

## **RULE 4:48A. Judgments For Minors And Mentally Incapacitated Persons**

- **(a) Minor.** In the event of a judgment for a minor after trial or settlement, the court shall dispense with the giving of a bond and, except as otherwise ordered by the court, shall direct the proceeds of the judgment, if it does not exceed \$5,000 to be disposed of pursuant to N.J.S.A. 3B:12-6, and if it exceeds the same, then to be deposited in court pursuant to N.J.S.A. 3B:15-16 and 17. A copy of the order directing deposit of the proceeds shall be furnished by the court to the surrogate on its entry.
- **(b) Mentally Incapacitated Persons.** If a judgment is in favor of a mentally incapacitated person, the court shall by order either dispense with the giving of a bond by the guardian and direct that the proceeds of the judgment be deposited in court to be handled in the same manner as in the case of a minor, or make such other provision for the disposition of the proceeds of the judgment as may be in the best interest of the mentally incapacitated person.
- **(c) Withdrawals.** Withdrawal of funds deposited pursuant to this rule shall be sought by notice of motion supported by an affidavit explaining the necessity for the requested withdrawal of funds and filed in the Superior Court, Chancery Division, Probate Part. The proceeding shall be ex parte unless there are adverse interests or unless the court otherwise orders.

**Note:** Adopted July 7, 1971 to be effective September 13, 1971; paragraph (a) amended July 22, 1983 to be effective September 12, 1983; paragraphs (a) and (b) amended and paragraph (c) adopted June 29, 1990 to be effective September 4, 1990; caption amended, and paragraph (b) caption and text amended July 12, 2002 to be effective September 3, 2002; paragraphs (a) and (c) amended July 9, 2008 to be effective September 1, 2008.