

JUDICIARY - STATE OF NEW JERSEY RECORDS RETENTION SCHEDULE	SCHEDULE: SURROGATE
DIRECTIVE #3-01	DATE: March 16, 2001

This retention schedule has been adopted in accordance with Rule 1:32-2 of the Rules Governing the Courts of the State of New Jersey and N.J.S.A. 2B of the New Jersey Statutes Annotated.

SERIES NO	RECORD TITLE AND DESCRIPTION	RETENTION PERIOD	DISPOSITION
36-01-00	Accounts of Executors, Administrators, Guardians, Assignees and Trustees Accountings filed by executors, administrators, administrators C.T.A., guardians, testamentary or inter vivos trust trustees or assignees for the benefit of creditors, along with the complaint for approval of the accounting, exceptions, proof of service on interested parties and judgments approving the accounting, fees and commissions.	Permanent *	Permanent*
36-02-00	Administration ad Prosequendum Granting of administration ad prosequendum certificate for the purpose of enabling plaintiff to prosecute an alleged claim of the next of kin of deceased whose death was caused by defendant through an act, neglect or default.	Permanent *	Permanent*
36-03-00	Administration Book Includes: copies of letters testamentary of administration, guardianship, and of trusteeship: renunciation, bonds, judgments, and riders if any power of attorney: copies of death certificate and complaint or application for probate, administration, guardianship and affidavits of next of kin or affidavits of surviving spouse.	Permanent *	Permanent*

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36-04-00	Adoption Records (confidential)		
36-04-01	Case Files Include petition, agency consent, deposition(s), order fixing day for hearing, decree permitting adoption, surrender of natural mother and/or father, consent of natural mother and/or father, appointment of investigator.	Permanent **	Permanent**
36-04-02	Index Card File Index to files.	Permanent	Permanent
36-05-00	Appointment of Administrators and Guardians	Permanent *	Permanent*
36-06-00	Assignees: Lists of creditors, total claim of each, sworn deposition, notice to creditors, general unsecured claims and total unsecured claims.	Permanent **	Permanent*
36-07-00	Bank Books	7 years	Destroy
36-08-00	Bank Statement	7 years	Destroy
36-09-00	Bonds of Administrators, Guardians and Other Fiduciaries	Permanent *	Permanent*
36-10-00	Cash Book (Surrogate Court Intermingled Account) All monies paid into Surrogate's Court and paid out to proper party under court order; lists estate name, amount paid, bank of deposit, check numbers, or cash and monthly balance with proof sheet.	Permanent **	Permanent**

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36-11-00	Daily Balance Cash Book	7 years	Destroy
36-12-00	Cash Register Tapes	After audit	Destroy
36-13-00	Checks, canceled	7 years	Destroy
36-14-00	Court Calendars	Current year plus 2 years	Destroy
36-15-00	Deposit Slips		
36-15-01	Original	7 years	Destroy
36-15-02	Copies	3 years	Destroy
36-16-00	Depositions (Other than proving wills)	3 years after termination of case	Destroy
36-17-00	Destruction Request and Authorizations of Assignment Judge		
36-17-01	Original	Permanent	Permanent
36-17-02	Copies	Periodic Review	Destroy
36-18-00	Discharges Given Fiduciaries	Permanent *	Permanent*

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36-19-00	Docket Books Include date, docket number, all actions and dates, and executive personnel.	Permanent	Permanent
36-20-00	Guardian Books Include affidavit of father or mother or person standing in loco parentis, complaint, acceptance of appointment of guardianship, power of attorney, surety bond and agreement and facility of payment affidavits.	Permanent **	Permanent**
36-21-00	Incompetent Persons Guardian Books Include court order, Guardian's acceptance, power of attorney, renunciation, surety bond and agreement, order declaring mental incompetence and appointment of guardian.	Permanent **	Permanent**
36-22-00	Indices Include date, estate name, entries in books, bonds, documents filed, daily docket number and remarks.	Permanent	Permanent
36-23-00	Inventories (including Guardians Inventories) Appraisals of estates of deceased (chattels, stocks, bank accounts) depositions of executor of will of deceased, and of appraiser.	Permanent *	Permanent*
36-24-00	Letters of Administration and Guardianship	Permanent *	Permanent*

