

30:4-165.7

**LEGISLATIVE HISTORY CHECKLIST**  
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**NJSA:** 30:4-165.7 to 30:4-165.11

(Mentally ill--  
legal guardian)

**LAWS OF:** 1970

**CHAPTER:** 289

**Bill No:** S455

**Sponsor(s):** Schiaffo

**Date Introduced:** January 26, 1970

**Committee: Assembly:** Institutions & Welfare

**Senate:** Institutions & Welfare

**Amended during passage:** No

**Date of Passage: Assembly:** September 17, 1990

**Senate:** March 12, 1990

**Date of Approval:** December 14, 1990

**Following statements are attached if available:**

**Sponsor statement:** No

**Committee Statement: Assembly:** No

**Senate:** No

**Fiscal Note:** No

**Veto Message:** No

**Message on signing:** No

**Following were printed:**

**Reports:** No

**Hearings:** No

**KBG/SLJ**

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DEC. 14, 1970

SENATE, No. 455

STATE OF NEW JERSEY

INTRODUCED JANUARY 26, 1970

By Senators SCHIAFFO and KNOWLTON

Referred to Committee on Institutions and Welfare

AN ACT concerning mentally ill, mentally deficient and mentally retarded adults and supplementing chapter 4 of Title 30 of the Revised Statutes.

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

1 1. Any parent of a mentally ill, mentally deficient or mentally  
2 retarded individual, as the case may be, who is receiving State or  
3 county residential functional services and is over 21 years of age  
4 may at any time move in Superior Court or in the County Court  
5 in the county in which such parent resides for a judgment design-  
6 ating him as the legal guardian of the person of such an indi-  
7 vidual. The county adjuster of the county in which the parent  
8 resides shall be served with a copy of the moving papers and made  
9 a party to the action.

1 2. The moving papers shall include a verified complaint, a medi-  
2 cal affidavit from the attending physician stating the nature of the  
3 mental illness, mental deficiency or mental retardation, as the case  
4 may be, of the individual, and an affidavit from the chief executive  
5 officer or medical director of the institution at which the individual  
6 is receiving residential functional services stating the length of  
7 the individual's commitment and the necessity of continuing the  
8 residential functional services.

1 3. The county adjuster may oppose the motion within 30 days  
2 after its submission to the court either at a hearing before that  
3 court or before a jury, in which latter case the action will proceed  
4 under the provisions of Title 3A of the Revised Statutes. The court  
5 may, after hearing arguments on the motion, enter an order grant-  
6 ing a judgment of legal guardianship of the person of the indi-  
7 vidual to the petitioning parent.

1 4. Nothing in this act shall be construed to affect the determina-

2 tion of a guardian of the estate of a mentally ill, mentally retarded  
3 or mentally deficient individual.

1 5. The term "parent" as used in this act shall mean the natural  
2 parent or parents or prior guardian of the individual. All other  
3 terms used in this act shall have the same meaning as defined in  
4 chapter 4 of Title 30 of the Revised Statutes to which this act is  
5 supplementary.

1 6. This act shall take effect immediately.