

CHAPTER 44
NONRESIDENT WARDS

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§ 4401. Jurisdiction to Appoint Guardian of Nonresident Ward.

The Superior Court may appoint a guardian of the person and estate or person or estate, of a minor or insane or incompetent person who resides out of the territory of Guam and who is within the territory of Guam or who has estate within Guam, and who has no guardian within Guam, upon petition of any friend of such person or of anyone interested in his estate, in expectancy or otherwise. Before making such appointment, the court or judge must cause notice to be given to all persons interested, in such manner as deemed reasonable. The guardianship which is first granted of a nonresident ward extends to all the estate of the ward within the territory of Guam.

SOURCE: Probate Code of Guam (1970), § 1570.

§ 4402. Powers and Duties; Bond.

Every guardian of a nonresident ward has the same powers and duties, with respect to the estate of the ward within the territory of Guam, and with respect to the person of the ward while living therein, as are prescribed by this Title with respect to any other guardian. Such guardian must give bond to the ward as hereinbefore provided for other guardians, but his responsibility with regard to inventory, accounting and disposal of the estate is confined to such estate as comes into his hands in the territory of Guam.

SOURCE: Probate Code of Guam (1970), § 1571.

§ 4403. Removal of Property From Guam.

When the guardian and ward are both nonresidents, and the ward owns property in the territory of Guam which may be removed to another country without conflict with any restriction or limitation thereupon or impairing the right of the ward thereto, such property may be removed to

the country of the ward's residence upon application of the guardian to the Superior Court.

SOURCE: Probate Code of Guam (1970), § 1572.

§ 4404. Notice of Application for Removal; Certificate Required.

Such application must be made upon ten (10) days' notice to the resident guardian or executor or administrator, if there be such. The nonresident guardian must produce and file a certificate, under the hand of the clerk and seal of the court from which his appointment was derived, showing:

- (1) A transcript of the record of his appointment;
- (2) That he has entered upon the discharge of his duties; and

(3) That he is entitled, by the laws of the jurisdiction in the country of his appointment, to the possession of the estate of the ward; or must produce and file a certificate, under the hand of the clerk and seal of the court having jurisdiction, in the country, state or territory of his residence, of the estates of person under guardianship or of the highest court of such state, territory or country, attested, in the case of a foreign country, by a minister, consul or vice consul of the United States, resident in such country, that, by the laws of such country, the applicant is entitled to the custody of the estate of his ward, without the appointment of any court.

SOURCE: Probate Code of Guam (1970), § 1573.

§ 4405. Order Granting Removal; Effect Thereof.

Upon such application, unless good cause to the contrary is shown, the court must make an order granting to such guardian leave to remove the property of his ward to the state, territory or country of his residence, which is authority to him to sue for and receive the same in his own name, for the use and benefit of his ward. Such order is a discharge of the local guardian or executor, administrator or other person in whose possession the property may be at the time the order is made, on filing with the clerk of the court the nonresident guardian's receipt therefor and transmitting a duplicate receipt or a certified copy of such receipt, to the court from which such nonresident guardian received his appointment.

SOURCE: Probate Code of Guam (1970), § 1574.
