

[First Reprint]

ASSEMBLY, No. 4618

STATE OF NEW JERSEY

219th LEGISLATURE

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SYNOPSIS

Revises and updates law pertaining to guardianship to encourage ethical conduct by guardians and to provide stronger protections for wards and proposed wards.

CURRENT VERSION OF TEXT

As reported by the Assembly Aging and Senior Services Committee on March 8, 2021, with amendments.



(Sponsorship Updated As Of: 3/15/2021)

1 AN ACT concerning guardianship arrangements, supplementing
 2 chapter 12 of Title 3B of the New Jersey Statutes, and amending
 3 various sections of the ¹**[New Jersey Statutes]** statutory law¹.
 4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
 6 of New Jersey:
 7

8 1. (New section) ¹In accordance with the Rules Governing the
 9 Courts of the State of New Jersey:¹

10 a. A ward or proposed ward shall be represented by counsel
 11 throughout the course of guardianship proceedings ¹**[and, if a**
 12 guardianship arrangement is established, until such time as the
 13 arrangement is terminated.] ¹;

14 b. Counsel shall personally interview the ward or proposed
 15 ward, as the case may be ¹**[**, not more than 72 hours before each
 16 scheduled hearing related to guardianship, and shall certify to the
 17 court that the interview has been performed.] ¹;

18 c. If the ward or proposed ward is, at any time, not represented
 19 by counsel and is unable to afford counsel, the court shall appoint
 20 counsel therefor ¹; and

21 d. Prior to the hearing date, counsel shall file a report with the
 22 court in such form, and include all such provisions, as required by
 23 the Administrative Director of the Courts¹ .
 24

25 ¹**[2. N.J.S.3B:12-37 is amended to read as follows:**

26 3B:12-37. Letters of guardianship to state any limitations at the
 27 time of appointment or later.

28 a. A court establishing a guardianship arrangement shall
 29 authorize the level of intervention that the court finds to be least
 30 restrictive of the proposed ward's rights while being consistent with
 31 the protection of the ward's welfare and safety. The basis for this
 32 finding shall be included in the record of the court.

33 b. A court may:

34 (1) either at the time a guardian is appointed or at any time
 35 thereafter while the guardianship arrangement is ongoing, expand or
 36 limit the powers of the guardian that have been conferred by this
 37 chapter or by a previous order of the court. If the court limits any
 38 power conferred on the guardian, the limitation shall be [so]
 39 expressly stated in [certificates of] the applicable letters of
 40 guardianship [thereafter issued]; and

41 (2) revoke or revise, at any time, the expansion or limitation of
 42 powers that has been ordered by the court pursuant to paragraph (1)
 43 of this subsection.

44 (cf: P.L.2005, c.304, s.25)]¹

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
 not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ASE committee amendments adopted March 8, 2021.

1 ¹2. Section 12 of P.L.2005, c.304 (C.3B:12-24.1) is amended to
2 read as follows:

3 12. Determination by the court of need for guardianship services,
4 specific services.

5 a. General Guardian. If the court finds that an individual is
6 incapacitated as defined in N.J.S.3B:1-2 and is without capacity to
7 govern himself or manage his affairs, the court may appoint a
8 general guardian who shall exercise all rights and powers of the
9 incapacitated person. The general guardian of the estate shall
10 furnish a bond conditioned as required by the provisions of
11 N.J.S.3B:15-1 et seq., unless the guardian is relieved from doing so
12 by the court.

13 b. Limited Guardian. If the court finds that an individual is
14 incapacitated and lacks the capacity to do some, but not all, of the
15 tasks necessary to care for himself, the court may appoint a limited
16 guardian of the person, limited guardian of the estate, or limited
17 guardian of both the person and estate. A court, when establishing
18 a limited guardianship shall make specific findings regarding the
19 individual's capacity, including, but not limited to which areas, such
20 as residential, educational, medical, legal, vocational and financial
21 decision making, the incapacitated person retains sufficient capacity
22 to manage. A court establishing a limited guardianship shall
23 authorize the level of intervention that the court finds to be the least
24 restrictive of the incapacitated person's rights while being
25 consistent with the protection of the incapacitated person's welfare
26 and safety. The basis for this finding shall be included in the record
27 of the court. A judgment of limited guardianship may specify the
28 limitations upon the authority of the guardian or alternatively the
29 areas of decision making retained by the person. The limited
30 guardian of the estate shall furnish a bond in accordance with the
31 provisions of N.J.S.3B:15-1 et seq., unless the guardian is relieved
32 from doing so by the court. A court may: (1) either at the time a
33 guardian is appointed or at any time thereafter while the
34 guardianship arrangement is ongoing, expand or limit the powers
35 of the guardian that have been conferred by this chapter or by a
36 previous order of the court; and (2) revoke or revise, at any time,
37 the expansion or limitation of powers that has been ordered by the
38 court pursuant to paragraph (1) of this subsection.

