

**Guam Code Annotated
Applicable to
Department of Mental Health and Substance Abuse**

**7 GCA Civil Procedure
Chapter 3 Supreme Court of Guam**

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CHAPTER 3
SUPREME COURT OF GUAM

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§ 3101. Judicial Power.

The judicial power of Guam shall be vested in a Supreme Court and a court of general jurisdiction designated the Superior Court.

SOURCE: New to P.L. 21-147. See Organic Act (48 U.S.C.A.) § 1424-1.

§ 3102. Status of Supreme Court of Guam.

The Supreme Court of Guam shall be the highest court of Guam.

SOURCE: Not in original proposal. Added to later bills to make clear the status of the Supreme Court both with respect to the District Court, now that it is divested of all direct local appellate jurisdiction and to the status of attorneys before the Bar of Guam and other states. Often an attorney must be "admitted to practice before the highest court of" a jurisdiction in order to qualify for admission elsewhere or for employment.

§ 3103. Supreme Court; Composition.

(a) The Supreme Court of Guam is established pursuant to 22A of the Organic Act of Guam and has such original and appellate jurisdiction as is prescribed by the Organic Act of Guam and by this Title. The Supreme Court shall consist of three (3) full-time Justices who shall be appointed by *I Maga'lahañ Guåhan*, the Governor of Guam, subject to the advice and consent of *I Liheslatura*. Two (2) of the full-time Justices shall be Associate Justices and one (1) shall be Chief Justice, who shall be selected

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§ 3112. Office of Public Guardian. Office of Public Guardian; Establishment; Appointment.

There is hereby established within the government of Guam an Office of Public Guardian (*Office*). The Public Guardian of the Office is the head of the Office. The Chief Justice shall appoint the Public Guardian, who shall serve at the Chief Justice's pleasure.

(a) Powers and Duties.

(1) The Public Guardian shall serve as guardian, limited guardian, testamentary guardian or temporary guardian of the person and/or estate of an elderly or mentally incapacitated individual when so appointed by the Family Court under Chapter 1 of Appendix C of Title 7 of the Guam Code Annotated. The Public Guardian shall file a petition for the Public Guardian's own appointment. Petitions for public guardianship may also be filed by any person, agency, or facility responsible for the support or care of individuals who:

(i) are *not* able to understand or adequately participate in decisions concerning their care; *and*

(ii) have no relatives or friends willing and able to act as guardian.

(2) The Public Guardian shall have the same powers and duties as a private guardian.

(3) The Public Guardian shall assist the Court, as the Court may request or direct, in proceedings for the appointment of a guardian of the person and in the supervision of persons, corporations or agencies which have been appointed as guardians of the person.

(4) The Public Guardian shall advise and assist persons, corporations, and agencies which are seeking appointment as a guardian for an incapacitated person. The Public Guardian shall also provide advice, information and guidance to the persons, corporations or agencies who have been appointed as guardian of the person to assist them in the discharge of their duties.

(5) The Public Guardian may offer guidance and counsel, without court appointment as guardian, to those persons who request such assistance or to those on whose behalf it is requested for the purpose of encouraging maximum self-reliance and

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independence of such persons, and avoiding the need for appointment of a guardian.

(6) The Public Guardian shall develop programs of public education on guardianship and alternatives to guardianship and encourage the development of private guardians able and willing to serve as guardian for the person.

(b) Public Guardianship Review Board. Persons, corporations and/or agencies appointed guardians shall be consistently monitored through a Public Guardianship Review Board. Every six (6) months, the Board shall review the care and protection of those persons who are under guardianship by the Office of the Public Guardian. The review Board may review cases before the six (6) month period upon the request of the majority of the members of the Board. This review Board shall consist of eleven (11) members:

(1) one (1) social worker appointed by the Director of the Department of Public Health & Social Services;

(2) one (1) physician appointed by the Administrator of the Guam Memorial Hospital Authority;

(3) one (1) nurse appointed by the Director of the Department of Public Health and Social Services;

(4) one (1) representative of the Guam Council on Senior Citizens;

(5) one (1) representative from a local nonprofit social service organization providing service to those with developmental disabilities, appointed by the Speaker of *I Liheslaturan Guåhan*;

(6) one (1) attorney appointed by the Guam Bar Association;

(7) one (1) representative from a local nonprofit social service organization providing services to the youth, appointed by the Speaker of *I Liheslaturan Guåhan*; and

(8) three (3) members of the community at large appointed by the Speaker of *I Liheslaturan Guåhan*.

(9) one (1) psychiatrist appointed by the Director of the Department of Mental Health and Substance Abuse.

(c) When *Not* Appointed. The Public Guardian shall *not* be appointed *if* another suitable guardian is available and willing to accept