



PUBLIC DEFENDER SERVICE CORPORATION
(Kotperasion Setbision Defensot Pubbleku)

GOVERNMENT OF GUAM

779 Route 4

Sinajaña, Guam 96910-5174

Tel: (671) 475-3100 ♦ Fax: (671) 477-5844



BOARD OF TRUSTEES

Hon. F. Philip Carbullido
Chairman

Hon. Alberto C. Lamorena, III
Vice-Chairman

Atty. Jacqueline T. Terlaje
Member

Atty. Cynthia V. Ecube
Member

Mrs. Donna Muña Quinata
Member

ADMINISTRATION

Stephen P. Hattori
Executive Director

John P. Morrison
Deputy Director

Cathyann C. Gogue
Administrative Director

**BEFORE THE BOARD OF TRUSTEES
OF THE PUBLIC DEFENDER SERVICE CORPORATION
RELATIVE TO ESTABLISHING THE ELDER JUSTICE
CENTER AS A PERMANENT DIVISION**

RESOLUTION NO. PDSC 01-23

- WHEREAS,** on July 28, 2020, this body adopted Resolution No. 06-20 wherein the Public Defender Service Corporation (“PDSC”) was authorized to operate a pilot program known as the Elder Justice Center (“EJC”) for six months in duration from the adoption of the Resolution; and
- WHEREAS,** Resolution No. 01-22, established the EJC as a permanent division of the PDSC on October 26, 2021; and
- WHEREAS,** Resolution No. 06-20 obligated PDSC management to periodically provide the PDSC Board of Trustees (the “Board”) with information on case statistics, expenses, and other information concerning the work provided by the EJC. These updates have occurred over the past twelve months, at regularly scheduled Board of Trustee meetings; and
- WHEREAS,** since the EJC opened its doors, the team has provided services to those cases previously waitlisted by the Public Health and Social Services, Division of Senior Citizens (“DPHHS”) and has completed services and cleared all waitlists and is now providing services as clients arrive in keeping with the original goal of the EJC and the Board before addressing other needs of the senior community; and
- WHEREAS,** as of January 2022 through September 16, 2022 the EJC has closed three hundred and seventy-six (376) cases providing six hundred and ninety-three (693) services; and
- WHEREAS,** the Memorandum of Understanding (MOU) between DPHHS and PDSC dated August 31, 2020 states, “the broad purpose of the Legal LAS (Legal Assistance Services) Program is to focus outreach and services particularly directed toward the most socially or economic needy older persons (those least likely able to advocate on their own behalf) to assist them to: understand their rights; exercise choices; benefit from services, opportunities and entitlements; meet essential needs of income, shelter, health care and nutrition; and maintain the rights promised and protected by law” (*see* MOU at 11); and
- WHEREAS,** the MOU restricts the priority of services to those based on “urgency of need related to income, health care, adult day care admission, long term care, nutrition, housing, including landlord-tenant issues primarily in defense against evictions, utilities, protective services, defense of guardianship, abuse, neglect, age discrimination regarding employment, consumer issues in cases that reflect a pattern of fraud against the elderly as a group, and public benefits. Services shall

include Advance Directives including powers of attorney, restraining orders, guardianships of the person and wills;” and

- WHEREAS,** pursuant to the MOU, the EJC limits representation to those cases that are not fee-generating and where lawyers are not available to assist our seniors in the most essential needs of shelter, food and healthcare while setting a priority to those who are most socially or economic needy and those seniors are least likely able to advocate on their behalf; and
- WHEREAS,** the EJC receives \$192,144.00 funding as a sub-grantee of the DPHHS, Legal Assistance Services Program and additional funding from American Rescue Plan Act (“ARPA”) in the amount of \$1,572,873. This additional funding will extend to Fiscal Year 2025; and
- WHEREAS,** the needs of the senior community as expressed by seniors through surveys and through inquiries at the EJC has shown there is a need to address landlord/tenant issues, probate, medical billing, scams, Medicare, GHURA housing and other issues; and
- WHEREAS,** the community of seniors (*Manâmkö*) on Guam is defined by 10 G.C.A. §8102(d) as fifty-five years of age and above, the Legal Assistance Services Program is limited to helping seniors 60 and older and a gap therefore exists; and
- WHEREAS,** the EJC’s current staff of 2.5 attorneys and support staff is adequately equipped with sufficient resources to handle additional services; it is now therefore
- RESOLVED** the PDSC shall continue to administer the services of the Elder Justice Center as previously approved by the Board and provided in this Resolution.

The services are to be extended to Guam’s seniors (*Manâmkö*) beginning at age fifty-five and older.

Guam’s seniors (*Manâmkö*) within the age of fifty-five and fifty-nine will only be assisted until such time that the American Rescue Plan Act (“ARPA”) funds are exhausted or at the end of the ARPA program year of December 31, 2025.

The EJC’s services will be expanded to include giving general advice to qualifying tenants which will include assessment, legal advice, instruction, referral when appropriate and representation primarily in defense against evictions to protect essential shelter.

The EJC is also permitted to provide advice, instruction, and referral when appropriate in the areas of health care, adult day care admission, long-term care, utilities, protective services, guardianship, abuse, neglect, consumer issues in

cases that reflect a pattern of fraud against the elderly as a group, and defense against revocation of public benefits and/or assistance.

DULY AND REGULARLY ADOPTED THIS 25TH day of OCTOBER, 2022.



Chief Justice F. PHILIP CARBULLIDO
Chairman

ATTEST: 

CATHY GOGUE