

Filing Attorney Information or Pro Se Litigant:

Name _____
NJ Attorney ID Number _____
Law Firm/Agency Name _____
Address _____

Telephone Number _____

In the Matter of:

_____,
an Incapacitated Person

Superior Court of New Jersey
Chancery Division - Probate Part
_____ County
Docket No. _____

Civil Action
Judgment of Incapacity and
Appointment of Guardian(s) of the
Person

THIS MATTER being opened to the Court by _____, plaintiff(s), by and through his/her attorney, _____, in the presence of _____, attorney for the then alleged incapacitated person, and _____, the then alleged incapacitated person, and no demand having been made for a jury trial, and the Court sitting without a jury having found from the report of counsel together with the report of the examining physician or psychologist and other supporting document and proofs given that _____ is an incapacitated person who lacks sufficient capacity to govern himself/herself, and it further appearing that _____ consents to serve as Guardian(s) of the Person of _____, and for good cause shown:

IT IS on this _____ day of _____, 20___, *ORDERED AND ADJUDGED* that:

- 1. **GENERAL (FULL) GUARDIANSHIP:** _____, is an incapacitated person and is unfit and unable to govern himself/herself and manage his/her affairs in all areas relating to his/her person.

OR

- LIMITED GUARDIANSHIP:** _____, is an incapacitated person and is unfit and unable to govern himself/herself and manage his/her affairs in all areas relating to his/her person except that _____ is fully able at this time to govern himself/herself and manage his/her own affairs with respect to the following areas:

Check if applicable:

- The subject of this guardianship is incapacitated as a result of developmental disability.

Firearms: Pursuant to 18 U.S.C. 922(g)(4), the incapacitated person **does not** retain the right to possess firearms.

2. GUARDIAN APPOINTMENT: _____ be and hereby is/are appointed Guardian(s) of the Person of the incapacitated person and that Letters of Guardianship of the Person be issued upon his/her/their (a) qualifying according to law, (b) acknowledging to the Surrogate completion of guardianship training and receipt of the guardianship training guides.
 3. Upon qualifying, the Surrogate shall issue Letters of Guardianship of the Person to _____ and thereupon the guardian(s) be and hereby is/are authorized to perform all the functions and duties of a Guardian of the Person as allowed by law, except as limited herein or in areas where the incapacitated person retains decision making rights.
 4. In exercising the authority conferred by this Judgment, the guardian(s) shall:
 - Ascertain and consider those characteristics of the incapacitated person which define his/her uniqueness and individuality, including but not limited to likes, dislikes, hopes, aspirations, and fears;
 - Encourage the incapacitated person to express preferences and participate in decision-making;
 - Give appropriate deference to the expressed wishes of the incapacitated person;
 - Protect the incapacitated person from injury, exploitation, undue influence, and abuse;
 - Promote the incapacitated person's right to privacy, dignity, respect, and self-determination; and
 - Make reasonable efforts to maximize opportunities and individual skills to enhance self-direction.
 5. GUARDIAN LIMITATIONS: **If applicable:** the authority of the guardian(s) is limited as follows, and all limitations shall be stated in the Letters of Guardianship.
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6. The guardian(s) appointed hereunder shall be considered the personal representatives under the Standards for Privacy of Individually Identifiable Health Information ("Privacy Rule") issued pursuant to the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), and shall have full and complete access to all records of the incapacitated person.

7. REPORTING:

_____, as Guardian(s) of the Person, is/are hereby directed to file annually a report of the well-being of the incapacitated person, along with a Report of Guardian Cover Page.

OR

The filing of a report of well-being is hereby waived for the reasons stated on the record.

8. The report indicated in paragraph 7 above is to be filed not later than fourteen (14) days after the anniversary date of this judgment with the County Surrogate. The report to be filed by the guardian(s) shall be filed by the Surrogate and shall be made available by the Surrogate to any party in interest entitled to review pursuant to *R. 1:38-3(e)*, as well as to the following parties or persons: _____, and the reference in this Judgment shall constitute a showing of a special interest as required by *R. 1:38-3(e)* for the purpose of reviewing such reports.

9. The Guardian(s) of the Person is/are hereby directed to advise the County Surrogate within ten (10) days of any changes in the address or telephone number of himself or herself or the incapacitated person or within thirty (30) days of the incapacitated person's death or of any major change in status or health. If the incapacitated person dies during the guardianship, the Guardian(s) will notify the Surrogate in writing and forward a copy of the death certificate upon receipt.

10. The Guardian(s) of the Person is/are agent(s) of the court and shall cooperate fully with any court staff, Surrogate staff, or volunteers until the guardianship is terminated by the death or return to capacity of the incapacitated person, or the Guardian's death, removal or discharge.

11. COUNSEL FOR INCAPACITATED PERSON:

The court-appointed attorney for the alleged incapacitated person, having reported to the court and advocated on behalf of the incapacitated person, is hereby discharged with the appreciation of the court for his or her *pro bono* services, with no further obligation to act as attorney for the incapacitated person.

OR

The court having reviewed the affidavit or certification of services of _____, Esquire, previously filed with the court, the Guardian of the Person shall, within ____ days of the date of date of this Judgment, pay _____, Esquire, court-appointed attorney for the then alleged incapacitated person, a fee of \$_____ for professional services rendered and \$_____ for expenses incurred, which disbursements from the funds of the incapacitated person's estate are hereby approved. Court-appointed counsel, having reported to the court and advocated on behalf of the incapacitated person, be and hereby is discharged with no further obligation to act as attorney for the incapacitated person.

12. Any power of attorney previously executed by the incapacitated person, other than a power of attorney relating to the financial affairs of the incapacitated person, be and hereby is revoked. Any advance directive for healthcare previously executed by the incapacitated person is voided as to proxy designation, but the guardian(s) shall consider the preferences expressed in such advance directive.

13. Plaintiff(s) shall serve a Judgment upon the Guardian(s) and all interested parties and attorneys of record within seven (7) days of receipt.

J.S.C.