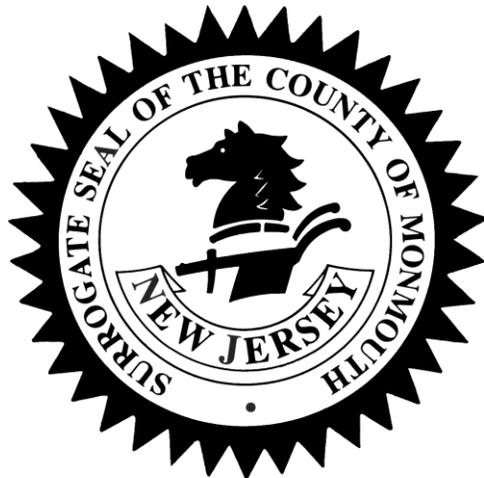


**MONMOUTH COUNTY**  
**SURROGATE'S OFFICE**



**2010**

**Annual Report**

# MONMOUTH COUNTY SURROGATE'S OFFICE

## 2010 Annual Report

### Probate Section

Estate and Probate Matters - During 2010, this office processed the following:

Wills	2,304
Administrations (no will)	459
Affidavits of Surviving Spouse or Next of Kin (for small estates)	591
Testamentary Trusteeships	150
Guardianships of Minors	210
Guardianships of Incapacitated Persons	202

The number of **estates** handled was **up 3% over last year**. **Guardianships of minors** were **down 25%** from the prior year. The number of **testamentary trusteeships** **declined significantly**, possibly due to the decreased value of assets in a difficult economy. At the same time, the number of **guardianships of incapacitated persons** went **up 8.6%**, from 186 to 202.

In addition, **2,916 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 2010, we served **775 families** at these locations, which represents **20% of our total visits**, the remainder being at our Freehold office. We served **273 families** at the **Wall** satellite, **289** in **Middletown**, and **213** 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 **488 new probate cases, 228 motions and audits of accountings, and 17 miscellaneous filings**. New probate cases filed in 2010 were **up 10.4%** 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 2010, **51 formal accountings in both guardianship and estate matters** were filed in Superior Court and audited by the Surrogate's Office. An additional **64 informal accountings and 44 inventories** were also filed, for a **total of 159 financial reportings** handled by our office. Because of a new follow-up system now in place, this represents a **174% increase** in the number of such filings.

**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. **202 filings were processed by this office in 2010** for declarations of incapacitation and appointments of guardians in the Superior Court, an **increase of 8.4%** over 2009. 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 financial reporting requirements imposed by the Superior 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 an **86.4% overall compliance rate** in 2010, compared with **75.3% 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 small number of inventories had been filed. This year, as a result of our efforts, **81.5% 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.

**Adoptions** - In the last court year, which extends from July 1, 2009 to June 30, 2010, our office handled the **adoption of 115 children**, of which 70 were adopted through the NJ Division of Youth and Families. This is **down from 188 children** adopted in the prior year, a **38% decrease**. There were also **12 adoptions of adults, down from 14** 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 **32 children and 1 adult were adopted**.

**Adoption Records Scanning** - With our new computer imaging system now in place, our Adoptions Clerk is able to scan all adoption case file documents quickly at her desk when the adoption is concluded. The digital images can then be transferred easily onto microfilm by our Monmouth County Archives staff for permanent retention. This procedure will save untold hours of time in the future for the Archives staff, who previously had to microfilm these documents one at a time in large quantities at years' end.

**Adoption Seminar for Hague Adoptions** - I attended a statewide training event organized by the Administrative Office of the Courts regarding **Hague Convention (International Adoption) Issues and Interstate Placement of Children**. My Adoptions Clerk and I 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 **over 700 bank accounts** of minors and incapacitated persons totaling **\$27,704,926, up \$3,118,642.80 from the prior year**. 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 **210 guardianships of minors** added during 2010, **111 orders for final withdrawal of funds** by persons turning 18, and **130 petitions** to Superior Court for partial use of funds from minors' accounts.

**New Bank Proposals** - In November, we distributed informational packets **seeking proposals for the deposit of Surrogate's Intermingled Trust Fund monies** to 17 banks which had indicated an interest in submitting a proposal. We received only 5 proposals, most of which offered very low interest rates. However, Assignments Judges are 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 and Columbia Bank as the secondary depository, both for a two-year period at an annual yield of 1.65%**.

## 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 mandated 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 various records** for permanent retention, as required by the NJ Supreme Court and NJ Division of Archives and Records Management.

**Public Access Restrictions** - Changes to **New Jersey Court Rule 1:38** governing public access to court records required us to **implement certain 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 2010: \$1,034,220.**

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

**New Computer System** – After a lengthy development process, our new **Bluestone Probate computer system and linked Application Extender imaging system** were installed and went live in May. Members of this office's staff had worked closely with the county's Information Technology Department to develop detailed specifications to be used in soliciting proposals through the competitive contracting process. Use of this process achieved significant savings over the state contract price. Once the contract had been awarded, we worked closely with the vendor to customize many of the system's components to answer our needs. **The system replaced three limited-use, stand-alone software programs with a comprehensive system that can handle all of the functions of the Surrogate's Office through a shared database.**

**Professional Activities** – In February I was appointed by the **New Jersey Supreme Court to their Judiciary-Surrogate Liaison Committee**. In September, I was **elected Secretary and a member of the Executive Board of the Constitutional Officers Association of New Jersey (COANJ)**, as well as **Deputy Section Chief** of the Surrogates section.

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**.

**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**. I was also interviewed on a number of cable TV shows.

**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***

**April, 2011**