39 c. Pendente lite; Temporary Guardian.

40 (1) Whenever a complaint is filed in the Superior Court to
41 declare a person incapacitated and appoint a guardian, the
42 complaint may also request the appointment of a temporary
43 guardian of the person or estate, or both, pendente lite. Notice of a
44 pendente lite temporary guardian application shall be given to the
45 alleged incapacitated person or alleged incapacitated person's
46 attorney or the attorney appointed by the court to represent the
47 alleged incapacitated person.

1 (2) Pending a hearing for the appointment of a guardian, the
2 court may for good cause shown and upon a finding that there is a
3 critical need or risk of substantial harm, including, but not limited
4 to:

5 (a) the physical or mental health, safety and well-being of the
6 person may be harmed or jeopardized;

7 (b) the property or business affairs of the person may be
8 repossessed, wasted, misappropriated, dissipated, lost, damaged or
9 diminished or not appropriately managed;

10 (c) it is in the best interest of the alleged incapacitated person to
11 have a temporary guardian appointed and such may be dealt with
12 before the hearing to determine incapacity can be held, after any
13 notice as the court shall direct, appoint a temporary guardian
14 pendente lite of the person or estate, or both, of the alleged
15 incapacitated person.

16 (3) A pendente lite temporary guardian appointed pursuant to
17 this section may be granted authority to arrange interim financial,
18 social, medical or mental health services or temporary
19 accommodations for the alleged incapacitated person determined to
20 be necessary to deal with critical needs of or risk of substantial
21 harm to the alleged incapacitated person or the alleged incapacitated
22 person's property or assets. The pendente lite temporary guardian
23 may be authorized to make arrangements for payment for such
24 services from the estate of the alleged incapacitated person.

25 (4) A pendente lite temporary guardian appointed hereunder
26 shall be limited to act for the alleged incapacitated person only for
27 those services determined by the court to be necessary to deal with
28 critical needs or risk of substantial harm to the alleged incapacitated
29 person.

30 (5) The alleged incapacitated person's attorney or attorney
31 appointed by the court to represent the alleged incapacitated person
32 shall be given notice of the appointment of the pendente lite
33 temporary guardian. The pendente lite temporary guardian shall
34 communicate all actions taken on behalf of the alleged incapacitated
35 individual to the alleged incapacitated person's attorney or attorney
36 appointed by the court to represent the alleged incapacitated person
37 who shall have the right to object to such actions.

38 (6) A pendente lite temporary guardian appointment shall not
39 have the effect of an adjudication of incapacity or effect of
40 limitation on the legal rights of the individual other than those
41 specified in the court order.

42 (7) If the court enters an order appointing a pendente lite
43 temporary guardian without notice, the alleged incapacitated person
44 may appear and move for its dissolution or modification on two
45 days' notice to the plaintiff and to the temporary guardian or on
46 such shorter notice as the court prescribes.

47 (8) Every order appointing a pendente lite temporary guardian
48 granted without notice expires as prescribed by the court, but within

1 a period of not more than 45 days, unless within that time the court
2 extends it for good cause shown for the same period.

3 (9) The pendente lite temporary guardian, upon application to
4 the court, shall be entitled to receive reasonable fees for his
5 services, as well as reimbursement of his reasonable expenses,
6 which shall be payable by the estate of the alleged incapacitated
7 person or minor.

8 (10) The pendente lite temporary guardian shall furnish a bond in
9 accordance with the provisions of N.J.S.3B:15-1 et seq., unless the
10 guardian is relieved from doing so by the court.

