

ASSEMBLY AGING AND HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3893

STATE OF NEW JERSEY

DATED: MAY 16, 2024

The Assembly Aging and Human Services Committee reports favorably Assembly Bill No. 3893.

This bill allows a complaint for guardianship of a minor who is anticipated to require a guardian upon attaining the age of 18 to be filed six months before the minor attains the age of 18. The bill also establishes certain standards for filing guardianship complaints in general.

Under current law, once a child reaches age 18, a parent or other appropriate person may file a complaint for guardianship. However, if proceedings are delayed and a guardian is not yet appointed, the young person is left without the legal protection of a parent, other appropriate person, or appointed guardian, until such time as the guardian is actually appointed. Allowing guardianship proceedings to be initiated in advance will help avoid potential administrative or procedural delays and ensure a seamless transition as the minor turns age 18. Under the bill, an order of guardianship entered before a minor is 18 would not take effect until the day the minor turns 18.

The bill additionally specifies that a complaint for adjudication of incapacity and appointment of a guardian shall not be withdrawn absent a showing that the alleged incapacitated person is deceased or has capacity. The showing of capacity does not require medical evidence but may, in the court's discretion, be satisfied by testimony of a witness with knowledge of the alleged incapacitated person's condition and circumstances.