

Friendly Hearings

Friendly hearings are commonly done when the minor is receiving money from an accident or other such incident and the Judge orders that the money be held by the Surrogate. An "Order Entering Judgment and Directing Deposit of Funds" will be necessary to complete the guardianship.

The Surrogate is responsible to protect the assets of the minor child and ensure that the interest rate for that money is equitable in today's market. The Surrogates are required by law to obtain proposals for minors money invested in their county accounts, on a 1-3 year basis. These are called Surrogate's Intermingled Trust Funds.

SOME ADDITIONAL INFORMATION

When applying for guardianship it is necessary to:

- State the reason for the guardianship. : (Litigation settlement, insurance beneficiary, etc.)
- Provide information on any assets belonging to the minor.
- Provide a social security number & DOB
- If the minor is 14 years or older, he/she must sign in front of the Surrogate or Deputy Surrogate.
- Provide the names and addresses of the next of kin or anyone living at the same residence.

ALL CHECKS FOR MINOR'S FUNDS MUST BE MADE PAYABLE TO:

**THE SURROGATE OF UNION COUNTY FOR THE BENEFIT OF
(NAME OF THE MINOR CHILD).**

Union County Surrogate's Court

2 Broad Street
Elizabeth, New Jersey 07207

Phone: 908-527-4280

Fax: 908-351-9212

E-mail: jschwab@ucnj.org

sbowers@ucnj.org

obtain more information by going to www.ucnj.org/surrogate

Union County Surrogate's Court

INFORMATION FOR YOUR FAMILY'S NEEDS

**A guide for parents with minor
children**

*The Union County
Surrogate
James S. LaCorte, Esq.*



Custody

Guardianship

Testamentary Guardianship



**www.ucnj.org/surrogate
Tel: 908-527-4280**

Testamentary Guardianship

The most important document you can have if you are married or have children is a Last Will and Testament. Making sure that loved ones are provided for makes a strong foundation for families. If something were unexpectedly to happen to you and/or your spouse, who would take care of your children? How would they be provided for? However, if there is a surviving parent, he or she would have the first right to guardianship.

Having a Last Will and Testament will ensure that your loved ones are kept together and provided with a secure environment if something should happen. One never knows if he or she will make it home from work, the store or around the block. Taking the extra step to provide your family with this security is essential. The cost is minimal and the guardian(s) will be your choice.

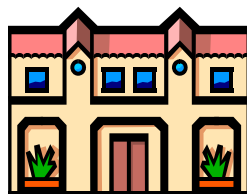
The cost of a difficult court battle over who will get your minor children will far outweigh the cost of making a Last Will and Testament. When taking the steps to consider who will be a good example and provider for your children, talk to family and friends. It is a big responsibility and one you should not take lightly. Others may not want the additional responsibility and some may feel they are too old to care for younger children.

GUARDIANSHIP VS. CUSTODY

The courts distinguish guardianship from custody. Custody is granted by the Chancery Division, Family Part and is often a temporary situation that involves the physical placement of a minor, usually for the purpose of residency or placement in school. Custody does not have the same type of parental relationship that is established with guardianship. Once guardianship is established, the guardian can make medical, financial and legal decisions for the minor. The guardianship can only be terminated with a court order from a Superior Court Judge or the minor's attainment of age 18.

GUARDIANSHIP OF THE PERSON AND PROPERTY

It is necessary to file an application with the Surrogate's Court for Guardianship of a Minor. R.4:81-1. The application will state the minor's age and residence, the names and addresses of the minor's nearest next of kin and of all persons who stand in loco parentis and of the persons with who the minor resides. The application shall have an affidavit made by a person with personal knowledge stating the value of the minor's real and personal estate and the amount of any income from any real or personal estate belonging to the minor.



If the minor has real or personal property a value must be listed on the application

The application shall be filed in the county where the minor is domiciled at the time or, if

at the time the minor has no domicile in this State, then in any county in which the minor has any property.

If the application is made by the minor's only living parent for letters of guardianship of the minor no consent or notice shall be required; If both parents are going to act, no consent is necessary.

If application is made by any other person(s) there shall be required; either a consent or notice to all interested parties..

If the minor is 14 years of age or more the minor shall be required to sign in front of the Surrogate or Deputy Surrogate. Before letters of guardi-



anship are issued, the guardian shall accept the appointment in accordance with R. 4:96-1.

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