11 d. Disclosure of information. Physicians and psychologists
12 licensed by the State are authorized to disclose medical information,
13 including but not limited to medical, mental health and substance
14 abuse information as permitted by State and federal law, regarding
15 the alleged incapacitated person in affidavits filed pursuant to the
16 Rules Governing the Courts of the State of New Jersey.

17 e. Court appearance. The alleged incapacitated person shall
18 appear in court unless the plaintiff and the court-appointed attorney
19 certify that the alleged incapacitated person is unable to appear
20 because of physical or mental incapacity.

21 f. Communication. When a person who is allegedly in need of
22 guardianship services appears to have a receptive or expressive
23 communication deficit, all reasonable means of communication
24 with the person shall be attempted for the purposes of this section,
25 including written, spoken, sign or non-formal language, which
26 includes translation of the person's spoken or written word when the
27 person is unable to communicate in English, and the use of adaptive
28 equipment.

29 g. Additional subject areas. At the request of the limited
30 guardian, and if the incapacitated person is not represented, after
31 appointment of an attorney for the incapacitated person and with
32 notice to all interested parties, the court may determine that a
33 person is in need of guardian services regarding additional subject
34 areas and may enlarge the powers of the guardian to protect the
35 person from significant harm.

36 h. Limitations of guardian powers. At the request of the
37 guardian, the incapacitated person or another interested person, and
38 if the incapacitated person is not represented, after appointment of
39 an attorney for the incapacitated person and with notice to all
40 interested parties, the court may limit the powers conferred upon a
41 guardian.

42 i. Any proposed guardian shall comply with any applicable
43 background screening policy for proposed guardians of
44 incapacitated adults is required by the Administrative Director of
45 the Courts, including, but not limited to, fingerprinting.¹

46 (cf: P.L.2005, c.304, s.12)

47
48 3. N.J.S.3B:12-38 is amended to read as follows:

1 3B:12-38. Title to ward's property vested in guardian as trustee.

2 ¹['a.]' The appointment of a guardian of the estate of a minor or
3 ['an'] incapacitated person vests in ['him'] the guardian title as
4 trustee to all property of ['his'] the ward, presently held or thereafter
5 acquired, including title to any property theretofore held for the
6 ward by ['attorneys in fact'] attorneys-in-fact ¹, subject to any bond,
7 in accordance with the provisions of N.J.S.3B:15-1 et seq., required
8 by N.J.S.3B:12-24.1 or order of the court¹. The appointment of a
9 guardian is not a transfer or alienation within the meaning of
10 general provisions of any ['Federal'] federal or State statute or
11 regulation, insurance policy, pension plan, contract, will, or trust
12 instrument[' , imposing'] that imposes restrictions upon, or penalties
13 for, the transfer or alienation by the ward of ['his'] the ward's rights
14 or interest, but this section does not restrict the ability of ['persons']
15 any person to make specific provision by contract or dispositive
16 instrument relating to a guardian.

17 ¹['b.If a court finds that a guardian of the estate of a minor or
18 incapacitated person has breached the guardian's fiduciary duties to
19 the ward by taking action that is outside the scope of the
20 guardianship arrangement or that violates the rights of the ward,
21 contradicts or violates the ward's best interests, or is otherwise
22 deemed by the court to be improper for a fiduciary, the guardian of
23 the estate shall be liable to the ward or other interested persons for
24 damage or loss resulting from breach of fiduciary duty to the same
25 extent as a trustee of an express trust.】¹

26 (cf: P.L.2005, c.304, s.26)

27
28 4. N.J.S.3B:12-42 is amended to read as follows:

29 3B:12-42. Reporting condition of ward's person and property to
30 court.

31 ['A guardian shall report at'] ¹['At time intervals ['as'] ordered by
32 the court, ['unless otherwise waived by the court,'] but not less often
33 than every six months during the course of a guardianship
34 arrangement, the guardian shall report to the court, under oath.】 A
35 guardian shall report, annually in accordance with the Rules
36 Governing the Courts of the State of New Jersey, unless otherwise
37 ordered by the court,¹ the condition of the ward and the condition of
38 the ward's estate which has been subject to the guardian's
39 possession or control as ordered by the court.

