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Judiciary Enhances Background Screening for Guardians of Incapacitated Adults

The New Jersey Judiciary is implementing a new background screening [policy](#) that will enhance safeguards for incapacitated adults whose affairs are handled by court-appointed guardians.

Under the policy, the proposed guardian would be subject to the following requirements:

- Certification disclosing any criminal or civil judgment history that may affect the individual's ability to perform the duties of guardian.
- Fingerprint check if a New Jersey resident; computerized criminal history check if out-of-state resident.
- Judiciary systems check.
- Certified judgment search, if requested by a Probate Part judge.
- Disclosure of any changes to an appointed guardian's criminal or civil judgment history in any periodic reports required to be filed with the court.

The policy, approved by the Supreme Court, applies to proposed guardians in matters filed on or after May 15. It exempts the spouse and parents of an incapacitated adult, attorneys in good standing, public agencies and officials authorized to handle guardianship matters, and banks and other financial institutions. The court, however, can require any proposed guardian to undergo background screening for good reason.

“While the vast majority of guardians are caring and responsible, guardians hold sensitive positions that require a high level of trust and security. The new background policy provides important safeguards to protect the safety and well-being of these vulnerable individuals,” Chief Justice Stuart Rabner said.

Background screening results will not automatically disqualify a proposed guardian from appointment. Instead, the court will consider factors to determine whether the results would adversely affect their ability to serve in the incapacitated person's best interest.

The proposed guardian would not incur the cost of the background screening, although there would be a minimal fee for a certified judgment search, if required.

The new policy would not affect the more than 23,000 guardians the Judiciary currently monitors. Approximately 3,000 guardianship cases are filed with the Judiciary annually.

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