

ASSEMBLY AGING AND SENIOR SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5131

STATE OF NEW JERSEY

DATED: MAY 18, 2023

The Assembly Aging and Senior Services Committee reports favorably and with committee amendments Assembly Bill No. 5131.

This bill establishes factors a court is required to consider when making a guardianship determination for an individual. This bill would apply to general and temporary guardianship, guardianship for the person, guardianship for the estate, or both.

Under the bill, the court is required to consider, but is not limited to, the following factors: 1) the safety and the well-being of the individual; 2) the ability of the potential guardian to care for the individual; 3) any pre-established relationship between the potential guardian and the individual; 4) any affidavits or certifications provided by physicians evidencing the individual's incapacity; 5) any report provided to the court by a court-appointed counsel for the alleged incapacitated individual in an incapacity hearing; and 6) any issue relevant to the care of the alleged incapacitated individual or the management of the individual's estate. The bill requires any determination for guardianship to be based on clear and convincing evidence.

Finally, the court is required to specifically place on the record the factors and evidence which justify the appointment of a guardian for an individual.

COMMITTEE AMENDMENTS

The committee amendments make technical adjustments to the bill's format.