40 a. A report submitted by ['the'] a guardian of the person,
41 pursuant to this section, shall ¹be made in such form as is required
42 by the Administrative Director of the Courts and in accordance with
43 the Rules Governing the Courts of the State of New Jersey, and
44 shall¹ state or contain:

45 (1) the current mental, physical, and social condition of the
46 ward;

1 (2) the living arrangements for all addresses of the ward during
2 the reporting period;

3 (3) the medical, educational, vocational, and other services
4 provided to the ward, and the guardian's opinions as to the adequacy
5 of the ward's care;

6 (4) a summary of the guardian's visits with the ward and
7 activities undertaken by the guardian on the ward's behalf, and an
8 indication as to the extent to which the ward has participated in
9 decision-making;

10 (5) if the ward is institutionalized, an indication as to whether or
11 not the guardian considers the current plan for care, treatment, or
12 habilitation to be in the ward's best interest;

13 (6) plans for future care; and

14 (7) a recommendation as to the need for continued guardianship
15 and any recommended changes in the scope of the guardianship.

16 b. **【The court may appoint an individual to review a report,**
17 **interview the ward or guardian and make any other investigation the**
18 **court directs】** A report submitted by a guardian of the estate,
19 pursuant to this section, shall ¹be made in such form as is required
20 by the Administrative Director of the Court and in accordance with
21 the Rules Governing the Courts of the State of New Jersey, which
22 shall¹ state or contain ¹【:

23 (1) an itemized inventory identifying and appraising all of the
24 real and personal property that has come into the guardian's hands
25 or control or has come into the hands of any other person, on the
26 guardian's behalf, during the reporting period, under the auspices of
27 the established guardianship arrangement; and

28 (2) a formal accounting showing each expenditure and
29 disbursement that has been made by the guardian from the ward's
30 estate during the reporting period】 information on the assets,
31 income, disbursements, and liabilities of the guardianship estate¹.

32 c. Agencies authorized to act pursuant to P.L.1985, c. 298
33 (C.52:27G-20 et seq.), P.L.1985, c. 145 (C.30:6D-23 et seq.),
34 P.L.1965, c. 59 (C.30:4-165.1 et seq.), and P.L.1970, c. 289
35 (C.30:4-165.7 et seq.), and public officials appointed as limited
36 guardians of the person for medical purposes for individuals in
37 psychiatric facilities listed in R.S.30:1-7, shall be exempt from the
38 provisions of this section.

39 d. **¹【The】** In accordance with the Rules Governing the Courts
40 of the State of New Jersey, the¹ court shall review the reports
41 received pursuant to this section, on at least an annual basis, to
42 ensure that the guardian is properly fulfilling the guardian's duties
43 with respect to the ward or the ward's estate, or both, as the case
44 may be, and is operating in a manner that is consistent with the
45 ward's best interests. The court may, at any time, and shall,
46 whenever a report submitted pursuant to this section indicates that a
47 guardian may not be properly fulfilling the guardian's duties or

1 acting in the ward's best interests, appoint a third-party to interview
2 the ward and guardian ¹**["and"]** ¹or ¹undertake any other investigation
3 the court may direct.

4 (cf: P.L.2005, c.304, s.29)

5
6 5. N.J.S.3B:12-43 is amended to read as follows:

7 3B:12-43. Expenditures to be made by guardian out of ward's
8 estate.

9 a. A guardian of the estate of a minor or incapacitated person
10 may expend or distribute so much or all of the income or principal
11 of **["his"]** the ward for the support, maintenance, education, care,
12 general use, and benefit of the ward and **["his"]** the ward's
13 dependents and other household members, in the manner, at the
14 time or times, and to the extent, that the guardian, in an exercise of
15 a reasonable discretion, deems suitable and proper, taking into
16 account the requirements of the "Prudent Investor Act," P.L.1997,
17 c.36 (C.3B:20-11.1 et seq.)**[","]** and the considerations specified in
18 N.J.S.3B:12-44 and N.J.S.3B:12-45.

19 b. The expenditure or distribution of funds ¹as to the ward or
20 the ward's dependent made ¹pursuant to this section may occur
21 either with or without court order **[" , with"]**. ¹The expenditure or
22 distribution of funds as to other household members pursuant to this
23 section shall only occur pursuant to order of the court. ¹

24 c. A guardian expending or distributing funds pursuant to this
25 section:

26 (1) shall give due regard to the duty and ability of **["any person"]**
27 other persons to support or provide for the ward if the ward is a
28 minor, and without due regard to **["but shall not consider"]** the duty
29 and ability of any person to support or provide for the ward if the
30 ward is an incapacitated person **[" , and with or without regard to"]**;
31 and

32 (2) shall be authorized, but not required, to consider whether
33 any other sources of funds, income, or property **["which may be"]** are
34 available for **["that purpose"]** the purposes specified in this section.