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36-25-00	Incompetencies, Lunatics and Idiots Case Files Include court documents relating to attempt to declare person incompetent: also include documents relating to the appointment of guardian.	30 years after case closed	Archives
36-26-00	Oaths of Personnel	Termination of employment plus 1 year	Destroy
36-27-00	Orders, Court	Permanent *	Permanent*
36-28-00	Orphan's Court		
36-28-01	Minutes	Permanent *	Permanent*
36-28-02	Records Books Contains judgment allowing account and distributing of estate, order to show cause, court order confirming sale of lands, receipt, court order for appointment of guardian, judgment of final account.	Permanent **	Permanent**
36-29-00	Partitions Record division of real or personal property between co-owners or co-proprietors, upon death of one.	Permanent **	Permanent**
36-30-00	Petitions, Complaints for Administration/Guardianship	Permanent **	Permanent**

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36-31-00	Probate Case Files Includes complaint or application, copies of will and death certificate, power of attorney, qualification proof, judgment of probate, letters testamentary, acceptance of testamentary, trusteeship, motion and order to limit creditors; transfer inheritance tax, proof of advertisement, judgment barring creditors, releases, complaint in action for settlement of first and final account, and for distribution; account, affidavit of legal services, certification of non-military service, notices, affidavits, proof of mailing notices, final judgment, correspondence.	Permanent **	Permanent**
36-32-00	Receipts		
36-32-01	Copies of receipts issued by Surrogate for fees and commissions	7 years	Destroy
36-32-02	Receipts or copies of receipts given fiduciaries	Permanent *	Permanent*
36-33-00	Releases and Discharges (refunding bond)	Permanent **	Permanent**
36-34-00	Renunciation disclaimer, Requests and Revocations	Permanent *	Permanent*
36-35-00	Reports of Sales of Real Estate (related to decedent's estate)	Permanent **	Permanent**
36-36-00	Statistical Reports to Administrative Director of the Courts (copies)	3 years	Destroy

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36-37-00	Surrogate's Journal Contains affidavits in lieu of guardianship, of next of kin, on petition for letters of guardianship, acceptance, renunciations, and requests.	Permanent	Archives
36-38-00	Taxes		
36-38-01	Collateral Inheritance Tax Includes testator or interstate, person subject to tax, executors, trustees, or administrators; date of probate or will, cash value, tax amount assessed, total.	Permanent *	Permanent*
36-38-02	Federal Estate Tax Record of taxes due upon decedent's estate	Permanent **	Permanent*
36-39-00	Transcripts of Testimony and Proceedings in the Superior Court, Chancery Division, Probate Part.	3 years after case closed	Destroy
36-40-00	Transmittal Sheets of Wills, Administrations and Inventories Copy of information sent to Superior Court, Probate Division quarterly.	1 year	Destroy

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36-41-00	Audits of Fiduciaries Detailed examinations of persons who by court order have been given trust and who must file an accounting or statement of money received and expended for approval by the court.	Permanent*	Permanent*
36-42-00	Inventories Estate lists maintained by Probate Section.	Permanent*	Permanent*
*	Microfilming recommended. The hard copies of these records may be disposed of provided that the microfilmed copies meet the state microfilm standards. However, all hard copies of records through 1900 are to be kept permanently regardless of microfilming. These records should be stored in county archives.		
**	Microfilm 3 years after final action. The hard copies of these records may be disposed of provided that the microfilmed records meet the state microfilm standards. However, all hard copies of records through 1900 are to be kept permanently regardless of microfilming. These records should be stored in county archives.		

HISTORICAL NOTE:

This schedule contains items from the following schedule(s):
 Judiciary - Surrogate
 Judiciary - Courts - Superior Court Clerk's Office (Rev. 7/22/87)