

52:27 G-25

LEGISLATIVE HISTORY CHECKLIST

NJSA: 52:27G-25 (Public guardian-- authority to hire own legal counsel)

LAWS OF: 1987 CHAPTER: 243

Bill No: S2815

Sponsor(s): Pallone

Date Introduced: December 4, 1986

Committee: Assembly: Senior Citizens
Senate: Aging

Amended during passage: No

Date of Passage: Assembly: June 25, 1987
Senate: April 30, 1987

Date of Approval: August 19, 1987

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes
Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

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SENATE, No. 2815

STATE OF NEW JERSEY

INTRODUCED DECEMBER 4, 1986

By Senator PALLONE

Referred to Committee on Aging

AN ACT concerning the Public Guardian for Elderly Adults and amending P. L. 1985, c. 298.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 6 of P. L. 1985, c. 298 (C. 52:27G-25) is amended to
2 read as follows:

3 6. The public guardian, as administrator and chief executive
4 officer:

5 a. Shall administer and organize the work of the office and estab-
6 lish therein any administrative divisions he may deem necessary,
7 proper and expedient. The public guardian may delegate to sub-
8 ordinate officers or employees of the office any of his powers as he
9 may deem desirable to be exercised under his supervision and con-
10 trol;

11 b. Shall adopt rules and regulations in accordance with the "Ad-
12 ministrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.)
13 to effectuate the purposes of this act;

14 c. Shall appoint and remove stenographic, clerical and other sec-
15 retarial assistants as may be required for the proper conduct of
16 the office, subject to the provisions of Title 11 of the Revised Stat-
17 utes, and other applicable statutes, and within the limits of funds
18 appropriated or otherwise made available therefor. In addition,
19 and within funding limits, the public guardian may appoint, retain
20 or employ, without regard to the provisions of Title 11 or any other
21 statutes, any officers, financial **[manager]** *managers*, social workers
22 or other professionally qualified personnel on a contract basis or
23 otherwise as the public guardian deems necessary;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.
Matter printed in italics *thus* is new matter.

24 d. Shall maintain suitable headquarters for the office and other
25 quarters as the public guardian may deem necessary to the proper
26 functioning of the office;

27 e. May accept the services of volunteer workers or consultants
28 at no compensation or at nominal or token compensation and reim-
29 burse them for their proper and necessary expenses;

30 f. Shall keep and maintain proper financial and statistical rec-
31 ords concerning all cases in which the public guardian provides
32 guardianship or conservatorship services, provided that the privacy
33 and confidentiality of these records for each ward are preserved;

34 g. May serve as guardian and conservator or either of these,
35 after appointment by a court pursuant to the provisions of Title
36 3B of the New Jersey Statutes, and with the same powers and
37 duties of a private guardian or conservator, except as otherwise
38 limited by law or court order;

39 h. May intervene in any guardianship or conservatorship pro-
40 ceeding involving a ward, by appropriate motion by the court, if
41 the public guardian or the court deems the intervention to be justi-
42 fied because an appointed guardian or conservator is not fulfilling
43 his duties, the estate is subject to disproportionate waste because
44 of the costs of the guardianship or conservatorship, or the best
45 interests of the ward require intervention;

46 i. Shall perform any other function which may be prescribed by
47 this act or by any other law;

48 j. *Shall appoint and employ, notwithstanding the provisions of*
49 *P. L. 1944, c. 20 (C. 52:17A-1 et seq.), a general counsel and such*
50 *other attorneys or counsel as the public guardian may require, for*
51 *the purpose, among other things, of providing legal advice on such*
52 *matters as the public guardian may from time to time require, of*
53 *attending to and dealing with all litigation, controversies, and legal*
54 *matters in which the public guardian or any ward of the public*
55 *guardian may be a party or in which these rights and interests may*
56 *be involved, and of representing the public guardian and any ward*
57 *in all proceedings or actions of any kind which may be brought for*
58 *or against them in any court of this State. With respect to all of*
59 *the foregoing, the counsel and attorneys shall be independent of any*
60 *supervision or control by the Attorney General or by the Depart-*
61 *ment of Law and Public Safety, or by any division or officer thereof.*

1 2. This act shall take effect immediately.

STATEMENT

This bill amends section 6 of the "Public Guardian for Elderly Adults Act," P. L. 1985, c. 298 (C. 52:27G-25) to provide that the public guardian is empowered to hire his own legal counsel to advise and represent him and any ward of the public guardian in all legal proceedings. Section 4 of P. L. 1944, c. 20 (C. 52:17A-4) generally provides that the Attorney General shall be the "sole legal advisor" to State departments, agencies and instrumentalities entailing the prosecution of contested hearing matters and in the interpretation of statutes. The purpose of this bill is to clarify that it was the Legislature's intention, when it adopted the "Public Guardian for Elderly Adults Act," that the public guardian be permitted to hire his own legal counsel to facilitate the exercise of his responsibilities, notwithstanding the provisions of P. L. 1944, c. 20 (C. 52:17A-1 et seq.).

SENIOR CITIZENS

Authorizes public guardian to hire own legal counsel.

STATEMENT

This bill amends section 6 of the "Public Guardian for Elderly Adults Act," P. L. 1985, c. 298 (C. 52:27G-25) to provide that the public guardian is empowered to hire his own legal counsel to advise and represent him and any ward of the public guardian in all legal proceedings. Section 4 of P. L. 1944, c. 20 (C. 52:17A-4) generally provides that the Attorney General shall be the "sole legal advisor" to State departments, agencies and instrumentalities entailing the prosecution of contested hearing matters and in the interpretation of statutes. The purpose of this bill is to clarify that it was the Legislature's intention, when it adopted the "Public Guardian for Elderly Adults Act," that the public guardian be permitted to hire his own legal counsel to facilitate the exercise of his responsibilities, notwithstanding the provisions of P. L. 1944, c. 20 (C. 52:17A-1 et seq.).

SENIOR CITIZENS

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ASSEMBLY SENIOR CITIZENS COMMITTEE
STATEMENT TO
SENATE, No. 2815
STATE OF NEW JERSEY

DATED: JUNE 18, 1987

The Assembly Senior Citizens Committee favorably reports Senate Bill No. 2815.

This bill amends section 6 of the "Public Guardian for Elderly Adults Act," P. L. 1985, c. 298 (C. 52:27G-25) to provide that the public guardian is empowered to hire his own legal counsel to advise and represent him and any ward of the public guardian in all legal proceedings.

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This bill is identical to Assembly Bill No. 3401 (Rooney), which was released by this committee on December 8, 1986 and is now pending before the General Assembly.

SENATE COMMITTEE ON AGING
STATEMENT TO
SENATE, No. 2815

STATE OF NEW JERSEY

DATED: DECEMBER 8, 1986

The Senate Committee on Aging favorably reports Senate Bill No. 2815.

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