

ASSEMBLY, No. 3771

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblyman RALPH R. CAPUTO

District 28 (Essex)

SYNOPSIS

Establishes centralized, Statewide registry and auditing system for court-appointed guardians.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/8/2021)

1 AN ACT concerning accountings in guardianship cases and
2 supplementing Title 3B of the New Jersey Statutes.

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

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7 1. The Administrative Office of the Courts shall establish and
8 maintain a centralized, Statewide registry and auditing system for
9 all guardians appointed by the court pursuant to the provisions of
10 N.J.S.3B:12-1 et seq. The registry and auditing system shall review
11 all reports that such guardians are required to file pursuant to court
12 order, the provisions of this Title, and the Rules of Court, including
13 but not limited to the initial inventory of the property and income of
14 the incapacitated person's estate and the annual accounting report.

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16 2. This act shall take effect on the 90th day following enactment
17 and shall apply to all existing guardianships and all guardianships
18 commenced on or after the effective date.

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STATEMENT

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23 Under current law, a guardian who is appointed by the court,
24 pursuant to the provisions of N.J.S.3B:12-1 et seq., to make
25 decisions concerning the property of an incapacitated adult is
26 required to file certain accountings concerning that property.
27 Although the statutes and Rules of Court require guardians to file
28 an initial inventory of the incapacitated person's property and
29 annual accounting reports, the review and oversight of such reports
30 may vary from county to county.

31 This bill requires the Administrative Office of the Courts to
32 establish and maintain a centralized, Statewide registry and auditing
33 system for all guardians appointed by the court. The registry and
34 auditing system would review all reports that such guardians are
35 required to file pursuant to court order, the provisions of Title 3B of
36 the New Jersey Statutes, and the Rules of Court, including but not
37 limited to the initial inventory of the property and income of the
38 incapacitated person's estate and the annual accounting report.

39 Currently, professional guardians (those who care for five or
40 more wards) must register with the Office of the Public Guardian
41 for Elderly Adults pursuant to P.L.2005, c.370 (C.52:27G-32 et
42 seq.). This office maintains a State-wide registry of professional
43 guardians, who are subject to audit and spot-check inspections at
44 the discretion of the public guardian. The provisions of this bill
45 would establish a new State-wide registry for all guardians,
46 including those who are not professional guardians, and would
47 implement universal auditing and oversight.

A3771 DANCER, CAPUTO

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1 This bill was prompted by an Asbury Park Press report,
2 “Betrayal of Trust,” published in July 2015. The report detailed
3 theft and financial neglect by certain court-appointed guardians for
4 the elderly and recommended stronger oversight. This bill is
5 intended to provide such oversight and to deter guardians’
6 misconduct.

7 The bill would take effect on the 90th day following enactment
8 and would apply to all guardianships commenced on or after the
9 effective date as well as to existing guardianships.