35 d. All decisions made by a guardian of the estate with respect
36 to the expenditure or distribution of funds pursuant to this section
37 shall be consistent with the ward's best interests and the specified
38 wishes and preferences of the ward, to the extent that the ward
39 retains the capacity to express such wishes and preferences.

40 (cf: P.L.2005, c.304, s.30)

41
42 6. N.J.S.3B:12-44 is amended to read as follows:

43 3B:12-44. Recommendations to be considered by guardian of
44 ward's estate in making expenditures.

45 a. In making expenditures **["under"]** and distributions pursuant to
46 N.J.S.3B:12-43, the guardian of the estate of a minor or
47 incapacitated person shall consider any recommendations relating to

1 the **the** appropriate standard of expenditure and distribution of estate
2 funds for the support, education, care, general use, and benefit **for**
3 of the ward, the ward's dependents, and other members of the
4 ward's household, which are made by **a parent or** the following
5 persons:

6 (1) the ward, to the extent that the ward is capable of making
7 such recommendations;

8 (2) if the ward is a minor, the parents of the ward, if any;

9 (3) if the ward is an incapacitated person, the spouse of the ward
10 and any adult children of the ward or, if the incapacitated ward has
11 no adult children, the person or persons who are closest in degree of
12 kinship to the ward;

13 (4) the guardian of the ward's person, if any; and

14 (5) the person or persons with whom the ward resides or, if the
15 ward resides in an institution, the chief administrator of that
16 institution.

17 b. The guardian of the estate **may not be surcharged** shall be
18 subject to pay a penalty surcharge for any sums that are paid or
19 distributed thereby, pursuant to the recommendation of a person
20 listed in subsection a. of this section, to persons or organizations
21 actually furnishing support, education, or care to the ward
22 **pursuant to the recommendations of a parent or guardian of the**
23 **person unless** if the recommendation resulting in the payment or
24 distribution is clearly not in the ward's best interests or the guardian
25 knows that the **parent or the guardian** person making the
26 recommendation is deriving personal financial benefit therefrom**,**
27 or unless the recommendations are clearly not in the best interests
28 of the ward**].**

29 (cf: P.L.2005, c.304, s.31)

30
31 7. N.J.S.3B:12-45 is amended to read as follows:

32 3B:12-45. Other factors to be considered by guardian of ward's
33 estate in making expenditures.

34 In **making expenditures** addition to considering the
35 recommendations of the persons listed in N.J.S.3B:12-44, whenever
36 a guardian of the estate makes an expenditure or distribution of
37 funds from a ward's estate under N.J.S.3B:12-43, the guardian of
38 the estate **of a minor or incapacitated person shall expend or**
39 **distribute sums reasonably necessary for the support, education,**
40 **care or benefit of the ward with** shall give due regard to:

41 a. **The** the size of the ward's estate;

42 b. **The** the probable duration of the guardianship
43 arrangement and the likelihood that the ward, at some future time,
44 may be fully able to manage **his** the ward's own affairs and the
45 estate **which** that has been conserved for **him** the ward; **and**

1 c. **【The】** the accustomed standard of living of the ward, the
2 ward's dependents, and other members of the ward's household;

3 d. the best interests of the ward; and

4 e. the wishes and preferences of the ward, to the extent that the
5 ward is capable of expressing those wishes and preferences.

6 (cf: P.L.2005, c.304, s.32)

7
8 8. N.J.S.3B:12-57 is amended to read as follows:

9 3B:12-57. Powers and duties of a guardian of the person of a
10 ward.

11 a. (Deleted by amendment, P.L.2005, c.304.)

12 b. (Deleted by amendment, P.L.2005, c.304.)

13 c. (Deleted by amendment, P.L.2005, c.304.)

14 d. (Deleted by amendment, P.L.2005, c.304.)

15 e. (Deleted by amendment, P.L.2005, c.304.)

