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ANNUAL REPORT 2020

Office of the Morris County Surrogate

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MESSAGE FROM SURROGATE DARLING

Like anyone else, I never anticipated the events of 2020. Having practiced in probate matters prior to becoming Surrogate, I knew some of the enhancements I wanted to make to my office but I had no idea that everything would change all at once. We were all presented with unimaginable challenges last year, some of which we are still working through. Over the past year I have experienced firsthand the strength, resilience, patience, flexibility and determination that my team in the Surrogate's Office has when it comes to serving our vulnerable citizens here in Morris County.

One day, in early March 2020, our Assignment Judge called me to his Chambers to discuss the need to make a plan in the event of closures throughout the County. In the five minutes it took me to return to my office, "in the event of" had become a reality.

Strategic Highlights

Despite a nearly universal government shut-down, I am proud to report the Morris County Surrogate's Office stayed open throughout the shut-down. My team came in every day and worked diligently and we changed the way we do business in response to the pandemic. Although processing times were initially longer, we continued to respond to keep up with our duty of supporting Morris County residents. We knew that we needed to evolve the way we do business and, by November, the on-line program I had envisioned in 2019 was designed and up and running. Now known as *e Probate*, this new platform has been adopted by other County Surrogate's Offices throughout the State for implementation, having just gone live in another County in March 2021.

Our new *e Probate* program, created for the Morris County Surrogate's Office to our specifications, has modernized the way probate can be accomplished. Now, our clients can complete the probate process from the comfort of their homes. This was accomplished within our existing budget, having zero net effect to taxpayers.

In collaboration with the Morris County Bar Association, we brought reduced rate legal services to the Surrogate's Office to ensure that all citizens of Morris County could obtain qualified legal representation in matters germane to the Surrogate's Office, regardless of their financial status. This reduced fee program is through the efforts of local attorney's giving back and is provided at no cost to the taxpayer.

Finally, I brought back the Morris County Surrogate's Handbook which had been previously discontinued. The handbook is updated and available on the Surrogate's website in downloadable pdf format or in print by contacting my office.

Community Outreach

As promised, my goal is always to remain available to the general public to educate and interact on various topics of interest including wills, trusts, and estate planning. Although in person meetings were interrupted by the pandemic, we put in place the virtual Surrogate's Sessions which are monthly on-line presentations to the public. Our most recent seminars have included topics such as:

- "Drafting a Will"
- "What should an Executor of a Will Know"
- "What to know about Trusts and Estate Planning"
- "Navigating the Process of Adoption"
- "Alzheimer's Disease and Family Care Givers Resources"

We have had wonderful feedback on these forums that have included subject matter experts on the important topics described here. Together with our panelists, we answered many questions in these forums which I intend to continue. Additionally, I participated as a guest speaker for many community, business and special needs organizations discussing the Surrogate's Office. I also participated as an advocate for citizens with disabilities adversely impacted by mandated closures.

Financial Highlights

Due to our staff's dedication through the pandemic to remain available and process probates and other matters of significant importance to grieving families, the Surrogate's Office fees transacted in 2020 were the second highest they have been over the past 5 years at \$632,362. These fees are applied to Morris County's revenues and help to provide valuable services to Morris County residents.

Operating Highlights

Together with my Deputy Surrogate, Chris Luongo, we have had continuous improvements in our operations, creating efficiencies for both the public and our team. The modernization of our office processes will continue throughout 2021, providing our clients with service that is easy, efficient and customized for their needs.

Looking Ahead

As we look further into 2021, our focus is on internal updates to streamline several of our practices and bring a more customer centric approach to our services. We are working on continuous improvements in our systems and processes. We have updated our website and have established social media channels of communications to ease access to the Surrogate's Office and our programs. I plan to continue with community outreach programs and will broaden to topics that affect the senior community in partnership with law enforcement by addressing scams that affect this community and how to avoid being taken advantage of.

Now that we are solidly underway in 2021, I am hopeful for a healthy and blessed year for all of us. The Morris County Surrogate's Office will continue to serve Morris County with the highest level of customer service. Our commitment is to serve with kindness, knowledge and efficiency.

I invite you to review our first Morris County Surrogate's Annual Report. The Surrogate's Office is responsible to administer wills, trusts and estates. We oversee the Administration of Guardianships of incapacitated adults and guardianships of minors, including over \$20 Million dollars in money management for these guardianships. Additionally, the Morris County Surrogate oversees the adoption process in Morris County.

