

SURROGATE

James S. LaCorte

2019 Budget Presentation

SURROGATE 2018 ACCOMPLISHMENTS

To give you a better understanding of how many clients we see on a daily basis, these are some of our figures year to date. 1-1-2018 / 11-1/2018

Probates	1328		Administrations	523
Adoptions	142		Minor's Guard	112
Incapacities	131		Release of Funds	87
Certificates	10725		Searches	559
Affidavit s/s n/k	466		Other complaints	581

That's over 4,000 clients in a year. These are cases where the clients would be seen in our office or a satellite office and sometimes in a Court Room. The paperwork is generated by my staff and the clerks and we all take the signatures. During 2018 my office handled over 10,000 calls with regard to probate matters.

Speaking Engagements

I have conducted several speaking engagements this year. The audiences ranged from 15 to 250; the engagements were conducted at social clubs and organizations throughout the county. I also addressed professional groups such as The Bar Association, Municipal Clerks, and law clerks.

In addition I have been conducting classes and seminars for the Local and State Bar Associations. The law now requires that attorneys earn continuing education credits each year. The opportunity to provide solid legal advice and discuss work product with the attendees is beneficial to everyone. In addition this year along with the County Clerk we conducted training for Local Notaries (see attached).

In addition the AOC had asked me to co-host a seminar for the “Early Settlement Panel with Judges from around the State. The early settlement panel handles cases that are having some difficulty coming to a decision, usually about distribution. The panel of attorney’s takes these cases and tries to mediate a settlement before they would have to go to trial.

Continuing education for our residents is important. I continue to promote education of the public about important legal matters. Our brochures can be found in Senior Centers, Libraries & Local Government Offices. I have released several press releases this year and will continue to keep the public informed.

Banks continue to be a concern for the spouses the rules vary from branch to branch; internal policies are making it difficult for them to claim assets. I continue to interact with The New Jersey State Banking Commission and Presidents of various financial institutions to educate them on the process in New Jersey.

Family Members find themselves in uncomfortable positions when having to deal with probate matters. Whether it is a court proceeding for a disputed probate matter, obtaining guardianship of an incapacitated parent or child, an adoption or a settlement for a minor my office handles all of these cases with the upmost professionalism and care to the clients. We deal with legal documents, laws and court rules that govern how we handle specific cases. The clients, when they come into our office, are given as much information as possible to make an informed decision.

Service to the community is a vital part of our office. I have promoted the services of Union County (i.e. Human Services, Parks & Recreation, Social Services) when instructing the guardians to file their annual reports. This informative information has been included in their mailings. I would believe that the County would benefit from departments sharing documents with other agencies, I have expressed that the “ASK” Program from Human Services be placed in the Courthouse during the fall and Winter Seasons.

Evening Hours

During the year we conducted over 90 evening appointments in host communities. We share services with Cranford, Union and Summit and now we have added Scotch Plains to the list. We use their facilities to probate estates for clients who are unable to make in into the office during the daytime or wish to accompany a parent through the process. Evening hours are conducted at the request of the attorney or individual filing with the courts. Information must be given to the office at least 24 hours prior to the appointment. Once we have all the necessary information the clerk will prepare the papers and schedule the appointment. They will inform the client what they will need in order to complete the probate process.

Home Appointments

As an addendum to Evening Hours, home appointments remained steady this year. I visited about 25 households or hospitals to take signatures on estate matters. Appointments are scheduled for the homebound for a number of reasons and it is my pleasure to serve the public in this manner.

Clients

We are still averaging over 7000 clients a year. Most calls came from individuals looking for information on how to proceed with an estate matter. In addition to probate and estate matters our office handles a multitude of issues from guardianships for minors, adoptions, superior court cases and incapacity hearings. Individuals in our office are trained to help clients understand the complexity of these issues. My office handles call from the public individually; there are no answering machines for my office it is done on an individual basis. This year so far we have handled over 1300 probates, 112 Guardianships for minors, 523 Administrations, and 136 Adoptions and 131 Incapacitated cases. These cases are handled by our Probate Clerks, Lawyer and Superior Court Section.

