

MEMORANDUM

To: Union County Bar Association
From: James S. La Corte, Union County Surrogate
Re: Statutory changes to Guardianship actions
Date: September 27, 2006

Please be advised that there have been some changes in the court rules and statutes with respect to the filing requirements for guardianship actions involving alleged incapacitated persons. Rule 4:86-1, et seq. requires the filing of a Verified Complaint, an Order for Hearing a Certification of assets and Physician's affidavits dated within 30 days of filing the Complaint. Pursuant to N.J.S.A. 22A:2-30 the new fee for filing this type of action is **\$200**, and remains payable to the "Union County Surrogate."

With the establishment of statutory standards for professional guardians by P.L. 2005 c.370 the collection of a statutory fee has also been added. The new section states that upon the appointment of a guardian of an incapacitated person the Surrogate shall collect from the estate of the incapacitated person \$150 which shall be deposited into the Registered Professional Guardian fund. The \$150 fee shall only apply to estates of incapacitated persons whose assets exceed \$50,000 and whose income is more than 150% of the federal poverty level.

While the law calls for the collection of this fee by the individual Surrogates, the fee will actually be collected by a representative from the Office of the Public Guardian upon completion of the guardianship action. Additionally, I have attached an attorney's checklist to provide you with a list of all of the necessary paperwork and filing deadlines that are associated with a guardianship proceeding.