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# ANNUAL REPORT 2022

## Office of the Morris County Surrogate

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# MESSAGE FROM SURROGATE DARLING

It is difficult for me to believe that I am only three years into my term as Morris County Surrogate as so much has transpired during that time. As our work to improve this office for those we serve builds upon itself, I am more certain than ever that this was the time for me to be in this place. Many of our clients are facing some of the most difficult times in their lives, having lost loved ones or witnessing the decline of parents, grandparents, or those to whom they are closest. Other clients are experiencing some of the most joyous moments of their lives as they are bonded from individuals to families by adoption. In all circumstances, our clients are in highly emotional and vulnerable states.

To best assist our clients, we listen to feedback and endeavor to be proactive rather than reactive. Our *e Probate* platform is now where a full third of our estate work is probated/administrated. Our next step in this process has been to advocate for the use of electronic wills and electronic signatures on qualifying documents in order to readily serve the needs of citizens with electronic wills from other jurisdictions, as well as permitting Morris County residents with executors living a great distance away to know that trusted family members will be able to probate their wills readily regardless of distance.

I recently had the honor of testifying before the New Jersey State Senate Judiciary Committee regarding the New Jersey Uniform Electronic Wills Bill (S2923). Since that time, the Administrator of the Courts, the New Jersey State Bar Association, and several County Surrogates have agreed, in principle, to the need for an electronic wills statute in New Jersey and have begun to work on drafting a bill with which all invested parties agree upon and under which a testator's intent will be fully protected.

We have given citizens twenty-four-hour access to most of our services through the ability to file with *e Probate*, make appointments and pay for services from the comfort of their homes. This also helps us to streamline our services and better respond to the needs of our community with our existing human and physical resources. In 2022, we processed 3,493 estates, 149 new guardianships and supported 58 new adoption cases. At the end of the year, our minor's fund contained \$17.4M and we were able to make 65 eighteen-year-olds very happy with money for college, cars, downpayments on homes and more.

In September 2022, I completed my terms as Secretary of the Constitutional Officers Association of New Jersey (COANJ) and Section Chief of the Surrogates and began serving a term as Vice President of COANJ. COANJ is comprised of Sheriffs, County Clerks, Surrogates and Registers of Deeds and Mortgages from each county in the State of New Jersey. Collaboration among all Constitutional Officers and each section thereof once again led to improvements in policy, procedure, and technology for each office to the benefit of the citizens of New Jersey. I am honored to become the President of COANJ in September 2023 for the 2023-2024 term.

**Community Outreach** - I am proud to be serving on the Community Advisory Board for Employment Horizons and as an Ambassador for the Morris County 200 Club. My personal appearances as a speaker have continued to increase as people reacclimate to in person events and zoom presentations have continued. I have had the honor of presenting information about my office before several town councils, senior groups, at library events and Kiwanis across Morris County. We are available to speak to religious organizations, business organizations, clubs, and community-based organizations within Morris County. For information and or scheduling contact my office at [surrogate@morris.nj.us](mailto:surrogate@morris.nj.us).

**Financial Highlights** - Due to our staff's dedication again in 2022, the Surrogate's Office fees transacted were the highest ever at \$678,746. The fees generated by the Surrogate's office for work performed are applied to Morris County's revenues and help to provide valuable services to Morris County residents while our subsidies to the County decrease costs to the taxpayers.

**Operating Highlights** - Together with my Deputy Surrogate, Christopher Luongo, and our command staff, we strive for continuous improvements in our operations, which create efficiencies for both the public and our team. In addition to our *e Probate* and credit card capabilities, we now offer our clients the ability to make appointments using our on-line application allowing clients 24-hour access to our office. We continue moving files off-site for safeguarding in accordance with the Superior Court's Document Retention Guidelines.

**Looking Ahead** - I look forward to introducing more efficient business practices in 2023. I will continue to serve Morris County with the highest level of customer service and respond to the needs of the community.

I invite you to review this 2022 edition of the Morris County Surrogate's Annual Report. I thank the people of Morris County for your continued support and the opportunity to serve.



Heather J. Darling, Esq.  
Morris County Surrogate  
June 2023







**OUR TEAM**



# **Annual Report 2022 – Morris County Surrogate**

## **Financial Summary**

Surrogate's Operating Account Revenues from Fees in 2022: **\$678,746**

Surrogate's Intermingled Minors & Guardianship Accounts Year End 2022: **\$17,424,370**

## **Guardianships of Incapacitated Persons**

In addition to guardianships for people suffering from Alzheimer's and dementia, guardianships were critical during lockdown periods that brought about isolation leading to physical and mental health issues with addiction and overdoses rising.

As Deputy Clerk of the Superior Court, in 2022 our Superior Court Clerk processed 149 new Guardianship/Incapacitated Person cases filed and 162 Cases issued.

The Superior Court Clerk participates in the New Jersey State Guardianship monitoring program, providing essential information for both guardians and state monitoring representatives.

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.

## **Probate**

In 2022, 3,493 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 Clerk's in 2022 have managed 2,292 filed cases with a Will, and 902 Administrations (when there is no Will) in addition to 299 other cases filed which include guardianships.

This office continues to process more cases with fewer people than in prior years due to personnel changes and the use of technology. As in 2021, we did conduct business throughout 2022 fully staffed with the options of in-person appointments and on-line filing of probate cases.

