

Index

ABORTION

 Incapacity determination, effect on abortion issues, **§ 2:3, 17:6**
 Restoration to capacity, reproduction issues, **§ 17:6**

ACCOUNTS AND ACCOUNTING

 Audit and report on account, **§ 18:5**
 Bank inquiry letter
 Generally, **§ 18:13**
 Escheated funds, identifying, **§ 18:14**
 Complaint, contents of, **§ 18:2**
 Consent to accounting, **§ 18:24**
 Conservatorships, **§ 5:4, 5:11**
 Dispensing of, by agreement, **§ 18:8**
 Exceptions, **§ 18:7**
 Guardian
 Generally, **§ 5:4, 5:11, 18:1 et seq.**
 Accounting forms, **§ 18:15**
 Action for accounting, generally, **§ 18:1**
 Affidavit of accountant's services, **§ 18:9**
 Affidavit of attorney's services, **§ 18:12**
 Audit and report on account, **§ 18:5**
 Bank inquiry letter
 Generally, **§ 18:13**
 Escheated funds, identifying, **§ 18:14**
 Commission payments
 Generally, **§ 18:10**
 Affidavit of accountant's services, **§ 18:9**
 Apportionment, **§ 18:11**
 Commission statement, **§ 18:21**
 Complaint for accounting
 Contents of, **§ 18:2**
 Service of, **§ 18:3**
 Conservatorships, **§ 5:4, 5:11**
 Dispensing of, by agreement, **§ 18:8**
 Escheated funds, identification of, **§ 18:14**
 Exceptions to accounting, **§ 18:7**
 Final accounting
 Complaint for settlement, **§ 18:18**
 Judgment approving, **§ 18:23**
 Verified final accounting, **§ 18:19**
 First interim
 Generally, **§ 18:1**

ACCOUNTS AND ACCOUNTING—Cont'd

Guardian—Cont'd

First interim—Cont'd

 Judgment approving, § 18:22, 18:23

Guardian ad litem report, § 18:6

Identification of escheated funds, § 18:14

Interim accounting

 Complaint for settlement, § 18:16

 Verified, settlement for guardian, § 18:17

Inventory forms, § 18:15

Judgment approving

 Final accounting, § 18:23

 First interim accounting, § 18:22, 18:23

Report, guardian ad litem's, § 18:6

Report following audit, § 18:5

Requirements, § 18:1

Service of accounting, § 18:3

Summary of accounting, § 18:20

Uniform veterans guardianship law, § 10:4

Verified final accounting, § 18:19

Vouchers in support of allowances claimed, § 18:4

Guardian ad litem report, § 18:6

Identification of funds, § 18:14

Judgment

 Final accounting, § 18:23

 First interim accounting, § 18:22, 18:23

Requirements, § 18:1

Service of, by guardian, § 18:3

Summary of account, § 18:20

Uniform veterans guardianship law, § 10:4

Verified final accounting, § 18:19

Vouchers, § 18:4

ADMISSION

Nursing Homes, this index

ADULT PROTECTIVE SERVICES ACT

Generally, § 12:1 et seq.

Administrative code rules and regulations, § 12:19

Affidavit supporting proceeding under act, § 12:26

Aging, area agencies, § 12:23

Annual report of commissioner, § 12:20

Area agencies on aging, § 12:23

Case law, § 12:29

Central registry for information about abuse, neglect, or exploitation of vulnerable adult, § 12:17

Checklist form, protective order under act, § 12:28

Confidentiality of records, § 12:16

Conservatorship petitioning, § 12:12

INDEX

ADULT PROTECTIVE SERVICES ACT—Cont'd

- Construction of laws regarding institutionalized elderly, § **12:21**
- Court's protective order under act, § **12:27, 12:28**
- Criminal activity of caregiver, reporting, § **12:15**
- Definitions, § **12:3**
- Determination of need for protective services and referrals, § **12:7**
- Emergency protective services for vulnerable adult refusing or unable to consent, § **12:9**
- Evaluation of abuse reports and judicial intervention, § **12:6**
- Guardianship or conservatorship, petition for, § **12:12**
- Hearing, protective services
 - Generally, § **12:10**
 - Emergency protective services, § **12:9**
- Injunctions
 - Against caregiver interfering with provisions of protective services, § **12:8**
 - Need for protective services, determination of, and referrals, § **12:7**
 - New Jersey adult protective service providers, § **12:22**
 - Order authorizing emergency protective services, § **12:9**
 - Order authorizing protective services
 - Generally, § **12:10**
 - Review of, § **12:13**
 - Payments for protective services, § **12:14**
 - Permanent changes in living situation of vulnerable adult, § **12:11**
 - Petition enjoining caregiver from interfering with provisions of protective services, § **12:8**
 - Petition for emergency protective services, § **12:9**
 - Petition for guardianship or conservatorship, § **12:12**
 - Petition for protective services, § **12:10, 12:25**
 - Proceedings
 - Affidavit, § **12:26**
 - Order granting
 - Generally, § **12:27**
 - Checklist form, § **12:28**
 - Verified complaint, § **12:24**
 - Protective order under act, § **12:27, 12:28**
 - Providers
 - Training program for protective services, § **12:18**
 - Public awareness program, § **12:4**
 - Purpose, § **12:2**
 - Referrals, mechanisms for, § **12:7**
 - Registry for information about abuse, neglect, or exploitation of vulnerable adult, § **12:17**
 - Report, screening, requirements
 - Generally, § **12:5**
 - Evaluation of abuse reports and judicial intervention, § **12:6**
 - Reporting criminal activity of caregiver, § **12:15**
 - Review of protective services order, § **12:13**
 - Rules and regulations, administrative code, § **12:19**

ADULT PROTECTIVE SERVICES ACT—Cont'd

Training program for protective services providers, **§ 12:18**

Verified complaint under act, **§ 12:24**

Vulnerable adult refusing or unable to consent, protective services for, **§ 12:9, 12:10**

ADVANCE DIRECTIVES

Generally, **§ 15:1 et seq.**

Alternative clauses, **§ 15:21**

Dispute resolution, **§ 15:4**

Division of medical assistance and health services, **§ 15:22**

Do not hospitalize orders, **§ 15:18**

Do not resuscitate orders, **§ 15:18**

Health care institution's rights and responsibilities, **§ 15:3**

Health care professional

 Immunity for, **§ 15:10**

 Rights and responsibilities, **§ 15:2**

Immunities granted, **§ 15:10**

Implementation of, **§ 15:9**

Insurance, effect on, **§ 15:12**

Life-sustaining treatment withdrawn, **§ 15:5**

Mental health care, **§ 15:24, 15:25**

Military, **§ 15:19**

Other laws, effect on, **§ 15:14**

Patient authorization to permit use and disclosure of protected health information, **§ 15:23**

Physician

 Immunity for, **§ 15:10**

 Rights and responsibilities, **§ 15:2**

Presumptions, **§ 15:11**

Recognition of directives executed in other states or countries, **§ 15:13**

Special medical guardian appointed, **§ 15:15**

Statutory requirements, **§ 15:1**

Terminally ill, decision making for, **§ 15:26**

AFFIDAVITS

Accountant's services, **§ 18:9**

Adult protective services proceedings, **§ 12:26**

Appointment of Conservator, this index

Conservator appointment, **§ 5:19**

Disqualification of affiant, **§ 3:7**

Guardian and Ward, this index

Incapacity determinations, **§ 3:6, 3:33**

Medical guardianship

 Affidavits accompanying complaint, **§ 11:3**

 Affidavits reporting outcome of special medical guardianship procedure, **§ 11:4**

Real estate, appraisals, **§ 21:14-21:16**

INDEX

AGENCY AND AGENTS

Co-agents, durable power of attorney, **§ 23:10**

New Jersey Uniform Trust Code, **§ 33:15**

AIDS

Bill of Rights LGBTQI and HIV+, this index

ALTERNATIVE DISPUTE RESOLUTION

Conference and fair hearing, **§ 6:72**

APPEALS

Guardian, appointment of, **§ 3:23**

APPEARANCE OR ATTENDANCE

Guardianship proceedings, **§ 11:3**

Medical guardianship proceedings, **§ 11:3**

APPOINTMENT OF ATTORNEY FOR ALLEGED INCAPACITATED PERSON

Generally, **§ 3:10**

Conservatee, for, **§ 5:4, 5:5**

Guardian ad litem, **§ 3:11**

Medical guardianship, **§ 11:2**

APPOINTMENT OF CONSERVATOR

Generally, **§ 5:3, 5:6**

Acceptance of office, **§ 5:23**

Action for, **§ 5:1**

Affidavits

Generally, **§ 5:4**

Real and personal property, **§ 5:19**

Attorney for conservatee, **§ 5:4, 5:5**

Certification of plaintiff, **§ 5:20**

Certification of service, **§ 5:21**

Compensation entitlement, **§ 5:14**

Complaints, **§ 5:4**

Consent, **§ 5:18**

Fees entitlement, **§ 5:8**

Guardian ad litem appointment, **§ 5:4**

Hearing

Generally, **§ 5:5**

Judgment, **§ 5:22**

Judgment appointing conservator, **§ 5:22**

Limitations, **§ 5:9**

Parties to, **§ 5:2**

Power of attorney, **§ 5:6, 5:23**

Prudent investor act, **§ 16:1 et seq.**

Renunciation

Generally, **§ 5:17**

Consent, **§ 5:18**

Service of process, **§ 5:6, 5:7, 5:21**

APPOINTMENT OF CONSERVATOR—Cont'd

Venue, **§ 5:3**

Verified complaint, sample, **§ 5:16**

Who may be appointed, **§ 5:6**

APPOINTMENT OF GUARDIAN OF INCOMPETENT

Generally, **§ 3:1 et seq.**

Acceptance of office, **§ 3:21, 3:37**

Access to client and agency records, **§ 6:28, 6:35**

Administrative office of the courts pro se materials, **§ 6:22**

Administrative records. Records, below

Administrative regulations, generally, **§ 6:3 et seq.**

Alternate dispute resolution, **§ 6:72**

Annual report to governor and legislature, **§ 6:86**

Appeal procedures, **§ 6:71**

Assessments

Clinical assessment process, **§ 6:8**

Assets of estate

Information sheet, **§ 3:24, 3:25**

Audiotaping of individuals, **§ 6:31**

Authority of dhs and dhs commissioner, **§ 6:26**

Authority of DHS and DHS commissioner, **§ 6:4**

Background checks, **§ 6:75**

Central registry of offenders against individuals with developmental disabilities,
§ 6:90

Chancery division pleading forms, **§ 6:21**

Change of guardian, **§ 6:88**

Clinical assessment process, **§ 6:8**

Commissioner of dhs, authority of, **§ 6:26**

Community care waiver waiting list, **§ 6:67**

Complaint

Generally, **§ 3:6**

Affidavits required, **§ 3:6, 5:4**

Answer and cross-claim, **§ 3:36**

Disqualification of affiant, **§ 3:7**

Review of, **§ 3:8**

Comprehensive evaluation, statutory provision, **§ 6:76**

Confidentiality, **§ 6:28**

Contribution to care and maintenance, **§ 6:68**

Court appointment of guardian

Procedures for individuals receiving ddd guardianship services without, **§ 6:14**

Staff review of court-appointed guardian, **§ 6:19**

Court orders, processing, **§ 6:38**

DDD guardianships, generally, **§ 6:3 et seq.**

Definitions, **§ 6:5, 6:27**

Department of Human Services

Eligibility determinations and regulations, **§ 6:55**

Family support service system, **§ 6:65**

INDEX

APPOINTMENT OF GUARDIAN OF INCOMPETENT—Cont'd

- Department of Human Services authority
 - Generally, § 6:4
 - Commissioner of DHS, § 6:26
- Department of human services philosophy as to need for guardianship, § 6:25
- Determination of appointment of guardian, § 6:84
- Developmentally Disabled Rights Act, § 6:93
 - Self-directed support services, § 6:93, 6:94
- Division of Developmental Disabilities (DDD), application for guardianship, § 6:91
- Do not hospitalize orders, § 15:18
- Do not resuscitate orders, § 15:18
- Duties of guardian, § 3:21
- Electronic records, § 6:32
- Eligibility determinations and regulations
 - Generally, § 6:56 et seq.
 - Appeals, § 6:64
 - Definitions, § 6:56
 - Determination of application, § 6:62
 - General eligibility, § 6:57
 - How to apply, DDD eligibility, § 6:60
 - Notice, § 6:63
 - Reapplication, § 6:61
 - Residency, § 6:58
 - Who may apply, DDD services, § 6:59
- Emergent relief, § 6:74
- Examination of minor admitted to functional services, § 6:80
- Family support service system, § 6:65
- Filing letter for acceptance and power of attorney, § 3:39
- Functional and guardianship services, statutory provision, § 6:76
- Goals of division, § 6:23
- Guardianship services, § 6:79
- How to apply for guardianship of person and estate, § 6:91
- Human Rights Committees
 - Generally, § 6:42 et seq.
 - Definitions, § 6:43
 - Rights of individuals, developmental disabilities, § 6:44
 - Agency, § 6:54
 - Chairperson, § 6:52
 - Composition, § 6:42
 - Conflict of interest, § 6:50
 - Dispute resolution, § 6:51
 - General functions, § 6:48
 - Meetings, § 6:47
 - Membership, § 6:45
 - Minutes of meetings, § 6:53
 - Operations, § 6:42
 - Orientation and role, § 6:46

APPOINTMENT OF GUARDIAN OF INCOMPETENT—Cont'd

- Human Rights Committees—Cont'd
 - Procedures, **§ 6:49**
 - Scope, **§ 6:42**
- Individual right, protection, **§ 6:70**
- Initial screening for need for guardianship services, **§ 6:7**
- Investigation and report by attorney, **§ 6:85**
- Judicial determination, application for, **§ 6:85**
- Legal actions, procedures for, **§ 6:15**
- Limited Guardianship, this index
- Medical status of ward, forms
 - Medication inquiry, **§ 3:28**
 - Review of medical file, **§ 3:27**
- Minors with developmental disability, **§ 6:81**
- Motion to designate guardian of person over 18 years old, **§ 6:82**
- Moving papers, contents and definitions, **§ 6:83**
- Need for guardian upon reaching majority, **§ 6:80**
- New chancery division pleading forms, **§ 3:29**
- Nonresident incompetent, **§ 3:15**
- Notice of admission of developmentally disabled person to residential functional services, **§ 6:78**
- Office of administrative law, **§ 6:73**
- Order to show cause, **§ 6:21**
- Periodic review of guardian, **§ 6:88**
- Persons covered by regulations, **§ 6:6**
- Persons over 18 years receiving services from DDD, generally, **§ 6:1 et seq.**
- Photographing individuals, **§ 6:31**
- Power of attorney
 - Generally, **§ 3:21**
 - Filing letter for, **§ 3:39**
 - Form, **§ 3:37**
- Powers of guardian
 - Minors, **§ 8:10**
- Prima facie case requirement, **§ 3:5**
- Primary and secondary evaluation services, statutory provision, **§ 6:76**
- Private licensed facilities, standards, **§ 6:69**
- Pro se litigants, **§ 3:13**
- Protective arrangements, **§ 3:16**
- Prudent investor act, **§ 16:1 et seq.**
- Public defender, appointment of, **§ 6:87**
- Public guardian, **§ 10:6, 25:1-25:5**
- Public information, **§ 6:24**
- Questioning prospective guardian suitability, procedure for, **§ 6:16**
- Records
 - Access to client and agency records, **§ 6:28, 6:36**
 - Copying fees, **§ 6:41**
 - Deceased individuals, records of, **§ 6:39**
 - Electronic, **§ 6:32**

INDEX

APPOINTMENT OF GUARDIAN OF INCOMPETENT—Cont'd

Records—Cont'd

Other entities, records created or held by, **§ 6:40**

Providers under contract with or licensed, **§ 6:34**

Public and non-public agency records, **§ 6:30**

Redaction of, **§ 6:35**

Release of client records, **§ 6:37**

Requirements for ddd client records, **§ 6:29**

Safeguarding ddd records, **§ 6:33**

Redaction, records, **§ 6:35**

Regulations, generally, **§ 6:3 et seq.**

Request for medical records, **§ 3:26**

Requests for public information, **§ 6:24**

Requirements for ddd client records, **§ 6:29**

Residential and nonresidential functional services, **§ 6:77**

Resignation of, **§ 3:20**

Review, **§ 6:18 et seq.**

Review guardianship, rights of incapacitated person to proceedings to, **§ 3:19**

Review of persons receiving guardianship services, **§ 6:85**

Rights of individuals, developmental disabilities, **§ 6:44**

Rules, **§ 6:89**

Safeguarding ddd records, **§ 6:33**

Screening for need for guardianship services, **§ 6:7**

Special review of guardianship status, **§ 6:20**

Staff review, **§ 6:18, 6:19**

Standby Guardianship Act, this index

Stephen Komninos Law, **§ 6:92**

Submissions of public information, **§ 6:24**

Subpoenas, processing, **§ 6:38**

Suitability of prospective guardian, procedure for questioning, **§ 6:16**

Summary disposition, **§ 6:85**

Temporary guardian, acceptance and power of attorney, **§ 3:38**

Termination of guardian, **§ 6:88**

Testamentary guardian, **§ 9:1 et seq.**

Trial of guardianship action

Generally, **§ 3:12**

Intervention, notice of motion to intervene and for other relief, **§ 3:30**

New trial, motion for, **§ 3:18**

Persons eligible for appointment, **§ 3:14**

Review guardianship, rights of incapacitated person to proceedings to, **§ 3:19**

Voluntary dismissal, **§ 3:17**

Vacancy in guardianship, filling, **§ 3:20**

Videotaping of individuals, **§ 6:31**

Who may be appointed guardian

Generally, **§ 3:14**

Nonresident incapacitated person, **§ 3:15**

Without court appointment and staff review, individual receiving guardianship services, **§ 6:18**

GUARDIANSHIPS AND CONSERVATORSHIPS

APPOINTMENT OF GUARDIAN OF MINOR

Generally, § 8:1 *et seq.*
Absconding parent, § 8:4
Appointment procedures, § 8:6
Armed forces, consent to enlist, § 8:8
Bond, § 8:9
Complaint, § 8:15
Deposit, investment and payment of judgment proceeds, § 8:13
Estate information sheet, § 8:18
Guardian ad litem, § 8:11
Guardian appointment for, § 8:5
Guardianship of, generally, § 8:1 *et seq.*
Information-gathering worksheet, § 8:18
Investment and payment of judgment proceeds, § 8:13
Judgment proceeds, § 8:13
Move of guardian with minor, guardian appointed in New Jersey, § 8:12
Negligence actions, appointment of guardian ad litem, § 8:11
Nonresident heirs, § 8:3
Nonresident minor, property, special guardian, § 8:17
Order for appointment, § 8:16
Persons entitled, § 8:2
Pleadings, § 8:14
Powers and duties of court and guardians, § 8:10
Procedures for appointment, § 8:6
Relocation of guardian with minor, guardian appointed in New Jersey, § 8:12
Special guardian, property of nonresident minor, § 8:17
Statute of limitations, effect of incapacity determination, § 2:3
Unnecessary appointment of guardian, § 8:5
When appointment over estate unnecessary, § 8:5
Who shall be appointed guardian, § 8:7

