

HEATHER J. DARLING, ESQ., SURROGATE

Christopher Luongo, Esq., Deputy Surrogate



ANNUAL REPORT 2024

Office of the Morris County Surrogate

Email: surrogate@co.morris.nj.us
Website: www.morrissurrogate.com



973-285-6500
10 Court Street
Morristown, NJ 07963-0900

OUR TEAM



MESSAGE FROM SURROGATE DARLING

The year 2024 was a successful year. In 2024 we launched Artificial Intelligence (AI) search feature on our website to enhance and offer efficient service and detailed information to our clients who visit our website. We also added “60 seconds with the Surrogate” to our website, which provides important information to the Morris County community that they can access at any time. The Surrogate also hosted the first Morris County Attorney’s breakfast roundtable at the Surrogate’s Court to exchange ideas on how to improve efficiency as we work together to serve our mutual clients.

In 2024, there were 3,535 new cases filed with the Surrogate’s Court and revenues of \$732,723, an all-time high. With no increase to our headcount, my team continues to do more to provide efficient professional service to our clients.

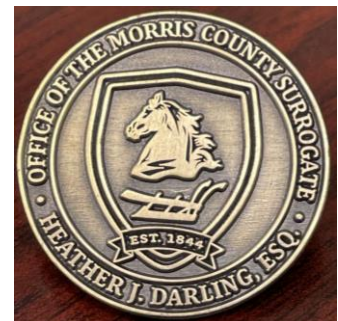
In 2024, as President of the Constitutional Officers Association of New Jersey (COANJ), I was able to bring interesting keynote speakers and programs to further provide information on security, safety, and technology to enhance the knowledge of our Constitutional Officers across the state in serving our citizens.

As your Surrogate, I have continued to lobby relentlessly for the passage of our bipartisan electronic will bill to afford greater convenience for mobility and distance issues our clients may face. As I now am in my second term as Morris County Surrogate, I look forward to continuing to serve the citizens of Morris County with the highest regard for the service that my team can provide during a most difficult time in a person’s life. We will continue to look for ways to streamline our services, always with our clients in mind.

I invite you to review our 2024 Morris County Surrogate’s Annual Report and I thank the people of Morris County for your continued support and the opportunity to serve.



Heather J. Darling, Esq.
Morris County Surrogate

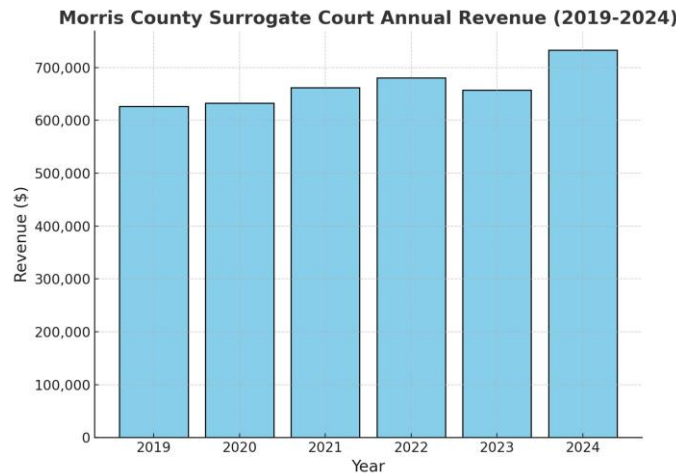


Annual Report 2024 - Morris County Surrogate

Financial Summary

Surrogate's Operating Account Revenues from Fees in 2024: **\$732,723**

Surrogate's Intermingled Minors & Guardianship Accounts Year End 2024: **\$16,203,791**



Probate

In 2024, 3,535 cases were filed with our office. Our Probate Division continues to provide excellent customer service to our clients. It is our objective to make every effort for this legal process to be as easy as possible. From start to finish our Probate Clerks in 2024 managed 2,314 filed cases with a Will, and 904 Administrations (when there is no Will) in addition to 317 other cases filed which include guardianships.

The Surrogate's office did undergo staff changes due to retirements and turnover. Our new team members were quick to learn and fully engaged in record time.

Our *e Probate* continues to grow as a key component of our estate business, now at 36% of all estate case filings. This has been revolutionary for our operations.

Guardianships of Incapacitated Persons

As Deputy Clerk of the Superior Court, in 2024 we processed 166 new Guardianship/Incapacitated Person cases.

Our Superior Court Clerk participates in the New Jersey State Guardianship monitoring program, providing essential information for both guardians and state monitoring representatives. Morris County continues to meet all Superior Court objectives for filing and reporting of guardianship matters.

