

**MONMOUTH COUNTY**  
**SURROGATE'S OFFICE**



**2009**

**Annual Report**

# MONMOUTH COUNTY SURROGATE'S OFFICE

## 2009 Annual Report

### Probate Section

Estate and Probate Matters - During 2009, this office processed the following:

Wills	2,309
Administrations (no will)	400
Affidavits of Surviving Spouse or Next of Kin (for small estates)	551
Testamentary Trusteeships	159
Guardianships of Minors	289
Guardianships of Incapacitated Persons	186

The number of **estates and guardianships of minors** handled by this office in 2009 were **comparable** to the number handled in the prior year. The number of **testamentary trusteeships declined significantly**, from 273 to 159, possibly due to the declining value of assets. At the same time, the number of **guardianships of incapacitated persons** went **up 22 percent**, from 152 to 186.

In addition, **7,684** searches, miscellaneous filings, and requests for updated certificates and certified and exemplified copies of documents were handled.

Satellite Offices – Our three satellite locations in the **public libraries in Middletown, Ocean, and Wall Townships** continue to offer many of our services to county residents close to where they live. In 2009, we served **861 families** at these locations, which represents **20 % of our total visits**, the remainder being at our Freehold office. We served **312 families** at the **Wall** satellite, **282 in Middletown**, and **248 in Ocean**. These totals don't include individuals who used the locations to drop off documents or to inquire about our procedures.

Because there is no charge to us for the use of these public facilities, and because we use existing personnel to staff each location once a week, we are able to provide improved access to our services at no additional cost to taxpayers.

## *Superior Court Section*

**Probate Court** – In our role as deputy clerk for the NJ Superior Court, Chancery Division, Probate Part, our busy Court Section handled the filing and processing of **442 new probate cases, 175 motions and audits of accountings, and 25 miscellaneous filings**. New probate cases filed in 2009 were **up 10.5%** over the prior year, continuing a steady increase over the last six years. These cases include challenges to wills and to the appointments and duties of executors and administrators, appointments of conservators, applications to have persons declared incapacitated and to have guardians appointed to handle their affairs, and actions to compel accountings in estate and guardianship matters.

During 2009, **49 formal accountings in both guardianship and estate matters** were filed in Superior Court and audited by the Surrogate's Office. An additional **35 informal accountings and 28 inventories** were also filed, for a **total of 112 financial reportings** handled by our office.

**Guardianships of Incapacitated Persons** - The aging of our population, along with increased longevity, has contributed to a sizable number of applications for this type of guardianship. **186 filings** were processed by this office in 2009 for declarations of incapacitation and appointments of guardians in the Superior Court, an **increase of 22.3%** over 2008. The total includes both incapacitated (primarily elderly) and developmentally disabled persons. Given projected demographic trends, the numbers for incapacitated elderly persons are likely to continue to increase.

**Improved Follow-Up System** - Because of the growing numbers of guardianships and the reporting requirements imposed by the court, we have instituted an **improved follow-up system for guardianship inventories and accountings** to better track the handling of the assets of incapacitated persons. These measures have resulted in a 75% overall compliance rate in 2009, compared with 61% the year before. The greatest improvement was seen in the filing of inventories, which provide a baseline of an individual's financial assets at the start of the guardianship against which future accountings must be compared. Prior to the follow-up program being initiated, only a few inventories had been filed in 2008. This year, as a result of our efforts, **91%** of the inventories ordered were filed.

**Pro-Se Packets** - We continue to distribute copies of the **Pro Se Packet for Guardianship Applications** developed by this office to assist those applicants who wish to proceed without an attorney. The packet includes background information on the statutes and court rules governing such matters and sample court pleadings. The packet is also available through the Monmouth County Court House Law Library.

**Guardianship Education** - This year I was invited to participate as a member of a panel on **"Goals of the Judiciary in Guardianships"** at the Guardianship Association of New Jersey, Inc. (GANJI) Annual Conference. I also attended a **Guardianship Training Seminar** held by the Camden County Surrogate's Office to gather information

for a proposed similar program we would like to develop for Monmouth County guardians.