APPRAISALS AND APPRAISERS

Real estate, § 21:14-21:16

ARBITRATION

Nursing homes, § 27:47

ARMED FORCES OR MILITARY

Advance directives for health care, § 15:19
Children, enlistment, special guardian, § 8:8
Guardianship, enlistment, consent, § 8:8
Health care decision making, military advance directives, § 15:19
Minors, consent to enlist, § 8:8

ASSESSMENTS

Appointment of Guardian of Incompetent, this index

ASSET PLANNING

Request for approval of asset planning, § 3:31

INDEX

ASSETS

Request for approval of asset planning, **§ 3:31**

ASSETS OF ESTATE

Appointment of Guardian of Incompetent, this index

ASSISTED LIVING FACILITIES

Agreements or contracts limiting liability to sue for negligence or malpractice,
§ 27:11

ATTORNEYS

Affidavit of legal services, **§ 18:12**

Appointments, elder law, **§ 3:10**

Certification of legal services, **§ 20:6, 20:7**

Guardian and Ward, this index

Rule as to affidavit of services, **§ 18:12**

ATTORNEYS' FEES

Affidavits, guardianship proceedings, **§ 18:12**

Guardian and Ward, this index

Legal services, affidavit, **§ 18:12**

BANK ACCOUNTS

Escheated funds, identifying, **§ 18:14**

Guardian and Ward, this index

Inquiry letter

Generally, **§ 18:13**

Escheated funds, identifying, **§ 18:14**

BANK INQUIRY LETTER

Accounts and Accounting, this index

BILL OF RIGHTS FOR LGBTQI AND HIV+

Generally, **§ 34:1 et seq.**

Administrative action, **§ 34:6**

Administrators, training, **§ 34:7**

Civil penalties, **§ 34:6**

Confidentiality of certain resident information, **§ 34:5**

Definitions, residents of long-term care, **§ 34:2**

Information in resident records., **§ 34:4**

Long-term care facilities, definitions, **§ 34:2**

Prohibited actions by staff, **§ 34:3**

Resident information, confidentiality, **§ 34:5**

Resident records, information, **§ 34:4**

Residents of long-term care

Definitions, **§ 34:2**

Summary, **§ 34:1**

Rules and regulations, **§ 34:8**

Staff

Prohibited actions, **§ 34:3**

Training for, **§ 34:7**

BILL OF RIGHTS FOR LGBTQI AND HIV+—Cont'd

Summary, residents of long-term care, § 34:1

Training for administrators, § 34:7

Violations, § 34:6

BONDS

Generally, § 4:1

Accounts and accounting, closing estates, guardian and ward, actions and proceedings, § 4:6

Additional cases on bonds of fiduciaries, § 4:9

Allowance of expense to procure, § 4:5

Cancellation, guardian and ward, order, forms, § 4:13

Cases on surety bond issues, § 4:8

Unsafe or in danger of waste, § 4:10

Certification

Decrease guardians bond, § 4:11

Certification to decrease guardians bond, § 4:11

Conditions, guardian, condition of bond of, § 4:4

Conservators and conservatorship, § 5:5, 5:8

Increase in

Certification, § 5:24

Order granting, § 5:25

Increase in bond

Certification, § 5:24

Order granting, § 5:25

Decrease guardians bond, certification, § 4:11

Decreasing of

Order for, § 4:12

Deposit and withdrawal of funds, upon, § 4:7

Deposit required, § 4:6

Discharge, order for, § 4:13

Discharging of, order for, § 4:13

Guardian and Ward, this index

Increase in bond

Certification, § 5:24

Order granting, § 5:25

Order

Decreasing bond, § 4:12

Discharging bond, § 4:13

Increasing bond, § 5:25

Property is unsafe or in danger of waste, § 4:3

Separate security required, § 4:6

Surety bonds, guardian and ward, § 3:22

Testamentary guardians, § 4:2, 9:4

Unsafe or in danger of waste, cases on surety bond issues, § 4:10

**CENTRAL REGISTRY OF OFFENDERS AGAINST INDIVIDUALS WITH
DEVELOPMENTAL DISABILITIES**

Generally, § 6:90

INDEX

CERTIFICATION

Continuing Care Retirement Communities (CCRCs), this index

CHAIRPERSON

Human rights committees, § **6:52**

CHANCERY DIVISION PLEADING FORMS

Guardian and ward, § **7:3**

CHECKLISTS

Adult protective services proceedings, order granting, § **12:28**

Guardian and Ward, this index

Incapacity, functional assessment checklist, § **2:5**

CHILDREN AND MINORS

Appointment of Guardian of Minor, this index

CIVIL PENALTIES

Bill of rights for LGBTQI and HIV+, § **34:6**

CIVIL UNIONS

Same Sex Marriage, this index

CLIENT INFORMATION RECORD

Generally, § **1:9**

COMMISSION ON LEGAL AND ETHICAL PROBLEMS

Generally, § **15:16**

COMMISSIONS

Conservator, § **19:1 et seq.**

Corpus, § **19:3**

Guardians, § **19:1 et seq.**

COMPLAINTS

Appointment of conservator

Generally, § **5:4**

Notice of hearing on, § **5:7**

Verified, § **5:16**

Appointment of guardian

Generally, § **3:6**

Affidavits required, § **3:6**

Disqualification of affiant, § **3:7**

Review of, § **3:8**

Incapacity determinations

Generally, § **3:6**

Affidavits required, § **3:6**

Disqualification of affiant, § **3:7**

Review of, § **3:8**

Verified, § **3:31**

Office of the ombudsman for the institutionalized elderly, confidentiality of information, § **24:19**

Special Medical Guardians, this index

COMPLAINTS—Cont'd

Verified

- Adult protective services act, **§ 12:24**
- Conservator appointment, **§ 5:16**
- Deed rescission, **§ 21:22**
- Guardian appointment
 - Answer, **§ 3:36**
 - Special medical guardian, **§ 11:8, 11:9**
- Incapacity determinations, **§ 3:31**
- Sale of real estate, **§ 21:12**

COMPLETE RESTORATION

Return To Capacity, this index

CONFIDENTIALITY

- Family Medical Leave Act, **§ 32:17**
- Guardian and Ward, this index
- Public access to court records and administrative records, **§ 29:7**
- Resident information, bill of rights for LGBTQI and HIV+, **§ 34:5**

CONFIRMATION OF SALE

Real Estate, this index

CONFLICT OF INTEREST

Human Rights Committees, **§ 6:50**

CONSENT OR APPROVAL

- Armed forces, consent to enlist, **§ 8:8**
- Conservators and conservatorship, **§ 5:18**
- Emergency protective services for vulnerable adult refusing or unable to consent, **§ 12:9**
- Testamentary guardian, **§ 9:2**

CONSERVATORS AND CONSERVATORSHIP

Generally, **§ 1:1 et seq., 5:1 et seq.**

Acceptance, **§ 5:4, 5:6, 5:23**

Accounts and accounting, **§ 5:4, 5:11**

Action by or against fiduciary, **§ 5:3**

Actions and proceedings

Generally, **§ 5:1**

Appointments, **§ 5:3**

Attorney for conservatee, **§ 5:4, 5:5**

Certification of service, **§ 5:21**

Complaints, **§ 5:4**

Guardian ad litem appointment, **§ 5:4**

Parties to, **§ 5:2**

Renunciation for, **§ 5:17, 5:18**

Venue, **§ 5:3**

Annual report or accounting, **§ 5:11**

Appointment of Conservator, this index

Attorney for conservatee, **§ 5:4, 5:5**

INDEX

CONSERVATORS AND CONSERVATORSHIP—Cont'd

Bonds, **§ 5:6, 5:8, 5:24, 5:25**

Consent to appointment and renunciation of right to appointment, **§ 5:18**

Definitions, **§ 5:1**

Duties, **§ 5:6, 5:9**

Fees or compensation of conservator, **§ 5:8, 5:14**

Forms and procedures, **§ 1:2**

Guardian ad litem appointment, **§ 5:4**

Hearing

 Generally, **§ 5:5**

Incapacitated Adults Background Screening Policy, guardianships of, **§ 1:3**

Inventory, **§ 5:9, 5:10**

Judgment appointing conservator, **§ 5:22**

Limitations, **§ 5:9**

Management of conservatee's property, **§ 5:9, 5:11**

Order to show cause, new chancery division pleading forms

 Generally, **§ 5:15**

Order to show cause for appointment of conservator, **§ 5:4**

Power of attorney, **§ 5:6, 5:23**

Powers of conservator, **§ 5:6, 5:9, 5:11**

Pro bono policy, **§ 1:4**

Renunciation of appointment, **§ 5:17, 5:18**

Service of process

 Generally, **§ 5:7**

 Certification, **§ 5:21**

 Limitations, **§ 5:9**

Settlement of conservator's account, **§ 5:6, 5:9**

Substituted conservators, **§ 5:13**

Termination, **§ 5:12**

Trustee, action for, **§ 5:3**

Venue, action for appointment, **§ 5:3**

Verified complaint, **§ 5:4, 5:16**

CONTINUING CARE RETIREMENT COMMUNITIES (CCRCS)

Generally, **§ 28:1 et seq.**

Advertising standards, **§ 28:36, 28:37, 28:52**

Amendment

 Application for certification, **§ 28:23, 28:24**

 Disclosure statement, **§ 28:31, 28:32**

Annual disclosure statement, **§ 28:35**

Annual report, **§ 28:18**

Applicability of rules, **§ 28:7**

Application

 Generally, **§ 28:51**

 Fees, **§ 28:40**

Application

 Certification. Application for certification, below

 Statement. Disclosure statement, below

CONTINUING CARE RETIREMENT COMMUNITIES (CCRCS)—Cont'd

- Application for certification
 - Generally, § 28:9 *et seq.*
 - Amendment of, § 28:23, 28:24
 - Contents of, § 28:21
 - Copies of, § 28:26
 - Form of, § 28:22
 - Public inspection of, § 28:25
 - Requests for amendment, § 28:23, 28:24
 - Review of requests for amendment, § 28:24
- Application for certification
 - Disclosure statement, below
- Assistance by provider, § 28:34
- Authority, issuance of certificate of, § 28:4
- Automatic certification, § 28:15
- Bankruptcy or insolvency of provider, § 28:48
- Cancellation of continuing care agreement, § 28:59
- Cases, § 28:62
- Cease and desist orders, § 28:17
- Certificate of authority, dca determination for issuance of, § 28:4
- Certification
 - Automatic certification, § 28:15
 - Order of, § 28:11
 - Period of validity of, § 28:56
 - Petition for reconsideration, § 28:14
 - Rejection, order of, § 28:13
 - Requirement, § 28:6
 - Revocation, order of, § 28:16
- Certification
 - Application for certification, above
- Collateral of provider, § 28:47
- Consolidated filing, § 28:19
- Contents of application for certification, § 28:21
- Contents of notice of rights, § 28:58
- Copies of application for certification, § 28:26
- Correction, notice of, § 28:12
- Cyclical inspections, § 28:20
- Definitions, § 28:1, 28:5
- Department's lien, § 28:45
- Deposits and application fees, § 28:40
- Disclosure statement
 - Generally, § 28:27
 - Amendment of, § 28:31, 28:32
 - Annual disclosure statement, § 28:35
 - Contents of, § 28:28
 - Filing of, § 28:30
 - Form of, § 28:29

INDEX

CONTINUING CARE RETIREMENT COMMUNITIES (CCRCS)—Cont'd

Disclosure statement—Cont'd

Request for amendments, § **28:31, 28:32**

Requirement, § **28:27**

Review of request for amendments, § **28:32**

Use of, § **28:33**

Effective period, § **28:54**

Escrow requirements, § **28:46**

Fees, application, § **28:9, 28:40**

Filing

Consolidated, § **28:19**

Disclosure statement, § **28:30**

Notice of, § **28:10**

Financial matters

Bankruptcy or insolvency of provider, § **28:48**

Collateral of provider, § **28:47**

Department's lien, § **28:45**

Deposits and application fees, § **28:40**

Escrow requirements, § **28:46**

Liquid reserves, § **28:43**

Responsibility, § **28:44**

Financial responsibility, § **28:44**

General standards, § **28:36, 28:38**

Initial occupancy, § **28:49**

Injunctions, § **28:17**

Inspection, public inspection of application for certification, § **28:25**

Inspections, cyclical inspections, § **28:20**

Letter of nonapplicability, § **28:8**

Lien, financial, § **28:45**

Liquid reserves, § **28:43**

Nonapplicability of rules, § **28:7, 28:8**

Notice

Generally, § **28:55**

Correction, § **28:12**

Filing, certification, § **28:10**

Rescission, § **28:39**

Notice of rights

Contents of, § **28:58**

Provision of, § **28:57**

Occupancy, initial, § **28:49**

Orders

Certification, § **28:11**

Rejection, § **28:13**

Revocation, § **28:16**

Period of validity of certification, § **28:56**

Petition for reconsideration, § **28:14**

Provider's collateral, § **28:47**

CONTINUING CARE RETIREMENT COMMUNITIES (CCRCS)—Cont'd

- Provision of notice of rights, **§ 28:57**
- Provisions required, **§ 28:41**
- Public inspection of application for certification, **§ 28:25**
- Purpose of regulations, **§ 28:3**
- Reassignment
 - Resident, **§ 28:60**
 - Reconsideration, petition for, **§ 28:14**
 - Regulations, generally, **§ 28:2**
 - Rejection, order of, **§ 28:13**
 - Removal, rescission and, **§ 28:42**
 - Report, annual, **§ 28:18**
 - Required provisions, **§ 28:41**
 - Rescission and removal, **§ 28:39, 28:42**
 - Reservation form, **§ 28:53**
 - Reserves, liquid, **§ 28:43**
 - Resident
 - Notice, **§ 28:61**
 - Reassignment, **§ 28:60**
 - Transfer, **§ 28:60**
 - Responsibility, financial, **§ 28:44**
 - Review of request for amendments
 - Application for certification, **§ 28:24**
 - Disclosure statement, **§ 28:32**
 - Revocation, order of, **§ 28:16**
 - Scope, **§ 28:50**
 - Specific advertising standards, **§ 28:37**
 - Standards
 - Generally, **§ 28:38**
 - Advertising, **§ 28:36, 28:37, 28:52**
 - Statement. Disclosure statement, above
 - Submission of application for certification, **§ 28:9**
 - Transfer
 - Resident, **§ 28:60**
 - Validity of certification, period of, **§ 28:56**

CONTINUING GUARANTY

- Incapacity, effect of, **§ 2:3**

COOPERATION

- National probate court standards for interstate guardianships, communication and cooperation between courts, **§ 22:2**

CORONAVIRUS

- Generally, **§ 1:6**
- Health care decision making, **§ 15:31**

CORPUS COMMISSIONS

- Fiduciary Commissions, this index

INDEX

COSTS AND EXPENSES

Bonds, allowance of expense to procure, **§ 4:5**

Real estate sales, **§ 21:7**

COURT APPOINTMENT OF GUARDIAN

Appointment of Guardian of Incompetent, this index

COURT FUND

Attorneys' fees paid from, **§ 20:3**

COVID-19

Generally, **§ 1:6**

Health care decision making, **§ 15:31**

CRIMINAL ACTIVITY

Adult protective services, reporting criminal activity of caregiver, **§ 12:15**

DAY HEALTH FACILITIES

Ombudsman for the institutionalized elderly office, licensure of adult and pediatric day health facilities, **§ 24:28**

DEATH AND DEATH ACTIONS

Incapacitated persons property distributed as intestate property, **§ 2:4**

Real estate sale within one year of decedent's death, **§ 21:5**

DEATH OF WARD

Guardian and Ward, this index

DEEDS AND CONVEYANCES

Guardian and Ward, this index

Rescission

Order to show cause, **§ 21:21**

Verified complaint for, **§ 21:22**

DEFINITIONS

Administrative court records, **§ 29:4**

Adult protective services act, **§ 12:3**

Appointment of guardian of incompetent, **§ 6:5**

Conservators and conservatorship, **§ 5:1**

Conservatorship, **§ 5:1**

Continuing Care Retirement Communities, **§ 28:1**

Court records, **§ 29:2**

Family Medical Leave Act, **§ 32:3**

Human Rights Committees, **§ 6:43**

Incapacity, **§ 2:1, 2:2**

Moving papers, **§ 6:83**

New Jersey Uniform Trust Code, **§ 33:3**

Nursing homes, **§ 27:3**

Ombudsman for the institutionalized elderly, **§ 24:6**

Residents of long-term care, bill of rights for LGBTQI and HIV+, **§ 34:2**

Standby guardianship act, **§ 13:8**

Terminology referring to mental capacity, amendments, **§ 30:1, 30:3**

GUARDIANSHIPS AND CONSERVATORSHIPS

DEFINITIONS—Cont'd

Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, § **22:5**

DEPARTMENT OF HEALTH,

Reporting, Medical Aid in Dying for the Terminally Ill Act, § **30:13**

DEPARTMENT OF HUMAN SERVICES AUTHORITY

Appointment of Guardian of Incompetent, this index

DETERMINATION OF

Incapacity, this index

DEVELOPMENTAL DISABILITIES

Guardian and ward, appointment, persons receiving services, § **6:1 et seq.**

DEVELOPMENTAL DISABILITIES DIVISION

Limited Guardianship, this index

DEVELOPMENTALLY DISABLED RIGHTS ACT

Appointment of guardian of incompetent, § **6:93**

DIGITAL ASSETS

Uniform Fiduciary Access to Digital Assets Act, this index

DISCLOSURE STATEMENT

Continuing Care Retirement Communities (CCRCs), this index

DISCRIMINATION

Ombudsman for the institutionalized elderly, office of, § **24:20**

DISPUTE RESOLUTION

Alternative, conference and fair hearing, § **6:72**

Health care decision making, § **15:4**

Human Rights Committee, § **6:51**

DISQUALIFICATION OF AFFIANT

Determination of incapacity, § **3:7**

DIVISION OF DEVELOPMENTAL DISABILITIES

Appointment of guardian for person over 18 years. Appointment of Guardian of Incompetent, this index

How to apply for guardianship for beneficiary, § **6:91**

Limited guardianships, appointment for persons eligible for or receiving benefits from, § **7:2**

DIVORCE

Incapacitated spouse, § **2:2**

DOMESTIC VIOLENCE

Office of ombudsman for the institutionalized elderly, domestic crisis teams training programs, § **24:27**

DO NOT HOSPITALIZE ORDERS

Generally, § **15:18**

INDEX

DO NOT RESUSCITATE ORDERS

Generally, § 15:18

DRIVING

Partial restoration to capacity from guardianship, § 17:7

DURABLE POWER OF ATTORNEY

Generally, § 23:1 et seq.

