

HEATHER J. DARLING, ESQ., SURROGATE

Christopher Luongo, Esq., Deputy Surrogate



ANNUAL REPORT 2023

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

MESSAGE FROM SURROGATE DARLING

As I approach the end of my first term as Morris County Surrogate, I can appreciate how quickly five years have passed. Although the very nature of this business is mostly solemn, I can say that with my team I have delivered first class customer service and brought about change that has positively impacted the Morris County citizens that I serve.

From the beginning in 2020 I had planned to modernize our processes to allow 24-hour, everyday access to Surrogate's Court services. The pandemic of COVID rushed our timeline so that we could ensure that our clients could have what they needed. We worked in the office every day, we met clients on the street for signatures and to exchange documents and we delivered on-line probate, *e File*, within a few short months. Thankfully, we all pulled through that devastating time and continued to find ways to make doing business with us efficient and easy. Some of our new services in addition to *e file* include the ability to pay with credit card and the ability to make an appointment on-line through the Surrogate's website. We modernized our offices and created easy access for our clients.

I have made it my priority to know what leading technologies are available across the nation that would enhance not only our processes but also our client's user experience and to be ready for a changing way of doing business. No longer are families located in one place, they are across the globe, and we must provide easy convenient access to our services no matter where a client is located. We have done this and we are now working with the New Jersey State Legislature to change laws to allow the submission of electronic wills for probate and electronic signatures for our documents.

During 2023 I continued to serve as Vice President of the Constitutional Officers Association of New Jersey (COANJ) and became President in September of 2023. As President I have worked together with New Jersey's Sheriffs, Clerks and Registers, and Surrogates to better serve our constituents. We meet with subject matter experts across industries and in government to better understand technologies and our state, county by county.

Community Outreach - I have met with numerous community leaders and organizations to help our citizens understand the importance and the ins-and-outs of Wills, Trusts and Estates, including Veterans, Knights of Columbus, Chambers of Commerce, Municipal Library groups, Town Council Meetings, and many senior groups. I have represented the Surrogate's Court at parades and community picnics, as I enjoy meeting with and answering the questions of so many Morris County residents. I have enjoyed being the keynote speaker for the Mental Health Association, the Sisters of St. Bridgid, the League of Women Voters, and the Cedar Crest Living Community to name a few.

Financial Highlights - The Surrogate's Office fees transacted in 2023 were \$655,965. In 2023 we negotiated a new interest rate for our Surrogates Intermingled Trust Fund of approximately \$17M. We were able to transition our trust fund account to one of the highest interest rates offered in the State of New Jersey, making a significant difference for our guardianship accounts.

Operating Highlights - Together with the Deputy Surrogate, Christopher Luongo, and our team, we work toward continuous improvements in our processes to create a smoother experience for the public when doing business with our office. It is our number one objective to provide the highest level of quality service. In December of 2023 we brought in Creature Comfort Pet Therapy to visit with our clients and the Surrogate's Team. The process of closing out a loved one's estate can create anxiety for our clients; our visitor, Maggie, was a great comfort for both clients and staff.

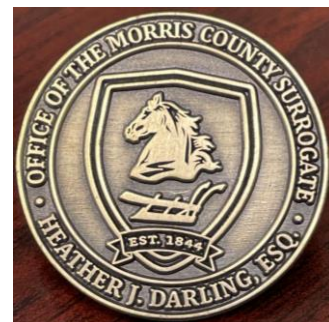
Looking Ahead - In 2024 I will continue to work toward technological improvements for ease and convenience in doing business with my office. I look forward to continuing my role as President of COANJ before turning over that responsibility in the Fall of 2024. I am planning our COANJ General Session meeting this summer at Picatinny Arsenal, where I will be able to show off one of the finest military bases in the country to my fellow Constitutional Officers, our guest speaker will be Major General John T. Reim.

My staff has supported my efforts to bring about efficient change to my office. They deserve recognition for their efforts in their day-to-day work to keep my office running smoothly.

I invite you to review our 2023 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
June 2024





OUR TEAM

Annual Report 2023 – Morris County Surrogate

Financial Summary

Surrogate’s Operating Account Revenues from Fees in 2023: **\$655,965**

Surrogate’s Intermingled Minors & Guardianship Accounts Year End 2023: **\$16,480,155**

Probate

In 2023, 3,490 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 2023 have managed 2,291 filed cases with a Will, and 880 Administrations (when there is no Will) in addition to 319 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. We did conduct business throughout 2023 fully staffed with the options of in-person appointments and on-line filing of probate cases which now is about 31% of the cases filed.

