

HISTORY

Organizations that serve elder persons and persons with disability, such as Guam Memorial Hospital and Guma Mami, had petitioned the Guam Legislature in 2000 to establish a Public Guardian on Guam. The Guam Legislature responded, and in January 2001 the Office of the Public Guardian was established. The office was placed in the Supreme Court of Guam. The Chief Justice of the Supreme Court appoints the Public Guardian.

HOW TO OBTAIN SERVICES

Any person interested in an individual's welfare may contact the Office of the Public Guardian for assistance. The person will be requested to complete an intake form and will meet with a social worker or the Public Guardian to discuss the matter. An assessment will be done to determine the kind of and extent of services needed. The Office of the Public Guardian will make referrals to other agencies or organizations as appropriate after completing the intake process. In the event that the problem presented is not within the scope of work the Office of the Public Guardian handles or the office is not able to assist, a referral will be made to an appropriate agency or to the Lawyer Referral Service of the Guam Bar Association.

If you know someone in need of guardianship services or to learn more about guardianship, please contact the

Office of the Public Guardian.

Telephone: 475-3173

Facsimile: 472-0381

Email: publicguardian@opg.guamcourts.org

Chief Justice Robert J. Torres, Jr.

Supreme Court of Guam

Phone: (671) 475-3300

Presiding Judge Alberto C. Lamorena III

Superior Court of Guam

Phone: (671) 475-3410

Website: www.guamcourts.org

JUDICIARY OF GUAM

Office of the Public Guardian



110 West O'Brien Drive
Old Court Building
Hagatna, Guam 96910

G U A R D I A N S H I P S E R V I C E S

Office of the Public Guardian

Mandated Duties of the Public

Guardian

1. To serve as guardian of the person and/or the estate of an adult in our community who by reason of age, disease, or disability is unable, unassisted to properly manage and take care of him or herself or his or her property, and for whom a guardian among family and friends cannot be identified.
2. To assist the Court in the guardian proceedings of an adult, and in supervision of persons who have been appointed guardian of an adult. By rule making authority, this now includes the authority to intervene in a guardianship matter if investigation leads to a concern of abuse or neglect by a guardian.
3. To assist, advise, and guide persons who are seeking appointment, or who have been appointed as guardian of an adult.
4. To offer guidance and counsel, encouraging maximum self reliance and independence of needful persons to avoid the need for appointment of a guardian, where possible.
5. To develop programs of public

education on guardianship and alternatives to guardianship, and support and encourage the development of private guardians.

What is a Guardianship?

A guardianship is the legal process by which a court determines that a person is incapable of making decisions about some or all areas of life. Because of certain medical conditions, a developmental disability, dementia, mental illness, or the inability to communicate, a person may lack the capacity to make or communicate important life decisions. This person may need assistance in managing the necessary decisions of life and in providing informed consent for care or services.

After the court has received medical or psychological evidence, and evidence of functional incapacity to make or communicate decisions, it may declare a person to be **incompetent** and appoint a **guardian** to make decisions on the person's behalf. This determination of incapacity and the appointment of a guardian does remove specific rights from the person. Once under guardianship, the person is referred to as the **ward** of the guardian.

What is a Guardian?

A guardian is someone appointed by the court and given the power and responsibility to make decisions for another. A **full guardian** can make all the decisions for the individual.

A **limited guardian** can only make decision for the individual that the court allows.

Types of Guardianship

Guardianship of the Person

When the court appoints a guardian of the person, the guardian may have the following responsibilities:

- Determine and monitor the residence of the ward.
- Consent to and monitor medical treatment or non-medical services such as education and counseling.
- Consent to the release of confidential information.
- Make end-of-life decisions.
- Act as representative payee.
- Maximize independence in least restrictive manner.
- Report to the court about the status of the ward.

Guardian of the Estate or Property

"Estate" is defined as real and personal property, tangible and intangible, and includes anything that may be the subject of ownership. When the court appoints a guardian of the estate, the guardian is assigned the following responsibilities

- Marshall and protect assets.
- Obtain appraisals of property.
- Protect property and assets from loss.
- Receive income for the estate.
- Make appropriate disbursements.
- Obtain court approval prior to selling any asset.
- Report to the court about the status of the estate.

Alternatives to Guardianship

Alternatives to guardianship may include:

- Representatives or substitute payees.
- Case/care management.
- Health care surrogacy.
- Trusts
- Durable powers of attorney for property.
- Durable powers of attorney for health care.
- Advanced health care directive
- Community advocacy systems.
- Joint checking accounts.
- Community agencies/services.