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This report of the activities of the Office of the Public Guardian is prepared pursuant to 7 GCA §3112(g) for the Chief Justice of the Supreme Court of Guam. It covers the period January 1, 2004 through December 31, 2004.

### **Maintaining An Office**

The Office of the Public Guardian operated throughout the year at Suite 104, 259 Martyr Street, Hagatna, Guam. The paid staff of the office continues to be a Legal Secretary and the appointed Public Guardian. The same persons have held these positions since the office opened in 2001.

The Office of the Public Guardian has shared its office space with two staff of the Office of the Ethics Prosecutor. This accommodation has worked well. The Office of the Ethics Prosecutor is in the process of moving to the Guam Judicial Center, a move that is expected to be completed in January 2005.

For the time, the Office of the Public Guardian expects to maintain the present office location. There is ample room for staff, volunteers, meetings of the Public Guardian Review Board, and large 'family' meetings which are conducted on occasion in carrying out the service offered by this office.

The consistent maintenance of office space in the same location for three and one-half years has promoted the Office of the Public Guardian in the mind of the public. Directions to the office are relatively simple, the building is ADA compliant, and convenient to the Guam Judicial Center. Additional signs are required to clarify the exterior path to the accessible building elevator and the office would benefit from a TDD telephone line equipped to provide phone access to persons who are hearing impaired.

### **Reaching Out**

The Office of the Public Guardian has had a limited outreach program this year. It is felt that among service providers who serve elder persons and persons with disability, there is an understanding and recognition of the roles and responsibilities of the office and of the Public Guardian. Referrals to the office from service providers continue to be appropriate. In addition, there continues to be a high number of individuals who have requested service from this office, apparently without a referral from a service provider.

Past efforts with two volunteers to develop training materials for use with the public, to train individuals in concepts of guardianship, and introduce them to resources within the community, and thereby better equip individuals to serve as guardian for a family member or friend, have not been finalized or put into use. Although this program is believed to be greatly needed, and is clearly a responsibility of the Office of the Public Guardian, the resources of the office at this time do not permit the further development and implementation of such a program.

## **Referrals and Casework**

### **2004 Referrals:**

In 2004 the Office of the Public Guardian received 110 referrals.<sup>1</sup>

The referrals in 2004 were from:

Private individuals and families; self-referrals	30
Catholic Social Service /Adult Protective Services	19
Guam Memorial Hospital	9
Micronesian Health and Aging Study - UOG	9
Attorneys	8
Supreme Court and Superior Court	7
Health Care Providers	6
Department of Mental Health and Substance Abuse	5
Guam Legal Services	3
Department of Public Health and Social Services	3
Veterans Administration	2
Public Defender	2
U.S. Naval Hospital	1
Guma Mami	1
U.S. Probation	1
Mayor's Office	1
Congresswoman	1
Office of the Attorney General	1
Priest or Minister	1

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<sup>1</sup>

*There were 86 referrals in 2001; 90 referrals in 2002; 122 referrals in 2003.*

Referrals this year resulted in **80** cases being opened, **7** referrals which are pending intake, and **23** referrals which were outside of the scope of the services offered by the Office of the Public Guardian. (See Appendix I). Of the matters opened this year, the cases fell into the following categories (established by the Public Guardian Act; 7 GCA § 3112 (a)):

- 12** Public Guardian to serve as the guardian; no family or friend willing or able to do so. **14%** (of opened cases)
- 27** Advise and assist individuals seeking appointment as guardian. **31%**
- 2** Assist the Court, as directed, in proceedings for the appointment of a guardian, and in supervision of persons appointed guardian. **2%**
- 2** Provide advice, information and guidance to individuals appointed as guardian for an adult. **2%**
- 37** Offer guidance and counsel to persons requesting assistance, encouraging maximum self-reliance and independence, and avoiding guardianship. **43%**
- 7** Referrals which are pending an intake interview. **8%**

Open Cases:

As of December 31, 2004, the Office of the Public Guardian had **95** open cases. An open case is a matter in which the Office of the Public Guardian has accepted responsibility to accomplish some purpose consistent with one of the five mandated responsibilities established in the enabling legislation for the office. A breakdown of the open cases, by year, follows:

