

What is a Third Party Custodian?

A **Third Party Custodian (TPC)** is an individual willing to assume responsibility for criminal defendant who is detained pending criminal court proceedings;. If approved by the Court, the defendant will be released to the TPC, who must ensure his/her compliance to strict conditions of release. Any infraction or violation of release conditions may result in the defendant being re-arrested and/or contempt charges being brought against the TPC.

The Probation Services Division's, Office Duty Section is responsible for interviewing interested Proposed Third Party Custodians.

If you are interested in becoming a **Third Party Custodian (TPC)** please review this pamphlet to ensure that you understand the basic requirements and responsibilities of a TPC.



All Proposed Third Party Custodians must be interviewed by Probation Staff



For More Information on the Third Party Custodian Program please contact :

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Judiciary of Guam

Third Party Custodian Program



The Third Party Custodian Interview Process

The Probation Services Division's Office Duty Section is responsible for interviewing interested Proposed Third Party Custodians. If you are interested in becoming a Third Party Custodian you must meet the following basic requirements:

- Third Party Custodians must be physically present for the interview. Two individuals are required: both a Primary TPC and a Co-TPC to assist with 24 hour supervision of the defendant. If released, the defendant will reside in the Primary TPC's household. (Work schedules of TPC's must not conflict with 24 hour supervision of defendant.)
- Proposed TPC applicants must provide recent Guam Police Department Police Clearances; in addition, police clearances for all other adult household members residing in the Primary TPC's household are also required.
- Proposed TPC applicants cannot be victims in the matter nor witnesses in the case; they cannot be named in the charging documents (i.e. Magistrate Complaint; Information, Declaration, Complaint, Indictment or Police Report).
- Proposed TPC applicants should speak English and understand the severity of the charges brought against the defendant and the possible conditions of release such as house arrest, curfew, stay away orders, and any other condition(s) imposed by the court.

Probation Staff will ensure that the TPC understands the pending charges brought against the defendant and the responsibilities of being a Third Party Custodian.



- Proposed TPC applicants receiving public housing benefits are not eligible to house defendants because changes to the household composition may jeopardize public assistance eligibility.
- No children are allowed in the TPC residence if the allegations involve minor children (i.e. Child Sexual Misconduct, Child Abuse).
- If proposed TPC applicant does not own the residence where the defendant will reside, applicant will be required to obtain landlord permission explicitly allowing the defendant to reside on premises as well as for probation to visit and search the residence at any time.
- If approved by the Court, TPC's will be ordered to surrender any firearms or weapons to the Probation Services Division for safekeeping.
- Proposed TPC applicants should not be current jurors or Grand Jury Panelists.

In order to further ensure the safety of the community, additional requirements may be imposed by the Court depending on the type and nature of alleged offense (i.e. stay-away orders to include victims, 500 ft. stay-away orders from schools or playgrounds, etc.)

- Proposed TPC residence should have a working telephone landline. Cellular phones are not appropriate for house arrest/curfew purposes.
- Proposed TPC applicants should be 18 or older with a valid Guam Drivers License and in fair physical health.

The following procedures are used by Probation staff upon interviewing Third Party Custodian applicants:

- Probation staff will verify that the Proposed TPC is not currently on Probation or have pending or previous criminal charges.
- Probation staff will ask for relevant police clearances and drivers licenses.
- Probation staff will verify defendant's name. Probation staff will then discuss the charging documents to notify applicants of the nature of the crime the defendant is charged with. Staff will read or review the charges with proposed TPC applicants.
- Probation staff will ascertain proposed TPC's relationship to defendant, and will inquire if applicants understand the nature of the allegations. If the TPC applicant is a party to the matter or an alleged victim in the matter, he or she cannot act as a TPC for the defendant.
- Probation staff will require applicant to draw a map to the proposed residence and ensure that the residence has a working telephone landline and is free from any firearms or weapons.

In cases of Criminal Sexual Conduct and/or Child Abuse, Probation staff will ensure that minor children do not reside in the household.

- Probation Staff will enter all information in the court's data system and print documents for applicants to review and acknowledge by signing. These documents will be presented to the Judge at a scheduled bail hearing.



- Probation Staff will inform both Primary and Co-TPC applicants to be available for scheduled bail hearing.

The Third Party Custodian Interview Process is a tool to assist the Court weigh community welfare and safety against the release of a defendant pending criminal proceedings. The release or continued detention of the defendant is ultimately the decision of the Court and not the Probation Office.