Advance directive-related clauses, § 15:21

Benefits of, § 23:1

Capacity to sign a power of attorney, § 23:4

Co-agents, § 23:10

Digital assets, § 23:8, 23:9

Durable Power of Attorney Act, summary, § 23:1

General durable power of attorney, sample form, § 23:6

Provision for digital assets, § 23:9

Requirements, § 23:2

Revised durable power of attorney act, § 23:3

Sample, healthcare, § 15:20

Springing general power of attorney, § 23:7

Trust authority, § 23:11

DURESS

New Jersey Uniform Trust Code, § 33:23

ELDER LAW

COVID-19, § 1:6

Judiciary Working Group, recommendations of, § 1:5

Personal data sheet

Generally, § 1:10, 1:11

Recommendations of Judiciary Working Group, elder justice, § 1:5

Supreme Court, written comments, § 1:5

ELDER LAW PERSONAL DATA SHEET

Generally, § 1:10, 1:11

Married, § 1:11

Single, § 1:10

EMERGENCY ADULT PROTECTIVE SERVICES

Generally, § 12:9

ENFORCEMENT

Nursing Homes, this index

ESCHEAT

Identification of escheated funds, § 18:14

ESTATE INFORMATION SHEET

Guardian and Ward, this index

ESTATE INFORMATION SHEET, GUARDIANSHIP

Evaluations, § 3:24

Minors, § 8:18

GUARDIANSHIPS AND CONSERVATORSHIPS

ESTATES

Guardian and Ward, this index
Information sheet for evaluating, **§ 3:24**
Receiver appointed to preserve, **§ 3:16**
Veterans', **§ 10:5**

ETHICAL STANDARDS

Appointment of Guardian of Incompetent, this index

ETHICS

Guardian and Ward, this index

ETHICS IN GUARDIANSHIP AND CONSERVATORSHIP

Generally, **§ 14:1 et seq.**
ACTEC commentaries, **§ 14:8**
American Bar Association model rules of professional conduct, **§ 14:4**
Commission on legal and ethical problems, **§ 15:16**
Guardianship forms, **§ 14:3**
National academy of elder law attorneys aspirational standards, **§ 14:7**
National guardianship associations ethics and standards for guardians, **§ 14:9**
New Jersey
Guardianship monitoring program, **§ 14:6**
Rules of professional conduct, **§ 14:5**
Statutory duties and responsibilities of the court and guardians, **§ 14:2**

EVIDENCE

Incapacity determination, **§ 2:3, 3:5**

FAMILY MEDICAL LEAVE ACT

Generally, **§ 32:1 et seq.**
Attorney fees, **§ 32:12**
Cases, **§ 32:18**
Certification, **§ 32:17**
Confidentiality, **§ 32:17**
Definitions, **§ 32:3**
Display of notice, **§ 32:6**
Documentation, **§ 32:17**
Domestic violence victims, **§ 32:17**
Initiation of suit, **§ 32:11**
Legislative, purpose and finding, **§ 32:2**
Notice, leave, **§ 32:17**
Paid leave, use, **§ 32:17**
Punitive damages, **§ 32:11**
Reduced leave schedule, **§ 32:5**
Reduction in benefits prohibited, **§ 32:17**
Reduction of benefits, **§ 32:14**
Report of actual and potential costs, **§ 32:15**
Restoration of position on expiration of leave, **§ 32:7**
Right of employee after advance notice, **§ 32:4**
Rules and regulations, **§ 32:16**

INDEX

FAMILY MEDICAL LEAVE ACT—Cont'd

- Sexual violence victims, § **32:17**
- Temporary Disability Benefits Law, rights, § **32:13**
- Unpaid leave, domestic or sexual violence
 - Family members, § **32:17**
 - Victims, § **32:17**
- Violation of rights, § **32:10**

FEES

- Conservatorship appointment, § **5:8, 5:14**
- Court fund, attorneys' fees paid from, § **20:3**
- Guardian and Ward, this index
- Public access to court records and administrative records, § **29:9**
- Veterans, guardianship of, § **10:3**

FETUS

- Guardian ad litem, appointment, § **2:3**

FIDUCIARIES

- Bonds, additional cases, § **4:9**
- Multiple, prudent investor act, § **16:7**
- Prudent investor act, § **16:1 et seq.**

FIDUCIARY COMMISSIONS

- Generally, § **18:10, 19:1 et seq.**
- Additional
 - Allowance for, § **19:5**
 - Caregiver's certification, § **19:9**
 - Guardian certification, § **19:9**
 - Guardian's certification, § **19:8**
 - Order granting, § **19:10**
- Apportionment, § **18:11**
- Commission statement, § **19:7**
- Corpus commissions
 - Generally, § **19:3**
 - Additional allowance for extra services, § **19:5, 19:8-19:10**
 - Final distribution, § **19:4**
 - Income, § **19:2**
- Final distribution, § **19:4**
- Income commission, § **19:2**
- Statement of commission, § **19:7**
- Time to take, § **19:6**

FILING

- Continuing Care Retirement Communities (CCRCs), this index

FINAL ACCOUNTING

- Accounts and Accounting, this index

FINANCIAL DOCUMENTS

- Endorsements, effect of incapacity, § **2:3**

FINANCIAL MATTERS

Continuing Care Retirement Communities (CCRCs), this index

FIRST INTERIM ACCOUNTING

Accounts and Accounting, this index

GUARANTY

Incapacity, effect on continuing guaranty, **§ 2:3**

GUARDIAN AD LITEM

Generally, **§ 3:11**

Accounting report, **§ 18:6**

Conservatorship action, **§ 5:4**

Fees, **§ 20:9**

Medical guardianship, **§ 11:2**

Minors, negligence actions, appointment of guardian ad litem, **§ 8:11**

GUARDIAN AND WARD

Generally, **§ 1:1 et seq.**

Abortion

Incapacity determination, effect on abortion issues, **§ 2:3**

Restoration to capacity, reproduction issues, **§ 17:6**

Accounts and Accounting, this index

Affidavits

Accountant's services, of, **§ 18:9**

Adult protective services proceedings, **§ 12:26**

Attorney's services, of, **§ 18:12**

Conservator appointment, **§ 5:19**

Disqualification of affiant, **§ 3:7**

Guardian appointment, **§ 3:6, 5:4**

Guardianship form, **§ 3:6, 5:4**

Incapacity determinations, **§ 3:6, 3:33**

Medical guardianship

Affidavits accompanying complaint, **§ 11:3**

Affidavits reporting outcome of special medical guardianship procedure, **§ 11:4**

Real estate appraisals, **§ 21:14-21:16**

Appeals, **§ 3:23**

Appearance

Medical guardianship hearing, **§ 11:3**

Appointment

Generally, **§ 3:1 et seq.**

Acceptance, **§ 3:21, 3:37**

Appeals, **§ 3:23**

Assets of estate

Information sheet, **§ 3:24, 3:25**

Receiver or injunction to preserve estate, **§ 3:16**

Attorneys for alleged incapacitated person

Generally, **§ 3:10**

Conservatee, for, **§ 5:4**

INDEX

GUARDIAN AND WARD—Cont'd

- Appointment—Cont'd
 - Attorneys for alleged incapacitated person—Cont'd
 - Guardian ad litem, § 3:11
 - Medical guardianship, § 11:3
- Complaint
 - Generally, § 3:6
 - Affidavits required, § 3:6, 5:4
 - Answer and cross-claim, § 3:36
 - Disqualification of affiant, § 3:7
 - Review of, § 3:8
- Conservatorships
 - Acceptance of office, § 5:23
 - Action for, § 5:1
 - Affidavits
 - Real and personal property, § 5:19
 - Consent, § 5:18
 - Hearing
 - Generally, § 5:5
 - Judgment, § 5:22
 - Limitations, § 5:9
 - Power of attorney, § 5:23
 - Prudent investor act, § 16:1 et seq.
 - Renunciation
 - Generally, § 5:17
 - Consent, § 5:18
 - Verified complaint, § 5:16
 - Court rules, § 3:1
 - Do not hospitalize orders, § 15:18
 - Do not resuscitate orders, § 15:18
 - Duties of guardian, § 3:21
 - Filing letter for acceptance and power of attorney, § 3:39
 - Limited guardianship, medical guardianship, § 11:3
 - Medical status of ward, forms
 - Medication inquiry, § 3:28
 - Review of medical file, § 3:27
 - Nonresident incapacitated person, § 3:15
 - Order to show cause, new chancery division pleading forms
 - Generally, § 3:29
 - Power of attorney
 - Generally, § 3:21
 - Filing letter for, § 3:39
 - Form, § 3:37
 - Powers of guardian
 - Minors, § 8:10
 - Prima facie case requirement, § 3:5
 - Prudent investor act, § 16:1 et seq.
 - Public guardian, § 10:6, 25:1-25:5

GUARDIAN AND WARD—Cont'd

- Appointment—Cont'd
 - Receiver to preserve estate, **§ 3:16**
 - Resignation of, **§ 3:20**
 - Review guardianship, rights of incapacitated person to proceedings to, **§ 3:19**
 - Statutes, **§ 3:2**
 - Temporary guardian
 - Acceptance and power of attorney, **§ 3:38**
 - Trial of guardianship action
 - Generally, **§ 3:12**
 - Intervention
 - Notice of motion to intervene and for other relief, **§ 3:30**
 - New trial, motion for, **§ 3:18**
 - Persons eligible for appointment, **§ 3:14**
 - Review guardianship, rights of incapacitated person to proceedings to, **§ 3:19**
 - Voluntary dismissal, **§ 3:17**
 - Vacancy in guardianship
 - Filling, **§ 3:20**
 - Who may be appointed guardian
 - Generally, **§ 3:14**
 - Nonresident incapacitated person, **§ 3:15**
 - Receiver to preserve estate, **§ 3:16**
 - Appointment
 - Limited Guardianship, this index
 - Appointment of Guardian of Incompetent, this index
 - Appraisals and appraisers
 - Real estate, **§ 21:14-21:16**
 - Armed forces or military
 - Advance directives for health care, **§ 15:19**
 - Enlistment, minors, consent to enlist, **§ 8:8**
 - Asset planning, request for approval of, **§ 3:31**
 - Attorneys
 - Appointment, **§ 3:10**
 - Legal services
 - Affidavit, **§ 18:12**
 - Certification, **§ 20:6, 20:7**
 - Attorneys' fees
 - Generally, **§ 20:1**
 - Affidavit of attorney's services, **§ 18:12**
 - Allowance of, **§ 20:2**
 - Certification, **§ 20:6, 20:7**
 - Court funds, **§ 20:3**
 - Guardianship hearings, incompetent persons, **§ 20:1 et seq.**
 - Legal services, affidavit, **§ 18:12**
 - Orders
 - Allowances, **§ 20:2**
 - Court-appointed attorney, **§ 20:8**

INDEX

GUARDIAN AND WARD—Cont'd

- Attorneys' fees—Cont'd
- Orders—Cont'd
 - Court fund, from, **§ 20:3**
 - Granting payment of, **§ 20:3, 20:8**
- Retainer, **§ 20:5**
- Bank accounts
 - Escheated funds, identifying, **§ 18:14**
 - Inquiry letter
 - Generally, **§ 18:13**
 - Escheated funds, identifying, **§ 18:14**
- Bonds
 - Generally, **§ 4:1**
 - Accounting required, **§ 4:6**
 - Allowance of expense to procure, **§ 4:5**
 - Conditions, **§ 4:4**
 - Conservators and conservatorship
 - Generally, **§ 5:5, 5:8**
 - Increase in
 - Certification, **§ 5:24**
 - Order granting, **§ 5:25**
 - Decreasing of
 - Order for, **§ 4:12**
 - Deposit and withdrawal of funds, upon, **§ 4:7**
 - Deposit required, **§ 4:6**
 - Discharging of, order for, **§ 4:13**
 - Order
 - Decreasing bond, **§ 4:12**
 - Discharging bond, **§ 4:13**
 - Increasing bond, **§ 5:25**
 - Property is unsafe or in danger of waste, **§ 4:3**
 - Separate security required, **§ 4:6**
 - Surety bonds, **§ 3:22**
 - Testamentary guardians, **§ 9:4**
- Burden of proof, incapacity, **§ 2:3**
- Checklists
 - Adult protective services proceedings, order granting, **§ 12:28**
 - Incapacity, functional assessment checklist, **§ 2:5**
- Client financial information, **§ 1:13**
- Client information record, **§ 1:9**
- Commission on legal and ethical problems, **§ 15:16**
- Compensation to guardian pendent lite, **§ 20:11**
- Complaint, guardianship of minors, **§ 8:15**
- Complaints
 - Appointment of conservator
 - Generally, **§ 5:4**
 - Verified, **§ 5:16**

GUARDIAN AND WARD—Cont'd

Complaints—Cont'd

 Appointment of guardian

 Generally, **§ 3:6**

 Affidavits required, **§ 3:6**

 Review of, **§ 3:8**

 Incapacity determinations

 Generally, **§ 3:6**

 Affidavits required, **§ 3:6**

 Court rules, **§ 3:8**

 Review of, **§ 3:8**

 Verified, **§ 3:31**

 Office of the ombudsman for the institutionalized elderly, confidentiality of information, **§ 24:19**

Confidentiality

 Adult protective services records, **§ 12:16**

 Developmental disabilities, **§ 6:28, 6:35**

 Ombudsman for the institutionalized elderly, **§ 24:19**

Consent

 Armed forces, consent to enlist, **§ 8:8**

 Conservators and conservatorship, **§ 5:18**

 Emergency protective services for vulnerable adult refusing or unable to consent, **§ 12:9**

 Testamentary guardian, **§ 9:1, 9:2**

Continuing Care Retirement Communities (CCRC), this index

Continuing guaranty, effect of incapacity, **§ 2:3**

Cooperation, national probate court standards for interstate guardianships, communication and cooperation between courts, **§ 22:2**

Court fund, attorneys' fees paid from, **§ 20:3**

Criminal activity, adult protective services, reporting criminal activity of caregiver, **§ 12:15**

Death of ward

 Incapacitated persons property distributed as intestate property, **§ 2:4**

 Real estate sale within one year of decedent's death, **§ 21:5**

Deeds and conveyances, rescission

 Order to show cause, **§ 21:21**

 Verified complaint for, **§ 21:22**

Definitions

 Adult protective services act, **§ 12:3**

 Conservatorship, **§ 5:1**

 Incapacity, **§ 2:1, 2:2**

 Ombudsman for the institutionalized elderly, **§ 24:6**

 Standby guardianship act, **§ 13:8**

Developmental Disabilities Division. Appointment of Guardian of Incompetent, this index

Discriminatory action, ombudsman for the institutionalized elderly, office of, **§ 24:20**

INDEX

GUARDIAN AND WARD—Cont'd

- Division of Developmental Disabilities, Appointment of Guardian of Incompetent, this index
- Divorce, incapacitated spouse, § 2:2
- Domestic violence, office of ombudsman for the institutionalized elderly, domestic crisis teams training programs, § 24:27
- Do not hospitalize orders, § 15:18
- Do not resuscitate orders, § 15:18
- Driving, partial restoration to capacity from guardianship, § 17:7
- Duties of guardian, § 3:21
- Emergency adult protective services, § 12:9
- Escheated funds, identification of, § 18:14
- Estate information sheet
 - Evaluations, § 3:24
 - Minors, § 8:18
- Estates
 - Information sheet for evaluating, § 3:24
 - Receiver appointed to preserve, § 3:16
 - Veterans', § 10:5
- Ethics
 - Commission on legal and ethical problems, § 15:16
- Evidence, incapacity determination, § 2:3, 3:5
- Federal rules, § 3:3
- Fees
 - Bonds, allowance of expense to procure, § 4:5
 - Cases, other jurisdictions, § 20:4
 - Conservatorship appointment, § 5:8, 5:14
 - Court fund, attorneys' fees paid from, § 20:3
 - Guardian ad litem, § 20:9
 - Real estate sales, § 21:7
 - Veterans, guardianship of, § 10:3
- Fees
 - Attorneys' fees, above
- Fetus, guardian ad litem appointment, § 2:3
- Fiduciaries, prudent investor rule, § 16:1 *et seq.*
- Financial documents, endorsements, effect of incapacity, § 2:3
- Guaranty, incapacity's effect on continuing guaranty, § 2:3
- Guardian Inventory, § 3:42
- Hospital discharge planning, § 2:3
- Incapacitated Adults Background Screening Policy, guardianships of, § 1:3
- Incapacitated person, summary of procedures
 - Definition and determination, generally, § 2:1 *et seq.*
 - Distribution of property as intestate property, § 2:4
 - Forms and procedures, § 1:2
- Incapacity, functional assessment, § 2:5
- Injunctions
 - Guardian injunction to preserve estate, § 3:16
 - Preserving incapacitated person's estate, § 3:16

GUARDIAN AND WARD—Cont'd

- Inmates, medical guardianship, **§ 11:11**
- Intake form, **§ 1:12**
- Internal ethical review, **§ 1:16**
- Interstate and international guardianships
 - Jurisdiction, **§ 22:1**
 - National probate court standards for interstate guardianships, communication and cooperation between courts, **§ 22:2**
 - Intervention, motion to intervene
 - Notice of, **§ 3:30**
 - Intestate decedent, incapacitated persons property distributed as intestate property, **§ 2:4**
 - Inventory
 - Conservatorship, **§ 5:10**
 - Medical guardianship, **§ 11:3**
 - Investor, prudent investor act, **§ 16:1 et seq.**
 - Judgments and decrees
 - Accounts and accounting, approving
 - Final accounting, **§ 18:23**
 - First interim accounting, **§ 18:22, 18:23**
 - Appointment of conservator, **§ 5:22**
 - Conservatorship judgment, **§ 5:22**
 - Medical guardianship, judgment appointing temporary special medical guardian
 - Form, **§ 11:10**
 - Procedure, **§ 11:3**
 - Minors, guardianship of, investment and payment of judgment proceeds, **§ 8:13**
 - Testamentary guardian, judgment confirming appointment under will, **§ 9:2**
 - Jurisdiction
 - Incapacity determinations, **§ 2:3, 3:4**
 - Interstate and international guardianships, **§ 22:1**
 - Standby guardianship act, **§ 13:2, 13:9**
 - Testamentary guardian, **§ 9:1**
 - Kinship guardianship act, **§ 13:14**
 - Kinship legal guardian, forms for application, **§ 13:6**
 - Limited Guardianship, this index
 - Local government cooperation and consolidation, interstate guardianships, **§ 22:2**
 - Long term care planning questionnaire
 - Married, **§ 1:15**
 - Single, **§ 1:14**
 - Marriage
 - Necessity of capacity, **§ 2:3**
 - Restoration to capacity, **§ 17:2**
 - Medical condition or care, diagnosis and treatment, incapacitated parent, decision making regarding, **§ 2:2**
 - Medical Guardians. Special Medical Guardians, this index