From 2001	<b>22</b> open cases	15 cases; Public Guardian appointed 1 case; petition filed, ward missing person 6 cases; guardianship appointments, ward deceased
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From 2002	<b>21</b> open cases	14 cases; Public Guardian appointed 2 cases; <b>pending</b> Public Guardian appointment 2 cases; <b>pending</b> Family member appointment 3 cases; guardianship appointments, ward deceased
From 2003	<b>18</b> open cases	6 cases; Public Guardian appointed 3 cases; <b>pending</b> Public Guardian appointment 1 cases; <b>pending</b> Family member appointment 7 cases; serving Family 1 case; guardianship appointment, ward deceased
From 2004	<b>34</b> open cases	7 cases; Public Guardian appointed 2 cases; <b>pending</b> Public Guardian appointment 4 cases; <b>pending</b> Family member appointment 21 cases; serving Family 7 cases; <b>pending intake</b>

The Public Guardian as Guardian for Individuals:

The Public Guardian is currently appointed as guardian for 43 individuals.<sup>2</sup> These appointments represent different roles and responsibilities, as noted in part, in this breakdown:

<b>Guardian of the Person and Estate</b>	23 individuals
<b>Co-guardian of the Person and Estate</b>	3 individuals, sharing this duty with a family member

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<sup>2</sup>

Guardian of 13 at end of 2001; guardian of 25 at end of 2002; guardian of 30 at end of 2003.

<b>Guardian of the Estate</b>	8 individuals
<b>Limited Guardian</b> of the person and/or estate	4 individuals
<b>Guardian Ad Litem</b>	5 individuals, in 4 cases (2 probate cases, 1 criminal case, and 1 guardianship case).

As guardian of the person, the Public Guardian is responsible for assuring that each ward has safe and appropriate housing, receiving the necessary therapeutic care required by the individual's disability or medical condition; that each ward is associating with the proper people, and not associating with the wrong people; that each ward is receiving appropriate and necessary medical and dental care; and that each ward has the opportunity to maximize life's potentials and opportunities, for example, vocational potential.

As guardian of the estate, the Public Guardian is responsible for identifying and gathering an individual's property; identifying and collecting all income and public or private benefits accruing to the individual; holding and protecting the individual's wealth and money; and providing for all of the physical and financial needs of the individual.

Because of the nature of the appointment, as a guardian for a person who is not able to manage personal or financial affairs without the assistance of another, these matters are the first priority of the Public Guardian. All other matters which are the responsibility of the Public Guardian, due to legislative mandate, are necessarily, subordinate to the responsibility to meet the needs of the wards.

#### Accounting For Ward Money

The Office of the Public Guardian maintains 24 checking accounts, and 10 savings accounts at the Bank of Guam. These are all fiduciary accounts, for which the Public Guardian is the sole signatory. These accounts amount to more than \$140,000.00. The Public Guardian and his legal secretary are bonded up to \$10,000.00.

In each guardianship for which the Public Guardian maintains cash accounts, a separate system of record keeping is established which records and documents each receipt of funds, each expenditure of funds, and a reconciliation of checking and/or savings account statements from the Bank of Guam. As an accounting standard, all receipts are deposited into a ward's account. As an accounting standard, all expenditures are documented by a check drawn or a withdrawal made, and

by a receipt or receipts which establishes that the Public Guardian paid out funds to a given person or entity for a stated purpose. No cash owned by a ward is held in the Office of the Public Guardian, or held by the Public Guardian except for the brief period of time cash may be held to deliver to a ward, or a care giver for a ward. Such cash transactions are always documented with a receipt signed by the individual receiving funds from the Office of the Public Guardian.

In this manner, for every transaction, whether it be for money received, or money payed out, there is both a record of the transaction maintained by the bank and a record of the transaction, with accompanying justification, maintained by the Office of the Public Guardian.