There are times when family members don't agree. There could be an estate that no one has come in about but needs an administrator appointed, or we have cases where the next of kin cannot be located or are incapable of serving. When this happens I am allowed to conduct a hearing on the "Surrogate's Level." In 2017, **58** such hearings took place on my level and allow me to adjudicate who shall or shall not be able to serve for an estate. I preside over these hearings and many of them are settled without the need for a Superior Court Judge to get involved. This serves as a cost savings to the client, the estate and the State of New Jersey. It would also allow a creditor to come forward to force an estate into probate when money is owed to them by the decedent. In these cases (landlord, undertaker) when there are sufficient assets or no next of kin can be found, the Attorney General is noticed and that office allows me to appoint a local probate attorney as Administrator.

All numbers are as of November 15, 2018

Guardianship Reporting & Monitors

In 2014 the State brought in their volunteers to data input the information from our Incapacitated person files into a state program. It is their intention to monitor the financial affairs of the incapacitated person. This program while based in our office is strictly a State run program.

The county has provided them with a secure environment for them to work in. In the coming year the State is going to conduct a pilot program for Superior Court Cases, I have found out that Union County will be part of that pilot program. As of September 1, 2016 the Administrative Office of the Courts has **mandated** that the Surrogate take the lead in retaining and transferring important court documents to the State Web Site. This has taken considerable resources and staffing to accomplish.

AOC: Administrative Office of the Courts (2-23-17)

In February of this year we were presented with a new set of rules for Incapacitated cases from the Administrative Office of the Courts. We were charged with taking the court documents and data entering the particulars of the case into the State web system for Court E-files. The new rules state that we have 5 days from the date of judgment to make sure the information is entered into their system. This has become a duplication of services for the Superior Court Section. It was soon followed up by an e-file training in March of 2017.

E-File Training 3-23-17

The courts indicated to us that they needed the original documents scanned, indexed and transferred to the State electronically. This causes us some software changes and additions to our current program in addition to converting scanned documents into PDF files for the State. In addition to our in house Information Technology Department, Steve Santillo recommended that we engage On Base (Continuum) to write a software program that would take our TIFF documents from On Base and convert them into PDF files for the state program, this would be accomplished each evening, giving the Incapacitated Cases a specific code that would identify them and place them in a separate folder for the morning at which time we could copy and drop them into the state's web site.

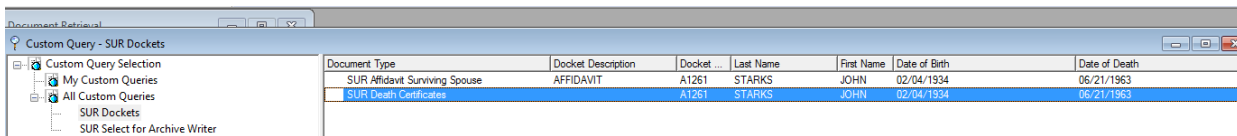
Main duties include but are not limited to, scanning re-indexing and supporting the incapacitated docket list. Clerks are in charge of inputting data into the state web site and sending documents to the State and archiving in our office.

Document Retention

Everyone in the office contributes to the upgrading of old records into digital files. The two new young ladies that are in the reception area are helping in that process and will continue to become familiar with these documents and support the current staff.

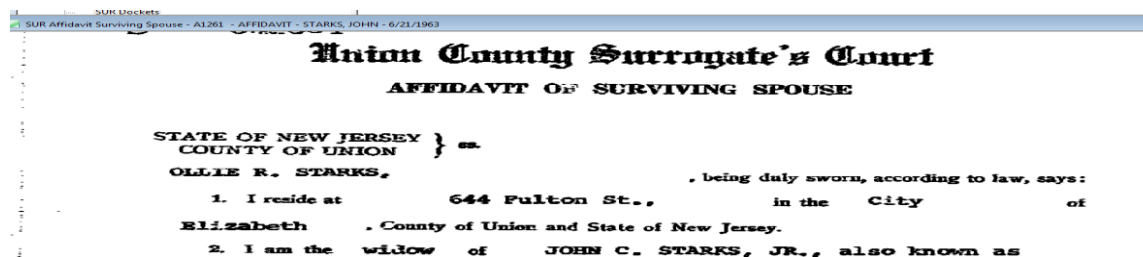
We moved the other young lady who was originally up front she is now in our record room. Since we entered into a contract with DRS Imaging (2016) work began in our department this year to convert micro fiche images to digital. From the digital process, Steve Santillo downloads the documents into the On Base system and creates “Estates” once this is done, we now go into these Estates and index and extract unnecessary information and redact personal information, than the docket is passed along to the “Custom Query”

As you can see from the next screen shot, (the numbers are a little small) we now have a docket from 1963 available on the screen for clients and staff to view. Taking these old documents and converting them to digital gives us another level of security for our documents.