INDEX

GUARDIAN AND WARD—Cont'd

- Medical malpractice, incapacity, effect on filing claim, **§ 2:3**
- Medications, incapacity determination, medications used inquiry, **§ 3:28**
- Military
 - Advance directives for health care, **§ 15:19**
 - Minors, consent to enlist, **§ 8:8**
- Mortgages, incapacity determination, effect of, **§ 2:3**
- Motion to intervene
 - Notice of, **§ 3:30**
- New chancery division pleading forms, **§ 3:29**
- Notice to the bar, guardianships of incapacitated
 - Adults, **§ 3:44**
- Order for appointment, guardianship of minors, **§ 8:16**
- Partial restoration from guardianship
 - Driving, **§ 17:7**
 - Marriage, **§ 17:2**
 - Reproduction issues, **§ 17:6**
 - Voting, **§ 17:5**
- Physicians and surgeons
 - Health care decision making
 - Immunity for, **§ 15:10**
 - Rights and responsibilities, **§ 15:2**
- Pleading forms, chancery division, **§ 3:29**
- Pleadings, guardianship of minors, **§ 8:14**
- Power of attorney, temporary, **§ 3:36**
- Prisoners, medical guardianship, **§ 11:11**
- Pro bono policy, **§ 1:4**
- Procedures, generally, **§ 3:1 et seq.**
- Pro se litigants, **§ 3:13**
- Psychiatric hospital patients, voting rights, **§ 2:3**
- Public Guardians, this index
- Questionnaires, determining guardian, **§ 3:25**
- Real estate
 - Affidavits regarding appraisal, **§ 21:14-21:16**
 - Appraiser
 - Affidavit of appraiser in action for approval of sale, **§ 21:14**
 - Affidavit of state certified appraiser preparing report, **§ 21:16**
 - Affidavit of state certified appraiser supervising appraisal, **§ 21:15**
 - Confirmation of sale of
 - Generally, **§ 21:5**
 - Certification for motion for approval of contract for sale and, **§ 21:13**
 - Certification in support of motion for, **§ 21:19**
 - Notice of application for, **§ 21:5**
 - Notice of motion for, **§ 21:18**
 - Notice of motion for approval of contract for sale and, **§ 21:11**
 - Objections to, **§ 21:5**
 - Order confirming, **§ 21:5**

GUARDIAN AND WARD—Cont'd

Real estate—Cont'd

Confirmation of sale of—Cont'd

Order for, **§ 21:20**

Verified complaint in action for approval of contract for sale and, **§ 21:12**

Incapacity determination, effect of, **§ 2:3**

Sale of

Generally, **§ 21:1 et seq.**

Action for, generally, **§ 21:1 et seq.**

Affidavit of appraiser in action for approval of sale, **§ 21:14**

Affidavit of state certified appraiser preparing report, **§ 21:16**

Affidavit of state certified appraiser supervising appraisal, **§ 21:15**

Bond, **§ 21:4**

Certification for motion for approval of contract for sale and confirmation of sale, **§ 21:13**

Certification in support of motion for confirmation of sale, **§ 21:19**

Costs and expenses of proceedings for, **§ 21:7**

Notice of application for confirmation of, **§ 21:5**

Notice of motion for approval of contract for sale and confirmation of sale, **§ 21:11**

Notice of motion for confirmation of sale, **§ 21:18**

Objections to confirmation of, **§ 21:5**

Within one year of decedent's death, **§ 21:5**

Order approving sale, **§ 21:17**

Order confirming, **§ 21:5**

Order for confirmation of sale, **§ 21:20**

Order granting, **§ 21:3**

Order to show cause, **§ 21:9, 21:10, 21:21**

Pleadings, generally, **§ 21:2 et seq.**

Report of, **§ 21:5**

Report of appraiser, affidavit of state certified appraiser preparing report, **§ 21:16**

Rescission of deed

Order to show cause for, **§ 21:21**

Verified complaint for, **§ 21:22**

Verified complaint for rescission of deed, **§ 21:22**

Verified complaint in action for approval of contract for sale and confirmation of sale, **§ 21:12**

Receivers, appointment of, **§ 3:16**

Records

Client information record, **§ 1:9**

Records request form, surrogates judiciary records, **§ 3:43**

Registered guardianship act, **§ 26:1 et seq.**

Registry

Adult protective services, registry for information about abuse, neglect, or exploitation of vulnerable adult, **§ 12:17**

Ombudsman for the institutionalized elderly, registry of reports, **§ 24:23**

Registered guardianship act, **§ 26:1 et seq.**

INDEX

GUARDIAN AND WARD—Cont'd

- Reporting
 - Forms, guardianship reporting, **§ 3:40**
 - Well-being
 - Report of, **§ 3:41**
- Retention
 - Counsel for guardian pendent lite, **§ 20:11**
 - Private counsel, **§ 20:10**
- Retirement benefits, incapacity determination, effect of, **§ 2:3**
- Return to capacity
 - Generally, **§ 2:4, 17:1 et seq.**
 - Complete restoration from
 - Conservatorship, **§ 17:4**
 - Guardianship, **§ 17:3**
- Driving, **§ 17:7**
- Evaluation for complete restoration from
 - Conservatorship, **§ 17:4**
 - Guardianship, **§ 17:3**
- Marriage, **§ 17:2**
- Reproduction issues, **§ 17:6**
- Voting, **§ 17:5**
- Review guardianship, rights of incapacitated person to proceedings to, **§ 3:19**
- Special Medical Guardians, this index
- Standby Guardianship Act, this index
- Statute of limitations, incapacity, effect of, **§ 2:3**
- Sterilization
 - Medical guardianship matter, **§ 11:1**
 - Restoration to capacity, reproduction issues, **§ 17:6**
- Substituted conservators, generally, **§ 5:13**
- Substituted Guardian, this index
- Supportive decision-making, **§ 2:8**
- Tax returns, income tax return execution, incapacitated spouse, **§ 2:2**
- Temporary Guardians, this index
- Tenants, incapacity, effect of, **§ 2:3**
- Terminally ill, health care decision making, **§ 15:26**
- Termination
 - Conservator, **§ 5:12**
- Testamentary Guardians, this index
- Uniform Veterans Guardianship Law, this index
- Vacancy
 - Filling, **§ 3:20**
 - Substituted conservators, **§ 5:13**
- Venue
 - Conservatorship, **§ 5:3**
 - Incapacity determination, **§ 3:4**
 - Medical guardianship, **§ 11:1, 11:3**
 - Standby guardianship act, **§ 13:9**

GUARDIAN AND WARD—Cont'd

- Verification of complaint
 - Adult protective services act, **§ 12:24**
 - Conservatorship, **§ 5:4, 5:16**
 - Deed rescission, **§ 21:22**
 - Guardian appointment
 - Answer, **§ 3:36**
 - Special medical guardian, **§ 11:8, 11:9**
 - Incapacity determination
 - Generally, **§ 3:31**
 - Answer, **§ 3:36**
 - Medical guardianship, **§ 11:8, 11:9**
 - Sale of real estate, **§ 21:12, 21:22**
 - Special medical guardian, **§ 11:8**
- Veterans, this index
- Voting
 - Partial restoration to capacity from guardianship, **§ 17:5**
 - Psychiatric hospital patients, right of, **§ 2:3**
- Vouchers, allowances claimed, in support of, **§ 18:4**
- Wills, incapacity, effect of, **§ 2:3**

GUARDIAN PENDENT LITE

- Compensation to guardian and counsel, **§ 20:11**

HEALTH CARE DECISION-MAKING

- Generally, **§ 15:1 et seq.**
- Advanced Directives, this index
- Alternative clauses for advance directives, **§ 15:21**
- Commission on legal and ethical problems pamphlet regarding, **§ 15:16**
- COVID-19, **§ 15:31**
- Directives. Health Care Directives, this index
- Dispute resolution, **§ 15:4**
- Division of medical assistance and health services, advance directive rules, **§ 15:22**
- Do not hospitalize orders, **§ 15:18**
- Do not resuscitate orders, **§ 15:6, 15:18**
- Foregoing life-sustaining treatment, **§ 15:5**
- Form, Psychiatric Advance Directive, **§ 15:29**
- Health care institutions not governed by this act, **§ 15:8**
- Health care institution's rights and responsibilities, **§ 15:3**
- Health care instruction directive, **§ 15:17**
- Health care professional
 - Immunity for, **§ 15:10**
 - Rights and responsibilities, **§ 15:2**
- Immunities granted by NJ advance directives for health care act, **§ 15:10**
- Institutional and regional reviewing bodies, **§ 15:7**
- Life-sustaining treatment, foregoing, **§ 15:5**
- Long term care facilities guidelines for DNR and DNH orders, **§ 15:18**
- Mental health advance directive, **§ 15:28**

INDEX

HEALTH CARE DECISION-MAKING—Cont'd

- Mental health care
 - Advance directives for, **§ 15:24**
 - Registration of advance directives for, **§ 15:25**
 - Military advance directives, **§ 15:19**
 - Other laws, effect on, **§ 15:14**
 - Pamphlet regarding legal and ethical problems in delivery of health care, **§ 15:16**
 - Patient authorization to permit use and disclosure of protected health information
 - Generally, **§ 15:23**
 - Advance directives for mental health care, **§ 15:24**
- Physician
 - Immunity for, **§ 15:10**
 - Orders for life-sustaining treatment (polst), **§ 15:27**
 - Rights and responsibilities, **§ 15:2**
 - Psychiatric Advance Directive, form, **§ 15:29**
 - Qualified exemption for providers of emergency care, **§ 15:8**
 - Rights and responsibilities
 - Health care institutions, **§ 15:3**
 - Parties, **§ 15:2**
 - Sample Health Care Proxy, **§ 15:17**
 - Special medical guardian appointed, role of, **§ 15:15**
 - Statutory requirements, **§ 15:1**
 - Terminally ill, decision-making for, **§ 15:26**

HEALTH CARE DIRECTIVES

- Generally, **§ 15:1 et seq.**
- Advance Directives, this index
- Alternative clauses, **§ 15:21**
- Dispute resolution, **§ 15:4**
- Division of medical assistance and health services, **§ 15:22**
- Do not hospitalize orders, **§ 15:18**
- Do not resuscitate orders, **§ 15:6, 15:18**
- Health care institution's rights and responsibilities, **§ 15:3**
- Health care instruction directive, **§ 15:17**
- Health care professional
 - Immunity for, **§ 15:10**
 - Rights and responsibilities, **§ 15:2**
- Immunities granted, **§ 15:10**
- Insurance, effect on, **§ 15:12**
- Life-sustaining treatment withdrawn, **§ 15:5**
- Mental health care, **§ 15:24, 15:25**
- Military, **§ 15:19**
- Patient authorization to permit use and disclosure of protected health information, **§ 15:23**
- Physician
 - Immunity for, **§ 15:10**
 - Orders for life-sustaining treatment (polst), **§ 15:27, 15:28**
 - Rights and responsibilities, **§ 15:2**

HEALTH CARE DIRECTIVES—Cont'd

Presumptions, **§ 15:11**

Recognition of directives executed in other states or countries, **§ 15:13**

Special medical guardian appointed, **§ 15:15**

Statutory requirements, **§ 15:1**

Terminally ill, decision making for, **§ 15:26**

HEALTH CARE INSTRUCTION DIRECTIVE

Generally, **§ 15:17**

HEALTH CARE PROFESSIONAL

Advance Directives, this index

Health Care Decision Making, this index

Health Care Directives, this index

Physicians and Surgeons, this index

HEALTH CARE PROXY

Sample, health care decision-making, **§ 15:17**

HEARINGS

Adult Protective Services Act, this index

Appointment of Conservator, this index

Conservators and Conservatorship, this index

Continuing Care Retirement Communities (CCRCs), this index

HIV+

Bill of Rights LGBTQI and HIV+, this index

HOSPITALS

Discharge planning, **§ 2:3**

HUMAN RIGHTS COMMITTEE

Appointment of Guardian of Incompetent, this index

INCAPACITY

Appearance of alleged incapacitated person at hearing, **§ 3:9**

Definition of, **§ 2:1, 2:2**

Determination of

Generally, **§ 2:1 et seq., 3:1 et seq.**

Affidavits

Disqualification of affiant, **§ 3:7**

Mailing, **§ 3:34**

Requirement, **§ 3:6**

Service, **§ 3:33, 3:35**

Attorney

Appointment of, **§ 3:10**

Guardian ad litem, **§ 3:11**

Certification

Proof of service, and, **§ 3:35**

Complaint

Generally, **§ 3:6**

Affidavits required, **§ 3:6**

INDEX

INCAPACITY—Cont'd

- Determination of—Cont'd
 - Complaint—Cont'd
 - Approval of asset planning and transfer of real estate to child, and for, **§ 3:31**
 - Court rules, statutes, and case law, **§ 3:6**
 - Review of, **§ 3:8**
 - Verified
 - Generally, **§ 3:31**
 - Answer, **§ 3:36**
 - Conclusivity of, **§ 2:3**
 - Decision-making tool, **§ 2:5**
 - Effect of, **§ 2:3**
 - Evaluation of proposed ward's mental functions, **§ 2:7**
 - Functional assessment, **§ 2:5**
 - Checklist for, **§ 2:5**
 - Form, **§ 2:6**
 - Hearing
 - Appearance of alleged incapacitated person, **§ 3:9**
 - Counsel appointed, **§ 3:10**
 - Notice and order for hearing, **§ 3:8**
 - Proof of notice of hearing, **§ 3:9**
 - Jurisdiction, **§ 2:3, 3:4**
 - Medical file review, **§ 3:27**
 - Medications used, **§ 3:28**
 - Motion for new trial, **§ 3:18**
 - Notice of hearing
 - Affidavit of service, **§ 3:33**
 - Order granting, **§ 3:8**
 - Proof of service, **§ 3:9, 3:35**
 - Physician's assessment, **§ 2:7**
 - Prima facie case requirement, **§ 3:5**
 - Procedures for
 - Generally, **§ 3:1 et seq.**
 - Summary overview of, **§ 3:1**
 - Proof of service, **§ 3:35**
 - Notice of hearing, **§ 3:9**
 - Proposed guardianship questionnaire, **§ 3:25**
 - Receiver appointed to preserve estate, **§ 3:16**
 - Standby guardianship act, **§ 13:5**
 - Test of incapacity, **§ 2:2**
 - Trial
 - Generally, **§ 3:12**
 - Motion for new, **§ 3:18**
 - Venue, **§ 3:4**
 - Voluntary dismissal, **§ 3:17**
- Evidentiary weight of determination, **§ 2:3**
- Federal rule for appointment of guardian, **§ 3:3**

INCAPACITY—Cont'd

- Functional assessment, § 2:5, 2:6
- Guardian ad litem, § 3:11
- Incapacitated Adults Background Screening Policy, guardianships of, § 1:3
- Nonresident, guardian appointed for, § 3:15
- Property distributed as intestate property, § 2:4
- Pro se litigants, § 3:13
- Supportive decision-making, § 2:8
- Test of incapacity, § 2:2
- Uniform Fiduciary Access to Digital Assets Act, § 31:13
- Veteran, § 10:6

INCAPACITY DETERMINATIONS

- Complaints, this index
- Judgments, this index

INCREASE IN BOND

- Bonds, this index

INITIAL ASSESSMENT

- Incapacity, this index

INJUNCTIONS

- Adult Protective Services Act, this index
- Guardian and Ward, this index
- Guardian injunction to preserve estate, § 3:16
- Preliminary Injunctions, this index
- Preserving incapacitated person's estate, § 3:16

INMATES

- Medical guardianship, § 11:11

INQUIRY LETTER

- Bank Accounts, this index

INTERSTATE AND INTERNATIONAL GUARDIANSHIPS

- Guardian and Ward, this index
- Incapacitated non-resident, guardian for property, § 22:26
- Jurisdiction, § 22:1
- National probate court standards for interstate guardianships, communication and cooperation between courts, § 22:2
- Removal after appointment of guardian, § 22:24
- States adopting, uniform adult guardianship and protective proceedings jurisdiction act, § 22:27
- Transfer into New Jersey of guardianship, § 22:25
- Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, this index

INTERVENTION

- Guardian and Ward, this index

INDEX

INTESTATE DECEDENT

 Incapacitated persons property distributed as intestate property, **§ 2:4**

INVENTORY

 Guardian and Ward, this index
 Guardianship, **§ 11:3**
 Medical guardianship, **§ 11:3**

INVESTMENTS

 Prudent investor act, **§ 16:1 et seq.**
 Requirements, prudent investor act, **§ 16:2**

JUDGMENTS

 Accounts and Accounting, this index
 Appointment of conservator, **§ 5:22**
 Appointment of Guardian of Incompetent, this index
 Guardian and Ward, this index
 Medical guardianship, judgment appointing temporary special medical guardian
 Form, **§ 11:10**
 Procedure, **§ 11:3**
 Minors, guardianship of, investment and payment of judgment proceeds, **§ 8:13**
 Special Medical Guardians, this index
 Testamentary guardians, appointments, **§ 9:2**

JUDICIARY WORKING GROUP

 Recommendations, elder law, **§ 1:5, 1:7**

JURISDICTION

 Guardian and Ward, this index
 Incapacity determinations, **§ 2:3, 3:4**
 Interstate and international guardianships, **§ 22:1**
 Standby guardianship act, **§ 13:2, 13:9**
 Testamentary guardian, **§ 9:1**

KINSHIP LEGAL GUARDIAN

 Forms for application, **§ 13:6**

KINSHIP LEGAL GUARDIANSHIP

 Standby Guardianship Act, this index

KINSHIP LEGAL GUARDIANSHIP NOTIFICATION ACT OF 2005

 Generally, **§ 13:14**

LEGAL SERVICES

 Attorneys, this index

LICENSURE

 Adult and pediatric day health facilities, **§ 24:28**
 Long-term care facilities, **§ 27:15, 27:45, 27:46**

LIMITED GUARDIANSHIP

 Generally, **§ 7:1 et seq.**

LIMITED GUARDIANSHIP—Cont'd

Appointment

 Medical guardianship, **§ 11:3**

Chancery division pleading forms, **§ 7:3**

Nature of, **§ 7:1**

Persons eligible for or receiving services from the Division of Developmental Disabilities, **§ 7:2**

LOCAL GOVERNMENT

Intergovernmental cooperation and consolidation, interstate guardianships, **§ 22:2**

