

#008

STATE OF NEW JERSEY
ATLANTIC COUNTY SURROGATE'S COURT



James Curcio
Surrogate / Judge

Susan M. Woodward
Deputy Surrogate

Patricia McDougall
Special Deputy Surrogate

☐ **Civil Court House**
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September 19, 2016 ☒ **County Government Complex
at Mays Landing**



Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Rules Comments- Guardianship Forms
Hughes Justice Complex; P.O. Box 037
Trenton, New Jersey 08025-0037

RE: NEW MODEL FORMS- GUARDIANSHIP OF INCAPACITATED ADULTS

Dear Judge Grant:

Please accept for consideration this comment on the new model form of **Judgment of Incapacity and Appointment of Guardian(s) of the Person and Estate**. Paragraph 10 of the new form makes reference to persons who will have access to guardianship reports pursuant to R. 1:38-3 (e).

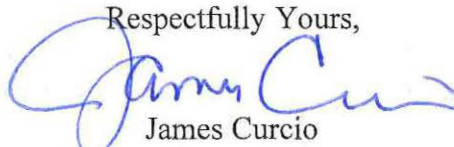
Based on the experience of this office, we respectfully suggest that the final clause: **"...and the reference in this Judgment shall constitute a showing of a special interest as required by 1:38-3(e)." should be omitted.** If this clause simply refers to any name inserted in the blank space that proceeds it, it is redundant. If it is meant to have further meaning, it is ambiguous and the term "reference in this judgment" could be extended to give access to unintended persons.

This office occasionally receives requests for access to guardianship records from persons outside the exceptions specified in the Rule. Unless the requestor can certify that he/she falls within the enumerated persons entitled to access, they are denied and advised to make a "showing of special interest" which is then relayed to the Probate Judge or Assignment Judge. This procedure has been fair and efficient.

We are concerned that the new language in the Judgment may introduce an element of confusion in handling such requests and undermine the structure of R. 1:38-3 (e).

Thank you for your consideration.

Respectfully Yours,


James Curcio
Surrogate



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