## **Surrogate's Intermingled Trust Fund**

In 2022, our Minors Account Management team oversaw the administration of minors and incapacitated persons bank accounts totaling over \$17 million dollars; with deposits of over \$3 million, withdrawals of \$6.1 million and investments of \$2.5 million, ending the year with 393 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.

There were 80 guardianships of minors filed in 2022. Our office processed 65 requests for final withdrawal of funds by persons turning 18 and older and 53 petitions for partial withdrawal of funds from minors' accounts. We have incorporated notice into our administrative procedures to minors upon turning 18 to avoid unclaimed funds as these minors reach adulthood.

# Adoptions

In 2022, the Surrogate's Office received 58 new adoption cases, finalized 56 new forever families, and continued 14 adoption cases into 2023. Our adoptions clerk continues to work with family courts, attorneys, adoptive parents, and child advocates to ensure the adoption process for each family is successful.

## Adoption Day

The Morris County Surrogate's Office joined the Morris and Sussex Vicinage of the Superior Court of New Jersey to celebrate National Adoption Day on Friday, November 18<sup>th</sup>, 2022, in the historic Morris County Superior Courtroom. Together, with key stakeholders, we spoke in honor of adoptive families and children across the country. The event is part of a national effort to raise awareness of the more than 400,000 children in foster care waiting to find permanent, loving families and to encourage others to adopt. There are approximately 135,000 adoptions which take place each year in the United States. Surrogate Darling in her remarks to the adopting families said "love is about growing together through life's ups and downs, sharing special moments, and trusting each other. You will forever have the comfort of knowing that you have one another, in both joy and sadness, you are not alone." The Surrogate went on to congratulate the parents for their selfless act of love. There were three adoptions by two forever families on National Adoption Day 2022 at the event.

***"Congratulations to the parents for their selfless act, you will be rewarded eternally in the joy of watching your children grow with your guidance and support," said Surrogate Darling***



## Records Management

Our team has scanned thousands of closed 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.

Our Records Clerk works with searchers and genealogists at 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 transfer to the Judiciary in Trenton for management.

We are investigating new document storage methods to ensure compliance with new legislation, i.e., Daniel's Law, as well as efficiencies for our staff and researchers.

## Administration

### Finance

Our 2021 annual audit was successful with no recommendations for improvements or change. Our 2022 annual audit is now complete with no recommendations for improvements by the auditors.



## Modernization

Approximately one third of our estate cases filed for probate or administration are done so through our on-line portal, *e Probate*. 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. During the pandemic, this process became even more important to our clients by allowing them to provide the necessary probate information including wills and death certificates by uploading these documents directly to the Surrogate's Office without physical contact. Now that we are back to normal business, 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 the "on-line appointments," now our clients who choose to visit our office in person, can choose the option to make their own appointment by visiting the Surrogates website at [www.morrissurrogate.com](http://www.morrissurrogate.com).

## Personnel

Our team has experienced minimal change in 2022. We continue to provide on-going training and support with a focus on our client interactions at a most difficult time, and an efficient, easy to access process.



## Community Outreach

We have made the Surrogate's Office available to community and business organizations in live format and on-line throughout 2022. 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.

## Legislative Activity

To further enhance Surrogate Darling's endeavor for easy and convenient service at the Surrogate's Court, she has worked with the New Jersey State Legislature to bring about legislation for both the electronic signature on qualifying documents and for the electronic wills. Senate Bill, No. 828 would authorize 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. Senate Bill, No. 828 is in committee with the NJ State Legislature and has not passed to date.



*Surrogate Darling testimony before  
NJ State Senate Judiciary Committee*

The "Uniform Electronic Wills Act" (Senate Bill, No. 2923) would authorize electronic wills in the State of New Jersey. An electronic will is created, stored, and saved in electronic form and should not be confused with an on-line will package. As with a paper will, it may be created by an attorney or an individual. Electronic signatures are used instead of wet ink signatures. Currently, electronic wills are valid in seven states while others are considering them. In testimony before the New Jersey Senate Judiciary Committee, Surrogate Darling highlighted the convenience and security of electronic wills. Because they are created digitally, this will can be easily stored and transmitted on-line. Electronic wills also serve citizens and families that may have mobility issues or live across the country or across the world. Senate Bill, No. 2923 is currently with the Senate Judiciary Committee and amendments are forthcoming that would provide clarity for implementation purposes.



## Professional Activities

After serving as both the Secretary of the Constitutional Officers Association (COANJ) and the Section Chief of the Surrogates Division of COANJ, Surrogate Darling now serves as the COANJ Vice President and is slated to become the next COANJ President in the Fall of 2023. COANJ is made up of Surrogate's, County Clerk's, Sheriff's and Registers of Deeds and Mortgages from all 21 New Jersey Counties.



## 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 Mischiara, 1965 - 1975*  
*James V. Costanzo, 1976 - 1980*  
*Eugene F. Doyle, 1981 - 1993*  
*John Pecoraro, 1994 - 2019*  
*Heather J. Darling, 2020 - Present*



*In Memory of Ray Tahan,  
Friend to the Surrogate's office*





## Morris County Surrogate, Heather J. Darling, Esq.



*Surrogate Heather J. Darling, Esq., was elected Surrogate in 2019. 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.*

*Surrogate Darling is currently Vice President of the Board for the Constitutional Officers of New Jersey (COANJ). 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 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.*

*During pandemic lockdowns, Heather spent much of her community service time helping those in need by serving at local food distribution events. She 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.*

