

FILED
SUPERIOR COURT
OF GUAM

2026 OCT 15 P 4: 27

IN THE SUPERIOR COURT OF GUAM

CLERK OF COURT

IN THE MATTER OF THE ESTATE AND
PERSON

of

WILLIAM CLAYTON HIGHTOWER,

An Alleged Incapacitated Adult,

By

JASON HIGHTOWER and
JULIE SANCHEZ,

Petitioners.

Superior Court Case No. SP0191-25

**DECISION AND ORDER
RE: MOTION FOR INDEPENDENT
MEDICAL EXAMINATION**

INTRODUCTION

This matter came before the Honorable John C. Terlaje on July 28, 2026, for a motion hearing. Attorney Jeffrey Cook represented the Petitioners, Jason Hightower and Julie Sanchez. Attorney Charles McDonald represented William Clayton Hightower Jr, one of the sons of the proposed ward. Attorney Shannon Taitano represented the proposed ward, William Clayton Hightower Sr. After reviewing the record and the relevant law, the Court **DENIES** the Petitioners' Motion for Independent Medical Examination.

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PROCEDURAL BACKGROUND

On June 1, 2026, Jason and Julie filed their Motion for Independent Medical Examination. On June 29, 2026, William Sr. filed his opposition to the Motion. On July 17, 2026, Jason and Julie filed their Reply. The Court heard oral arguments on July 28, 2026.

FACTUAL BACKGROUND

On May 16, 2025, Dr. Ramel A. Carlos gave medical certification that William Sr. was diagnosed with a condition that affected his cognitive abilities. Submission of Rs. Referenced in Pet'rs' P. & A. in Supp. of Mot. for Independent Medical Examination at Ex. 1 (June 1, 2026). Dr. Carlos's letter stated William Sr. would not be able to make informed decisions regarding his personal and financial affairs. *Id.* Dr. Carlos then stated that the certification would aid William Sr.'s family in applying for legal guardianship. *Id.* Other doctors have also described William Sr.'s cognitive impairment and recommend William Sr. seek help with his finances. *Id.* at Exs. 2-3. All parties agree that William Sr. does need assistance due to his cognitive impairments. Proposed Ward's Opp. to Pet'rs' Mot. for Independent Medical Examination at 2 (June 29, 2026)

On June 23, 2025, William Sr. executed a Power of Attorney granting his two sons, Jason and William Jr., the ability to control William Sr.'s finances as his co-agents. *Id.* at 3. Jason and Julie allege that William Jr. has mismanaged William Sr.'s funds and improperly locked Jason out of access to William Sr.'s finances. Pet'rs' Reply to Opp. to Mot. for Independent Medical Examination at 2 (July 17, 2026).

DISCUSSION

The Superior Court of Guam may appoint a guardian if a person is found incompetent. 15 G.C.A. § 3506; *Moylan v Moylan*, 2011 Guam 16 ¶ 17. A trial court must protect the best interest and welfare of potential wards in proceedings seeking to appoint a guardian to an incompetent

1 person. *Moylan*, 2011 Guam 16 ¶¶ 17, 24; *Moylan v. Alston*, 2021 Guam 15 ¶ 33. Because a
2 guardianship “drastically reduc[es] a ward’s fundamental rights”, a trial court must find the least
3 restrictive means of protecting the ward. *Moylan*, 2011 Guam 16 ¶ 17.

4 Here, William Sr. is already under a less-restrictive alternative to a guardianship rendering
5 an independent medical evaluation unnecessary. No party is disputing that William Sr. needs
6 assistance. No doctor has disputed that William Sr. needs assistance. The issue is not that William
7 Sr. cannot manage his finances on his own. All parties agree that William Sr. cannot manage his
8 own finances. William Sr. already granted his sons a power of attorney to help manage his affairs.
9 The power of attorney is a less-restrictive alternative to guardianship. Therefore, the Court will
10 not order an independent medical evaluation because the medical evaluation would not change the
11 facts of the case and it could cause at least some harm to William Sr.
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14 CONCLUSION

15 Therefore, the Court **DENIES** the Motion for an Independent Medical Evaluation.

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17 **SO ORDERED**, this 10/15/26.

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21 **HONORABLE JOHN C. TERLAJE**
22 **Judge, Superior Court of Guam**
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