

GUAM CODE ANNOTATED

TITLE 19

PERSONAL RELATIONS

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CHAPTER 1
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§ 1116. Minors May Sue.

§ 1101. Minors, Who Are.

Minors are all persons under eighteen (18) years of age.

SOURCE: CC §25 amended by P.L. 11-114 and R/R by P.L. 14-92:5.

§ 1102. Minority, How Calculated.

The periods specified in the preceding section must be calculated from the first minute of the day on which persons are born to the same minute of the corresponding day completing the period of minority.

SOURCE: CC §26.

§ 1103. Adults, Who Are.

All other persons are adults.

SOURCE: CC §27.

§ 1104. Unborn Child.

A child conceived, but not yet born, is to be deemed an existing person, so far as may be necessary for its interests in the event of its subsequent birth.

SOURCE: CC §29.

§ 1105. Custody of Minors.

The custody of minors and persons of unsound mind is regulated by this Title and the provisions of law contained in the Probate Code (15 GCA).

SOURCE: CC §32; references changed to agree with GCA format.

§ 1106. Minors Cannot Delegate.

A minor cannot give a delegation of power, nor make a contract relating to real property, or any interest therein, or relating to any personal property, not in his immediate possession or control.

SOURCE: CC §33 amended by P.L. 11-144.

§ 1107. Minors' Contracts; Disaffirmed.

A minor may make any other contract than as above specified, in the same manner as an adult, subject only to his power of disaffirmance under the provisions of this Chapter, and subject to the provisions of the Chapters on marriage, and on master and servant.

SOURCE: CC §34.

§ 1108. Minor's Time for Disaffirmance.

In all cases other than those specified in §§ 1109, 1110 and 1111 the contract of a minor if made while he is under the age of 18 may be disaffirmed by the minor himself, either before his majority or within a reasonable time afterwards, or, in the case of his death within that period, by his heirs or personal representatives, without restoring the consideration to the party from whom it was received, or paying its equivalent.

SOURCE: CC §35 as amended by P.L. 11-144 and P.L. 13-20:1.

§ 1109. Minors Liable for Necessaries; Services, When.

A minor cannot disaffirm an otherwise valid contract to pay the reasonable value of things necessary for his support, or that of his family, entered into by him when not under the care of a parent or guardian able to provide for him or them; provided that such things have been actually forwarded to him or his family.

SOURCE: CC §36.

§ 1110. Certain Obligations.

A minor cannot disaffirm an obligation, otherwise valid, entered into by him under the express authority or direction of a law.

SOURCE: CC §37.

§ 1111. Legal Capacity of Minor Regarding Medical Care.

(a) Definitions. For the purpose of this Chapter, the following terms shall be defined as follows:

(1) *Minor* shall be any person under the age of eighteen (18).

(2) *Parent* means the natural and the legal parent and any guardian, custodian or step-parent acting in loco parentis.

(3) *Medical care and services* mean the diagnostic examination, prescription and administration of medication and other items in the treatment of sexually transmitted diseases, the HIV virus, or AIDS, pregnancy and substance abuse. It shall not include surgery or any treatment to induce abortion.

(4) *Substance abuse* means any excessive use or misuse of substances that lead to intoxication, psychiatric disorder, physical disease, social dysfunction associated with dependency and damage to health, social or vocational adjustment.

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(5) *Sexually transmitted disease* means any disease that is transmitted through sexual contact.