Additionally, Guardianships of Minor Persons are filed and issued through the Superior Court Clerk and the Surrogate's Office oversees these guardianships as they proceed through Superior Court.

The Court continues to add requirements and layers to the Guardianship process that we have successfully navigated despite significant strain on personnel resources with each new obligation.

Surrogate's Intermingled Trust Fund

In 2024, our Minors Account Management team oversaw the administration of minor's and incapacitated person's bank accounts of approximately \$16 million dollars; with deposits of over \$4.8 million, withdrawals of \$3.8 million and investments of \$1 million, ending the year with 346 accounts. The money deposited with the Surrogate's Office is statutorily required in the event of inheritance, insurance proceeds, or monies awarded through judgments or settlements of lawsuits to minors or incapacitated persons. In December of 2023 we were able to negotiate a higher interest rate for these accounts and transition the monies for a 2-year term commencing January 2024 through December 2025, ordered by the Superior Court. Our negotiated rate of return was the highest for these accounts in the State of New Jersey for the investment period.

There were 84 minor guardianships filed in 2024. Our office processed 45 requests for final withdrawal of funds by persons turning 18 and older and 30 petitions for partial withdrawal of funds from minors' accounts. Our administrative procedures include notice to our minor guardianship account holders upon turning 18 to avoid unclaimed funds as these minors reach adulthood.

Records Management

Our team continues to scan thousands of closed estate and guardianship dockets as required by the Judiciary of the State of New Jersey in compliance with the records retention schedule governing the Courts of the State of New Jersey to ensure safeguarding and access.

Our Records Clerk works with searchers and genealogists during in-person appointments to review probate records that date back as far as 1804.

We continue to work to convert paper records to film for storage while observing document retention requirements. In accordance with the New Jersey Courts, we are working cooperatively for the electronic conversion of Guardianship Records and transferring to the Judiciary in Trenton for management. We continue to convert thousands of confidential paper adoption records stored in our county buildings to film to protect these records as permanent files in safe, confidential storage.

Adoptions

In 2024, the Surrogate's Office received 50 new adoption cases, finalized 57 new forever families, and continued five adoption cases into 2025. Our adoptions team continues to work with family courts, attorneys, adoptive parents, and child advocates to ensure the adoption process for each family is successful.

National Adoption Day

On November 8th, the Morris/Sussex Vicinage celebrated National Adoption Day with an inspiring in-person ceremony to finalize adoptions and honor families who have opened their hearts to children over the past year. National Adoption Day, officially observed on November 23rd, is a nationwide initiative to celebrate adoptive families, raise awareness of the many children in foster care awaiting loving homes, and encourage others to consider adoption. This year's theme,

"Honoring Youth: Strengthening Pathways for Lasting Bonds," emphasized the importance of providing children with a permanent, supportive family.

Surrogate Heather Darling addressed a packed courtroom, where she underscored the vital role of family and community connections in a child's life. *"Each child must have a network that supports their racial, ethnic, religious, and cultural identities. A child's network should promote family, community, and cultural connections,"* said Surrogate Darling, highlighting the significance of building an inclusive support system for every adopted child. Surrogate Darling also extended her heartfelt gratitude to Judge Wright for his dedication to helping create "forever families," as well as to the professionals, court staff, and her own Surrogate's Court team, whose commitment makes it possible to bring families together.

The ceremony marked a joyful celebration of the strength, resilience, and love that adoptive families bring to their children's lives. Through National Adoption Day, Surrogate Darling and the Morris/Sussex Vicinage continue to support the mission of finding loving, permanent homes for children in need and fostering a community of compassion and connection for all.



Administration

Finance

Our 2023 annual audit was successful with no recommendations for improvements or changes. Our 2024 annual audit is now complete with no recommendations for improvements or changes by the auditors.

Modernization

The number of estate cases filed for probate or administration through our on-line portal, *e Probate*, continues to grow, now at 36% filed electronically. This modernization was designed by Surrogate Darling specifically to make the Probate process easy to access from the convenience of our clients' homes or attorneys' offices. The *e Probate* system continues to provide ease and convenience to our clients on their own schedule. The credit card enhancement introduced in 2021 continues to serve our clients by making the process faster and more convenient. In 2022, we introduced "on-line appointments," where the public can choose the option to make and manage their appointment by visiting www.morrissurrogate.com.

Although these conveniences are available on-line, our front office receptionist continues to provide direct service to our clients including appointment scheduling and document requests.