LONG TERM CARE PLANNING

Bill of Rights for LGBTQI and HIV+, this index

 Married, questionnaire, **§ 1:15**

 Single, questionnaire, **§ 1:14**

LGBTQI

Bill of Rights LGBTQI and HIV+, this index

MANAGEMENT

Requirements, prudent investor act, **§ 16:2**

MANDATORY POLICIES AND PROCEDURES

Nursing Homes, this index

MARRIAGE

Guardian and Ward, this index

Necessity of capacity, **§ 2:3**

Restoration to capacity, **§ 17:2**

Same-Sex Civil Unions, this index

MEDICAID

Department of Health and Senior Services, this index

Nursing Homes, this index

MEDICAL AID IN DYING FOR THE TERMINALLY ILL ACT

Generally, **§ 30:1 et seq.**

Agreements, validity, **§ 30:14**

Attestation, written request for medication, **§ 30:5**

Authorization to take action on behalf of patient, **§ 30:16**

Cases, **§ 30:21**

Claims against estate, **§ 30:19**

Construction of act, **§ 30:15**

Department of Health, reporting, **§ 30:13**

Immunity, **§ 30:17**

Legislative findings and declarations, **§ 30:2**

Medication

 Attending physician, **§ 30:10**

 Crimes, rescission, **§ 30:18**

 Disposal of unused medication, **§ 30:12**

 Next of kin notice, **§ 30:9**

INDEX

MEDICAL AID IN DYING FOR THE TERMINALLY ILL ACT—Cont'd

- Medication—Cont'd
 - Residency requirement, § 30:11
 - Responsible party designation, § 30:12
 - Self-administration, § 30:6
 - Capacity, § 30:8
 - Costs, § 30:19
 - Mental health care professional referral, § 30:8
 - Physician evaluation, § 30:6
 - Requirements, § 30:6
 - Substantial compliance, § 30:17
 - Terminally ill patient, qualification, § 30:7
 - Written request, self-administration of medication, § 30:4
 - Written request for medication, form, § 30:5, 30:20

MEDICAL CONDITION OR CARE

- Diagnosis and treatment, incapacitated parent, decision making regarding, § 2:2

MEDICAL GUARDIANSHIP

- Affidavits, this index
- Judgments, this index

MEDICAL MALPRACTICE

- Incapacity, effect on filing claim, § 2:3

MEDICAL STATUS OF WARD

- Appointment of Guardian of Incompetent, this index

MEDICATIONS

- Inc incapacity determination, medications used inquiry, § 3:28

MENTAL HEALTH

- Advance directive, § 15:28
- Appendix B, § 15:30
- Updates to provisions regarding legal settlements and persons, § 29:6

MINUTES OF MEETINGS

- Human Rights Committees, § 6:53

MORTGAGES

- Inc incapacity determination, effect of, § 2:3

MOTION TO INTERVENE

- Guardian and Ward, this index
- Intervention, this index

MOVING

- Guardian desiring to move to another state with minor ward, § 8:12

NEW JERSEY UNIFORM TRUST CODE

- Generally, § 33:1 et seq., 33:2
- Accepting or renouncing trusteeship, § 33:46
- Accountability for profit, § 33:73

NEW JERSEY UNIFORM TRUST CODE—Cont'd

Administration, event affecting, **§ 33:76**
Administration of trust, **§ 33:54, 33:55, 33:57**
Administrative costs, **§ 33:58**
Agent, **§ 33:15**
Amendment, **§ 33:43**
Animal care, **§ 33:24**
Authority creditor or assignee, reach beneficiary interest, **§ 33:35**
Authority of representative, **§ 33:13**
Bond of trustee, **§ 33:47**
Breach, liability, **§ 33:75**
Breach of trust, **§ 33:71, 33:72, 33:74**
Capacity requirements, **§ 33:42**
Cases, **§ 33:85**
Certification of trust, **§ 33:81**
Charitable trusts, **§ 33:22**
Modification, **§ 33:27**
Termination, **§ 33:27**
Unlawful or impossible to achieve, **§ 33:29**
Claims of creditors or assignees, **§ 33:37**
Collect trust property, duty, **§ 33:66**
Combination of trusts, **§ 33:34**
Common law of trusts, **§ 33:6**
Consent, **§ 33:27**
Consent, beneficiary, **§ 33:78**
Construction of trust terms by court, **§ 33:32**
Control and protection of trust property, **§ 33:63**
Co-trustees, **§ 33:48**
Court approval, **§ 33:27**
Court modification, **§ 33:28**
Creation of trust, **§ 33:18, 33:19**
Creditor prohibited from compelling distribution, trustee discretion, **§ 33:38**
Damage liability, **§ 33:72**
Death of settlor, **§ 33:45**
Definitions, **§ 33:3**
Delegation, duties and powers, **§ 33:60**
Discretionary power, **§ 33:68**
Distribution, event affecting, **§ 33:76**
Distribution upon termination, **§ 33:70**
Division of trusts, **§ 33:34**
Duress, **§ 33:23**
Electronic Signatures in Global and National Commerce Act, conformity,
§ 33:82
Enforcement and defense of claims, **§ 33:65**
Enforcement of trusts, **§ 33:20**
Event affecting
 Administration, **§ 33:76**
 Distribution, **§ 33:76**

INDEX

NEW JERSEY UNIFORM TRUST CODE—Cont'd

- Exceptions, § 33:5
- Fraud, § 33:23
 - General powers of trustee, § 33:69
 - Governing law, § 33:7
 - Governing power, § 33:5
 - Guardian ad litem, § 33:17
 - Guardian of the person, § 33:15
 - Guardian of the property, § 33:15
 - Holder of general testamentary power of appointment, § 33:14
 - Impartiality, § 33:56
 - Information to beneficiaries, § 33:67
 - Interest as General Partner, § 33:80
 - Investment decisions, § 33:62
 - Investment of trust property, § 33:64
 - Irrevocable trust, termination, § 33:27
 - Judicial proceeding contesting validity of trust, § 33:45
 - Knowledge of person or organization, § 33:4
 - Liability
 - Breach, § 33:75
 - Loss, § 33:76
 - Loss, liability, § 33:76
 - Mandatory distribution, § 33:40
 - Meaning and effect of terms of trust, § 33:7
 - Methods, § 33:9
 - Mistakes, § 33:31
 - Modification, court, § 33:33
 - Noncharitable purpose, § 33:25
 - Termination, irrevocable trust, § 33:27
 - Nonjudicial settlement agreements, § 33:11
 - Notice, § 33:9
 - Others treated as qualified beneficiaries, § 33:10
 - Personal liability of trustee, § 33:79
 - Personal representative of decedent, § 33:15
 - Persons, substantially identical interest regarding particular question or dispute, § 33:16
 - Powers of settlor, § 33:44
 - Powers to direct, § 33:61
 - Prevalence of terms of trust, § 33:5
 - Principal place of administration, § 33:8
 - Property not subject to personal obligations of trustee, § 33:41
 - Prudent person, § 33:57
 - Ratification, beneficiary, § 33:78
 - Recordkeeping, § 33:64
 - Redress breaches of trust, § 33:66
 - Reimbursement of trustee, § 33:53
 - Release, beneficiary, § 33:78
 - Reliance on terms of trust, § 33:75

NEW JERSEY UNIFORM TRUST CODE—Cont'd

- Removal of trustee, § 33:51
- Resignation of trustee, § 33:50
 - Duties, § 33:52
- Return of distributions, § 33:45
- Revocation, § 33:43
- Rules of construction, § 33:12
- Separation of trust property, § 33:64
- Severability, § 33:83
- Special needs trusts, § 33:37
- Spendthrift provision, § 33:36
- Termination, § 33:26
- Term of trust relieving trustee of liability, § 33:77
- Transfer, § 33:8
- Trustee, § 33:15
 - Trustee duty, § 33:8
 - Undue influence, § 33:23
- Uniform Trust Code, application, § 33:84
- Vacancies, § 33:49
- Value of trust property, property, § 33:30
- Void trusts, § 33:23
- Waiver, § 33:9
- Written trusts not created by will, § 33:20

NOTICE

- Continuing Care Retirement Communities (CCRCs), this index
- New Jersey Uniform Trust Code, § 33:9

NURSING HOMES

- Generally, § 27:1 *et seq.*
- Abuse of residents, guidelines for management of resident to resident abuse, § 27:45
 - Access to care, mandatory policies and procedures for, § 27:16 *et seq.*
 - Accounts of residents, mandatory policies and procedures, § 27:29
 - Actions to enforce and to recover damages, § 27:10
 - Activities. Resident activities, below
 - Administration, generally, § 27:26
 - Administrative organization for resident activities regulations, mandatory, § 27:21
- Admission
 - Application for, § 27:2
 - Policies and procedures regulations, § 27:20
 - Regulations, § 27:17
- Advance directives, mandatory policies and procedures for, § 27:30
- Advisory policies and procedures, § 27:20, 27:25
- Agreements or contracts limiting liability to sue for negligence or malpractice, § 27:11
- Alzheimer's and dementia programs, § 27:43
- Application for admission, § 27:2

INDEX

NURSING HOMES—Cont'd

- Application for medicare and medicaid benefits, § 27:2
- Arbitration, § 27:47
- Assessment of residents, mandatory completion of, § 27:31
- Attorney's fees, § 27:6
- Availability, mandatory staffing, § 27:22
- Cases, § 27:48
- Cause of action upon violation, § 27:6
- Coordination of care plans, mandatory completion of, § 27:31
- Copy to residents, written notice of rights, obligations and prohibitions, § 27:9
- Costs, § 27:6
- Damages, actions to enforce and recover, § 27:10
- Declarations, legislative, § 27:1
- Definitions, § 27:3
- Dementia programs, § 27:43
- Dental services, § 27:33
- Deposits, § 27:5
- Dietary services, § 27:33
- Discharge of resident, § 27:9
- Discharge regulations, § 27:19
- Eligibility to reside, medicaid recipient's, § 27:14
- Enforcement
 - Generally, § 27:6
 - Damages, actions to enforce and recover, § 27:10
 - Environment for resident activities, mandatory, § 27:24
 - Explanation, written, § 27:13
 - Findings and declarations, legislative, § 27:1
 - Free-standing special care nursing facility, medicaid recipients, § 27:14
 - Guarantees of payment, third party, § 27:2
 - Guidelines, standards for licensure of long-term care facilities, § 27:45, 27:46
 - Hospital based sub acute care, § 27:44
 - Inapplicability of provisions on medical care or treatment contrary to tenets of nursing home operated by certain religious denominations, § 27:12
 - Inappropriate behavior, guidelines for, § 27:45
 - Infection control regulations, § 27:34
 - Legislative findings and declarations, § 27:1
 - Liability to sue for negligence or malpractice, agreements or contracts limiting, § 27:11
 - Licensure of long-term care facilities, standards for, § 27:15, 27:45, 27:46
 - Long-term care facilities, regulations on standards for licensure of, § 27:15, 27:45, 27:46
 - Malpractice, agreements or contracts limiting liability to sue for, § 27:11
 - Management of inappropriate behavior and resident to resident abuse, guidelines for, § 27:45
 - Mandatory policies and procedures
 - Access to care, § 27:16 et seq.
 - Accounts of residents, § 27:29
 - Activities for residents, § 27:21, 27:23

NURSING HOMES—Cont'd

- Mandatory policies and procedures—Cont'd
 - Administrative organization for resident activities regulations, § **27:21**
 - Advance directives, § **27:30**
 - Amounts and availability of staff for activities, § **27:22**
 - Communication, § **27:32**
 - Completion of resident assessment and coordination of care plans, § **27:31**
 - Dental and dietary services for residents, § **27:33**
 - Medical services, § **27:35**
 - Notification, § **27:28**
 - Posting and reporting system for staff, § **27:40**
 - Resident activities, § **27:21, 27:23**
 - Resident dental and dietary services, § **27:33**
 - Residents' accounts, § **27:29**
 - Space and environment for resident activities, § **27:24**
 - Staff, generally, § **27:27 et seq.**
 - Structural organization for medical services, § **27:35**
- Medicaid
 - Benefits, waiver of rights to and application for, § **27:2**
 - Recipient's eligibility to continue to reside, § **27:14**
- Medical records, § **27:37**
 - Medicare benefits, waiver of rights to and application for, § **27:2**
 - Negligence, agreements or contracts limiting liability to sue for, § **27:11**
 - Notice of rights, obligations and prohibitions, § **27:9**
 - Nurse aides, § **27:41**
 - Nursing facility, free-standing special care, § **27:14**
 - Organization for resident activities regulations, mandatory, § **27:21**
 - Ownership and administration, § **27:26**
 - Payment, guarantees of, § **27:2**
 - Posting of written notice of rights, obligations and prohibitions, § **27:9**
 - Quality of care regulations, § **27:36**
 - Records, medical records, § **27:37**
 - Recovery of damages, actions for, § **27:10**
 - Rehabilitation, § **27:38**
 - Religious denominations, inapplicability of provisions on medical care or treatment contrary to tenets of nursing home operated by certain, § **27:12**
- Resident activities
 - Advisory policies and procedures for resident activities, § **27:25**
 - Mandatory administrative organization for resident activities regulations, § **27:21**
 - Mandatory resident activity services, § **27:23**
 - Mandatory space and environment for resident activities, § **27:24**
 - Mandatory staffing amounts and availability for activities, § **27:22**
 - Services, mandatory resident activity services, § **27:23**
- Resident assessment, mandatory completion of, § **27:31**
- Residents' accounts, mandatory policies and procedures, § **27:29**
- Residents' rights, generally, § **27:7, 27:8, 27:15**
- Resident to resident abuse, guidelines for management of, § **27:45**

INDEX

NURSING HOMES—Cont'd

- Respite care, **§ 27:42**
- Responsibilities of nursing homes, generally, **§ 27:4**
- Restraints, guidelines for use of, **§ 27:46**
- Rights of residents, generally, **§ 27:7, 27:8, 27:15**
- Sanitation regulations, **§ 27:34**
- Security deposits, **§ 27:5**
- Social work policies, procedures and services, **§ 27:39**
- Space and environment for resident activities, mandatory, **§ 27:24**
- Special care nursing facility, free-standing, **§ 27:14**
- Staff. Mandatory policies and procedures, above
- Standards for licensure of long-term care facilities, **§ 27:15, 27:45, 27:46**
- Sub acute care, hospital based, **§ 27:44**
- Tenets of nursing home, religious, **§ 27:12**
- Third parties, claims against, **§ 27:48**
- Third party guarantees of payment, **§ 27:2**
- Transfers of residents, **§ 27:9, 27:18**
- Violations
 - Actions to enforce and to recover damages, **§ 27:10**
 - Cause of action upon, **§ 27:6**
- Void agreements or contracts limiting liability to sue for negligence or malpractice, **§ 27:11**
- Waiver of rights to medicare and medicaid benefits, **§ 27:2**
- Written explanation to participating nursing homes, **§ 27:13**

OFFICE OF PUBLIC GUARDIAN (OPG)

- Mission statement, **§ 25:4**
- Principles, **§ 25:4**
- Role, **§ 25:3**

OMBUDSMAN FOR THE INSTITUTIONALIZED ELDERLY OFFICE

- Generally, **§ 24:1 et seq.**
- Abandoning elderly or disabled, **§ 24:26**
- Adult and pediatric day health facilities, licensure of, **§ 24:28**
- Communications with patients, residents or clients, **§ 24:17**
- Complaints, **§ 24:9**
- Confidentiality of information, **§ 24:19**
- Cooperation and assistance from government agencies, **§ 24:18**
- Crisis teams, training course and curriculum, **§ 24:27**
- Definitions, **§ 24:6**
- Disciplinary action, **§ 24:20**
- Discriminatory action, **§ 24:20**
- Domestic violence matters, **§ 24:27**
- Duties and powers, **§ 24:8, 24:15**
- Endangering welfare or elderly or disabled, **§ 24:26**
- Establishment, **§ 24:7**
- Government agencies, cooperation and assistance from, **§ 24:18**
- Incapacitated person, prohibition on endangering the welfare of, **§ 24:3**
- Investigations, **§ 24:11-24:13, 24:27**

OMBUDSMAN FOR THE INSTITUTIONALIZED ELDERLY OFFICE

—Cont'd

- Legislative findings and declarations, **§ 24:4, 24:25**
- Legislative review, **§ 24:21**
- Licensure of adult and pediatric day health facilities, **§ 24:28**
- Overview, **§ 24:1**
- Procedures for handling reports of abuse or exploitation of institutionalized elderly, **§ 24:5**
- Prohibition on endangering the welfare of an incapacitated person, **§ 24:3**
- Recommended action, **§ 24:23**
- Registry of reports, **§ 24:23**
- Release of information relating to elderly abuse investigations, **§ 24:12**
- Reporting
 - Generally, **§ 24:5, 24:23**
 - Annual report of, **§ 24:15**
 - Case law, **§ 24:24**
 - Evaluation, **§ 24:23**
 - Immunity from liability, **§ 24:23**
 - Notice to ombudsman, **§ 24:23**
 - Registry, **§ 24:23**
 - Residential health care facility, **§ 24:23**
- Report of suspected abuse or exploitation elderly persons
 - Disclosure of name or reporter, **§ 24:10**
 - Failure to report, **§ 24:10**
 - Immunity of civil or criminal liability, **§ 24:10**
 - Penalties, **§ 24:10**
 - Suits to enforce section, **§ 24:10**
 - Retaliatory action, **§ 24:20**
 - Review by legislature, **§ 24:21**
 - Severability, **§ 24:22**
 - Suspected abuse or exploitation elderly persons, report of, **§ 24:10**
 - Suspicion of abuse or exploitation of resident of residential health care facility, **§ 24:23**
- Training course and curriculum; domestic crisis teams, **§ 24:27**
- Volunteers and volunteer programs, **§ 24:16**
- Withholding or withdrawing life support, **§ 24:23**
- Written consent form, **§ 24:12**

ORDERS

- Bonds, this index
- Continuing Care Retirement Communities (CCRCs), this index

ORDER TO SHOW CAUSE

- Accounts and Accounting, this index
- Appointment of Guardian of Incompetent, this index
- Conservators and Conservatorship, this index
- Temporary Guardian, this index