(b) **Consent Valid.** The consent to the provision of medical care and service by public and private hospitals or public or private clinics, or the performance of medical care and services by a physician licensed to practice medicine or osteopathy, when executed by a female minor who is or professes to be pregnant, or by a minor who is or professes to be afflicted with or is concerned with being afflicted with a sexually transmitted disease, the HIV virus, or AIDS, or by a minor who suffers or professes to suffer from a substance abuse shall be valid and binding as if the minor had achieved his or her majority as the case may be; that is, a female minor who is or professes to be pregnant, or a minor who is or professes to be afflicted with or is concerned with being afflicted with a sexually transmitted disease, the HIV virus, or AIDS, or a minor who suffers or professes to suffer from substance abuse, or a minor who requests, shall be deemed to have and shall have the same legal capacity to act, and the same legal obligations with regard to the giving of such consent to the provision of medical care and services by such hospitals and such clinics, and such physicians as a person of full legal age and capacity, the infancy of the minor and any contrary provision of law notwithstanding, and such consent shall not be subject to later disaffirmance by reason of such minority, and the consent of no other person or persons (including, but not limited to a spouse or parent) shall be necessary in order to authorize the provision of medical care or services by such hospitals and such clinics and by such physicians to the minor.

(c) **Providing Information.** Public and private hospitals, or public and private clinics or physicians licensed to practice medicine or osteopathy, shall not inform the spouse or parent of any minor patient of the provision of medical care and services to the minor or disclose any information pertaining to such care and services without the specific consent of the minor patient to whom such medical care and services have been provided under this Chapter.

(d) **Financial Responsibility.** A minor who consents to the provision of medical care and services shall thereby assume financial responsibility for the costs of such medical care and services. Notwithstanding any other law to the contrary, parents, governmental agencies or third party payers whose consent has not been obtained or who have no prior knowledge that the

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minor has consented to the provision of such medical care and services, shall not be liable for the costs incurred by virtue of the minor's consent.

(e) Patient Counseling. The treatment of sexually transmitted diseases, the HIV virus, or AIDS, pregnancy and substance abuse, shall include individual counseling for each minor patient by a qualified person. Such counseling shall seek to open the lines of communication between parent and child.

(f) This Act shall take effect immediately.

SOURCE: CC §37A enacted by P.L. 13-20. Subsection (a)(3) amended by P.L. 22-84:2; Subsection (b) amended by P.L. 22-84:3; Subsection (e) amended by P.L. 22-84:4; Subsection (a)(5) added by P.L. 22-84:5.

§ 1112. Contracts by Person Without Understanding.

A person entirely without understanding has no power to make a contract of any kind, but he is liable for the reasonable value of things furnished to him necessary for his support or the support of his family.

SOURCE: CC §38.

§ 1113. By Persons of Unsound Mind.

A conveyance or other contract of a person of unsound mind, but not entirely without understanding, made before his incapacity has been judicially determined, is subject to rescission, as provided in the Chapter on rescission in the Civil Code.

SOURCE: CC §39.

§ 1114. Powers of Persons Whose Incapacity Has Been Adjudged.

After his incapacity has been judicially determined, a person of unsound mind can make no conveyance or other contract, nor delegate any power or waive any right, until his restoration to capacity. But a certificate from the medical superintendent or resident physician of the insane asylum to which such person may have been committed, showing that such person has been discharged therefrom, cured and restored to reason, shall establish the presumption of legal capacity in such person from the time of such discharge.

SOURCE: CC §40.

§ 1115. Minors Liable for Wrongs, But Not for Exemplary Damages.

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A minor or person of unsound mind, of whatever degree, is civilly liable for a wrong done by him, but is not liable in exemplary damages unless at the time of the act he was capable of knowing that it was wrongful.

SOURCE: CC §41.

§ 1116. Minors May Sue.

(a) Except as otherwise provided by subsection (b), a minor may enforce his rights by civil action *or* other legal proceeding, in the same manner as an adult, except that a guardian must bring the same, provided that the plaintiff must first exhaust the administrative process mandated by Chapter 11, Title 17 GCA, *if* applicable.

(b) A parent *or* legal guardian of a public school student may bring a civil action for injunctive relief, mandate, prohibition *or* other legal remedy but not money damages on behalf of a public school student to secure *or* maintain the public school student's right to an adequate public education, provided that he must first exhaust the administrative process mandated by Chapter 11, Title 17 GCA.

SOURCE: CC §42. Amended by P.L. 28-045:19; P.L. 29-019:VI:81 (Sept. 29, 2007).