**Adoptions** - In the last court year, which extends from July 1, 2008 to June 30, 2009, our office handled the **adoption of 188 children**, of which 70 were adopted through the NJ Division of Youth and Families. This is **up from 161** children adopted in the prior year, a **16.7% increase**. There were also **14 adoptions of adults, up from 9** the year before.

**Adoption Day** - We worked cooperatively with the Family Division of Superior Court and various other agencies on preparations for the very successful **Adoption Day** event in November, at which **16 children were adopted**.

**Adoption Seminar for Surrogates** - My Adoptions Clerk and I attended a statewide Adoptions Seminar for Surrogates and their staffs to discuss issues of mutual concern. We also attended meetings of Monmouth County **Children in Court**, which brings together court personnel and representatives of various agencies involved in assisting children and families in crisis.

**Surrogates Intermingled Trust Fund** – Our Minors Clerk oversaw the administration of **854 bank accounts** of minors totaling **\$24,586,283.90**. This money is deposited with the Surrogate’s Office as a result of bequests to minors or incapacitated persons or monies awarded through judgments or settlements of lawsuits.

There were **289 guardianships of minors** added during 2009, **247 orders for final withdrawal of funds** by persons turning 18, and **113 petitions** to Superior Court for partial use of funds from minors’ accounts.

## **Records Section**

**Electronic Scanning** - The staff in our Records Section performed the **electronic scanning of thousands of pages of documents** related to all of the above matters as part of the permanent retention of these court records. They also **worked with title searchers and genealogists** who visit our office to review various probate records on our computers and obtain copies. These records date back to the late 1700’s.

**Microfilming Old Records** - We continue to work cooperatively with the staff of the **Monmouth County Archives** to **microfilm books of various records** for permanent retention, as required by the NJ Division of Archives and Records Management.

**Records Retention and Management** - Members of our staff and I attended meetings of the **NJ County Archives and Records Management Association** in order to expand our knowledge of **archiving procedures, resources, and funding avenues.**

**Public Access Restrictions** - Changes to the New Jersey Court Rules governing public access to court records required us to implement restrictions on access to guardianship records and to redact certain confidential information on various documents before releasing them to the public.

## **Administration**

**Finance** – Our **annual audit** was successful, with no recommendations for improvements offered by the auditors.

**Total fees brought in by Surrogate’s Office during 2009: \$789,529.41.**

**Personnel** –The number of employees in the Surrogate’s Office during the year has remained unchanged at 20.

**Computer System** – My staff and I continued to explore improvements to our outdated computer system. We worked with the county’s Information Technology Department to develop detailed specifications to be used in soliciting proposals through the competitive contracting process. **The plan is to replace three limited-use, stand-alone software programs with a comprehensive system that will handle all of the functions of the Surrogate’s Office through a shared database.** Proposals were solicited and a bid received in December for a new computer system.

**Professional Activities** – I attended meetings of the **Monmouth County Bar Association and their Probate Committee**, and also attended daylong professional conferences given by the **Guardianship Association of New Jersey** and the **NJ State Bar Association’s Institute for Continuing Legal Education.** I also participated in events sponsored by the **Constitutional Officers Association of New Jersey**, including a training seminar organized by the Surrogates Section.

**Speaking Engagements** - I participated in the **Monmouth County League of Women Voters “Running and Winning”** event which brought together female elected officials with high school girls to encourage their participation in the political process and government. My Deputy Surrogate and I attended various **senior health fairs** and I

addressed **senior citizen groups** around the county to **disseminate information about wills and estates**.

A representative of **Ocean-Monmouth Legal Services** was invited to speak to our staff regarding their various programs, including the provision of simple wills to people over age 60.

**Publications** – We continue to distribute copies of our two publications, “**A Citizen’s Guide to Wills, Trusts and Estates**” and “**A Personal Record.**” Printing of these booklets is done by our in-house county print shop, at a substantial saving over having them printed commercially.

**Submitted by**

***Rosemarie D. Peters, Esq.***  
***Monmouth County Surrogate***

**March, 2010**