

15 GCA ESTATES AND PROBATE
CH. 39 RESTORATION TO CAPACITY

CHAPTER 39
RESTORATION TO CAPACITY

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§ 3901. Petition for Determination.

Any person who has been declared insane, or for whom a guardian has been appointed as an insane or incompetent person, or the guardian or any relative or friend, may apply, by petition, to the Superior Court, to have the fact of his restoration to capacity judicially determined. The petition must be verified, and must state that such person is then sane or competent.

SOURCE: Probate Code of Guam (1970), § 1470.

§ 3902. Procedure Before Trial.

The clerk shall set the petition for hearing by the court. At the request of the person so declared insane or for whom a guardian has been appointed, the question of his restoration to capacity must be tried by the court. At least five (5) days' notice of the trial must be given to the guardian of the person so declared insane, or for whom a guardian has been appointed, if there is a guardian, and to the person's spouse, if any, and to his or her father and mother, if in the territory of Guam.

SOURCE: Probate Code of Guam (1970), § 1471.

§ 3903. Trial and Judgment.

On the trial, the guardian or relative of the person so declared insane or for whom a guardian has been appointed, and, in the discretion of the court, any other person, may contest the right to the relief demanded. Witnesses may be required to appear and testify, as in civil cases, and may be called and examined by the court on its own motion. If it is found that the person in question is sane and capable of managing and taking care of himself and his property, his restoration to capacity must be adjudged and the guardianship of such person, if not a minor, must cease.

SOURCE: Probate Code of Guam (1970), § 1472.