16 f. In accordance with Section 12 of P.L.2005, c.304 (C.3B:12-
17 24.1), a guardian of the person of a ward shall exercise authority
18 over matters relating to the rights and best interest of the ward's
19 personal needs, only to the extent adjudicated by a court of
20 competent jurisdiction. In taking or forbearing from any action
21 affecting the personal needs of a ward, a guardian shall give due
22 regard to the preferences of the ward, if known to the guardian or
23 otherwise ascertainable upon reasonable inquiry. To the extent that
24 it is consistent with the terms of any order by a court of competent
25 jurisdiction, the guardian shall:

26 (1) take custody of the ward and establish the ward's place of
27 abode in or outside of this State;

28 (2) personally visit the ward or if a public agency which is
29 authorized to act pursuant to P.L.1965, c.59 (C.30:4-165.1 et seq.)
30 and P.L.1970, c.289 (C.30:4-165.7 et seq.) or the Office of the
31 Public Guardian pursuant to P.L.1985, c.298 (C.52:27G-20 et seq.)
32 or their representatives which may include a private or public
33 agency, visits the ward not less than once every three months, or as
34 deemed appropriate by the court, and otherwise maintain sufficient
35 contact with the ward to know **【his】** the ward's capacities,
36 limitations, needs, opportunities, and physical and mental health;

37 (3) provide for the care, comfort and maintenance, and,
38 whenever appropriate, the education and training of the ward;

39 (4) subject to the provisions of subsection c. of N.J.S.3B:12-56,
40 give or withhold any consents or approvals that may be necessary to
41 enable the ward to receive medical or other professional care,
42 counsel, treatment, or service;

43 (5) take reasonable care of the ward's clothing, furniture,
44 vehicles and other personal effects, and, where appropriate, sell or
45 dispose of such effects to meet the current needs of the ward;

46 (6) institute an action for the appointment of a guardian of the
47 property of the ward, if necessary for the protection of the property;

1 (7) develop a plan of supportive services for the needs of the
2 ward and a plan to obtain the supportive services;

3 (8) if necessary, institute an action against a person having a
4 duty to support the ward or to pay any sum for the ward's welfare in
5 order to compel the performance of the duties;

6 (9) receive money, payable from any source for the current
7 support of the ward, and tangible personal property deliverable to
8 the ward. Any sums so received shall be applied to the ward's
9 current needs for support, health care, education, and training in the
10 exercise of the guardian's reasonable discretion, with or without
11 court order, with or without regard to the duty or ability of any
12 person to support or provide for the ward and with or without
13 regard to any other funds, income, or property that may be available
14 for that purpose, unless an application is made to the court to
15 establish a supplemental needs trust or other trust arrangement.
16 However, the guardian may not use funds from the ward's estate for
17 room and board, which the guardian, the guardian's spouse or
18 domestic partner as defined in section 3 of P.L.2003, c.246
19 (C.26:8A-3), or the ward's parent or child have furnished the ward,
20 unless agreed to by a guardian of the ward's estate pursuant to
21 N.J.S.3B:12-41, or unless a charge for the service is approved by
22 order of the court made upon notice to at least one of the heirs of
23 the ward, if possible. The guardian shall exercise care to conserve
24 any excess funds for the ward's needs; and

25 (10) If necessary, institute an action that could be maintained by
26 the ward including but not limited to, actions alleging fraud, abuse,
27 undue influence, and exploitation.

28 g. In the exercise of the foregoing powers, the guardian shall:

29 (1) act, at all times, in the ward's best interests;

30 (2) consider the expressed wishes and preferences of the ward,
31 to the extent that the ward is capable of expressing those wishes and
32 preferences, and encourage the ward to participate with the
33 guardian in the decision-making process, to the maximum extent of
34 the ward's ability **in order to**; and

35 (3) encourage the ward to act on **his** the ward's own behalf,
36 whenever **he** the ward is able to do so, and to develop or regain
37 higher decision-making capacity **to make decisions**, to the
38 maximum extent practicable, in those areas in which **he** the ward
39 is in need of guardianship services**,** to the maximum extent
40 possible**].**

41 (cf: P.L.2005, c.304, s.39)

42
43 9. This act shall take effect ¹**immediately** on the 120th day
44 after the date of enactment¹ .