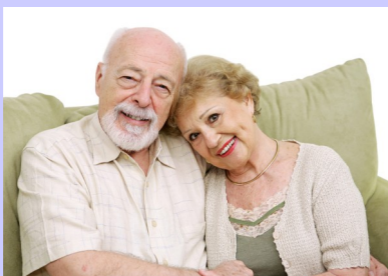


Caring For Our Elders

Information from:

The Union County Surrogate's Court

What you need to know to provide the care and protection they deserve.



What will be required of you to make decisions for the loved one who needs your help?

- **Dealing with the courts in gaining guardianship of an adult who needs your help and protection.**
- **What you need to know in order to get a court order to become their guardian.**

Prepared by

James S. LaCorte
Surrogate of Union County

A Loved One Needs a Guardian. What Happens Next?

This brochure is intended to be a guide for anyone who is considering becoming a guardian or who may for whatever reason have a family member declared incapacitated. When family members have to make this decision it is usually because the person can no longer make decisions about their finances or health care by themselves. It is important that they be protected and this instrument is a way of doing just that. It is intended to protect the



You will need the help of a legal professional to file these proceedings.

interest of the individual as well as the guardian.

The Union County Surrogate wishes to make everyone aware of the necessity to have important legal documents. However, when the need arises the courts are there to help. If there is no next of kin or friend to become the guard-

ian the court may require that the Office of the Public Guardian become involved. It is not a decision to take lightly and requires that certain disclosures be made. It requires that the person who is going to need a guardian undergo at least 2 medical or psychological exams within 30 days of filing a complaint in the Surrogate's Court. Strict rules govern the court proceedings and this brochure is intended to give you a perspective of what to expect during the process.

The Surrogate's Court will follow the case closely. Court monitors will be sent out after a decision is made by the courts to check the progress of the incapacitated person. Yearly court reports are required to be filed by the guardian and their duties should not be taken lightly.

What Your Attorney Will Have To File In Order To Obtain A Guardianship Of A Person

Verified Complaint	R. 4:86-1, R 1:6.6	Certification of Personal Service on Alleged Incapacitated	R. 4:86-5
Plaintiff's Affidavit	R 4:86-(2)a	Certification of Proof of Service on persons in interest & counsel for Alleged Incapacitated	R. 4:86-5
Real & Personal Property		Proposed form of Judgment Declaring incapacitation and Appointment of Guardian and other relief pertinent to complaint	R 4:86.5
Physician's Affidavit requires 2 Physician's affidavits dated within 30 days	R 4:86-2(b) R 4:86-2(c)	Certification of Counsel Fees and Costs	R 4:42-9 (b)
Selling Property Requires Real Estate Appraisers' affidavits, (2)	R 4:94-2	Sign qualifying papers with the Surrogate, pay associated fees.	
Order for Hearing to include appointment by Court of Counsel for Alleged Incapacitated Person	R 4:86-4	Actions Upon Entry of Judgment	
Upon Receipt of Executed Order for Hearing		Meet with Guardian to review statutory obligations and those detailed under the judgment.	
Personal Service of Notice of Proceedings on Alleged Incapacitated Person	R. 4:86-4(a)	Calendar status reviews with Guardian during their appointment. Yearly requirement for filing guardian reports. Appointment by court appointed monitor to review care by guardian.	
Service on Persons of interest including court-appointed counsel for Alleged Incapacitated Person	R 4:86-4(a)	File Guardian's Inventory of Assets within 60 days of Judgment. Calendar all deadlines of Judgment	

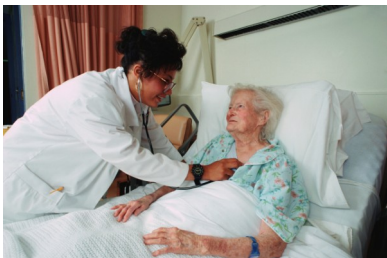
How Prepared Are You for the Unexpected?

What happens when suddenly your loved ones become unable to make decisions for themselves? Do they have a Power of Attorney appointing someone to act on their behalf? Do they have medical advanced directives?

It's not always about elder adults; it could happen to anyone at any time. A freak accident could leave an adult child incapacitated. An illness could render someone unable to make medical decisions. How prepared are you to handle these circumstances?

My suggestion to everyone is to seek the help of a knowledgeable attorney to make sure you have the necessary tools to handle most of these situations. It could effect your future and the future of you loved ones.

*Two documents everyone should have:
A Will, and A Power of Attorney*



It's not always elder adults who need guardianships.

The Union County Surrogate's Court

It is my responsibility as Surrogate of Union County to keep the public informed about the responsibilities of my office. The office interacts with families during periods of emotional difficulty.

It is not just estate planning but life changes that my office undertakes. It has been my responsibility to enlighten the public to the opportunities they have and to take care of their business before it is too late. I have strongly urged residents to prepare the necessary documents to deal with these issues on a regular basis.

Our priority has been to assist the public in a courteous and understanding manner in such a way that brings pride to the office and at the same time delivers a vital service to families in a compassionate atmosphere during these difficult times.

The Surrogate's Court has the responsibility of handling Probates, Administrations, Guardianship of Minors, Adoptions, Surrogate's Intermingled Trust Funds and Incapacity Hearings. It is my pleasure to serve as the Surrogate of Union County.

**The Union County Surrogate
County Court House
2 Broad Street
Elizabeth, NJ 07207**



James S. LaCorte, Surrogate

Please visit our web site for additional information. The Surrogate is available to speak to your group or organization. Please call the office to make arrangements.

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www.ucnj.org/Surrogate