

NOTICE TO THE BAR

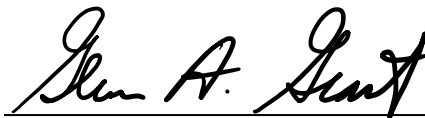
COURT-APPOINTED ATTORNEYS IN ADULT GUARDIANSHIPS – AMENDMENTS TO RULE 4:86-4 (“ORDER FOR HEARING”) SO AS TO REQUIRE STANDARD FORM OF ATTORNEY REPORT

The Supreme Court has amended Rule 4:86-4 (“Order for Hearing”) so as to require attorneys appointed to represent alleged incapacitated persons to submit reports in accordance with a standard template, except as specifically ordered by the appointing judge.

The new attorney report template will be included in Revised Guidelines for Court-Appointed Attorneys in Guardianship Matters, which will be promulgated shortly. The Revised Guidelines will be accessible on the Judiciary’s public website. The template report will be available in Word format for ease of use.

The Court’s April 6, 2021 Order is attached. The amendments are effective May 15, 2021, which is the effective date of recent amendments to other parts of Rule 4:86.

Questions about this notice may be directed to Assistant Director for Civil Practice Taironda E. Phoenix at (609) 815-2900 x54900 or Taironda.Phoenix@njcourts.gov.



Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: April 20, 2021

SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached amendments to Rule 4:86-4 (“Order for Hearing”) of the Rules Governing the Courts of the State of New Jersey are adopted to be effective May 15, 2021.

For the Court,



Chief Justice

Dated: April 6, 2021

4:86-4. Order for Hearing

(a) ... no change.

(b) Duties of Counsel.

(1) ...no change.

(2) At least ten days prior to the hearing date, counsel shall file a report with the court and serve a copy thereof on plaintiff's attorney and other parties who have formally appeared in the matter. The report shall be in such form and include all such provisions as promulgated by the Administrative Director of the Courts, except to the extent that the court explicitly directs otherwise. The report shall include the following:

(i) the information developed by counsel's inquiry;

(ii) recommendations concerning the court's determination on the issue of incapacity;

(iii) any recommendations concerning the suitability of less restrictive alternatives such as a conservatorship or a delineation of those areas of decision-making that the alleged incapacitated person may be capable of exercising;

(iv) whether a case plan for the incapacitated person should thereafter be submitted to the court;

(v) whether the alleged incapacitated person has expressed dispositional preferences and, if so, counsel shall argue for their inclusion in the judgment of the court; and

(vi) recommendations concerning whether good cause exists for the court to order that any power of attorney, health care directive, or revocable trust created by the alleged incapacitated person be revoked or the authority of the person or persons acting thereunder be modified or restricted.

(3) ...no change.

(c) ...no change.

(d) ...no change.

(e) ...no change.

Note: Source – *R.R. 4:102-4(a)(b)*. Paragraph (b) amended July 16, 1979 to be effective September 10, 1979; paragraph (a) amended July 21, 1980 to be effective September 8, 1980; paragraph (a) amended July 16, 1981 to be effective September 14, 1981; caption of former R. 4:83-4 amended, caption and text of paragraph (a) amended and in part redesignated as paragraph (b) and former paragraph (b) redesignated as paragraph (c) and amended, and rule redesignated June 29, 1990 to be effective September 4, 1990; paragraph (b) amended July 13, 1994 to be effective September 1, 1994; paragraph (b) amended and paragraphs (d) and (e) added June 28, 1996 to be effective September 1, 1996; paragraphs (a), (b), (c), (d), and (e) amended July 12, 2002 to be effective September 3, 2002; paragraph (e) amended July 27, 2006 to be effective September 1, 2006; paragraphs (a), (b), (c), (d) and (e) amended July 9, 2008 to be effective September 1, 2008; paragraph (a) amended, subparagraphs enumerated and paragraphs (a)(6) and (a)(7) adopted, paragraph (b) amended and subparagraphs enumerated, and paragraph (c) amended August 1, 2016 to be effective September 1, 2016; new subparagraph (a)(7) added and former subparagraph (a)(7) redesignated as (a)(8) March 15, 2021 to be effective May 15, 2021; subparagraph (b)(2) amended April 6, 2021 to be effective May 15, 2021.