In 4Q'24 we launched an Artificial Intelligence (AI) search feature on our website to enhance and offer efficient service and detailed information to our clients who visit www.morrissurrogate.com. The number of clients using this feature is growing. The responses to questions asked are also available in other languages as AI provides multilingual support.

Personnel

In response to retirements and other staff replacement needs, in 2024 we focused efforts on building the right team to support Morris County citizens in their dealings with the Surrogate's office. We continue to provide on-going training and support for our team with a focus on our client interactions during a very difficult time with the goal of providing easy and convenient service.



Community Outreach

In 2024 the Surrogate's Office continued to meet with Morris County community and business organizations in live and on-line format. We have been invited to speak with municipal leaders at town meetings, with Veterans groups, Chambers of Commerce, Rotaries, Kiwanis Clubs, Public Library Forums, Funeral Directors, Special Needs Organizations and Senior Citizen groups. The Surrogate's team again participated in the Annual Fall Festival in Morristown, where our office is located, greeting thousands of attendees.



The Citizen's Guide to Wills, Trusts, and Estates, and "The Personal Record," designed to help organize important personal information, continue to be well received by the many organizations that request them.

In 2024, the Surrogate has added "60 seconds with the Surrogate" to our website, providing important information to the community that they can access at any time. Additionally, the Surrogate now authors a monthly column in the New Jersey Hills, a long-time newspaper in our area, again providing information to support our community in guiding them through the importance of having a Will and how to be prepared and understand the process.



Legislative Activity

Surrogate Darling continues to work with the NJ State Legislature to further enhance easy and convenient service at the Surrogate's Court. She is the Committee Chair of the COANJ Legislative Committee to move forward Senate Bill No. 421, the "Uniform Electronic Wills Act." Surrogate Darling along with her committee is working closely with the NJ State Legislature, the NJ State Bar Association and the NJ Surrogates to ensure the bill clearly outlines the requirements and processes for an Electronic Will to be entered into Probate in New Jersey. An electronic will is created, stored and saved in digital form and like with paper wills, it has legal requirements for the testator to follow to ensure that the electronic will can be accepted for probate rather than referred to the Superior Court.

Additionally, Surrogate Darling is working with the NJ State Legislature to allow County Surrogate's to establish systems to accept electronic signatures on qualifying documents in probate matters. The means of accepting electronic signatures will provide easy and quick turn-around for the executor or administrator of an estate, thus not requiring a visit to the Surrogate's Court or the use of back-and-forth mailings of the documents from globally remote locations. This bill would enhance *e Probate*, in that signatures would be electronic saving time in the process for completion.

These bills, together with our e Probate platform will enable fully remote access to probate in Morris County.



*Surrogate Darling testimony before
NJ State Senate Judiciary Committee*



Professional Activities



After serving as both the Secretary of the Constitutional Officers Association (COANJ), the Section Chief of the Surrogates Division of COANJ and Vice President, Surrogate Darling became COANJ President in the Fall of 2023 for the 2023-2024 term. COANJ is made up of Surrogate's, County Clerk's, Sheriff's and Registers of Deeds and Mortgages from

all 21 New Jersey Counties. The highlight of the year was hosting the COANJ summer meeting at Morris County's own Picatinny Arsenal with Surrogate Darling's special guest speaker Major General John T. Reim. Surrogate Darling concluded her term at the COANJ Annual Conference in October with keynote speaker former NYPD Commissioner Bernard Kerik. The conference is held each year when all Constitutional Officers come together for education and an exchange of ideas.



On April 17, 2024, Surrogate Darling hosted the first Morris County Attorney's breakfast roundtable at the Surrogate's Court to exchange ideas on how to improve efficiency as we work together to serve our mutual clients.



History of the Surrogate

The term “Surrogate” means one who takes the place of another. The Surrogate in each New Jersey County is actually taking the place of the governor, who in 1710 received from the Archbishop of London the authority as the archbishop’s “Ordinary” or Surrogate General to probate wills, issue marriage licenses and perform those functions which at that time were in the province of the Church.

The British Governor of the colony of New Jersey had the responsibility for probating all wills and establishing the administration of all estates in the colony. In 1683 and 1698, statutes were enacted which required wills and letters of administration to be entered in the colony’s public register. By the year 1693, the Governor of the colony of New Jersey had appointed the first “Surrogate” for East New Jersey as the Governor’s appointed deputy. In 1713, wills were required to be proved and entered in one book of records and registered. The Morris County Surrogate’s Office currently stores and maintains wills dating back to 1804.

