



## GUARDIANSHIP - YAP

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Guardianship is when one assumes the position of being legally responsible for the care of someone who is unable to manage their own affairs. This is especially in regards to minor children, and incapacitated adults.

The Yap Office of Micronesian Legal Services provides assistance in drafting guardianship documents in two ways - power of attorney and petition forms.

Power of attorney guardianship is commonly used in instances whereby a minor child will be under the care and custody of someone other than the natural parents, for example, a visit overseas with relatives, or a medical referral whereby neither natural parents can accompany minor, thus requiring that the natural parents authorize someone to act in their stead to assume parental responsibility during the duration of the visit or the medical referral.

Guardianship in the form of a petition requires the petition to be filed at the Yap State Court and upon hearing of the petition and examination of witnesses, the Court, if satisfied, can issue a decree appointing a guardian(s) of the minor child(ren). This is the recommended form of guardianship to involve children who are to travel abroad to live with relatives or others and attend school.

The same advice and procedure applies to appointment of guardian(s) of an incapacitated adult.

A family representative may call the Yap Office of Micronesian Legal Services at 350-2193 for help in getting advice on the requirements for the power of attorney for minor guardianship or the petition to the court for appointment of a legal guardian.

The legal information we provide here is general information to help you decide how to handle legal issues. It is not advice about what you should or should not do. For advice, or for more legal help, please contact your local MLSC office and request legal assistance.

Caution!--laws are different in different locations. The information here applies only in this jurisdiction. Do not use the information here for legal issues in other jurisdictions.