

SENATE HEALTH, HUMAN SERVICES AND SENIOR CITIZENS COMMITTEE

STATEMENT TO **SENATE, No. 3260**

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 19, 2023

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 3260.

As amended by the committee, this bill allows a complaint for guardianship of a minor receiving services from the Division of Developmental Disabilities in the Department of Human Services to be filed 180 days before the minor attains the age of 18. An order of guardianship entered pursuant to the complaint would not take effect until the day the minor turns 18.

Under current law, a parent or other appropriate person may file a complaint for guardianship of a child with developmental disabilities only after the child reaches age 18. However, if court proceedings are delayed and a guardian is not yet appointed by the time the child turns 18, there is a gap: the person with developmental disabilities is left without the legal protections of a parent, other appropriate person, or appointed guardian, until such time as the guardian is actually appointed. Allowing guardianship proceedings to be initiated in advance will help avoid potential administrative or procedural delays and ensure a seamless transition as the person with developmental disabilities attains age 18.

As amended, the bill additionally specifies that guardianship complaints filed under section 12 of P.L.2005, c.304 (C.3B:12-24.1) be filed in accordance with the Rules of Court, and provides that the guardianship complaint constitutes prima facie evidence of the individual's incapacity and need for appointment of a guardian, and may not be withdrawn absent a showing that the individual is deceased or has returned to capacity.

COMMITTEE AMENDMENTS:

The committee amendments add to the bill another section of law under which a guardianship complaint for a minor with developmental disabilities may be filed, and add language to that section providing

that guardianship complaints are to be filed in accordance with the Rules of Court, constitute prima facie evidence of the individual's incapacity and need for a guardian, and may not be withdrawn absent a showing the individual is deceased or has returned to capacity.