

15 GCA ESTATES AND PROBATE
CH. 35 THE RELATIONSHIP AND RULES GOVERNING THE
CREATION OF THE RELATIONSHIP OF GUARDIAN AND WARD

CHAPTER 35
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OF THE RELATIONSHIP OF GUARDIAN AND WARD

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§ 3501. Definition of Relationship.

A Guardian is a person appointed to take care of the person or property of another. The latter is called the ward of the guardian. The relation of guardian and ward is confidential, and is subject to the provisions of law relating to trusts. In the management and disposition of the person or property committed to him, a guardian may be regulated and controlled by the court.

SOURCE: Probate Code of Guam (1970), § 1400.

§ 3502. General and Special Guardians.

Guardians are either general or special. A general guardian is a guardian of the person or of the general estate of the ward within this Territory, or of both. Every other is a special guardian.

SOURCE: Probate Code of Guam (1970), § 1401.

§ 3503. Guardian of Property; Appointment by Will or Deed.

A parent may appoint a guardian by will or by deed for the property of any child of such parent, living or likely to be born, which such child may take from such parent by will or succession.

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SOURCE: Probate Code of Guam (1970), § 1402.

§ 3504. Guardian of Person and Estate; Appointment to Take Effect at Death.

Either parent of a legitimate child, living or likely to be born, may appoint a guardian of the person and estate or person or estate, of such child, by will or by deed, to take effect upon the death of the parent appointing, with the written consent of the other parent, or if the other parent is dead or incapable of consent. If the child is illegitimate, such appointment may be made by the mother.

SOURCE: Probate Code of Guam (1970), § 1403.

§ 3505. Guardian of Person and Estate; Insane or Incompetent Person.

Either parent of an unmarried, insane or incompetent person may appoint a guardian of the person and estate or person or estate, of such person, by will or by deed, to take effect upon the death of the parent appointing, with the written consent of the other parent, or if the other parent is dead or incapable of consent. If the insane or incompetent person is married, such appointment may be made by the spouse.

SOURCE: Probate Code of Guam (1970), § 1404.

§ 3506. General Guardian; Court Appointment.

The Superior Court shall appoint a general guardian of the person and estate or person or estate, of minors and insane or incompetent persons, whenever necessary or convenient, and when no guardian has been appointed for the purpose by will or by deed. The court, in its discretion, may appoint more than one guardian, each of whom must give a separate bond, and be governed and liable in all respects as a sole guardian. The court shall also confirm an appointment made by will or by deed, whenever requested, upon the same procedure and notice as in the case of appointment by the court.

SOURCE: Probate Code of Guam (1970), § 1405.

§ 3507. General Guardian; Rules for Appointment.

In appointing a general guardian of a minor, the court is to be guided by what appears to be for the best interest of the child in respect to its temporal and mental and moral welfare; and if the child is of sufficient age to form an intelligent preference, the court may consider that preference in determining the question. If the child resides in the

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territory of Guam and is over fourteen (14) years of age, he may nominate his own guardian, either of his own accord or within ten (10) days after being duly cited by the court; and such nominee must be appointed if approved by the court. When a guardian has been appointed for a minor under fourteen (14) years of age, the minor, at any time after he attains that age, may nominate his own guardian, subject to the approval of the court.

SOURCE: Probate Code of Guam (1970), § 1406.

§ 3508. Order of Right to Guardianship.

Of persons equally entitled in other respects to the guardianship of a minor, preference is to be given as follows:

1. To a parent;
2. To one who was indicated by the wishes of a deceased parent;
3. To one who already stands in the position of a trustee of a fund to be applied to the child's support;
4. To a relative;

SOURCE: Probate Code of Guam (1970), § 1407.

§ 3509. Rights as Between Parents.

As between parents claiming the guardianship adversely to each other, neither is entitled to priority; but other things being equal, if the child is of tender years, it should be given to the mother; if it is of an age to require education and preparation for labor and business then to the father.

SOURCE: Probate Code of Guam (1970), § 1408.

§ 3510. Effect of Abandoning Child.

A parent who knowingly or wilfully abandons or having the ability so to do, fails to maintain his minor child under fourteen (14) years of age, forfeits all right to the guardianship of such child and a parent or guardian who knowingly permits his child or ward to become an object of charity for a period of six (6) months, abandons and forever forfeits all right to the guardianship of the child.

SOURCE: Probate Code of Guam (1970), § 1409.

§ 3511. Effect of Marriage of Guardian.

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The authority of a guardian is not extinguished or affected by the marriage of the guardian.

SOURCE: Probate Code of Guam (1970), § 1410.

§ 3512. Aliens and Corporations Controlled by Aliens.

No person ineligible to citizenship in the United States and no company, association or corporation of which a majority of the members are aliens ineligible to citizenship in the United States, or in which a majority of the issued capital stock is owned by such aliens, may be appointed guardian of any estate which consists in whole or in part of real property.

SOURCE: Probate Code of Guam (1970), § 1411.
