

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



**2008**

**Annual Report**

# MONMOUTH COUNTY SURROGATE'S OFFICE

## 2008 Annual Report

### Probate Section

Estate and Probate Matters - During 2008, this office processed the following:

Wills	2,341
Administrations (no will)	400
Affidavits of Surviving Spouse or Next of Kin (for small estates)	534
Testamentary Trusteeships	273
Guardianships of Minors	287
Guardianships of Incapacitated Persons	152

The number of estates handled by this office in 2008 represents an **increase of 5.1%** over the prior year, and continues the slow but steady growth seen over the past five years.

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 2008, we served **over 900 county families** in these locations, which represents **more than 20% of our total**. We served **288** families at the **Middletown** satellite, **240** in **Ocean**, and **384** in **Wall**. These totals don't include others 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 and services at no additional cost to taxpayers.

### Court Section

Probate Court – In our role as deputy clerk for the NJ Superior Court, Chancery Division, Probate Part, our very busy Court Section handled the filing and processing of **400 new probate cases** and **209 motions and audits of accountings**. 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.

This office has experienced a steady increase in the number of court filings over the past five years.

**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. **152 court filings** were processed by this office in 2008 for declarations of incapacitation and appointment of guardians in the Superior Court. 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.

We have been working with staff from the Ocean County Surrogate's Office to develop an **improved follow-up system for guardianship inventories and accountings** ordered by the court.

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.

I met with Edward Tetelman, Acting **Public Guardian for the Elderly**, and his staff attorney to improve coordination with that office in cases where no family member or friend of the incapacitated person is available to serve as guardian.

**Adoptions** - In the last court year, which extends from July 1, 2007 to June 30, 2008, our office handled the **adoption of 161 children**. There were also **9 adoptions of adults**.

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 **32 children were adopted**, up from 23 in the previous year.

My Adoptions Clerk and I also attended meetings of **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 **917 bank accounts** of minors totaling **\$26,312,224.00**. This money is deposited with the Surrogate's Office as a result of bequests to minors or monies awarded to minors through judgments or settlements of lawsuits.

There were **287 guardianships of minors** added during 2008, **180 orders for final withdrawal of funds** by persons turning 18, and **209 petitions** to Superior Court for partial use of funds from minors' accounts.

In November, we distributed informational packets **seeking proposals for the deposit of Surrogates Intermingled Trust Funds** to 14 banks which had indicated an interest in submitting a proposal. We received only 5 proposals. However, Assignment Judges were authorized by the Administrative Office of the Courts to permit Surrogates to reach out to banks which had submitted proposals in other counties in order to seek the most advantageous rates of return on deposited funds. Through this process, **Investors Savings Bank** was selected as the **primary depository** for a two-year period at **an annual yield of 4.65%**, **OceanFirst Bank** is the **secondary depository** for two years at a **3.56% annual yield**, while **Magyar Bank** is the **tertiary depository** for two years at an **annual yield of 3.55%**.

### **Records Section**

**Guardianship Database** – We utilized a summer intern to compile detailed data from active guardianship files in order to facilitate better follow-up on these cases.

**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** and time periods for permanent retention, as required by the NJ Division of Archives and Records Management.

**Records Retention and Management** - I consulted with staff of the **NJ Division of Archives and Records Management** to clarify their policies with regard to **documents required to be microfilmed for permanent retention in various court matters**. In that regard, I also arranged for the **records retention manager of the Monmouth County Civil Division** to discuss their procedures with members of our Court and Records Sections.

Members of our staff and I attended meetings of the **NJ County Archives and Records Managements Association** in order to expand our knowledge of **archiving procedures**,

**resources, and funding avenues.** This included a tour of the NJ Division of Archives and Records Management microfilming and storage facility in Trenton.

## **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 2008: \$845,372.**

Over the past five years, the **amount of revenue generated by fees in this department has exceeded our expenditures.**

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

**Computer System** – I arranged for several demonstrations of the **Automated Case Management System (ACMS)** used by the Civil Division of the courts to be given to our court section staff by Court House personnel. I also arranged for demonstrations for all of our staff members of a newly-developed probate software system that has recently been installed in several Surrogate’s Offices in New Jersey. Several of us also visited the Gloucester County Surrogate’s Office, which was the first to install the system, to observe its use. I am hoping to move this department forward by replacing the various software now being used independently for different functions with one, integrated system. I anticipate using funds from my dedicated trust to help offset the cost of this improvement to the county.

**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**, the **NJ Division of Archives and Records Management**, 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**.

**Cable TV Appearances** - During the year, I appeared on the county’s **Monmouth in Focus** and the Office on Aging’s **Caring Connections** cable TV programs, as well as **Comcast Newsmakers** to discuss the work of the Surrogate’s Office.

**Speaking Engagements** - I participated in **County Government Week at Monmouth Mall** and 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 addressed **senior citizen groups** around the county to **disseminate information about wills and estates**. I also addressed the **staff of the Office on Aging**, as well as their **municipal coordinators**, and invited their staff to address the employees of this office.

**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, 2008