

**SENATE, No. 3160**

**STATE OF NEW JERSEY**

**221st LEGISLATURE**

INTRODUCED MAY 9, 2024

**Sponsored by:**

**Senator ANGELA V. MCKNIGHT**

**District 31 (Hudson)**

**Co-Sponsored by:**

**Senator Corrado**

**SYNOPSIS**

Establishes guardianship monitoring program in Office of Public Guardian for Elderly Adults.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/9/2024)**

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1 AN ACT concerning guardians for the elderly and amending  
2 P.L.1985, c.298.

3

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

6

7 1. Section 6 of P.L.1985, c.298 (C.52:27G-25) is amended to  
8 read as follows:

9 6. The public guardian, as administrator and chief executive  
10 officer:

11 a. Shall administer and organize the work of the office and  
12 establish therein any administrative divisions he may deem  
13 necessary, proper and expedient. The public guardian may delegate  
14 to subordinate officers or employees of the office any of his powers  
15 as he may deem desirable to be exercised under his supervision and  
16 control;

17 b. Shall adopt rules and regulations in accordance with the  
18 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
19 seq.) to effectuate the purposes of this act;

20 c. Shall appoint and remove stenographic, clerical and other  
21 secretarial assistants as may be required for the proper conduct of  
22 the office, subject to the provisions of Title 11A of the New Jersey  
23 Statutes, and other applicable statutes, and within the limits of  
24 funds appropriated or otherwise made available therefor. In  
25 addition, and within funding limits, the public guardian may  
26 appoint, retain or employ, without regard to the provisions of Title  
27 11A of the New Jersey Statutes or any other statutes, any officers,  
28 financial managers, social workers or other professionally qualified  
29 personnel on a contract basis or otherwise as the public guardian  
30 deems necessary;

31 d. Shall maintain suitable headquarters for the office and other  
32 quarters as the public guardian may deem necessary to the proper  
33 functioning of the office;

34 e. May accept the services of volunteer workers or consultants  
35 at no compensation, at nominal or token compensation, or at full  
36 compensation, as appropriate, and reimburse them for their proper  
37 and necessary expenses;

38 f. Shall keep and maintain proper financial and statistical  
39 records concerning all cases in which the public guardian provides  
40 guardianship or conservatorship services, provided that the privacy  
41 and confidentiality of these records for each ward are preserved;

42 g. May serve as guardian and conservator or either of these,  
43 after appointment by a court pursuant to the provisions of Title 3B  
44 of the New Jersey Statutes, and with the same powers and duties of

**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.**

1 a private guardian or conservator, except as otherwise limited by  
2 law or court order;

3 h. May intervene in any guardianship or conservatorship  
4 proceeding involving a ward, by appropriate motion by the court, if  
5 the public guardian or the court deems the intervention to be  
6 justified because an appointed guardian or conservator is not  
7 fulfilling his duties, the estate is subject to disproportionate waste  
8 because of the costs of the guardianship or conservatorship, or the  
9 best interests of the ward require intervention;

10 i. Shall establish a guardianship monitoring program within  
11 the office to monitor court-appointed legal guardians of elderly  
12 adults to detect abuse, neglect, or exploitation. The monitoring  
13 program shall provide a system for review of reports submitted by a  
14 court-appointed guardian of an elderly adult, which may include  
15 reports concerning the ward's well-being, and inventory and  
16 accounting reports.

17 In order to accomplish the goal of the program, the public  
18 guardian shall:

19 (1) Ensure that the court-appointed guardian is in compliance  
20 with the initial and periodic reporting requirements for a guardian  
21 of an elderly adult as established by the Superior Court pursuant to  
22 a judgment of incapacity or judgment of guardianship, or as  
23 required pursuant to letters of guardianship issued by the Surrogate;

24 (2) Review reports and accompanying documentation submitted  
25 by the court-appointed guardian in accordance with the established  
26 reporting requirements; and

27 (3) If any problems or inconsistencies are identified following  
28 review of the reports and documentation, the Public Guardian may  
29 intervene in proceedings in accordance with subsection h. of this  
30 section.

31 For the purposes of this section, the Office of the Public  
32 Guardian for Elderly Adults shall be deemed an interested party and  
33 therefore be served with any initial and periodic reports as required  
34 by the Superior Court or Surrogate;

35 j. Shall perform any other function which may be prescribed  
36 by this act or by any other law; and

37 ~~j.~~ k. Shall appoint and employ, notwithstanding the  
38 provisions of P.L.1944, c.20 (C.52:17A-1 et seq.), a general counsel  
39 and such other attorneys or counsel as the public guardian may  
40 require, for the purpose, among other things, of providing legal  
41 advice on such matters as the public guardian may from time to  
42 time require, of attending to and dealing with all litigation,  
43 controversies, and legal matters in which the public guardian or any  
44 ward of the public guardian may be a party or in which these rights  
45 and interests may be involved, and of representing the public  
46 guardian and any ward in all proceedings or actions of any kind  
47 which may be brought for or against them in any court of this State.  
48 With respect to all of the foregoing, the counsel and attorneys shall

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1 be independent of any supervision or control by the Attorney  
2 General or by the Department of Law and Public Safety, or by any  
3 division or officer thereof.  
4 (cf: P.L.1989, c.248, s.2)

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6 2. This act shall take effect on the 60th day following  
7 enactment.

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**STATEMENT**

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12 This bill establishes a guardianship monitoring program within  
13 the Office of the Public Guardian for Elderly Adults to monitor  
14 court-appointed legal guardians of elderly adults to detect abuse,  
15 neglect, or exploitation. P.L.1985, c.298 (C.52:27G-20 et seq.),  
16 which established the Public Guardian for Elderly Adults, provides  
17 for guardianship services to be provided to elderly persons when  
18 private guardianship is not feasible. Under the bill, the Office of  
19 the Public Guardian for Elderly Adults is designated as an  
20 “interested party” that must be served with the periodic reports that  
21 must be filed by a court-appointed guardian. The bill provides for  
22 review of these reports and accompanying documentation through  
23 the guardianship monitoring program.