The screenshot shows a software window titled "Document Retrieval" with a search bar containing "Custom Query - SUR Dockets". A tree view on the left shows a hierarchy: "Custom Query Selection" > "My Custom Queries" > "All Custom Queries" > "SUR Dockets" > "SUR Select for Archive Writer". The main area displays a table with the following data:

Document Type	Docket Description	Docket ...	Last Name	First Name	Date of Birth	Date of Death
SUR Affidavit Surviving Spouse	AFFIDAVIT	A1261	STARKS	JOHN	02/04/1934	06/21/1963
SUR Death Certificates		A1261	STARKS	JOHN	02/04/1934	06/21/1963



The screenshot shows a scanned document from the Union County Surrogate's Court. The title is "AFFIDAVIT OF SURVIVING SPOUSE". The document is dated 6/21/1963 and is for "SUR Affidavit Surviving Spouse - A1261 - AFFIDAVIT - STARKS, JOHN". The text of the affidavit reads:

Union County Surrogate's Court
AFFIDAVIT OF SURVIVING SPOUSE

STATE OF NEW JERSEY }
COUNTY OF UNION } ss.

OLLIE R. STARKS, , being duly sworn, according to law, says:

1. I reside at **644 Fulton St.,** in the **City** of **Elizabeth** . County of Union and State of New Jersey.

2. I am the **widow** of **JOHN C. STARKS, JR.,** also known as

This is a very tedious and time consuming process. Several staff members are working on different parts of the program. The fees for the digital conversion were taken out of our “Surrogate’s Trust Fund” and not general revenue. At some point we may have to go out or extend our contract for the conversion.

A good portion of our *Surrogate's Trust Fund money (funds acquired from dedicated revenue's under the Fee schedule effective 2-1-02) was used to update these files, develop new software and integrate new actions into our current Bluestone system. In addition we are currently under contract to transfer documents from micro fiche to a digital process as indicated above.

**Senate Bill No. 553 Adopted November 9, 2000*

8. Section 4 of P.L.1988, c.109 (C.22A:4-17.2) is amended to read as follows:

4. a. The county treasurer shall return to the county surrogate \$2.00 of each fee received for the probate of a will; for the grant of general administration; for the grant of letters of guardianship [for a minor and]; for the grant of letters of trusteeship for the filing of inventories; for the filing of accountings; and for any other proceeding filed, recorded or issued in the surrogate's court. Such sums shall be returned within 10 days of receipt by the county treasurer.

*b. Monies received by the county surrogates pursuant to the provisions of subsection a. of this section **shall be used to upgrade and modernize the services provided by their offices.** These monies shall not be used for budgetary reduction by the counties.*

Surrogate's Intermingled Trust Fund

When a minor is injured or inherits money the judge or the law will require that the Surrogate hold that money in a separate trust account.

In January of 2017 we were ordered by the Assignment Judge to change our SITF funds in the primary and secondary accounts. Investors Savings Bank was kept as our primary with a 3 year contract; however, our secondary bank was Lakeland Bank. They handled funds from \$250,000.00 to \$500,000.00 for minors under a court order. Their contract was for one year January 2, 2018 to January 2, 2019. We had proposal packets from the Administrative Office of the Courts out to approximately 32 banks. They were returned to us by December 1, 2018. Once the proposals were returned I presented them to the Assignment Judge, Karen M. Cassidy for a final decision. At that time we will prepare the accounts to be transferred if necessary. Currently we handle over \$23,000,000.00 in assets

The Surrogate's Court currently holds over \$22 million in the fund. All withdrawals from the fund must be accompanied by a court order. This requires that the office prepare a petition for the court requested by the Guardian. Once the completed complaint is filed with our office, the clerk will prepare the necessary paperwork and take the cases to the assigned Superior Court Judge on a weekly basis. The Judge will approve or deny the petition and the clerk will then complete the case by sending the denial or preparing the necessary papers for the release of funds according to the judgment permitting the use of these funds. The Surrogate, as Judge of the Surrogate's Court, has the final authority to release the funds when the minor turns 18.

