

GOVERNMENT OF GUAM
OFFICE OF THE GOVERNOR
AGANA, GUAM

EXECUTIVE ORDER NO. 70-2

THE OFFICE OF THE PUBLIC DEFENDER--
RULES FOR DETERMINING ELIGIBILITY FOR LEGAL ASSISTANCE

WHEREAS, Subchapter E of Chapter 2, Title 10 of the Government Code of Guam, established the office of the Public Defender of Guam, within the Division of Social Services in the Department of Public Health and Social Services; and

WHEREAS, the Section further provides that the Public Defender shall defend indigent defendants in criminal cases and shall also render legal assistance and counselling in civil matters to those who are unable to afford a private attorney; and

WHEREAS, the Director of Public Health and Social Services has made and recommended the following rules and regulations to me after holding a public hearing as required by law; and

WHEREAS, the Governor shall by Executive Order promulgate all rules and regulations necessary to carry out the purposes of the above subchapter; and

WHEREAS, I have approved the following rules and regulations made by and recommended to me by the Director of Public Health and Social Services;

NOW, THEREFORE, by virtue of the authority vested in me by Section 9133, Government Code of Guam, the following rules and regulations are hereby promulgated:

COVERAGE AND CONDITIONS OF ELIGIBILITY

A. GENERAL

1. Legal assistance will be available to the following individuals as "Categorically Needy" with legal care and services available in the same amount, duration, and scope for:

- a. All individuals receiving aid or assistance under Guam's approved plan under all titles of the Social Security Act.
 - b. All children under 21 who meet the conditions of eligibility in the Guam Plan for AFDC under Title IV other than with respect to age and school attendance.
 - c. All persons within the Territory of Guam who would be eligible for aid or assistance under one of the other state plans.
 - d. Certain ineligible persons shall be considered for legal assistance if they are faced with unusual hardship due to indebtedness, extended illness, or recent unemployment.
2. Legal assistance will be available to:
- a. The "Legally Needy", i.e., individuals whose income resources equal or exceed those levels for maintenance established under the plan, but are insufficient to meet their costs of legal care and services not encompassed within the state plan for legal assistance, plus their costs of legal services included in the state plan--except that only those are covered who except for income and resources would be eligible for aid and assistance under Guam's approved plans for OAA, AB, APTD, or AFDC.
 - b. All children under 21 who are "Legally Needy" and meet conditions of eligibility in the Guam Plan for AFDC except for age and school attendance.
 - c. All children under the age of 21 who are in public-supported foster care in families or institutions.

B. FINANCIAL ELIGIBILITY

1. A person may be eligible for legal assistance when, together with spouse, all of the following conditions are met:
 - a. He does not own real property or equity exceeding a market value of \$3,500 in addition to his home of residence.
 - b. He does not have cash or bank account or loan value on insurance exceeding \$300 for each member of the family or \$1,000, whichever is the lesser amount.
 - c. The market value of disposable personal property does not exceed \$1,500 for a single person, \$2,000 for a family of two, plus \$150 for each additional dependent.

ELIGIBILITY CRITERIA


INCOME

Single Applicant	\$1,500
Family of 2	2,500
Family of 3	2,800
Family of 4	3,000
Family of 5	3,200
Family of 6	3,400
Family of 7	3,600
Family of 8	3,800
Family of 9	4,000
Family of 10	4,200
Family of 11	4,400
Family of 12	4,600


2. Only such income and resources as are actually available will be considered; income and resources will be reasonably evaluated; and only such income and resources will be considered as will be "in hand" within a reasonable period ahead.

3. Income and resources will be reasonably evaluated in determining which are actually available.
4. The financial responsibility of any individual for any applicant or recipient will not be taken into account unless such applicant or recipient is such individual's spouse, or such individual's child who is under the age of 21 or one who is otherwise actually and legally dependent.

Issued and promulgated at Agana, Guam, this 21st day of January, 1970.


CARLOS G. CAMACHO
Governor of Guam

COUNTERSIGNED:


KURT S. MOYLAN
Secretary of Guam