As an exception to these standards, two wards who are residing in the community maintain, with the Public Guardian, a joint savings account at the Bank of Guam. These two accounts are not fiduciary accounts. Each ward holds an ATM card which gives him ease of access to an amount of his money. The Public Guardian does not hold an ATM card. By this arrangement, each individual is learning how to manage a small portion of his funds for purchase of clothes, groceries and sundries and other shopping. Each individual is under the care of a care provider who assists with budgeting and shopping. The money in the ATM account is, for the most part, money earned by the individual through a job training placement, and deposited into the account by the individual. The Public Guardian, in conjunction with the care giver, periodically monitors the withdrawals made by each ward to assure that there is no unusual activity which could indicate that the ward is either negligent with the funds or under the influence of some other person.

Through the end of business on December 31, 2004, the Office of the Public Guardian manually maintained its books of account. As of January 1, 2005, the Office of the Public Guardian is implementing an accounting program, known as 'QuickBooks', to manage all bookkeeping and accounting information. This transition to an automated system was planned and carried out in 2004, with the support of the Judiciary of Guam, and with advice and input of the Office of the Public Auditor.

In September, 2004 the staff of the Office of the Public Guardian completed training in QuickBooks Pro at the University of Guam Professional Development and Life Long Learning Center. Purchase of the 'QuickBooks' software was inadvertently delayed by more than a month, putting off the transition and implementation of the new system from October 1, 2004 until the beginning of the calendar year, 2005.

The transition to an automated system is much anticipated by the staff of the Office of the Public Guardian. It has not been possible to maintain the current manual system and produce timely reports. As will be further addressed below, the production of necessary financial reports has been impractical given only two staff in the office. In all likelihood, it will require most of calendar year 2005 to complete the backlog of financial reports which the office is expected to produce, and finally operate a system by which an accurate financial report can be produced for any individual in a matter of hours.

### Deceased Wards

Related to the difficulty in producing financial reports for each ward, the Office of the Public Guardian has had difficulty in taking necessary steps to appropriately close the files of wards who have died. At the death of a ward, the guardian is obligated to file a final accounting of the deceased ward's estate with the Superior Court of Guam, and request that the guardianship estate be closed. As of December 31, 2004, ten wards have died and none of these matters have been properly closed. Each of these matters requires a completed accounting. The final accountings are in different stages of preparation and completion.

### Additional Mandated Roles of the Public Guardian

The Public Guardian Act; at 7 GCA § 3112 (a), mandates six responsibilities of the Office of the Public Guardian. These responsibilities are:

- (1) to serve as the guardian of the person and/or estate of an incompetent adult when there is no family or friend willing or able to do so;
- (2) to advise and assist individuals, family or friends seeking appointment as guardian for an incompetent adult;
- (3) to assist the Court, as the Court may direct, in proceedings for the appointment of a guardian, and in supervision of persons which have been appointed as guardian;
- (4) to provide advice, information and guidance to individuals who have been appointed as guardian for an adult;
- (5) to offer guidance and counsel to persons, to encourage maximum self reliance and independence of such persons, and avoid the need for appointment of a guardian;
- (6) to develop programs for public education on guardianship and alternatives to guardianship and encourage the development of private guardians able and willing to serve as guardian.

As set out at page 3, above, there were 68 referrals which came to the Office of the Public Guardian concerning mandated responsibilities # 2 through #5, above. The great majority of these matters, 64 cases, involved either assistance to individuals and families seeking guardianship for an adult (#2, above), or assistance to individuals seeking to maintain independence and avoid the need for a guardian (#5, above).<sup>3</sup>

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<sup>3</sup>

Concerning mandates #2 and #5, there were 16 cases in 2001; 33 in 2002; 62 in 2003.

Only limited effort has been invested directly into mandated responsibility #6, the development of programs for public education on guardianship and alternatives, and the development of private guardians. However, much of the work done on cases handled by this office under Mandates #2 and #5, work which is done directly with families and the agencies that provide services to these families, addresses the core goals of mandate #6 on a case by case basis. This is so because time is invested in teaching important, fundamental information about competence, informed consent, the guardianship process, alternatives to guardianship. and in the development and support of competencies among clients and their families.

In addition, materials have been gathered concerning guardianship, and, through the efforts of volunteers, materials have been developed, in draft, for future use in training programs and as resource materials for private guardians. However, a sustained and comprehensive outreach program to address mandate #6 will require the commitment of financial resources.