All Accounts in the Surrogate's Court SITF funds must be paid into an interest bearing trust account or accounts in responsible, federally insured banks, saving banks, trust companies or savings and loan associations, provided that no money shall be deposited in such account in excess of the maximum amount to which such deposits are issued. These funds shall be intermingled pursuant to guidelines promulgated by the Administrative Office of the Courts with the approval of the Chief Justice.

Adoption Day

Adoption Day – November 16, 2018

This year we have 16 children being adopted in Union County. There are two Superior Court Judges conducting the adoptions. The Union County Surrogate will be hosting the breakfast for the children and their families. In addition an Adoption Information Fair is being presented again this year. Anyone interested in Adoptions or the process may visit the court house during the hours of 9 – 1 on the 16th.

Our Adoption clerk receives the complaint for adoption; files it in; checks to make sure all the necessary documents are completed and filed and staffs the hearing for the Judge.

Superior Court

Judge Dupuis is still the Presiding Judge, Chancery Division, Probate Part. Our Superior Court Staff support her on a daily basis, prepare and file papers, handle pre-trial conferences and conduct motions twice a month.

This year (11-15-17) we handled 184 Incapacity Complaints, and 100 other complaints for contested probate matters, accountings and declaration of death. The numbers for Incapacity are climbing. With the new probate software system we have started to identify the number of cases that are considered DDD (Developmentally Disabled; these are usually young adults with autism, cerebral palsy and downs syndrome) and those that are the result of accident, old age, Dementia and Alzheimer's.

In addition to the Chancery Division, our Adoption clerk, Suzanne DiOrio, reports to the family division; this year we conducted 142 adoptions. Here the adoptions are conducted in private in a closed court room. Once the adoptions are complete she files all paperwork with the state and seals the file. Mrs. DiOrio is also responsible for the Adoption Day Program.

D.A.R.M

Each year the state requires a report on how many documents we have scanned to digital images during the year. This year we have turned over 16,092 hard files to digital images. We have digitized over 100,000 images in the year 2018.

SURROGATE

2019 GOALS & OBJECTIVES

2019 Initiatives

Constituent Services

How can I better serve the public? I am always open to suggestions happy to bring our program to the public. I encourage new organizations to participate in our programs but numbers for social organizations are falling off. Media outlets are few and far between now and we promote from within. The Court House which has a healthy traffic flow of constituents are constantly taking our brochures and inquiring about speaking engagements. I would like to see a bi-annual newsletter for residents (that they could pick up in the libraries or town halls) that showcase the initiatives that county offices offer to the public. In addition we have updated our web site to try and assist the citizens with probate matters.

In addition we receive a lot of phone calls from the general public about probate matters. Also, the guardians who have to fill out the annual reports sometimes get nervous or have a language barrier. Our office handles all of these calls and if necessary we have several translators in our office who lend a hand.

Continuing Legal Education

It is mandated by law that attorneys continue to educate themselves on valuable information and changes in the law in order to serve their clients. I have participated as a panelist on several occasions to help educate the legal profession about changes in probate law. My Executive Clerk, and myself must maintain certain continuing legal education credits in order to be able to continue to practice law and we also attend classes.

Upgrades to Internet Services

We are desperately in need of updating our system with fiber optics. The current operating system is badly in need of updates and I would hope that communications could make that happen sometime in 2019.

With new directives and mandates from Superior Court. It may be necessary to expand our software program with Bluestone (our operating system) or On Base our digital retention system.

Communications

It is always my goal to expand the communications for my office. I feel that the Constitutional Officers should make every effort to support and educate the constituents in this County. I am always looking for additional outlets that would open discussion on the services my office provides. This year we had several opportunities to issue press releases from our office.

