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New Legislation Will Protect the Estates of Developmentally Disabled Individuals

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Gov. Corzine signed new legislation this week, known as “[Ronnie’s Law](#),” that requires fiduciaries (such as executors, testamentary guardians and testamentary trustees) of estates of developmentally disabled individuals to post bonds in Superior Court. The statute is the Legislature’s response to the theft of \$814,000 by a disbarred Audubon Heights attorney from an estate established for an autistic man, Ronnie Mich, by his father. The bond amount is based on the value of the estate’s assets and the purpose of the bond is to protect the estate’s assets from bad acts by the fiduciaries. The fiduciary will be required to provide the court with an estate accounting every five years.

Certain blood relatives of the disabled individual who are appointed as fiduciaries, such as children, grandchildren, great-grandchildren, parents, grandparents, great-grandparents, brothers/sisters, aunts/uncles and nieces and nephews, as well as certain financial institution and non-profit community trusts, are exempt from having to post the bond. In addition, if the estate is below \$25,000, or if the court otherwise orders, no bond is required. This bill takes effect in 60 days.

The definition of “developmental disability” under the statute means a severe, chronic disability of a person which: (1) is attributable to a mental or physical impairment or combination of mental or physical impairments; (2) is manifest before age 22; (3) is likely to continue indefinitely; (4) results in substantial functional limitations in three or more of the following areas of major life activity, that is, self-care, receptive and expressive language, learning, mobility, self-direction and capacity for

independent living or economic self-sufficiency; and (5) reflects the need for a combination and sequence of special interdisciplinary or generic care, treatment or other services which are of lifelong or extended duration and are individually planned and coordinated. Developmental disability includes but is not limited to severe disabilities attributable to mental retardation, autism, cerebral palsy, epilepsy, spina bifida and other neurological impairments where the above criteria are met.

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