### Pending Matters

\_\_\_\_\_ It is of great concern that there is an increasing list of pending matters to be handled by the Office of the Public Guardian. This list includes:

- Ten cases to be closed for wards now deceased.
- Seven cases, Public Guardian to be appointed as guardian of person and/or estate.
- Seven cases, family member to be appointed pursuant to petition to be filed by the Office of the Public Guardian.
- Seven intakes pending appointments.

In addition, financial reports are incomplete for the 38 living individuals for whom the Public Guardian is currently handling funds. As set out above, it is anticipated that steps already taken to automate the accounting system will go a long way toward resolving this matter before the end of 2005.

### Assessment

Much work is being accomplished as mandated by the Public Guardian Act. The priority, as it must be, is on the responsibility the Public Guardian has toward his wards. Other important work is being accomplished. However, much more could be accomplished. Furthermore, the work being done now, could be done better.

The addition of the automated accounting system will create much more efficiency in the financial reporting that is required of this office. This new process, however, has create an

additional, substantial, data entry task. The legal secretary has great difficulty keeping up with the current work load, not including this new task.

Much of the work now done by the Public Guardian himself, directly on behalf of his wards, can also be accomplished by an individual capable of handling case management responsibilities under the supervision of the Public Guardian. These responsibilities include application for and maintenance of public assistance, purchase and delivery of medications, visits with wards, and a host of other activities that arise to meet the needs of an individual who is not capable of managing his or her own affairs. Many of the responsibilities of the Public Guardian, in addition to case management, are basic social work duties, to include intake interviews, planning and problem-solving with wards and their family, investigation, and advocacy.

If the Office of the Public Guardian is going to accomplish the work that was intended to be done, pursuant to its enabling legislation, then additional staff are required. Addition of an administrative aide, to assume the data entry tasks and other tasks of the office sometimes handled by a volunteer, when available, would greatly assist in managing all of the tasks that must be accomplished in support of the services offered by the office. The addition of a social worker on staff would enable the Public Guardian to provide enhanced services to his wards, and enable him to catch up with the pending work and keep up with incoming work that the office can expect to receive.

### **Policies, Procedures and Rules**

The Policies, Procedures and Rules of the Office of the Public Guardian (hereafter, the Rules) were adopted by the Guam Legislature in February 2004 by virtue of the Guam Administrative Adjudication Law. These Rules now govern the operations of the Office of the Public Guardian.

In September 2004, in the course of reviewing options for managing the accounting responsibilities of the office, it became apparent that, by oversight, the Rules did not include enough detail and guidance concerning management and accounting for the funds of wards held in trust by the Public Guardian. An amendment of the Rules is necessary in order to close this gap.

### **Public Guardian Review Board**

\_\_\_\_\_ The Public Guardian Review Board met four times in 2004. The membership has remained the same for this year. The eleven members are:

William J. Brandshagen  
Dr. Rosie Villagomez-Palisson  
Alejandrina E. Cacho  
Peter A. Blas  
Kathleen Maher  
Sarah Thomas-Nededog

Ann San Nicolas  
Rodney Priest  
Dr. Sachdev Somiah  
Bernadita Grajek  
Monica Tinkham

The Public Guardian Review Board met on March 11, 2004, June 10, 2004, September 9, 2004, and December 9, 2004. The board continues to address its mandate to review the care and protection of those persons who are under the guardianship of the Public Guardian. As in previous years, this was attempted in two ways. First, individual board members have chosen to review the files of up to four wards of the Public Guardian, discuss these matters with the Public Guardian, and pursue any issues deemed appropriate or necessary. Each board member has either chosen, or been assigned, specific wards to review. Second, at board meetings, the Public Guardian shares the highlights of each guardianship matter, answers questions from the board, and receives input and suggestions for further action to be taken.

This approach has resulted in only limited success, due in part to the active participation of only nine board members. Also, this approach requires a significant time commitment, and some board members have had difficulty in meeting the commitment. For this reason, the board continues to discuss effective ways to monitor the work of the Public Guardian. All input by the board about the actual cases being handled by the Public Guardian is helpful. Criticism, when it is offered, is always constructive. The input and discussion by the board about difficulties and problems in a given matter consistently provides ideas and strategies had not been previously considered.