When East and West New Jersey were combined in 1720, the Governor appointed the first Surrogate covering the entire colony of New Jersey. From 1720 through 1767, the colony was serviced by a number of Deputy Surrogates appointed by the Surrogate.

That power, eventually distributed by the governor, then the governor of the Crown Colony of New Jersey, and subsequently the Governor of the State of New Jersey to his Surrogates, was recognized by subsequent New Jersey Legislatures in statutes which codified the powers and duties of the Surrogates, and by the Constitutions which fixed their terms. In 1822, when the laws in New Jersey were amended, the state legislature was granted the power to appoint the County Surrogate. However, in 1844, the New Jersey Constitution prescribed that the Surrogate was to be an elected, independent constitutional officer in the county, no longer regarded as deputy of the Governor or the appointee of the legislature. The Constitution of 1844 provided that the Surrogate was to be elected for a five-year term by the people of that county. And so, for over 170 years, the people of Morris County have elected their own County Surrogate.

Morris County Surrogates 1746 to Present:

Uzal Ogden, 1746 - 1752
Jerimiah C. Russell, 1753 - 1767
Richard Kemble, 1768 - C. 1781
Abraham Ogden, 1768 - C. 1781
Joseph Lewis, C. 1781 - 1785
Jabez Campfield, 1785 - 1803
John McCarter, 1803 - 1807
David Thompson, 1807 - 1822
David Thompson, Jr., 1822 - 1826
James C. Canfield, 1826
Jacob Wilson, 1827 - 1832
William N. Wood, 1833 - 1847
Jeremiah M. DeCamp, 1847 - 1852
Frederick Dellicker, 1852 - 1861
E. Willis, 1872 - 1877

Charles A. Gillen, 1877 - 1882
William H. McDavit, 1883 - 1888
David S. Crater, 1888 - 1893
George Pierson, 1895 - 1898
David Young, 1898 - 1913
Augustus H. Bartley, 1913 - 1919
William H. Thompson, 1919 - 1946
Harry R. Shupe, 1947 - 1951
Frank P. Rowe, 1952 - 1958
H. Lloyd Williams, 1958 - 1964
R. Sar Mischiera, 1965 - 1975
James V. Costanzo, 1976 - 1980
Eugene F. Doyle, 1981 - 1993
John Pecoraro, 1994 - 2019
Heather J. Darling, 2020 - Present

Morris County Surrogate, Heather J. Darling, Esq.



Surrogate Heather J. Darling, Esq., was elected Surrogate in 2019 and was reelected in 2024. She is now serving in her second term. She received her bachelor's degree from New York University in Finance and International Business in 1990 and earned her law degree Juris Doctor, Doctor of Jurisprudence, in 2002 from Seton Hall School of Law.

Heather opened her own law practice in 2004 and focused on Family, Wills, Trusts and Estates in addition to Business and Criminal law, serving Morris County for over 19 years. She is a member of the New Jersey, New York, and Morris County Bar Associations. Heather also continues to operate her father's real estate business.

Heather is a former Morris County Freeholder and Deputy of the Board. She took office as Morris County's first woman Surrogate in January of 2020. Heather has made significant advancements to the Surrogate's Office, the means by which Surrogates in New Jersey can assist the public including services such as virtual filing of documents to probate wills; an idea conceived by Heather to serve seniors and citizens with mobility issues which became indispensable to the public by COVID-19. Additionally, she advocated and pushed for electronic wills and electronic signatures on qualifying documents in New Jersey probate matters.

Heather hosts her own talk show "Have You Heard" with Heather Darling. Surrogate Darling recently completed Professional Development Academy for High Performance Leaders. She formerly served as President, Vice President and Secretary of COANJ and Section Chief of the Surrogates. Surrogate Darling serves on the Employment Horizons Community Advisory Board and is an Ambassador for the Morris County 200 Club.

Heather is dedicated to community service. She has served her local municipality as the appointed public defender and alternate prosecutor. She has also served as Vice Chair of the Roxbury Economic Development Committee. She was a member of the Roxbury Zoning Board and served on Roxbury's Environmental Commission and Dog Park Committee. She has been a member of the Morris County Chamber of Commerce, the Roxbury Chamber of Commerce, Leadership Morris, the Parsippany Chamber of Commerce, and the Roxbury Rotary. She is also a charter member of the recently restarted Roxbury Kiwanis.

Surrogate Darling has also focused much of her attention, using her office as a platform for the special needs community, providing a voice for those who cannot represent themselves, including those with special needs, seniors, and animals.

Heather Darling resides in Roxbury where she has lived most of her life in her family home.



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