

Spouses and Parents of alleged incapacitated persons do NOT need to file this.
Otherwise, please complete and file the SIGNED PAGE ONLY with the Surrogate's Court.

**New Jersey Judiciary Background Screening Policy
for Proposed Guardians of Incapacitated Adults Acknowledgment Form**

As part of the process of appointing a guardian of an incapacitated adult, the New Jersey Judiciary requires background checks for certain proposed guardians prior to qualification and acceptance of the appointment. The background check is one way that the court obtains information that is relevant to determining whether a person should be appointed as guardian. The process is designed to help the court in doing what is best for the person who is subject to the guardianship.

The Judiciary recognizes that good people make mistakes, or can be subject to unfortunate circumstances outside of their control. These facts will not disqualify them from being considered as a guardian. Rather, the court will take that information into consideration – along with information provided by the person who is offering to serve as guardian – and will make a decision based on all of the facts available, including the expressed preference of the alleged incapacitated person.

Proposed guardians must file a Certification of Criminal and Civil Judgment History with the complaint. The certification may be supplemented at any time up to the time of qualification and acceptance of appointment. If no proposed guardian has been identified when the complaint is filed, the certification must be filed no later than prior to the entry of judgment of legal incapacity and appointment of guardian. The proposed guardians will be fingerprinted and a criminal history check will be performed. These background checks access the National Crime Information Center's (NCIC) database of criminal arrests, criminal convictions, disorderly persons convictions, as well as any convictions that have been expunged.

The Judiciary also screens proposed guardians through a search of the following Judiciary systems: (1) the Automated Traffic System (ATS), (2) Promis-Gavel, (3) the Judiciary's Children-in-Court (CIC) Documents Application, which will access limited areas of the Domestic Violence Central Registry through the Family Automated Case Tracking System (FACTS), Promis-Gavel, and the Automated Complaint System (ACS), and (4) the Civil Judgment and Order Docket (CJOD). No other internal Judiciary program may be searched. In addition, the court may require that a certified judgment search be conducted for proposed guardians based on factors including but not limited to the value of the guardianship estate, with costs to be paid by the proposed guardian.

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If a conviction is revealed, or if a proposed guardian's name appears on any of these database searches, the information will be reviewed for a determination as to whether the proposed guardian should be precluded from appointment as a guardian. Again, a conviction or an appearance in the search results will not automatically disqualify a proposed guardian from appointment. Rather, the court will consider whether the conviction or search result adversely affects the proposed guardian's ability to perform the duties and responsibilities of guardianship in the best interests of the incapacitated person or estate.

A proposed guardian whose appointment may be precluded based on criminal background check or screening data shall be provided notice and an opportunity to be heard on the record as to why the data would not adversely affect the proposed guardian's ability to perform the duties and responsibilities of guardianship in the best interests of the incapacitated person or estate before a decision on appointment is made. The proposed guardian will be given a "Notice of Rights," which sets forth procedures to challenge any alleged inaccuracies or incompleteness with a proposed guardian's fingerprint report, and an opportunity to challenge any alleged inaccuracy or incompleteness of the data. The proposed guardian shall also be afforded a reasonable period of time to correct or complete any information contained in their fingerprint report.

At qualification and acceptance of the appointment of guardianship, the guardian's acceptance shall include an acknowledgment of compliance with this policy.

Guardians ordered to file periodic reports pursuant to N.J.S.A. 3B:12-42 shall have an ongoing duty to comply with this policy by disclosing any changes to their criminal or civil judgment history in such reports.

THE INFORMATION BELOW IS REQUIRED TO PROCESS THE GUARDIANSHIP APPLICATION. YOU MUST COMPLETE AND SIGN THIS PAGE, AND RETURN IT WITHIN FIVE (5) BUSINESS DAYS TO:

Morris County Surrogate's Court
10 Court St #5, PO Box 900
Morristown, NJ 07960

PLEASE KEEP A COPY OF THIS PAGE FOR YOUR RECORDS.

I acknowledge that I have received a copy of New Jersey Judiciary Background Screening Policy for Proposed Guardians of Incapacitated Adults.

I understand that the confidential personal identifiers that I provide below will be used only for the background screening, and not for any other purpose.

County

Docket Number

Name of Proposed Guardian
(Last, First, Middle)

Alias, if any

Date of Birth

Social Security Number

Street Address

City, State ZIP

Telephone Number

Email Address

Signature

Date

Records of guardianship proceedings are excluded from public access pursuant to N.J. Court Rule 1:38-3(e). Confidential personal identifiers may be submitted on this form pursuant to Rule 1:38-7(b). This form shall be maintained as an administrative record excluded from public access pursuant to Rule 1:38-5(a).

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Notice of Rights (Fingerprinting)

Please be advised that information in your background check may preclude you from being appointed as guardian of an incapacitated adult. You have the right to challenge this information and to present corrected or additional information to the court. You may obtain a copy of your identification record by submitting a written request via the U.S. mails directly to the F.B.I., Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306. Such a request must be accompanied by satisfactory proof of identity. Your request must also be accompanied by the applicable fee in the form of a certified check or money order, payable to the Treasury of the United States.

If, after reviewing your identification record, you believe that it is incorrect or incomplete in any respect, you may make application directly to the agency that contributed the questioned information or direct your challenge to the F.B.I., Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306. The F.B.I. will then forward the challenge to the agency which submitted the data requesting that agency to verify or correct the challenged entry.

Notice of Rights (Judiciary System Check)

Please be advised that information in your background check may preclude you from being appointed as guardian of an incapacitated adult. You have the right to challenge this information and to present corrected or additional information to the court. Pursuant to the current Background Screening Policy for Proposed Guardians of Incapacitated Adults, candidates are also screened using Judiciary computer systems. Please note that your presumptive preclusion was based upon information revealed after a check of these Judiciary computer systems.