

## **Guardianship Terms and Procedures**

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The guardianship reporting forms were designed to be easy to understand. However, some terms may be unfamiliar or unclear to guardians. The following definitions and instructions are intended to clarify any confusion and enable guardians to independently fulfill their reporting responsibilities.

- **Interested Parties (or Parties in Interest)**

The term “Interested Parties” (or parties-in-interest) includes the nearest of kin of the incapacitated person, meaning those relatives served with notice of the underlying guardianship action, including any relatives identified or located after the filing of the complaint and prior to entry of the judgment. Note that a child of an incapacitated person need not be served during minority but must be served upon reaching the age of eighteen (18) years, even if such child was a minor at the time of the guardianship proceeding and therefore not listed as an interested party in the verified complaint. Interested parties may also include any agent(s) appointed pursuant to a power of attorney or advance directive, as well as the director of a residential care facility having custody of the incapacitated person, and/or the attorney appointed for the incapacitated person in the guardianship action. If an interested party is under a guardianship or has died, then this should be noted in the certification of service section.

- **Service**

All of the forms include a certification of service in which you as guardian must specify when and how the report was served on the parties in interest. As noted at the beginning of the Report of Guardian Cover Page, you must file the original report with the Surrogate and serve copies of the report on the interested parties. In terms of service, you should consult the Judgment to see if any particular method of service is required (i.e., by certified mail). If nothing is stated in the Judgment, then use your discretion as to the method of service.

It is not necessary to file proof of service (i.e., signed certified mail return receipt cards) with the Surrogate. However, if the underlying guardianship action was contested, or if you anticipate that an interested party may raise objections now or in the future, then you may at your discretion file proof of service with the Surrogate.

- **Fees**

By statute, a fee of \$5/page is required for all documents filed with the Surrogate. Fees are payable to the “Surrogate of \_\_\_\_\_ County” or “\_\_\_\_\_ County Surrogate” and are not paid to the State of New Jersey. Guardians may contact the appropriate Surrogate’s Court to inquire as to the method of payment (i.e., cash, check, money order). Note that it is the responsibility of the guardian to make copies for purposes of service on other parties, and additional fees may be assessed if you request that the Surrogate make the copies for you.

- **Reporting Period**

Most guardians are directed to report annually, at or before the anniversary date of the Judgment of Incapacity, so most reports will cover a 12-month period. Strict adherence to this time period may be difficult depending on the timing of the guardianship judgment and the nature of the guardianship reporting. For example, a guardian appointed on April 13<sup>th</sup> and required to file the Comprehensive Accounting must submit bank statements

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showing balances at the beginning and ending of the accounting period, but banks may issue statements as of the first day of the month, not the 13<sup>th</sup>. A guardian in this situation might decide to file her first accounting for the period of April 13<sup>th</sup> – March 31<sup>st</sup>, and then start the next accounting as of the following April 1<sup>st</sup>. Even though the first accounting covers less than 12 months, this is acceptable. After the first accounting, the guardian will file reports for a full 12-month period, with bank account statements as of the beginning (April 1<sup>st</sup>) and end (March 31<sup>st</sup>) of each yearly period.

Although it is acceptable to slightly adjust the reporting period for convenience, it is not acceptable to deviate substantially from the reporting deadline imposed by the Judgment of Incapacity. For example, a guardian appointed on April 13<sup>th</sup> may not decide to report through December 31<sup>st</sup> in order to achieve a future reporting period of January 1<sup>st</sup> through December 31<sup>st</sup>. If all guardians were allowed to determine the periods for reporting, many guardians would opt for a period coinciding with the calendar year. This would result in an influx of reports at the same time and would inhibit prompt review of submissions by the volunteers of the Guardianship Monitoring Program.