INDEX

PARENTS

Mental health patients, provisions concerning legal settlements, **§ 29:6**

PARTIAL RESTORATION FROM GUARDIANSHIP

Driving, **§ 17:7**

Guardian and Ward, this index

Marriage, **§ 17:2**

Reproduction issues, **§ 17:6**

Voting, **§ 17:5**

PERSONS OVER 18 YEARS RECEIVING SERVICES FROM DIVISION OF DEVELOPMENT DISABILITIES, GUARDIAN OVER

Appointment of Guardian of Incompetent, this index

PHYSICIANS AND SURGEONS

Advance Directives, this index

Guardian and Ward, this index

Health Care Decision Making, this index

Health Care Directives, this index

POWER OF ATTORNEY

Appointment of Guardian of Incompetent, this index

Temporary, **§ 3:38**

PRESUMPTIONS AND BURDEN OF PROOF

Incapacity, **§ 2:3**

PRIVILEGED OR CONFIDENTIAL MATTERS

Adult protective services records, **§ 12:16**

Developmental disabilities, **§ 6:28, 6:35**

Ombudsman for the institutionalized elderly, **§ 24:19**

PRO BONO

Policy, **§ 1:4**

PRO SE LITIGANTS

Determination of incapacity and appointment of guardian, **§ 3:13**

PRUDENT INVESTOR ACT

Generally, **§ 16:1 et seq.**

Case law, **§ 16:12**

Cases

Diversification of investments, **§ 16:15**

Investment and management in interest of beneficiaries, **§ 16:16**

Standards for prudent investing by fiduciaries, **§ 16:14**

Delegation, **§ 16:6**

Diversification, **§ 16:3**

Diversification of investments, cases, **§ 16:15**

Expenditures by guardian, **§ 16:13**

Investment and management in interest of beneficiaries, cases, **§ 16:16**

Investment requirements, **§ 16:2**

Invocation of act, **§ 16:11**

PRUDENT INVESTOR ACT—Cont'd

- Management requirements, **§ 16:2**
- Multiple fiduciaries, **§ 16:7**
- Notice of intent to delegate, **§ 16:8**
- Particular language, **§ 16:11**
- Review of trust assets, **§ 16:4**
- Standard of conduct, **§ 16:5**
- Standards for prudent investing by fiduciaries, cases, **§ 16:14**
- Terms, **§ 16:9**
- Trusts covered by, **§ 16:10**

PSYCHIATRIC HOSPITAL PATIENTS

- Voting rights, **§ 2:3**

PUBLIC ACCESS TO RECORDS

- Records and Recording, this index

PUBLIC AWARENESS PROGRAM

- Adult protective services act, **§ 12:4**

PUBLIC GUARDIANS

- Generally, **§ 10:6, 25:1 et seq.**
- Cases, **§ 25:5**
- Limitations on actions by, **§ 25:2**
- OPG mission statement, **§ 25:4**
- Overview of the public guardian for elderly adults act, **§ 25:1**
- Registration of professional guardians, **§ 25:3**
- Role of office of public guardian, **§ 25:3**

QUESTIONNAIRES

- Guardian and ward, determining guardian, **§ 3:25**

REAL ESTATE

- Affidavits regarding appraisal, **§ 21:14-21:16**
- Confirmation of sale
 - Generally, **§ 21:5**
 - Certification for motion for approval of contract for sale and, **§ 21:13**
 - Certification in support of motion for, **§ 21:19**
 - Notice of application for, **§ 21:5**
 - Notice of motion for, **§ 21:18**
 - Notice of motion for approval of contract for sale and, **§ 21:11**
 - Objections to, **§ 21:5**
 - Order confirming, **§ 21:5**
 - Order for, **§ 21:20**
 - Verified complaint in action for approval of contract for sale and, **§ 21:12**
- Guardian and Ward, this index
- Incapacitated persons, mortgage of lands, **§ 21:6**
- Incapacity determination, effect of, **§ 2:3**
- Minor, mortgage of lands, **§ 21:6**
- Mortgage of lands
 - Incapacitated persons, **§ 21:6**

INDEX

REAL ESTATE—Cont'd

Mortgage of lands—Cont'd

 Minor, § 21:6

Orders, confirming sale, § 21:5, 21:20

Sales

 Generally, § 21:1 et seq.

 Action for, § 21:1 et seq.

 Affidavit of appraiser in action for approval of sale, § 21:14

 Affidavit of state certified appraiser preparing report, § 21:16

 Affidavit of state certified appraiser supervising appraisal, § 21:15

 Bond, § 21:4

 Certification for motion for approval of contract for sale and confirmation of sale, § 21:13

 Certification in support of motion for confirmation of sale, § 21:19

 Costs and expenses of proceedings for, § 21:7

 Notice of application for confirmation of, § 21:5

 Notice of motion for approval of contract for sale and confirmation of sale, § 21:11

 Notice of motion for confirmation of sale, § 21:18

 Objections to confirmation of, § 21:5

 Within one year of decedent's death, § 21:5

Order approving sale, § 21:17

Order confirming, § 21:5

Order for confirmation of sale, § 21:20

Order granting, § 21:3

Order to show cause for rescission of deed, § 21:21

Pleadings, generally, § 21:2 et seq.

Report of, § 21:5

Report of appraiser, affidavit of state certified appraiser preparing report, § 21:16

Rescission of deed

 Order to show cause for, § 21:21

 Verified complaint for, § 21:22

Verified complaint for rescission of deed, § 21:22

Verified complaint in action for approval of contract for sale and confirmation of sale, § 21:12

REAL ESTATE APPRAISALS

Affidavit of appraiser in action for approval of sale, § 21:14

Affidavit of state certified appraiser preparing report, § 21:16

Affidavit of state certified appraiser supervising appraisal, § 21:15

RECEIVERS AND RECEIVERSHIP

Appointments, § 3:16

RECOMMENDATIONS

Judiciary working group, elder law, § 1:7

Written comments to Supreme Court, Judiciary Working Group on Elder Justice, § 1:5

GUARDIANSHIPS AND CONSERVATORSHIPS

RECORDS AND RECORDING

Access. Public access to court records and administrative records, below
Administrative records. Public access to court records and administrative records, below
records, below
Appointment of Guardian of Incompetent, this index
Bill of rights LGBTQI and HIV+, § 34:4
Client information record, § 1:9
Court records. Public access to court records and administrative records, below
Court rules, public access to court records and administrative records, § 29:1
Guardian and Ward, this index
Information included in resident records, bill of rights LGBTQI and HIV+,
§ 34:4
Public access to court records and administrative records
Generally, § 29:1 et seq.
Administrative records, defined, § 29:4
Appeal process, § 29:10
Confidential personal identifiers, § 29:7
Court rules, § 29:1
Exclusions, generally, § 29:3, 29:5
Fees, § 29:9
Form maintained by Judiciary, § 29:13
Intergovernmental exchanges, § 29:6
Records, defined, § 29:2
Sealing of records, § 29:11
Unsealing of records, § 29:12

REGISTERED GUARDIANSHIP ACT

Generally, § 26:1 et seq.
Legislative findings and declarations, § 26:2
Requirements, § 26:3

REGISTRY

Adult protective services, registry for information about abuse, neglect, or
exploitation of vulnerable adult, § 12:17
Guardian and Ward, this index
Ombudsman for the institutionalized elderly, registry of reports, § 24:23

RELOCATION

Guardian desiring to move to another state with minor ward, § 8:12

RENUNCIATION

Appointment of Conservator, this index

REPORTS

Accounts and Accounting, this index
Adult Protective Services Act, this index
Appointment of Guardian of Incompetent, this index
Guardian and Ward, this index
Nursing homes, mandatory staff posting and reporting system, § 27:40
Ombudsman For The Institutionalized Elderly Office, this index

INDEX

RESCISSION

Deeds and Conveyances, this index

RESIDENT ACTIVITIES

Nursing Homes, this index

RETALIATION

Ombudsman for the institutionalized elderly, office of, **§ 24:20**

RETIREMENT AND PENSIONS

Incapacity determination, effect of, **§ 2:3**

RETURN TO CAPACITY

Generally, **§ 2:4, 17:1 et seq.**

Complete restoration from

 Conservatorship, **§ 17:4**

 Guardianship, **§ 17:3**

Driving, **§ 17:7**

Evaluation for complete restoration from

 Conservatorship, **§ 17:4**

 Guardianship, **§ 17:3**

Guardian and Ward, this index

Marriage, **§ 17:2**

Order to show cause, **§ 17:8**

Reproduction issues, **§ 17:6**

Verified complaint, **§ 17:8**

Voting, **§ 17:5**

REVIEW OR GUARDIANSHIP

Rights of incapacitated person to proceedings to, **§ 3:19**

REVISED DURABLE POWER OF ATTORNEY ACT

Summary, **§ 23:1**

SALES

Real Estate, this index

SAME-SEX MARRIAGE

Mental health facilities, provisions concerning legal settlements, **§ 29:6**

SEALING AND UNSEALING OF RECORDS

Public access to court records and administrative records

 Sealing of records, **§ 29:11**

 Unsealing of records, **§ 29:12**

SERVICE OF PROCESS

Conservators and Conservatorship, this index

SPECIAL MEDICAL GUARDIANS

Generally, **§ 11:1 et seq.**

Affidavits accompanying complaint, **§ 11:3**

Affidavits reporting outcome of special medical guardianship procedure, **§ 11:4**

Appearance of incapacitated person at hearing, **§ 11:3**

SPECIAL MEDICAL GUARDIANS—Cont'd

Appointment of general or limited guardian, § 11:3
Attorney appointed for incapacitated person, § 11:2
Chancery division pleading forms, § 11:6
Compensation, § 11:3
Complaint
 Generally, § 11:3
 Forms, § 11:8, 11:9
 Supplemental, § 11:4
Conclusion of the special medical guardianship proceeding, § 11:4
Counsel appointed for incapacitated person, § 11:2
Court rules governing proceedings, § 11:3
Determination of incapacity, § 2:2, 2:3
Discharging special medical guardian, § 11:4
Duties of guardian, § 11:3
Examination of incapacitated person, § 11:3
Guardian ad litem for incapacitated person, § 11:3
Hearing, § 11:3
 Order fixing date and appointing, § 11:7
Inmates, § 11:11
Inventory, § 11:3
Judgment appointing temporary special medical guardian
 Form, § 11:10
 Procedure, § 11:3
Life-sustaining measures, § 11:1
New trial, motion, § 11:3
Notice of order for hearing, § 11:3
Order for hearing, § 11:3
Order granting special medical guardianship, § 11:3
Order to show cause, § 11:6
Procedures for special medical guardianship proceedings, § 11:3
Role, counsel appointed for incapacitated person, § 11:2
Standards for special medical guardianship proceedings, § 11:3
Sterilization procedures, § 11:1
Supplemental complaint, § 11:4
Trial, § 11:3
Venue, § 11:1, 11:3
Verified complaints, guardian appointment, § 11:8, 11:9
Withdrawal of application for a special medical guardian, § 11:5
Withholding or withdrawing life support, § 11:1

STANDARDS

Continuing Care Retirement Communities (CCRCs), this index

STANDBY GUARDIANSHIP ACT

Generally, § 13:1 et seq.
Appointment
 Considerations for appointment as kinship legal guardian, § 13:12

INDEX

STANDBY GUARDIANSHIP ACT—Cont'd

Appointment—Cont'd

Kinship legal guardian, contents of petition, § 13:11

Petition for appointment of standby guardian, § 13:3

Assumption of standby guardianship, § 13:4

Background, § 13:1

Court rules, § 13:13

Definitions relative to kinship legal guardianship and court action, § 13:8

Determination of incapacity/debilitation, § 13:5

Events triggering assumption of standby guardianship, § 13:4

Findings, declarations relative to kinship legal guardianship, § 13:7

Forms for application of kinship legal guardian, § 13:6

Jurisdiction, § 13:2, 13:9

Kinship legal guardian, forms for application, § 13:6

Kinship legal guardianship

Appointment as

Considerations for, § 13:12

Contents of petition, § 13:11

Declarations relative to, § 13:7

Definitions relative to, § 13:8

Rights, responsibilities, authority of, § 13:10

Termination, § 13:15

Kinship legal guardianship notification act of 2005, § 13:14, 13:15

Parental rights, termination of, § 13:15

Petition for appointment of kinship legal guardian, contents of, § 13:11

Petition for appointment of standby guardian, § 13:3

Rights, responsibilities, authority of kinship legal guardian, § 13:10

Termination of parental rights and kinship legal guardianship, § 13:15

Venue, § 13:9

STATUTE OF LIMITATIONS

Incapacity, effect of, § 2:3

STEPHEN KOMNINOS LAW

Appointment of guardian of incompetent, § 6:92

STERILIZATION

Guardian and Ward, this index

Medical guardianship matter, § 11:1

Restoration to capacity, reproduction issues, § 17:6

SUBSTITUTED CONSERVATORS

Generally, § 5:13

SUPREME COURT

Elder Justice, § 1:5

Written comments on recommendations, Judiciary Working Group, § 1:5

TAX RETURNS

Income tax return, execution, incapacitated spouse, § 2:2

TEMPORARY GUARDIANS

Appointment of Guardian of Incompetent, this index
Power of attorney, **§ 3:38**
Special medical guardian, judgment appointing temporary, **§ 11:3, 11:10**
Testamentary guardian, temporary appointment of, **§ 9:2**

TENANTS AND TENANCY

Incapacity, effect of, **§ 2:3**

TERMINAL ILLNESS

Health care decision making, **§ 15:26**

TERMINATION

Conservator, **§ 5:12**
Guardian and Ward, this index

TERMINOLOGY REFERRING TO MENTAL CAPACITY

Definitions, **§ 30:1**
Statutory revision concerning terminology, **§ 30:3**

TESTAMENTARY CAPACITY

Generally, **§ 2:3, 2:4**

TESTAMENTARY GUARDIANS

Generally, **§ 9:1 et seq.**
Appointments, **§ 9:1**
Best interests standard, **§ 9:1**
Bonds, **§ 4:2, 9:4**
Complaint required for appointment of guardian, **§ 9:1**
Consent, **§ 9:1, 9:2**
Court rules for appointment, **§ 9:2**
Effective date of appointment, **§ 9:2**
Fitness to serve, determination of, **§ 9:3**
Judgment confirming appointment under will, **§ 9:2**
Jurisdiction, **§ 9:1**
Statutory scheme for appointment, **§ 9:2**
Temporary appointment of guardian, **§ 9:2**

TESTAMENTARY TRUSTEE

Prudent investor act, **§ 16:1 et seq.**

TRAINING

Adult protective services providers, **§ 12:18**
Office of ombudsman for the institutionalized elderly, domestic crisis teams, **§ 24:27**

TRIAL OF GUARDIANSHIP ACTION

Appointment of Guardian of Incompetent, this index

TRUSTS AND TRUSTEES

Durable financial powers of attorney, **§ 23:11**
Prudent investor act, **§ 16:1 et seq.**
Review of trust assets, prudent investor act, **§ 16:4**

INDEX

UNDUE INFLUENCE

New Jersey Uniform Trust Code, § 33:23

UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT (UAGPPJA)

Generally, § 22:3

Accepting guardianship or conservatorship transferred, § 22:19

Adoption by states, § 22:27

Appropriate forum, § 22:14

Communication and cooperation between courts, § 22:8

Definitions, § 22:5, 22:7

Determination of jurisdiction, § 22:10

Effect of registration, § 22:21

Emergency jurisdiction, § 22:12

Exclusive and continuing jurisdiction, § 22:13

International application, § 22:6, 22:8

Notice of proceedings, § 22:16

Proceedings filed in more than one state, § 22:17

Registration of guardianship or conservatorship orders, § 22:20

Scope, § 22:7

Scope and effective date, § 22:4

States adopting, § 22:27

State with significant connection, determination, § 22:11

Taking testimony in another state and documentary evidence, § 22:9

Transfer of guardianship or conservatorship to another state, § 22:18

Transitional provision, § 22:23

Uniformity of application and construction, § 22:22

When jurisdiction declined, § 22:15

UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT

Generally, § 31:1 et seq.

Agent of principal

Digital assets, disclosure to, § 31:9

Electronic communications, disclosure of content to, § 31:8

Application of act, § 31:16

Construction of act, § 31:16

Custodian

Disclosure of digital assets, § 31:5

Duties relating to compliance with act, § 31:15

Immunity, § 31:15

Designated recipient

Duties and authority of, § 31:14

Modification of access to digital assets, § 31:4

Rights of, § 31:4

Disclosure of digital assets, direction for, § 31:3

Electronic communications

Agent, disclosure of content to, § 31:8

Personal representative, disclosure of content to, § 31:6

UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT—Cont'd

Fiduciary

Modification of access to digital assets, **§ 31:4**

Rights of, **§ 31:4**

Immunity of custodian, **§ 31:15**

Inapplicability to certain digital assets, **§ 31:2**

Incapacitated person, request to suspend or terminate account, **§ 31:13**

Online tools, availability of, **§ 31:3**

Personal representative of user's estate

Digital assets, disclosure of, **§ 31:7**

Duties and authority of, **§ 31:14**

Electronic communications, disclosure of, **§ 31:6**

Residence in state, application of act relative to, **§ 31:2**

Rights of fiduciary or designated recipient, **§ 31:4**

Terms-of-service agreement, **§ 31:4**

Trust or trustee

Digital assets, disclosure, **§ 31:10, 31:12**

Electronic communications, disclosure of contents to, **§ 31:11**

UNIFORM TRUST CODE

Application, New Jersey Uniform Trust Code, **§ 33:84**

UNIFORM VETERANS GUARDIANSHIP LAW

Generally, **§ 10:1**

Accounting by guardians, **§ 10:4**

Fees and costs in guardianships, **§ 10:3**

Procedures under, **§ 10:2**

VACANCY

Appointment of Guardian of Incompetent, this index

Guardian and Ward, this index

VENUE

Conservators, action for appointment, **§ 5:3**

Guardian and Ward, this index

Incapacity determination, **§ 3:4**

Medical guardians, special, **§ 11:1, 11:3**

Standby guardianship act, **§ 13:9**

VERIFIED COMPLAINTS

Complaint, this index

VETERANS

Generally, **§ 10:1 et seq.**

Accounts and accounting, uniform veterans guardianship law, **§ 10:4**

Appointment and duties of guardian, **§ 10:6**

Benefits, generally, **§ 10:7**

Department of Veterans Affairs (VA), long-term care benefits, **§ 10:8, 10:9**

Fees and costs in guardianships under uniform veterans guardianship law, **§ 10:3**

Guardian and ward, generally, **§ 10:1 et seq.**

Management of estates and property from sources other than government, **§ 10:5**

INDEX

VETERANS—Cont'd

- Procedures under uniform veterans guardianship law, **§ 10:2**
- Public guardian of incapacitated veterans, appointment and general duties, **§ 10:6, 25:3**
- Text of Department of Veterans Affairs (VA), long-term care benefits, **§ 10:9**
- Uniform Veterans Guardianship Law, this index

VIOLATIONS

- Bill of rights for LGBTQI and HIV+, **§ 34:6**
- Nursing Homes, this index

VOTING

- Guardian and Ward, this index
- Partial restoration to capacity from guardianship, **§ 17:5**
- Psychiatric hospital patients, right of, **§ 2:3**

VOUCHERS

- Allowances claimed, in support of guardianship or conservatorship matters, **§ 18:4**

WILLS

- Incompetent, effect of incapacity, **§ 2:3**
- Testamentary trustee, prudent investor act, **§ 16:1 et seq.**

Index

ABLE ACT ACCOUNTS

- Generally, § 39:1
- Medicaid Communication No. 19-09, § 39:4
- New Jersey ABLE Act, § 39:2
- NJ ABLE, § 39:3

ABUSE

- Medicaid abuse, rewards for information relating to, administration manual for Division of Medical Assistance and Health Services, § 13:2

ACCOUNTABLE CARE ORGANIZATION

- Medicaid
- New Jersey Medical Assistance and Health Services Act, § 2:17

ACHIEVING A BETTER LIFE EXPERIENCE (ABLE) ACT ACCOUNTS

- Generally, § 39:1
- New Jersey ABLE Act, § 39:2
- NJ ABLE, § 39:3

ACTIONS

- New Jersey Medical Assistance and Health Services Act, this index

ADMINISTRATION MANUAL FOR DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

- Advance directives, § 11:14
- Advance notice of intent to terminate, reduce or suspend Medicaid assistance, § 12:6
- Beneficiaries
 - Certification, § 11:12
 - Free choice by beneficiary and provider, § 11:10
 - Managed care program (Medicaid), § 16:2
 - New Jersey Medicaid, § 11:2
 - Services available to beneficiaries eligible for regular Medicaid and NJ FamilyCare programs, § 11:7
 - Certification, beneficiaries and providers, § 11:12
 - Civil rights and observance of religious belief, § 11:9
 - Confidentiality of records, § 11:11
 - Decision making capacity defined, advance directives, § 11:14
 - Definitions
 - Advance directives, § 11:14
 - Different medical assessment, beneficiary's right to, fair hearings, § 12:7
 - Disabled persons
 - Verification of eligibility, § 11:6
 - Estate recovery summary and memorandum, § 14:5

GUIDE TO MEDICAID LAWS AND REGULATIONS

**ADMINISTRATION MANUAL FOR DIVISION OF MEDICAL
ASSISTANCE AND HEALTH SERVICES—Cont'd**

Fair hearings

Generally, § 12:3 et seq.