The board has been unable to respond to a second mandate, that is, to consistently monitor persons, corporations or agencies appointed as the guardian of a person by the Superior Court of Guam. Neither the Public Guardian Review Board nor the Office of the Public Guardian have the resources necessary to accomplish this task. The board has, however, discussed different strategies in order to familiarize itself with the size and scope of the task of meeting this mandate. It is anticipated that one or more strategies will come to fruition in 2005, and result in progress on this matter.

Finally, the board has taken large steps toward adoption of Rules of Order for the conduct of the Public Guardian Review Board. A 'final' draft of the rules will be considered by the board in March 2005. Ultimately, the adoption of final Rules of Order by the board will result in clarity about record keeping, decision making, chairmanship and conduct of the meetings of the board. Completion and adoption of these rules will be another significant step in the full implementation of the Public Guardian Act.

### **Volunteer Program**

The Office of Public Guardian continues to have a modest volunteer program. As of the end of the year, there are two volunteers that provide assistance to the program. One volunteer helps with administrative matters, depending upon the need of the office and the availability of the volunteer. Much needed administrative support is provided through these efforts. Since the volunteer is actively seeking employment, it is anticipated that this volunteer will not be available indefinitely.

A second volunteer, a retired high school teacher, visits with twelve of the wards of the Public Guardian, in four different community group settings, every other week. These visits are instrumental in keeping the Public Guardian minimally in touch, even indirectly, with these wards. Much needed personal services are provided to these wards through the efforts of this volunteer.

A third volunteer, a retired attorney, has spoken with the Public Guardian about providing services to the office in conducting intake interview with prospective clients and families. This person will come on board as a volunteer in 2005.

As noted in the report for 2003, an expanded and sophisticated volunteer program is possible in the Office of the Public Guardian, but only if a coordinator of volunteer services can be hired or retained. The space for such an expanded program is now available at the location of the Office of the Public Guardian. At this time, however, all efforts to expand the volunteer program from its current size are on hold.

### **“Reaching New Heights”**

It was my privilege to represent the Guam Supreme Court at the 2004 Fall Meeting of three organizations: the National College of Probate Judges; the National Guardianship Association; and the National Academy of Elder Law Attorneys. The meeting was held in Colorado Springs from November 11<sup>th</sup> to the 14<sup>th</sup>.

The Chief Justices of all state and territory Supreme Courts were invited to this joint meeting. I was recognized, as were all those who represented a Supreme Court, for attending the meetings. Further, as an active member of the National Guardianship Association, I appreciated the opportunity to attend my organization’s annual meeting.

The concept of having a joint meeting of these three organizations was excellent. The substantive meetings and presentations I attended provided ‘cutting edge’ materials and concepts on guardianship law and practice. Having guardians, lawyers for elders and persons with disability, and probate judges interacting and debating guardianship practice was very helpful to me. I was exposed to the most current ‘best practices’ in this field.

Based upon the exposure to information, ideas and people at these meetings, I find that the actual practices of the Office of the Public Guardian, and the substantive guardianship law and procedure on Guam leave much to be desired. Some key examples:

### Office of Public Guardian

- Case files do not contain written plans for either the personal needs of a ward, or the financial needs of the ward (although it is fair to say I could enumerate a ‘plan’ if called upon to do so), and do not contain annual updates to these plans.
- Inventories are not being compiled and filed with the Superior Court of Guam.
- Annual financial statements are not being filed with the Superior Court of Guam (this is required by statute on Guam).

### Substantive Guardianship Law and Practice

- Guam guardianship law has not been amended or updated since probably 1953 and fails to reflect any modern concepts of guardianship practice or procedure.
- Guam guardianship law reflects some procedural requirements intended to protect a ward’s estate, but no procedural requirements or practices intended to protect the person of the ward.
- In practice, the judges of the Superior Court of Guam do not take any steps to review the work (or lack thereof) of guardians who have been appointed for the person or the estate of an individual. As a result, there are no checks or balances currently at play in the system. (In our practice, the Office of the Public Guardian requests of the Court, and schedules either bi-annual or annual progress hearings in every case for which the Public Guardian is appointed, and does, therefore, face the appointing judge to justify the continuing need for appointment of a guardian, and answer to the condition and state of the person and estate of the ward.)
- There is no court program in place to visit with and confirm the well-being of persons who are subject to a guardianship.