Daily e-mails to the office are handled by the Deputy Surrogate, Special Deputy Surrogate and my staff Attorney. Susan Dinardo the Senior Probate Clerk handles all new cases coming into the office, she disseminates the work to the probate clerks for preparation for the attorneys and clients. They respond to all clients questions about the probate process. The process by which we do business has changed over the years. When you used to get a lot of faxes we now get twice as many e-mails; cases come in by e-mail every day from attorneys, this work gets processed by our staff and communications with attorneys has become easier. Keeping our staff and equipment up to today's standards is very important.

Having individuals answer the phones and direct the clients to the right person to help them is an invaluable service. Most individuals are amazed that we have a real person answer the phones. The services that the receptionists provide help alleviate stress on an already stressful situation. In addition the receptionists handle multiple tasks such as mail, purchasing, digital scanning and record keeping.

Our office keeps current with the new laws and provides brochures for the public. Another support of the office is our web site; it is coordinated between my Deputy Surrogate and Robert Charkowsky from Public Information.

The office provides a web site to assist the pro se client in conducting the business of the estate. Important information is contained on our web site. Residents may download forms for probate matters and check legal terms. E-mail inquiries about estate matters are also processed and handled by senior staff.

Communication with the public; this year the web site has been expanded to include:

DDD Verified Complaint

[Click here to download form packet.](#)

How to Become the Legal Guardian of a Person Receiving Services From the Division of Developmental Disabilities
Anyone who is receiving or going to receive services from the Division on Developmental Disabilities may download the form packet from our web site.

Office of the Surrogate	ESSENTIAL SERVICES
» About the Surrogate	Gathering and Distributing the Assets of the Estate
» Contact Information	Guide to the Administration Process
» Visitor's Video	Making Critical Decisions. Power of Attorney vs. the Advance Medical Directive
» Speaking Engagements	Important Information About Your Estate – Family Members, Insurance, Real Estate, Stocks
» Court Fees	Information for your Family's Needs – A Guide for Parents with Minor Children
» Press Releases	Planning Ahead for your Health Care – Advanced Directive
Information Sheet	Caring for our Elders
» Asset Form	Filing an Adoption Complaint
» Evening Hours	Information about Minors Guardianships
» Out of State	
» Directions & Parking	
» Information Sheet	
» Making a Will	
Wills and Probate	
» Probating a Will	
Administration of an Estate	
» Degrees of Kindred	
Guardianship of a Minor	
Links & Downloads	En Espanol:
» Surrogates Brochures	■ Administración De Bienes
» Legal Key	■ Tribunal Testamentario del Condado de Union
» Request for Records	■ Guardianship
» Obtain a Copy of the Will	
» Tax Scale	
Superior Court Matters	
» DDD Verified Complaint	
» Incapacity	
Addl. Executor Certificates	
Guardians Responsibilities	
» * Guardians Mandatory Video	
Contact the Surrogate	

Personal contact and communication with the client or resident makes the client feel that they are getting the attention they deserve. The fact that they also get an individual when they call our office is a big factor in the compliments that our office receives.

Continued Support

The County is very lucky to have departments that work well together. Often times we forget to mention them when we have a chance, however it would be remiss of me not to acknowledge the support of others in the county who get little appreciation for their service. Our Information technology department is constantly coming to our aid, same with the Senior Personnel Assistant (civil service); Facilities, Personnel, Finance, Public Information and Purchasing Departments. These are just some of the divisions who support us in our service to the community. We are very fortunate to have their support and direction.

New Directives from the (AOC) Administrative Office of the Courts

We are expecting to be part of a pilot program for a new program from the courts. Since the Courts are trying to become more consumer friendly, it has become more of a burden for my staff. Cases that would normally have an attorney represent them are now being done by lay people. This means that the individuals trying to fill out on line forms are relying on our staff to explain legal terms and instructions to them.

SURROGATE				
Description	2018 Adopted Budget	2018 Modified Budget	2018 Expenditures	2019 Budget Request
Salaries	1,027,448	1,052,448	1,034,356.50	1,057,255
Seasonals	7,000	7,000	2,169.00	2,500
Other Expenses	35,220	35,220	32,414.22	33,120
Total	1,069,668	1,094,668	1,068,939.72	1,092,875
Request for Promotion for 1 employee			Total	2,000