

38A 3-2b

**LEGISLATIVE HISTORY CHECKLIST**  
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(Veterans in need of Guardians--  
establish program)

**NJSA:** 38A:3-2b

**LAWS OF:** 1993 **CHAPTER:** 281

**BILL NO:** A1393

**SPONSOR(S)** Kelly and others

**DATE INTRODUCED:** May 4, 1992

**COMMITTEE:** **ASSEMBLY:** Veterans and Military Affairs  
**SENATE:** Senior Citizens

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:** **ASSEMBLY:** November 16, 1992  
**SENATE:** December 2, 1993

**DATE OF APPROVAL** December 15, 1993

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes  
**SENATE:** Yes

**FISCAL NOTE:** Yes

**VETO MESSAGE:** No

**MESSAGE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

**REPORTS:** No

**HEARINGS:** No

P.L.1993, CHAPTER 281, *approved December 15, 1993*  
1992 Assembly No. 1393

1 **AN ACT** concerning guardianship, supplementing Title 38A of the  
2 New Jersey Statutes, and making an appropriation.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the  
5 *State of New Jersey*:

6 1. There is established in the Division of Veterans'  
7 Administrative Services in the Department of Military and  
8 Veterans' Affairs a program to assist an eligible family member  
9 of a veteran who is already in a New Jersey veterans' memorial  
10 home or an eligible family member of a veteran who is about to  
11 enter such a home in being appointed as guardian of the veteran.  
12 In the event that a family member of a veteran who is already in  
13 a New Jersey veterans' memorial home or is about to enter such  
14 a home is not willing or available to serve as guardian of that  
15 veteran, some other interested person closely associated with the  
16 veteran shall be eligible for assistance in being appointed as  
17 guardian under the program herein established. The assistance  
18 provided to a family member of a veteran or to some other  
19 interested and eligible person associated with a veteran shall be  
20 in the form of both technical and financial support.

21 2. The Adjutant General of the Department of Military and  
22 Veterans' Affairs shall:

23 a. develop economic criteria for determining eligibility for  
24 financial assistance pursuant to the program established by this  
25 act; and

26 b. promulgate rules and regulations pursuant to the  
27 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1  
28 et seq.) necessary to implement the provisions of this act.

29 3. There is appropriated from the General Fund \$50,000.00 to  
30 the Department of Military and Veterans' Affairs to effectuate  
31 the purposes of this act.

32 4. This act shall take effect immediately.

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**STATEMENT**

37 The purpose of the bill is to establish within the Division of  
38 Veterans' Administrative Services in the Department of Military  
39 and Veterans' Affairs a program to assist an eligible family  
40 member or a friend of a veteran who seeks to be appointed  
41 guardian of that veteran.

42 Specifically, the bill provides that a program of financial and  
43 technical assistance shall be developed by the Adjutant General  
44 of the department and provided to an eligible family member of,  
45 or an interested person closely associated with, a veteran who is  
46 already in or about to enter a New Jersey veterans' memorial  
47 home to become the legal guardian of that veteran.

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3 Establishes a program of assistance for those seeking to be  
4 appointed guardians of veterans; appropriates \$50,000.

ASSEMBLY, No. 1393

STATE OF NEW JERSEY

INTRODUCED MAY 4, 1992

By Assemblymen KELLY, HARTMANN and DiGaetano

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ASSEMBLY VETERANS AND MILITARY AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1393

STATE OF NEW JERSEY

DATED: JUNE 8, 1992

The Assembly Veterans and Military Affairs Committee reports favorably Assembly, No. 1393.

The purpose of this bill is to establish within the Division of Veterans' Administrative Services in the Department of Military and Veterans' Affairs a program to assist an eligible family member or a friend of a veteran who seeks to be appointed guardian of that veteran.

Specifically, the bill provides that a program of financial and technical assistance shall be developed by the Adjutant General of the department and made available to an eligible family member of, or an interested person closely associated with, a veteran who is already in or about to enter a New Jersey veterans' memorial home to become the legal guardian of that veteran.

The bill includes an appropriation of \$50,000 to assist in the establishment of the program.

SENATE SENIOR CITIZENS, VETERANS AFFAIRS  
AND AGRICULTURE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1393

STATE OF NEW JERSEY

DATED: MARCH 11, 1993

The Senate Senior Citizens, Veterans Affairs and Agriculture Committee favorably reports Assembly Bill No. 1393.

The purpose of this bill is to establish within the Division of Veterans' Administrative Services in the Department of Military and Veterans' Affairs a program to assist an eligible family member or a friend of a veteran who seeks to be appointed guardian of that veteran.

Specifically, the bill provides that a program of financial and technical assistance shall be developed by the Adjutant General of the department and made available to an eligible family member of, or an interested person closely associated with, a veteran who is already in or about to enter a New Jersey veterans' memorial home to become the legal guardian of that veteran.

The bill includes an appropriation of \$50,000 to assist in the establishment of the program.

LEGISLATIVE FISCAL ESTIMATE TO

ASSEMBLY, No. 1393

STATE OF NEW JERSEY

DATED: December 9, 1992

Assembly Bill No. 1393 of 1992 establishes a program in the Department of Military and Veterans' Affairs to provide technical assistance to an eligible family member or friend of a veteran who seeks to be appointed legal guardian of that veteran. In addition, the bill appropriates \$50,000 to provide financial support to these individuals to defray the legal costs associated with becoming a legal guardian. The veteran can already be a resident of a veterans' nursing home or attempting to gain admission.

The Department of Military and Veterans' Affairs states that many veterans are not legally capable of signing the admission forms required to enter a veterans' nursing home or capable of making decisions regarding their own medical care because their ability to make decisions has been impaired. Currently, if a veteran meets the income qualifications for entrance into a veterans' nursing home but is impaired and does not have a legal guardian, admission is denied until the issue of guardianship is resolved. If a veteran is already in one of the veterans' nursing homes and becomes impaired, medical procedures can be delayed and the department can be liable unless the guardianship issued is resolved.

To be declared a legal guardian, a family member or a friend of a veteran usually requires the services of an attorney at a cost of between \$2,500 and \$3,000. The \$50,000 appropriation would be used to defray the legal costs of a family member or friend who wishes to be named a legal guardian of a veteran.

The Office of Legislative Services concurs with the department but notes that as there is no information on the number of impaired veterans who would require a legal guardian this program probably will require an annual appropriation.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.