Advance notice of intent to terminate, reduce or suspend Medicaid assistance,
§ 12:6

Appeals procedures, § 12:9

Definitions, § 12:3

Different medical assessment, beneficiary's right to, § 12:7

Individual's rights, informing, § 12:1

New Jersey Office of Administrative Law, § 12:10

Notices

Generally, § 12:4

Advance notice of intent to terminate, reduce or suspend Medicaid assistance,
§ 12:6

Opportunity for fair hearing, § 12:5

Procedures, § 12:8

Provisions for appeals, § 12:2

FamilyCare Managed Care Program (Medicaid), § 16:1 et seq.

Federal regulations, compliance with, § 11:4

Free choice by beneficiary and provider, § 11:10

Health Care and Education Reconciliation Act, compliance with, § 11:4

Home and community-based services waiver programs

Generally, § 17:1 et seq.

Administration of waivered programs, § 17:3

Approved waivers, § 17:2

services waivers, § 17:4

Integrity of Medicaid, § 11:13

Lifeline programs, § 18:1, 18:2

Managed care program (Medicaid)

Beneficiaries, § 16:2

FamilyCare Program, § 16:1 et seq.

New Jersey FamilyCare, § 16:3

Purpose, § 16:1

Scope, § 16:1

Material, availability of, program policy issuances, § 15:2

Medical review and evaluation, program controls, § 13:1

New Jersey FamilyCare, managed care program, § 16:3

Opportunity for fair hearing, § 12:5

Organization, § 11:1

Patient Protection and Affordable Care Act, compliance with, § 11:4

Program controls

Medical review and evaluation, § 13:1

Rewards for information relating to fraud and abuse, § 13:2

Program policy issuances, availability and maintenance of

Material, availability of, § 15:2

Public access to material, § 15:2

Public policy issuances, maintenance of, § 15:1

INDEX

ADMINISTRATION MANUAL FOR DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES—Cont'd

- Program policy issuances, availability and maintenance of—Cont'd
 - Reproduction of policy material, § 15:3
- Provider
 - Certification and record keeping, § 11:12
 - Manuals, § 11:3
 - Role in shared health care facility, § 11:5
- Public access to material, program policy issuances, availability and maintenance of, § 15:2
- Public policy issuances, maintenance of, § 15:1
- Purpose, § 11:1
- Record keeping, § 11:12
- Recovery of payments and sanctions
 - Authority to adjust, compromise, settle or waive claims, liens, and certificates of debt, § 14:3
 - Correctly made payments, recovery of, § 14:1
 - County welfare agencies, recoveries involving, § 14:4
 - Estate recovery summary and memorandum, § 14:5
 - Special status program, sanctions, § 14:2
- Religious belief, observance of, § 11:9
- Reproduction of policy material, § 15:3
- Rewards for information relating to fraud and abuse, program controls, § 13:2
- Scope, § 11:1
- Services available to beneficiaries eligible for regular Medicaid and NJ FamilyCare programs, § 11:7
- Services not covered by Medicaid, § 11:8
- Shared health care facility, role of provider, § 11:5
- Verification of eligibility for Medicaid or pharmaceutical assistance to the aged and disabled, § 11:6

ADMINISTRATION OF WAIVERED PROGRAMS

- Administration manual for division of medical assistance and health services, § 17:3

ADULT DAY HEALTH

- Jersey assistance community caregiving (jacc), this index

ADULT DAY SERVICES FOR PERSONS WITH ALZHEIMER'S DISEASE OR RELATED DISORDERS

- Generally, § 26:1
- Appeals process, § 26:9
- Application process, § 26:6
- Confidentiality and disclosure of information, § 26:8
- Definitions, § 26:2
- Eligibility standards, § 26:7
- Funding requirements, § 26:3
- Responsibilities of participating agencies, § 26:4
- Scope of services or required services, § 26:5

GUIDE TO MEDICAID LAWS AND REGULATIONS

ADVANCE DIRECTIVES

Medicaid, administration manual for Division of Medical Assistance and Health Services, **§ 11:14**

ADVANCE NOTICE

Medicaid assistance, notice of intent to terminate, reduce or suspend, administration manual for Division of Medical Assistance and Health Services, **§ 12:6**

AGE REQUIREMENTS

New Jersey Administrative Code Regulations for Medicaid Only Program, **§ 3:24**

AGENCY CONTROLS

Senior gold prescription program manual, **§ 25:7**

AGREEMENTS

Assisted Living Regulations, this index

ALIENS

New Jersey Administrative Code Regulations for Medicaid Only Program, this index

New Jersey Medical Assistance and Health Services Act, this index

ALZHEIMER'S DISEASE AND DEMENTIA

Adult Day Services for Persons with Alzheimer's Disease or Related Disorders, this index

Assisted living regulations, **§ 34:65**

ANNUITY GIFT

Division of medical assistance and health services acknowledges the validity of gift/annuity planning, **§ 35:18**

APPEAL PROCESS

Adult day services for persons with Alzheimer's disease or related disorders, **§ 26:9**

Department of Human Services

procedure, **§ 12:9**

provisions, **§ 12:2**

Hearing Aid Assistance to the Aged and Disabled, **§ 30:6**

Lifeline Credit Program, **§ 24:12**

Pharmaceutical assistance to aged and disabled, eligibility manual, **§ 22:7**

Senior gold prescription program manual, **§ 25:14**

Statewide Respite Care Program, qualifications and requirements, **§ 23:10**

APPLICATIONS

Adult day services for persons with Alzheimer's disease or related disorders, **§ 26:6**

Case processing, special Medicaid programs manual, New Jersey care, **§ 19:2**

Hearing Aid Assistance to the Aged and Disabled, **§ 30:3**

Lifeline Credit Program, this index

New Jersey Administrative Code Regulations for Medicaid Only Program, this index

Senior gold prescription program manual, **§ 25:6**

INDEX

APPLICATIONS—Cont'd

- Senior gold prescription program manual, Renewal process, **§ 25:8**
- Special Medicaid programs manual, New Jersey care, case processing, **§ 19:2**
- Statewide Respite Care Program, **§ 23:3**

ASSESSMENTS

- Assisted Living Regulations, this index
- New Jersey Administrative Code regulations for Medicaid Only Program, assessment of resources, **§ 4:9**

ASSIGNMENT

- Pending application for completion of eligibility determination, New Jersey Administrative Code regulations for Medicaid Only Program, **§ 3:12**

ASSISTED LIVING

- Regulations. Assisted Living Regulations, this index

ASSISTED LIVING REGULATIONS

- Generally, **§ 34:1 et seq.**
- Access passageways and corridors, **§ 34:56**
- Activities, residents, **§ 34:47**
- Administration areas, physical plant, **§ 34:60**
- Admission of residents, **§ 34:15**
- Agreements
 - Managed risk agreements, **§ 34:20**
 - Referral and transfer, **§ 34:19**
 - Written, **§ 34:11**
- Allowances, personal needs, **§ 34:23**
- Alzheimer's/dementia programs, **§ 34:65**
- Assessment
 - Health care assessment, **§ 34:25**
 - Residents, **§ 34:24**
- Assisted living programs, **§ 34:72**
- Automatic fire detection system, **§ 34:56**
- Care
 - Plans for residents, **§ 34:24**
 - Resident care policies, **§ 34:21**
- Case citations, **§ 34:73**
- Certification of medication aides, **§ 34:32, 34:44**
- Cleaning, **§ 34:62**
- Combination of license categories, conversion of facility to comprehensive personal care home, **§ 34:71**
- Community space, **§ 34:58**
- Comprehensive personal care homes, conversion to, **§ 34:69-34:71**
- Conversion to comprehensive personal care homes, **§ 34:69-34:71**
- Corridors, **§ 34:56**
- Definitions, **§ 34:3**
- Dementia programs, **§ 34:65**
- Dietary department. Dining services, below
- Dietitians, **§ 34:34, 34:37**

GUIDE TO MEDICAID LAWS AND REGULATIONS

ASSISTED LIVING REGULATIONS—Cont'd

- Dining services
 - generally, **§ 34:34-34:39**
 - Commercial food management services, **§ 34:39**
 - Designation of food service coordinator, **§ 34:36**
 - Dietitians, **§ 34:34, 34:37**
 - Food service coordinator, designation of, **§ 34:36**
 - Provision of meals, **§ 34:35**
 - Qualifications of dietitians, **§ 34:34**
 - Requirements for dining services, **§ 34:38**
 - Responsibilities of dietitians, **§ 34:37**
- Discharge of resident
 - Conversion of facility to comprehensive personal care home, prohibition of, **§ 34:71**
 - Involuntary, **§ 34:16**
 - Disclosure, **§ 34:22**
 - Drills and tests, **§ 34:51**
 - Eligibility for conversion to comprehensive personal care homes, **§ 34:69**
 - Emergency plans and procedures, **§ 34:49, 34:50**
 - Employee health and resident policies and procedures for infection prevention and control, **§ 34:64**
 - Exit access passageways and corridors, **§ 34:56**
 - Financial arrangements and full disclosure, **§ 34:22**
 - Fire prevention
 - Detection system, **§ 34:56**
 - Extinguishers, **§ 34:61**
 - Suppression systems, **§ 34:56**
 - Food services. Dining services, above
 - Full disclosure, **§ 34:22**
 - General and health service plans, **§ 34:26**
 - General requirements, **§ 34:5 et seq.**
 - Health care
 - Assessment, **§ 34:25**
 - Provision of services, **§ 34:28**
 - services, **§ 34:27**
 - Health service plan, **§ 34:25**
 - Housekeeping, **§ 34:62**
 - Infection prevention and control services, **§ 34:63, 34:64**
 - Interior finish requirements, **§ 34:56**
 - Interpretation of services, **§ 34:18**
 - Involuntary discharge, **§ 34:16**
 - Laundry equipment, **§ 34:58**
 - Licensure
 - Categories combination, conversion of facility to comprehensive personal care home, **§ 34:71**
 - Standards, **§ 34:1**
 - Maintenance of facilities, **§ 34:62**
 - Maintenance of records, **§ 34:14**

INDEX

ASSISTED LIVING REGULATIONS—Cont'd

- Managed risk agreements, **§ 34:20**
- Meals. Dining services, above
- Medical care
 - Emergency procedures, **§ 34:49**
 - Health care, above
- Medication aides certification
 - generally, **§ 34:32**
 - Certified medication aide program, **§ 34:44**
- Medications
 - Administration of, **§ 34:42, 34:43**
 - Certification of medication aides, **§ 34:32, 34:44**
 - Pharmaceutical services, below
 - Supervision of administration, **§ 34:42**
- Minimum personal care assistant staffing, **§ 34:33**
- Notice
 - Posted notices, **§ 34:13**
 - Requirements, **§ 34:17**
- Nurse staffing requirements, **§ 34:30**
- Nursing services, **§ 34:29, 34:30**
- Ownership, **§ 34:6**
- Passageways and corridors, **§ 34:56**
- Personal care assistants
 - Minimum staffing, **§ 34:33**
 - Qualifications, **§ 34:31**
- Personal needs allowance, **§ 34:23**
- Personnel, **§ 34:7**
- Pharmaceutical services
 - generally, **§ 34:40**
 - Administration. Medications, above
 - Certified medication aide program, **§ 34:44**
 - Control of medications, **§ 34:46**
 - Designation of pharmacist, **§ 34:45**
 - Pharmacist, designation of, **§ 34:45**
 - Provision of pharmaceutical services, **§ 34:41**
 - Qualifications of pharmacists, **§ 34:40**
 - Storage of medications, **§ 34:46**
 - Supervision of medication administration, **§ 34:42**
- Pharmacists. Pharmaceutical services, above
- Physical plant
 - generally, **§ 34:53 et seq.**
 - Access passageways and corridors, **§ 34:56**
 - Administration and public areas, **§ 34:60**
 - Administration areas, **§ 34:60**
 - Automatic fire detection system, **§ 34:56**
 - Cleaning, **§ 34:62**
 - Community space, **§ 34:58**

ASSISTED LIVING REGULATIONS—Cont'd

- Physical plant—Cont'd
 - Comprehensive personal care homes, § **34:70**
 - Corridors, § **34:56**
 - Dietary department, § **34:59**
 - Exit access passageways and corridors, § **34:56**
 - Fire detection system, § **34:56**
 - Fire extinguishers, § **34:61**
 - Fire suppression systems, § **34:56**
 - General residential unit requirements, § **34:57**
 - Housekeeping, § **34:62**
 - Interior finish requirements, § **34:56**
 - Laundry equipment, § **34:58**
 - Maintenance, § **34:62**
 - Passageways and corridors, § **34:56**
 - Public areas, § **34:60**
 - Restrictions, § **34:54**
 - Safety requirements, § **34:56, 34:61, 34:62**
 - Sanitation, § **34:62**
 - Sounding devices, § **34:61**
 - Telecommunications, § **34:61**
 - Ventilation, § **34:55**
- Plans
 - Emergency plans and procedures, § **34:50**
 - General plans, § **34:26**
 - Health service plans, § **34:25, 34:26**
- Policies
 - Manual, policy and procedure, § **34:9**
 - Resident care, § **34:21**
- Posted notices, § **34:13**
- Prohibition of resident discharge on conversion of facility to comprehensive personal care home, § **34:71**
- Provision of health care services, § **34:28**
- Provisions, § **34:2**
- Public areas, § **34:60**
- Qualifications of staff
 - Dietitians, § **34:34**
 - Personal care assistants, § **34:31**
 - Pharmacists, § **34:40**
 - Professional nurses, § **34:29**
- Quality services, § **34:68**
- Records
 - Agreements, above
 - Maintenance of, § **34:14**
 - Plans, above
 - Resident records, § **34:52**
- Referral agreements, § **34:19**
- Reportable events, § **34:12**

INDEX

ASSISTED LIVING REGULATIONS—Cont'd

- Requirements, generally, **§ 34:5 et seq.**
- Resident activities, **§ 34:47**
- Resident assessments and care plans, **§ 34:24**
- Resident care policies, **§ 34:21**
- Resident discharge on conversion of facility to comprehensive personal care home, prohibition of, **§ 34:71**
- Resident records, **§ 34:52**
- Resident transportation, **§ 34:10**
- Residents' rights, **§ 34:4**
- Respite care services, standards for, **§ 34:66, 34:67**
- Restrictions, physical plant, **§ 34:54**
- Retention of residents, **§ 34:15**
- Rights of residents, **§ 34:4**
- Safety requirements, **§ 34:56, 34:62**
- Sanitation, **§ 34:62**
- Services provided to residents, **§ 34:5 et seq.**
- Social work services, **§ 34:48**
- Sounding devices, **§ 34:61**
- Staffing
 - Nursing requirements, **§ 34:30**
 - Personal care assistant staffing, minimum, **§ 34:33**
 - Qualifications of staff, above
 - Requirements, **§ 34:8, 34:30**
- Standards
 - Licensure of assisted living residences, comprehensive personal care homes and assisted living programs, **§ 34:1**
 - Respite care services, **§ 34:66, 34:67**
- Supplemental security income recipients, conversion of facility to comprehensive personal care home, **§ 34:71**
- Telecommunications, **§ 34:61**
- Tests and drills, **§ 34:51**
- Transfer agreements, **§ 34:19**
- Transportation for residents, **§ 34:10**
- Types of services provided to residents, **§ 34:5 et seq.**
- Ventilation, **§ 34:55**
- Written agreements, **§ 34:11**

ATTACHMENT

- Liens, Medicaid, New Jersey Medical Assistance and Health Services Act, **§ 2:12**

ATTORNEY GENERAL

- New Jersey Medical Assistance and Health Services Act, this index

BASIC MEDICAL CARE AND SERVICES

- New Jersey Medical Assistance and Health Services Act, **§ 2:5**

BED HOLDS

- New Jersey Medical Assistance and Health Services Act, **§ 2:8**

GUIDE TO MEDICAID LAWS AND REGULATIONS

BED SPACE

New Jersey Medical Assistance and Health Services Act, skilled nursing or intermediate care facility, **§ 2:31**

BENEFICIARIES

Administration Manual for Division of Medical Assistance and Health Services, this index

BLINDNESS

HCFA transmittal no. 64, transfers of assets for less than fair market value, exceptions to application of transfer of assets penalties, HCFA 64 **§ 3258.10, § 28:13**

New Jersey Administrative Code Regulations for Medicaid Only Program, this index

Special Medicaid programs manual, New Jersey care, income eligibility, **§ 19:13**

BONDS

Discharge of lien prior to adjudication, New Jersey Medical Assistance and Health Services Act, **§ 2:15**

BRAIN INJURIES

Traumatic Brain Injury Fund, this index

BREACH OF CONTRACT

Assisted living resident may proceed with breach of contract claim against long-term care insurer, **§ 35:29**

Nursing home can pursue breach of contract claim against residents son, **§ 35:33**

BURIAL AND BURIAL GROUND

Medicaid Only Program, New Jersey Administrative Code regulations for Expenses, **§ 7:1, 7:3**

