

CHAPTER 38
APPOINTMENT OF GUARDIANS FOR INSANE OR
INCOMPETENT PERSONS

- § 3801. Power of Court to Appoint; Definitions.
- § 3802. Petition for Appointment.
- § 3803. Appointment; Preference.

§ 3801. Power of Court to Appoint; Definitions.

The Superior Court, to which application is made as hereinafter provided, may appoint a guardian for the person and estate or person or estate of an insane or an incompetent person. As used in this Division of this Title, the phrase *incompetent person*, *incompetent* or *mentally incompetent*, shall be construed to mean or refer to any person, whether insane or not, who by reason of old age, disease, weakness of mind or other cause, is unable, unassisted, properly to manage and take care of himself or his property, and by reason thereof is likely to be deceived or imposed upon by artful or designing persons.

SOURCE: Probate Code of Guam (1970), § 1460.

§ 3802. Petition or Appointment.

Any relative or friend may file a verified petition alleging that a person is insane or incompetent. Thereupon the clerk shall set the same for hearing by the court and shall cause notice to be given to the alleged insane or incompetent person of the time and place of hearing, not less than five (5) days before the time so appointed; and such person, if able to attend, must be produced at the hearing, unless he is a patient at a hospital in Guam, and the certificate of the Director of Public Health and Social Service is produced, to the effect that such patient is unable to attend the hearing, which certificate shall be prima facie evidence of that fact.

SOURCE: Probate Code of Guam (1970), § 1461.

§ 3803. Appointment; Preference.

If, upon the hearing, it appears to the court that the person in question is insane or incompetent, the court must appoint a guardian of his person and estate or person or estate. In awarding letters of guardianship, the court shall give preference to such person as may have been designated by will or deed, unless good cause to the contrary is shown.

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SOURCE: Probate Code of Guam (1970), § 1462.