To its credit, the Office of the Public Guardian has established, through its Policies, Procedures and Rules, a Code of Ethics and Standards of Practice to guide the Public Guardian, and did so by adopting the model ethics and model practices established by the National Guardianship Association. Although this office has, to date, fallen short of the mark we have set in our policies, we at least know what the mark is and what needs to be done in order to meet the mark and assure the consistent well-being of our wards.

For guardianship practice on Guam, as a whole, there is no established code of ethics or standards of practice. The guardianship code, itself, does not reflect any modern concepts. For example, the definition of ‘incompetent’ in the law is not reflective of current medicine or psychiatry, and not reflective of current societal norms concerning decision-making capacity, and society’s responsibility toward individuals whose capacity is impaired.

The Legislature, in enacting the Public Guardian Act, implicitly promoted a territorial policy of enhancing the quality of guardianship services on Guam. This is good public policy because adults requiring a guardian are easily one of the most vulnerable class of people in our community. That so little time and energy is devoted to assuring that these individuals are well cared for is a reflection on judicial process. In this we are ourselves vulnerable.

The Office of the Public Guardian, in concert with the Supreme Court of Guam and the Superior Court of Guam, should embark upon a long-term strategy to upgrade both substantive and procedural law in guardianship, and upgrade the quality of services to these persons entrusted to our care.

### **Registered Guardian**

The National Guardianship Association, through its National Guardianship Foundation, provides a process for recognizing those individuals in guardianship practice who demonstrate by education, experience and scholarship that they meet minimum standards for serving as the guardian of an adult. A persons who meets these standards is permitted to refer to himself as a Registered Guardian.

Having met the requirements of education and experience as a guardian, I applied for and took a class to prepare for the registered guardian exam. I then sat for the exam to be qualified as a registered guardian. The National Guardianship Foundation scheduled the class and exam for the day prior to the "Reaching New Heights" Conference.

In December 2004, I was advised that I had passed the exam and am now certified by the National Guardianship Federation as a Registered Guardian. This certification is valid until November 10, 2006. I appreciate the opportunity provided to me by the Supreme Court of Guam to seek and earn this designation.

### **Challenges and Accomplishments**

Four years of service to the community, attempting to serve persons so needful that they are unable, unassisted, to manage their own affairs, has continued to clarify both strengths and weaknesses in the Office of the Public Guardian and in the community as a whole.

I have attempted in the body of this report to objectively set out the areas of the office operation that present challenges. These challenges are, for the most part, due to a need for additional staff resources to accomplish the work required of the office. Choices are necessarily made between tasks to be accomplished. Aside from the first priority, to serve those to whom the Public Guardian has been appointed as guardian, there is greater flexibility in deciding how to address mandated services. Some consideration should be given to the choices which are presented and the ways in which these services have been provided to date.

## **Therapeutic Home Care**

For four years this office has recognized that the need for more and better therapeutic home care, whether in the home of a family member, or outside of the family and in the community at large, is our greatest need, system wide. As an indication of the systemic problem, a number of my wards continue to live in situations which are not appropriate for their needs. Although available services and resources are maximized to provide the best possible living arrangements for these individuals, there are clear gaps in needed services. This is, to say the least, an anxiety-provoking situation for me.

I continue to work with service providers and policy makers to broaden the understanding of basic issues, such as gaps in funding residential services, and reasons why these gaps exist. The funding problem is key to narrowing or closing the gaps between what is needed and what is available. Programs utilized in the States to fund these services for persons who are poor are either not extended to Guam (Supplemental Security Income, as example) or are limited to Guam by capping the funds (Medicaid, as example).

The responsibility to fund these services has been left to the Government of Guam to address. Yet, the government is not funding these services. Many poor people who are disabled, or elder are left without the basic services they need in order to manage their personal care in the community. Basic services that are lacking include care attendants, transportation, sheltered care, recreation and vocational training.

The Office of the Public Guardian has developed materials to help educate the community of elders and persons with disability about the limited and restricted federal funding available to fund residential care. In addition, information about Guam's unique tax structure, with all federal taxes being left to the local government, is helping people to appreciate the responsibility which has been left to the Government of Guam to fund these programs locally.

