

FISCAL NOTE
 [First Reprint]
 ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1922
STATE OF NEW JERSEY
211th LEGISLATURE

DATED: JULY 6, 2005

SUMMARY

Synopsis: Amends the State's guardianship law.
Type of Impact: General Fund expenditure
Agencies Affected: Judiciary

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Negligible-See Comments Below		

- ! The Office of Legislative Services **concurs** with the Executive estimate.
- ! The substitute revises several sections of chapter 12 of Title 3B of the New Jersey Statutes concerning guardianship.
- ! The substitute clarifies the court's authority with regard to addressing the immediate needs of an incapacitated person.
- ! The substitute establishes procedures for the appointment of a general guardian, a limited guardian of the person, estate or of both, a special guardian or a temporary pendente lite guardian who would act on behalf of the incapacitated person with regard to his medical, financial, educational, legal or vocational needs. It also specifically sets forth the powers and duties of the guardian, when a bond must be furnished by a guardian and when reasonable compensation for services would be granted to a guardian.
- ! The substitute also expands the current reporting procedures for guardians. In addition, the substitute revises various sections throughout chapter 12 of Title 3B by deleting all references to "mental incompetent" and replacing them with "incapacitated or alleged incapacitated" to provide uniformity and consistency in these sections.
- ! Amendments to the substitute specify that letters of guardianship may be granted the Office of Public Guardian for Elderly Adults or if the spouse or registered domestic partner or his heirs or friends will not accept letters, and add the proviso that the Office of the Public Guardian has the authority to not accept guardianship in cases determined by the public

guardian to be inappropriate or in conflict with the office. The amendments also clarify that consideration may be given, rather than should be given, to the surrogate decision-makers, chosen by the incapacitated person before the person became incapacitated.

- ! Amendments to the substitute exempt from the guardianship reporting requirements public officials appointed as limited guardians for individuals in psychiatric facilities for medical purposes.
- ! In a fiscal note for Assembly Bill No. 1922, the Administrative Office of the Courts (AOC) stated that filing fees regarding guardianship under the New Jersey Statutes are currently paid to the county Surrogate's office as the Deputy Superior Court Clerk of Probate Court. In this regard, there will be no impact on any Judiciary revenues as a result of this bill.
- ! The AOC states that the cost of implementing this committee substitute as amended would be negligible.
- ! The Office of the Public Guardian states that the cost of implementing this committee substitute as amended would be negligible.

BILL DESCRIPTION

Assembly Committee Substitute for Assembly Bill No. 1922 (1R) of 2004 revises several sections of chapter 12 of Title 3B of the New Jersey Statutes concerning guardianship.

The substitute clarifies the court's authority with regard to addressing the immediate needs of an incapacitated person. The substitute establishes procedures for the appointment of a general guardian, a limited guardian of the person, estate or of both, a special guardian or a temporary pendente lite guardian who would act on behalf of the incapacitated person with regard to his medical, financial, educational, legal or vocational needs. It also specifically sets forth the powers and duties of the guardian, when a bond must be furnished by a guardian and when reasonable compensation for services would be granted to a guardian.

The substitute also expands the current reporting procedures for guardians. In addition, the substitute revises various sections throughout chapter 12 of Title 3B by deleting all references to "mental incompetent" and replacing them with "incapacitated or alleged incapacitated" to provide uniformity and consistency in these sections.

Amendments made to the substitute by the Assembly Appropriations Committee specify that letters of guardianship may be granted the Office of Public Guardian for Elderly Adults or if the spouse or registered domestic partner or his heirs or friends will not accept letters, and add the proviso that the Office of the Public Guardian has the authority to not accept guardianship in cases determined by the public guardian to be inappropriate or in conflict with the office. The amendments also clarify that consideration may be given, rather than should be given, to the surrogate decision-makers, chosen by the incapacitated person before the person became incapacitated.

Additional amendments to the substitute made by the committee exempt from the guardianship reporting requirements public officials appointed as limited guardians for individuals in psychiatric facilities for medical purposes.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Administrative Office of the Courts

In a fiscal note for Assembly Bill No. 1922, the AOC stated that filing fees regarding guardianship under the New Jersey Statutes are currently paid to the county Surrogate's office as the Deputy Superior Court Clerk of Probate Court. In this regard, there will be no impact on any Judiciary revenues as a result of this bill.

With regard to the committee substitute, the AOC states that the cost of implementing the committee substitute as amended would be negligible.

The Office of the Public Guardian

The Office of the Public Guardian states that the cost of implementing this committee substitute as amended would be negligible.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services concurs with the Executive estimate.

Section: *Judiciary*

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This fiscal note has been prepared pursuant to P.L.1980, c.67.