

**NEWSLETTER**  
**CAMDEN COUNTY SURROGATE'S COURT**  
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**MESSAGE FROM SURROGATE JONES ~**

**GUARDIANSHIP OR  
POWER OF ATTORNEY? ~**

We all hope to live out our final years enjoying life and good health. However, life does not always turn out that way. Suddenly we may be faced with making decisions for an adult family member who has lost their capacity to govern their own affairs. The frequency of such cases has escalated over the years due in part to stroke, dementia and Alzheimer's disease. So what are the choices when a serious illness happens to us? One choice, while we or our loved ones are well, is to secure a Power of Attorney. The other choice, which may be thrust upon us, would be to seek Superior Court action for a declaration of incapacitation and Guardianship.

**POWER OF ATTORNEY**

While we are well and can understand what we are signing, and can make appropriate choices for ourselves, a Power of Attorney should be secured. The Power of Attorney is a formal written document which gives one person (agent) the power to act on behalf of another (principal).

*Durable Power of Attorney* ~ may be limited or general and allows a person to choose an "Agent" to make financial and legal decisions as well as to access records. The cost to do this is minimal.

*Advance Directive for Health Care* ~ Commonly known as a "Living Will", spells out in advance your expectations from health care professionals in terms of the use of life-sustaining equipment and medication when you are unable to communicate your wishes. This document should also include a Medical Power of Attorney that allows you to name a health care representative. A person who clearly understands what you want and who would make

health care decisions when you are unable to speak for yourself.

If we fail to make the choice of securing a Power of Attorney, and you or a loved one are suddenly unable to make financial or medical decisions, a Guardianship may be necessary.

**GUARDIANSHIP**

Guardianship is the legal relationship in which one person is authorized to make decisions on behalf of another person. A petitioner seeks to have the vulnerable person declared incapacitated in Superior Court. The Court determines a person's abilities and incapacities and considers the person's need in appointing a guardian.

*General Guardianship* – applies to a person who cannot make decisions. The Guardian is authorized by the Court to make legal, financial, personal and medical decisions for the person declared by the Judge to have a mental incapacity.

*Limited Guardianship* – recognizes that a person may need assistance in only some areas. The Guardian's limitations are specified by the Judge.

In most guardianship proceedings an attorney is required to file the proper documents in Superior Court to declare someone incapacitated. The Court will appoint an attorney to represent the alleged incapacitated person. Assessments prepared by a physician and/or psychologist are also required. Remember, the cost to do a guardianship can be substantial.

In closing I would like to remind you that it is always better to consider what needs to be done before it becomes necessary. Proper advanced planning can minimize drastic measures in someone's life.

**CAMDEN COUNTY SURROGATE'S COURT**  
**HOURS OF OPERATION AT CAMDEN CITY LOCATION**  
**MONDAY THRU FRIDAY 9 AM – 4 PM**  
The Surrogate Court will be closed on Wednesday, July 4<sup>th</sup>  
*Happy 4<sup>th</sup> of July!!*