As an example, upcoming on March 14, 2005, the Guam Developmental Disabilities Council is hosting a Policy Forum for members of the Guam Legislature and the Administration. I have been invited by the Developmental Disabilities Council to present information about funding residential care to our policy makers. This advocacy effort will help policy makers appreciate the special responsibility they face to address a community need that is now becoming critical to resolve.

## To Summarize

- 408 referrals in four years; from both families and agencies, as of 12/31/04.
- Public Guardian now guardian of 43 adult men and women, managing more than \$140,000.00 in 34 bank accounts.
- Two full time staff; the Public Guardian and a Legal Secretary; currently 3 volunteers.
- 4 mandated responsibilities beyond the primary role to serve as guardian.
  
- **Office of the Public Guardian has not kept pace with case work appropriately referred to office.**
- Report sets out, with specificity, the work that is undone and pending, and required to be completed under statutory mandate, to include:
  - 7 cases pending appointment of Public Guardian;
  - 7 cases pending appointment of a family member as guardian;
  - 10 cases awaiting closure after death of ward but financial reports not completed;
  - 7 referrals received and pending conduct of intake.
  
- **There continues to be need for comprehensive program of therapeutic home services, both within the family setting, and as an alternative to family care.**
  
- A national gathering of judges, attorneys and guardians discussed ‘best practices’ in guardianship, prompting public guardian to recommend:
  - a review and revision of guardianship law;
  - a review and revision of Superior Court of Guam guardianship practice.
- The Office of Public Guardian must lead by example, and modernize its practices within the existing Guam law.
  
- The Office of the Public Guardian provides an important role in the community, serving our most vulnerable adults, both our manamko, and persons with serious cognitive and psychological disabilities.
  
- **The Office of the Public Guardian needs a social worker and an administrative aide in order to continue providing quality services to citizens of our community.**

## APPENDIX I

### MEMORANDUM

March 28, 2005

To: F. Philip Carbullido  
Chief Justice of Guam

From: John Weisenberger  
Public Guardian

Subject: **Detail on matters *Outside Scope of Services* in 2004**

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<b>Name</b>	<b>Case No.</b>	<b>Source Of Referral</b>	<b>Memo</b>
J.M.	2004-005	Individual	Individual passed away; untimely response to referral.
P.H.	2004-012	VA	Individual medivac'ed off island.
I.M.	2004-014	GMH	Individual passed away prior to scheduled intake.
M.R.	2004-020	CSS	Family withdrew intake; untimely response to referral.
I.P.	2004-022	Individual	After intake initiated, spouse decided to withdraw referral.
J.B.G.	2004-027	Individual	Family withdrew referral after family meeting.
A.Q.	2004-036	Individual	Client passed away prior to intake.
M.Y.	2004-037	CSS	Client missed intake, then withdrew referral.
C.K.	2004-038	CSS	Client withdrew referral.

<b>Name</b>	<b>Case No.</b>	<b>Source Of Referral</b>	<b>Memo</b>
D.A.	2004-039	Individual	Client missed intake; no means to contact or follow up with client.
S.F.	2004-043	Individual	Involves guardianships of minor.
R.C.	2004-046	Superior Court	Referral concerned person found not competent in criminal matter. No services required; untimely response to referral.
T.A.	2004-048	Public Defender	Family withdrew intake; untimely response to referral.
J.I.	2004-055	DPH&SS	Matter did not involve guardianship; family required support during serious illness; untimely response to referral.
J.L.G.	2004-056	DMH&SA	Client missed intake appointment. New referral will be sent if appropriate.
H.H.	2004-065	DMH&SA	Matter involved child custody and child support issues.
H.H.	2004-066	GLSC	Matter involved a real estate issue.
B.C.	2004-068	Attorney	Client declined my involvement.
M.P.	2004-069	Individual	Client passed away before intake could be scheduled.
F.P.	2004-075	Pacific Care	Agency making referral requests that intake not proceed.
M.E.C.	2004-079	Individual	Client is competent and need information to access senior citizen services.
P.C.	2004-089	Attorney	Landlord/Tenant issues.
G.T.	2004-104	Superior Court	Notarized document for Mayor and referred social security matter to GLSC.

