

**15 GCA ESTATES AND PROBATE
CH. 41 POWERS AND DUTIES**

**CHAPTER 41
POWERS AND DUTIES**

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§ 4101. Period of Guardianship.

Every guardian has the care and custody of the person of his ward and the management of his estate or the care and custody of the person of his ward or the management of his estate, according to the order of appointment, until legally discharged, or, in case of the guardianship of a minor, until the minor reaches the age of majority or, as to the guardianship of the person, until the ward marries. The guardian of a minor also has charge of the education of the minor. The guardian of the person of a ward may fix the residence of the ward at any place in the territory of Guam, but not elsewhere without the permission of the court.

SOURCE: Probate Code of Guam (1970), § 1500.

§ 4102. Ward's Debts and Claims.

Every guardian must pay the ward's just debts out of the ward's personal estate and the income of his real estate, if sufficient; if not, then out of his real estate upon selling or mortgaging any of his real property as hereinafter provided. He must demand, sue for and collect all debts due to the ward, or, with the approval of the court, he may compromise the same and give discharges to the debtor, on receiving a fair and just

settlement; and he must appear for and represent his ward in all actions and proceedings, unless another person is appointed for that purpose.

SOURCE: Probate Code of Guam (1970), § 1501.

§ 4103. Management of Ward's Estate; Reimbursement of Guardian.

Every guardian of an estate must manage it frugally and without waste, and apply the income, as far as may be necessary, to the comfortable and suitable support, maintenance and education of the ward and his family, if any; and if the income is insufficient for that purpose, he may sell or mortgage any of the property, as hereinafter provided. When a guardian has advanced, for the suitable support, maintenance or education of his ward, an amount not disproportionate to the value of the ward's estate or his condition of life, and the same is made to appear to the satisfaction of the court, by proper vouchers and proofs, the guardian must be allowed credit therefor in his settlements.

SOURCE: Probate Code of Guam (1970), § 1502.

§ 4104. Failure to Support Ward; Reimbursement of Third Party.

Whenever a guardian fails, neglects or refuses to furnish suitable support, maintenance or education for his ward, the court may order him to do so, and enforce such order by proper process, and whenever a third person, at the request of a ward, supplies him with such suitable support, maintenance or education, and it is shown to have been done after the refusal or neglect of the guardian to supply the same, the court may direct the guardian to pay therefor out of the estate and enforce such payment by proper process.

SOURCE: Probate Code of Guam (1970), § 1503.

§ 4105. Support of Ward Having Father Living.

If a minor, having a father living, has property, the income of which is sufficient for his support, maintenance and education in a manner more expensive than his father can reasonably afford, regard being had to the situation of the father's family and to all the circumstances of the case, the expenses of the support, maintenance and education of such minor may be defrayed out of the income of his own property, in whole or in part, as judged reasonable, and as directed by the court; and the charges therefor may be allowed accordingly in the settlement of the accounts of his guardian.

SOURCE: Probate Code of Guam (1970), § 1504.

§ 4106. Support of Ward Having Husband Living.

If a husband is unable to provide suitably for the support and maintenance of a wife over whose estate a guardian has been appointed by reason of her incompetency, the expense of providing such support or maintenance may, to the extent necessary, be charged against and defrayed out of such estate, as directed by the court or as approved by the court in settling the accounts of the guardian; for this purpose the guardian may sell or mortgage any of her property as hereinafter provided.

SOURCE: Probate Code of Guam (1970), § 1505.

§ 4107. Partition of Property.

When a ward owns an undivided interest in real or personal property, the guardian of his estate may commence and prosecute an action for the partition thereof or may consent and agree to a partition thereof without action and to the part to be set off to his ward, and may execute deeds or conveyances to the owners of the remaining shares of the parts to which they may be respectively entitled, but in either case he must first obtain authority from the court having jurisdiction of the estate.

SOURCE: Probate Code of Guam (1970), § 1506.

§ 4108. Order Granting Authority to Partition.

The order granting such authority shall be made only after a hearing in open court upon the petition of the guardian. Upon filing the petition, the clerk of the court shall set the same for hearing by the court and cause notice thereof to be mailed, at least ten (10) days before the hearing, to such relatives of the ward residing in the territory of Guam as the court or judge deems proper.

SOURCE: Probate Code of Guam (1970), § 1507.

§ 4109. Defense of Partition Suit.

When a ward or his guardian, as such, is made a defendant in a partition suit, the guardian may defend the same without leave of court.

SOURCE: Probate Code of Guam (1970), § 1508.

§ 4110. Fees of Attorney for Minor.

A contract for attorney's fees for services in litigation, made by or on behalf of a minor, is void unless the contract is approved by the court

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in which the litigation is pending or the court having jurisdiction of the estate of the minor, upon petition of any person in interest. When no such contract is approved, and a judgment is recovered by or on behalf of a minor, the attorney's fees chargeable against the minor shall be fixed by the court rendering the judgment.

SOURCE: Probate Code of Guam (1970), § 1509.

§ 4111. Money Judgment in Favor of Minor.

If the judgment is for the recovery of money or other property, and there is no general guardian of the minor, one shall be appointed by the court to receive and care for the money or property recovered, upon notice and a hearing as in other cases of appointment. But if a minor has brought an action by a guardian ad litem and has recovered a money judgment not in excess of Five Hundred Dollars (\$500) exclusive of costs, and the guardian ad litem is a blood relative of the minor, then upon the approval of the court which rendered the judgment the amount thereof may be paid directly to such guardian ad litem without any bond being required therefor.

SOURCE: Probate Code of Guam (1970), § 1510.

§ 4112. Payment of Fees of Attorney for Minor.

Whenever the court fixes or approves and attorney's fee for services rendered to or for the benefit of a minor in litigation pending before it, it may direct the judgment debtor to pay such fee to the attorney and the balance of the judgment to the guardian ad litem or general guardian.

SOURCE: Probate Code of Guam (1970), § 1511.

§ 4113. Court May Impose Additional Conditions of Guardianship.

When a person is appointed guardian of a minor, the court, with the consent of such person, may insert in the order of appointment conditions not otherwise obligatory, providing for the care, treatment, education and welfare of the minor and for the care and custody of his property. The performance of such conditions shall be a part of the duties of the guardian, for the faithful performance of which he and the sureties on his bond shall be responsible.

SOURCE: Probate Code of Guam (1970), § 1512.

§ 4114. Deposit of Ward's Money in Bank.

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A guardian may deposit any money belonging to the ward with any bank licensed to do business in the territory of Guam, whereupon he shall be discharged from further care or responsibility therefor until the money is withdrawn by him. Unless the money is deposited pursuant to an order, it may be withdrawn without order of court.

SOURCE: Probate Code of Guam (1970), § 1513.

§ 4115. Guardian May Dedicate Easements.

When it is for the advantage, benefit and best interests of the Government of the territory of Guam and those interested therein, that an easement for public street, storm drain, sewer or highway purposes over the real estate or some part thereof, be dedicated without consideration to the Government, the guardian may so dedicate any real property of the estate of his ward upon the order of the court based upon the petition of the guardian or of any person interested in the estate, and after notice of the hearing given for the period and in the manner required by § 3401 of this Title.

SOURCE: Probate Code of Guam (1970), § 1515.