Heather J. Darling, Esq.
Morris County Surrogate
April 2021

Financial Summary

Surrogate's Operating Account Revenues from Fees in 2020: **\$632,362**

Surrogate's Intermingled Minors & Guardianship Accounts Year End 2020: **\$20,604,672**

Note: The Surrogate's Intermingled Minors & Guardianship Accounts fluctuate throughout the year and averaged \$20M in managed money during 2020

Guardianships of Incapacitated Persons

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, our Superior Court Clerk manages 11,102 Active Guardianships of Incapacitated persons. In 2020 there were 185 new Guardianship/Incapacitated Person cases filed and 148 Cases issued. The total includes both incapacitated and developmentally disabled adults.

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 2020, **3,646** cases were filed with our Probate Division as compared to 3,494 filed in 2019.

This is an increase in cases over the prior two years. This office has processed more cases with fewer people in 2020 due to personnel changes. The way we conduct business changed from all in-person appointments to mail, phone and on-line filing of probate cases. As of September 2020, we began accepting limited in-person appointments in our newly designed COVID compliant interview rooms.

Adoptions

In the court year July 1, 2019 through June 30, 2020, the Surrogate's Office handled 45 adoptions. In the court year beginning July 1, 2020, we have completed forty-four adoptions in the 9 month period. Our adoptions clerk continues to work with family courts, attorneys and adoptive parents to ensure the adoption process for each family is successful.

Adoption Day

The Morris County Surrogate's Office joined the Morris Vicinage of the Superior Court of New Jersey to celebrate Adoption Day on Friday, November 20th, 2020 in a virtual courtroom. Together with key stakeholders we spoke in honor of adoptive families and children across the country. The event also was 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 were 14 forever family adoptions that took place at the event.

Surrogate's Intermingled Trust Fund

In 2020, our Minors Account Management team oversaw the administration of 450 bank accounts of minors and incapacitated persons totaling over \$20.6 million dollars; with deposits of over \$4.6 million, withdrawals of \$6.3 million and investments of \$1.5 million. The money deposited with the Surrogate's Office is as a result of inheritance by minors or incapacitated persons, insurance proceeds, or monies awarded through judgments or settlements of lawsuits.

There were 50 guardianships of minors added during 2020. Our office processed fifty-nine requests for final withdrawal of funds by persons turning 18 and older and 51 petitions for partial withdrawal of funds from minors' accounts.

Records Management

Our team has scanned thousands of documents as required by the Judiciary of the State of New Jersey in accordance 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 may date back to 1804.

We continue to work to convert records to film 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 Courts for management.

Administration

Finance

Our 2019 annual audit was successful with no recommendations for improvements. Our 2020 annual audit is now complete with no recommendations for improvements by the auditors.

Office Modernization

We introduced *e Probate* in the fall of 2020. This modernization was designed specifically to make the Probate process easy to access from the convenience of our client's homes or attorney's offices. Due to 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. The *e Probate* system also allows documents to be easily forwarded to our clients saving time and adding convenience. The use of *e Probate* has also led to internal innovation which will streamline our processes and ensure that all members of the public have the same positive experience with our office during a most difficult time for them.

Personnel

Our team has experienced some change in 2020 with some members leaving and new members joining. We continue to provide on-going training and support with focus on our client interactions 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 2020. We have met with Chambers of Commerce, Kiwanis Clubs, Public Library Forums, Funeral Directors, Special Needs Organizations and Senior Citizen groups. In 4Q 2020 we introduced the Surrogate's Session; a one hour seminar on important related topics once a month which is available complimentary to all Morris County residents and posted on the Surrogate's website for view on demand.

Professional Activities

Surrogate Darling was selected as Deputy Section Chief of the Surrogate's Division of the Constitutional Officers Association of New Jersey (COANJ). This organization includes Surrogate's, County Clerk's and Sheriff's from all 21 New Jersey Counties.

"In 2021 our focus is on internal updates to streamline several of our practices and bring a more customer centric approach to our services."

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

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 2002 and focused on Family, Wills, Trusts and Estates in addition to Business and Criminal law, serving Morris County for over 15 years. She is a member of the New Jersey, New York, Pennsylvania and Morris County Bar Associations.

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 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.

Heather is dedicated to community service. She has served her local municipality as Vice Chair of the Roxbury Economic Development Committee. She was a member of the Roxbury Zoning Board and also 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.

Heather spends 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, on the special needs community.

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



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