This court has continuing jurisdiction over this matter. Parties should inform each other and the court of any change in circumstance affecting the custody and support of the children.