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 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 transfer to the Judiciary in Trenton for management. We continue to convert thousands of confidential adoption records to film to protect these permanent files as required by the Judiciary State of New Jersey records retention.

Guardianships of Incapacitated Persons

As Deputy Clerk of the Superior Court, in 2023 our Superior Court Clerk processed 160 new Guardianship/Incapacitated Person cases filed and 145 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.

The Court continues to add mandates and layers to the Guardianship process that we have successfully navigated despite significant strain on personnel resources.

Surrogate's Intermingled Trust Fund

In 2023, our Minors Account Management team oversaw the administration of minors and incapacitated persons bank accounts fluctuating between \$16 million and \$17 million dollars; with deposits of over \$5.7 million, withdrawals of \$6.6 million and investments of \$1.7 million, ending the year with 326 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, ordered by the Superior Court.

There were 84 minor guardianships filed in 2023. Our office processed 64 requests for final withdrawal of funds by persons turning 18 and older and 41 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 2023, the Surrogate's Office received 48 new adoption cases, finalized 50 new forever families, and continued 12 adoption cases into 2024. 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 13th, 2023, in the historic Morris County Superior Courtroom. As keynote speaker, Surrogate Darling spoke in honor of adoptive families and children across the country. She highlighted that there are thousands of children and youth in the U.S. foster care system who are waiting for permanent, loving families. The theme "Empowering Youth: Finding Points of Connection" recognizes those who have needs and dreams and provides a platform for ensuring the right fit for those involved.

*"It is all about empowering youth to lead on their paths to permanency and building networks of supporters to listen, follow, and lift them up throughout their journey,"
said Surrogate Darling*

Administration

Finance

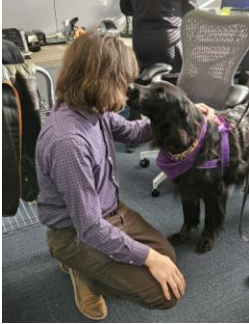
Our 2022 annual audit was successful with no recommendations for improvements or change. Our 2023 annual audit is now complete with no recommendations for improvements by the auditors.

Modernization

We continue to process approximately one third of our estate cases filed for probate or administration 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. 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 and manage their own appointment by visiting the Surrogates website at www.morrissurrogate.com.

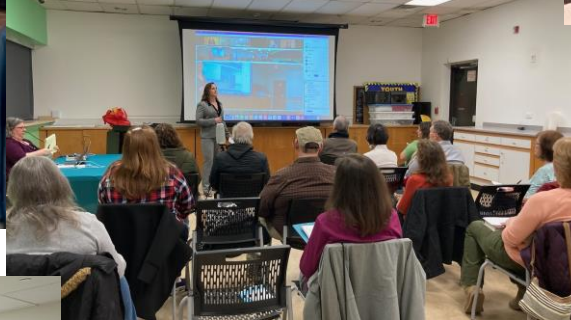
Personnel

Our team has experienced minimal change in 2023. We continue to provide on-going training and support with a focus on our client interactions during a most difficult time with the goal of providing easy and convenient service.



Community Outreach

We have made the Surrogate's Office available to community and business organizations in live format and on-line throughout 2023. 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 single handedly advocated to the state Surrogates and 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.

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.



*Surrogate Darling testimony before
NJ State Senate Judiciary Committee*

Electronic signatures are used instead of wet ink signatures. Currently, electronic wills are valid in 12 states and the District of Columbia 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), 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.

Surrogate Darling addresses COANJ Members at a General Session Meeting in December 2023



Surrogate Darling is sworn in as COANJ President by Senate Minority Leader Anthony Bucco, holding the Bible Morris Deputy Surrogate Chris Luongo and Senator Ed Durr



Surrogate Darling with New Jersey Surrogate's at their COANJ Section Meeting



Surrogate Darling and Sheriff Gannon with their teams



Senator Minority Leader Anthony Bucco (LD25) receives COANJ Legislator of the Year Award from President COANJ /Ocean County Sheriff Mike Mastronardy

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 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 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 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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