CAREGIVER ASSISTANCE PROGRAM

Jersey assistance community caregiving (jacc), this index

CASE LAW, § 35:10

10 year penalty period cannot relitigate application, **§ 35:2**

Additional Case Updates for 2020, **§ 35:83**

Adult disabled child

exempt transfers after child reaches age 65, disability benefits converted to retirement benefits, Outright gifts, **§ 35:21**

federal and state medicaid regulations, exempt transfer, outright gift, **§ 35:22**

Alimony Not Modified to Permanent Status For Ex-Spouse of Special Needs Children, **§ 35:8**

Annuity is not a transfer for less than fair market value for purposes of Medicaid eligibility, **§ 35:12**

Appellate Division

Agency decision finding that monthly expenses do not rise level of exception, **§ 35:15**

ALJs decision appellants favor, the Divisions decision must be set aside, decision of ALJ deemed adopted, New Jersey, **§ 35:14**

circumstances warranting an increase in her minimum monthly maintenance needs allowance, **§ 35:15**

INDEX

CASE LAW, § 35:10—Cont'd

Appellate Division—Cont'd

Director of DMAHS failed to establish either an emergency or other unforeseeable circumstances, New Jersey, § 35:14

Applicants use its form to designate authorized representative was allowed, Medicaid Agency Requirement, § 35:7

Assisted living resident may proceed with breach of contract claim against long-term care insurer, § 35:29

Committee on the Unauthorized Practice of Laws Opinion 53, Non-Lawyer Medicaid Advisors and Unauthorized Practice of Law, § 35:51

Community spouse annuity was not countable asset for medicaid applicant spouse, § 35:9

County Board of Social Services is not required to recognize a Family Part Order for non-dissolution support, § 35:23

Court remands to SSA to consider whether the temporary misuse of an SNT dooms it forever, § 35:28

Court rules administrator of decedents estate lacks standing to appeal Medicaid denial, § 35:31

Delaware appeals court

properly billed resident at private pay rate before residents Medicaid application approved, responsible for paying nursing home, § 35:60

DHS Orders, Decisions and Opinions

Update for Selected Medicaid Final Agency Decisions and Cases for 2015 through December 2016, § 35:79

Disabled Medicaid applicant

entitled to additional time provide documentation to support his application and Medicaid agency is required to assist him, § 35:47

Distributions from Special Needs Trust Considered in Calculation for Child Support, § 35:4

Eligibility date must be treated as income in post-eligibility calculation of a community spouses monthly income amount, § 35:20

Federal appeals court

affirms lower courts ruling that beneficiarys interest two predecessor trusts were not available resources, Connecticut Medicaid plan, § 35:67

Federal district court

claim that state improperly attributed his estranged wifes assets to him, dismisses medicaid applicants, § 35:72

medicaid applicant against state agency imposed penalty period due to purchase of spousal annuity, barred res judicata, § 35:59

Federal Medicaid law

North Dakota statute under which the annuity been deemed countable violates and preempted, § 35:13

Filing a second application after some transferred assets were returned, § 35:2

Firefighter Allowed to Change Pension Beneficiary to Special Needs Trust for Disabled Son, § 35:3

Florida appeals court

Medicaid hearing officer had jurisdiction to hear a Medicaid recipients argument that state applying an unpromulgated rule, § 35:77

GUIDE TO MEDICAID LAWS AND REGULATIONS

CASE LAW, § 35:10—Cont'd

Florida court of appeals

Medicaids anti-lien provision does not apply to medicaid lien imposed on a medicaid recipients property after recipient dies, § 35:78

Guardianship funds must go to estate to reimburse medicaid claim, § 35:35

Irrevocable, non-assignable, non-transferable, actuarially sound annuity naming State of New Jersey, § 35:19

Lack of personal care agreement makes reimbursements to relatives an improper transfer, § 35:44

Lien against Medicaid recipients property doesn't attach until it is recorded, § 35:40, 35:41

Massachusetts appeals court

son of nursing home resident breached fiduciary duty, not liable to the nursing home, § 35:32

Medicaid applicant

appeal decision that has not yet been enforced, § 35:36

burden of proving that money in joint account not available to him, § 35:24

care agreement assessed transfer penalty because rate was too high, § 35:26

claim against the state for an injunction, § 35:55

not required to exhaust administrative remedies before filing, § 35:30

transfers under personal service agreement are uncompensated, § 35:34

who reapplied instead of appealing is not entitled to retroactive benefits, § 35:43

Medicaid Applicant

Not entitled to undue hardship waiver of transfer penalty, § 35:17

Medicaid Applicants did not meet criteria to be excluded as countable resources, Promissory Notes, § 35:10

Medicaid eligibility

benefit is the result of unusual medical expenses, § 35:16

improper, Ohio high court rules that interspousal transfer home prior to, § 35:25

Veterans pension benefits may not be counted as income, § 35:16

Medicaid final agency decisions, Superior Court of New Jersey Appellate Division Decisions August 2021 through July 2022, § 35:85

Medicaid final agency decisions, Superior Court of New Jersey Appellate Division Decisions August 2022 through July 2023, § 35:86

Medicaid final agency decisions, Superior Court of New Jersey Appellate Division Decisions August 2023 through July 2024, § 35:87

Medicaid final agency decisions, Superior Court of New Jersey Appellate Division Decisions July 2020 to July 2021, § 35:84

Medicaid final agency decisions, Superior Court of New Jersey Appellate Division Decisions March 2019 to June 2020, § 35:82

Medicaid final agency decisions, Superior Court of New Jersey Appellate Division Decisions Post July 2018, § 35:81

Medicaid final agency decisions, Superior Court of New Jersey Appellate Division Decisions 2017 through July 2018, § 35:80

Medicaid recipient

Nebraskas highest court rules, state can recover non-medical expenses, room and board, § 35:70

INDEX

CASE LAW, § 35:10—Cont'd

- Michigan appeals court
 - state may recover medicaid benefits paid to recipient before recipient received notice about potential estate recovery, § 35:61
- Monthly payments to a community spouse from a single premium immediate annuity, § 35:20
- New Jersey appeals court
 - accounts of residents of an assisted living facility counts as income for Medicaid eligibility purposes, need-based credit applied, § 35:48
 - caretaker child exception does not apply to a Medicaid applicant who transferred her house to her daughter, § 35:50
 - in-home medicaid waiver recipients gift house to her daughter does not fall under the caregiver exemption, § 35:45
 - minimum monthly maintenance needs allowance, monthly stipend a Medicaid recipients spouse receives from an annuity, § 35:49
 - state has right to recover improperly paid Medicaid costs, probate estate of woman who was under guardianship, § 35:46
 - transfers failed to rebut the presumption that those transfers were for a purpose other than to qualify for Medicaid, § 35:52
- New Jersey federal court
 - nursing home residents lawsuit, state medicaid agencys interpretation of caregiver exemption from transfer asset rules is moot, § 35:56
- New York appeals court
 - banks claim against Medicaid recipients property has priority over states claim for Medicaid recovery, § 35:74
 - Medicaid applicant did not rebut presumption her transfers were made in order to qualify for Medicaid, § 35:65
 - Medicaid applicant successfully rebutted presumption, transfers to daughter made one and two years before entering nursing home, § 35:64
 - transferred money, good health and two years before entering a nursing home presented enough evidence, § 35:53
- No factual hearing was held by the Family Part and where Medicaid not given notice and an opportunity to be heard, § 35:23
- Nursing home can pursue breach-of-contract claim against residents son, § 35:33
- Nursing home has standing to pursue Medicaid appeal on residents behalf, § 35:39
- Ohio appeals court
 - deceased Medicaid recipients life estate does not extinguish at death for the purposes of Medicaid estate recovery,lien on property, § 35:58
- Only state Medicaid agency could make Medicaid eligibility determinations, § 35:6
- Oregon appeals court
 - foster care facility that accepted a Medicaid recipient is not entitled to damages from recipients estate, § 35:73
- Payments to caregiver subject Medicaid applicant to penalty period, § 35:42
- Prevent Medicaid eligibility ,cannot be treated as available resource, Short-term annuities purchased by applicants for nursing home Medicaid, § 35:1
- Properly denied despite contention of abandonment by power of attorney, Medicaid applications, § 35:5

GUIDE TO MEDICAID LAWS AND REGULATIONS

CASE LAW, § 35:10—Cont'd

Provision in an annuity requiring the owner or beneficiary of the annuity to agree to the amount paid to the state, **§ 35:12**

Purchased with the community spouse resource allowance, **§ 35:20**

Recipient cannot bring claim to require state to deduct guardianship fees from income, Medicaid, **§ 35:37**

Recover from community spouses estate funds, U.S. Supreme Court denies certification, **§ 35:11**

Sixth Circuit Court of Appeals

 living residents applying Medicaid benefits not entitled to retroactive benefits, reversing a lower court decision, **§ 35:62**

State can impose second penalty period on same transfers of assets, **§ 35:38**

State cannot modify penalty period unless all transferred assets are returned, **§ 35:27**

Update, **§ 35:1 et seq.**

 Generally, **§ 35:1-35:87**

US Court of Appeals

 Sixth Circuit rules that a case by the family Kentucky Medicaid recipient challenging states adherence to federal law regarding spousal annuities, **§ 35:66**

US district court

 claim by nursing home against state for failing evaluate nursing home residents Medicaid eligibility timely manner, **§ 35:63**

 denies a Medicaid applicant a preliminary injunction for the second time, New Jersey, **§ 35:57**

 group of Medicaid applicants not have private right of action to sue the state for not issuing Medicaid eligibility determinations with 45 days, **§ 35:71**

 husband who became ineligible for Medicaid benefits during a redetermination and then transferred assets to wife during the period of ineligibility, **§ 35:69**

 nursing home proceed with case against sons of resident who transferred the residents funds to themselves, **§ 35:54**

 received a preliminary injunction on their request for a post-default notice, **§ 35:68**

 reverses a previous decision and grants a preliminary injunction to a group of Medicaid applicants, **§ 35:75**

 who was denied Medicaid benefits after transferring assets her children in exchange for a promissory note may proceed with her claim against the state, **§ 35:76**

 Validity of gift/annuity planning, division of medical assistance and health services acknowledges, **§ 35:18**

CASE MANAGEMENT

 Special Medicaid programs manual, New Jersey care, **§ 19:2**

CASE RECORDS AND FILES

 New Jersey Administrative Code Regulations for Medicaid Only Program, this index

 Special Medicaid programs manual, New Jersey care, **§ 19:17**

INDEX

CASE TRANSFER

Special Medicaid programs manual, New Jersey care, **§ 19:4**

CERTIFICATES AND CERTIFICATION

Medicaid beneficiaries and providers, administration manual for Division of Medical Assistance and Health Services, **§ 11:12**

CHANGE OF COUNTY RESIDENCE

Medicaid Only Program, New Jersey Administrative Code regulations for, **§ 3:21**

CHOICE

Medicaid beneficiary and provider, administration manual for Division of Medical Assistance and Health Services, **§ 11:10**

Medicaid Only Program, New Jersey Administrative Code regulations for, **§ 3:2**

CITIZENSHIP

Lifeline Credit Program, **§ 24:9**

Senior gold prescription program manual, **§ 25:11**

CIVIL RIGHTS

Administration manual for Division of Medical Assistance and Health Services, **§ 11:9**

New Jersey Administrative Code regulations for Medicaid Only Program, non-discrimination in public assistance programs, **§ 8:8**

CLEANING SERVICES

Assisted living regulations, **§ 34:62**

COLLATERAL INVESTIGATION

Medicaid Only Program, New Jersey Administrative Code regulations for, **§ 3:13**

COMMON LAW

Uniform Trust Code, **§ 37:7**

COMMUNICATIONS AND DECISIONS

Selected, **§ Appx. A**

COMMUNITY RESOURCES FOR PEOPLE WITH DISABILITIES

Generally, **§ 21:37-21:39**

Eligibility, **§ 21:38**

Purpose, scope, **§ 21:37**

COMPENDIA

Definitions utilized Medical Assistance and Health Services Act, **§ 2:3**

COMPLAINTS

Medicaid Only Program, New Jersey Administrative Code regulations for, responsibilities, **§ 8:4**

COMPREHENSIVE DEMONSTRATION WAIVER PROGRAM

Generally, **§ 10:1 et seq.**

Managed Long Term Services and Supports

details, Medicaid, **§ 10:3**

summary, **§ 10:2**

GUIDE TO MEDICAID LAWS AND REGULATIONS

COMPREHENSIVE MATERNITY CARE

New Jersey Medical Assistance and Health Services Act, this index

COMPREHENSIVE MEDICAL PLAN

Medicaid, New Jersey Medical Assistance and Health Services Act, § 2:20

COMPROMISE AND SETTLEMENT

Waiver lien, New Jersey Medical Assistance and Health Services Act, § 2:14

COMPUTING INCOME

Generally, § 33:1 et seq.

CONSIDERATION

Consideration as precondition, admission to skilled nursing or intermediate care facilities, § 2:26

CONTINUATION OF MEDICAL NEED

Medicaid Only Program, New Jersey Administrative Code regulations for, medical assistance for the aged continuation, § 9:3

COPAYMENTS

Senior gold prescription program manual, § 25:4

CORRECTLY MADE PAYMENTS

Medicaid, administration manual for Division of Medical Assistance and Health Services, recovery of payments, § 14:1

COST DETERMINATIONS

Home Care Expansion Program (HCEP), § 20:2

COUNTABLE RESOURCES

Medicaid Only Program, New Jersey Administrative Code regulations for, § 4:3

COUNTY WELFARE AGENCIES

Decisions. Notice, this index

New Jersey Administrative Code regulations for Medicaid Only Program, Welfare Agency responsibility and procedures, § 3:27

Recovery of payments and sanctions, administration manual for Division of Medical Assistance and Health Services, § 14:4

COUPLE

Medicaid Only Program, New Jersey Administrative Code regulations for, resources of couple, § 4:8

CRIMINAL LAW

Skilled nursing or intermediate care facility, consideration as precondition, New Jersey Medical Assistance and Health Services Act, § 2:26

DECISIONS

Definition of decision making capacity, advance directives, Administration manual for Division of Medical Assistance and Health Services, § 11:14

Selected, § Appx. A

INDEX

DEFINITIONS

Administration Manual for Division of Medical Assistance and Health Services, this index
Adult day services for persons with Alzheimer's disease or related disorders, § 26:2
Application process, § 3:5
Approved, § 3:5
Disability, § 3:26
Disposition of application, § 3:5
Fair hearings, § 12:3
HCFA Transmittal No. 64, this index
Hearing Aid Assistance to the Aged and Disabled, § 30:2
Home care services, § 21:2
Home care services manual, § 21:2
Lifeline Credit Program, § 24:2
Medicaid, § 2:3
Medical assistance, § 2:3
New application, § 3:5
New Jersey Administrative Code Regulations for Medicaid Only Program, this index
New Jersey Medical Assistance and Health Services Act, this index
Pending application, § 3:5
Prospective drug utilization review, § 2:3
Qualified applicant, § 2:3
Reapplication, § 3:5
Rejected, § 3:5
Reopened application, § 3:5
Retrospective drug utilization review, § 2:3
Senior gold prescription program manual, § 25:2
Statewide Respite Care Program, § 23:2

DEMONSTRATION PROJECT

New Jersey Medical Assistance and Health Services Act, § 2:17

DEPOSIT

Discharge of lien prior to adjudication, New Jersey Medical Assistance and Health Services Act, § 2:15

DIFFERENT MEDICAL ASSESSMENT

Medicaid beneficiary's right to, administration manual for Division of Medical Assistance and Health Services, § 12:7

DISABLED PERSONS

Administration Manual for Division of Medical Assistance and Health Services, this index
Firefighter allowed to change pension beneficiary to special needs trust for disabled son, § 35:3
HCFA transmittal no. 64, transfers of assets for less than fair market value, exceptions to application of transfer of assets penalties, § 28:13
Lifeline Credit Program, § 24:10

GUIDE TO MEDICAID LAWS AND REGULATIONS

DISABLED PERSONS—Cont'd

New Jersey Administrative Code Regulations for Medicaid Only Program, this index
Special Medicaid programs manual, New Jersey care, income eligibility, **§ 19:13**

DISCHARGE OF LIEN

Medicaid Liens, this index
New Jersey Medical Assistance and Health Services Act, this index

DISCHARGE OF RESIDENT

Assisted Living Regulations, this index

DISCRETIONARY TRUSTS

Uniform Trust Code, Effect of Standard, **§ 37:39**

DISCRIMINATION

New Jersey Administrative Code regulations for Medicaid Only Program, non-discrimination in public assistance programs, **§ 8:8**

DISQUALIFICATION OF PROVIDERS

New Jersey Medical Assistance and Health Services Act, **§ 2:24**

DIVISION OF DISABILITY SERVICES

Traumatic Brain Injury Fund, this index

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Federal regulations, compliance with, **§ 11:4**
Health Care and Education Reconciliation Act, compliance with, **§ 11:4**
Memo to banks, **§ 33:5**
Patient Protection and Affordable Care Act, compliance with, **§ 11:4**

DRUGS

New Jersey Medical Assistance and Health Services Act, this index

EFFECTIVE DATE

HCFA Transmittal No. 64, this index

ELECTRONIC RECORDS AND SIGNATURES

Uniform Trust Code, **§ 37:83**

ELIGIBILITY

Adult day services for persons with Alzheimer's disease or related disorders, **§ 26:7**

Aliens. New Jersey Medical Assistance and Health Services Act, this index
Lifeline Credit Program, this index
Medicaid

New Jersey appeals court holds that a need-based credit applied to the accounts of residents of an assisted living facility counts as income, **§ 35:48**

New Jersey Administrative Code Regulations for Medicaid Only Program, this index

New Jersey Medical Assistance and Health Services Act, this index
Ohio high court rules that interspousal transfer of home prior to Medicaid eligibility is improper, **§ 35:25**

INDEX

ELIGIBILITY—Cont'd

Pharmaceutical Assistance to Aged and Disabled, this index
Senior gold prescription program manual, § 25:9
Short-term annuities purchased by applicants for nursing home Medicaid cannot be treated as an available resource, § 35:1
Statewide Respite Care Program, § 23:4

ELIGIBLE ALIENS

New jersey medical assistance and health services act, Medical assistance to, § 2:7

EMERGENCIES

Assisted living regulations, emergency plans and procedures, § 34:49, 34:50
Traumatic Brain Injury Fund, emergency services, § 31:14

ENFORCEMENT

Commissioner's decisions, New Jersey Medical Assistance and Health Services Act, § 2:25
Recovery of medical assistance payments, enforcement against third party, Attorney General, New Jersey Medical Assistance and Health Services Act, § 2:10

ENROLLMENT FEES

Medicaid, New Jersey Medical Assistance and Health Services Act, § 2:19

ESTATE OF MEDICAID RECIPIENT

Medicaid Liens, this index

EXCLUDABLE RESOURCES

Medicaid Only Program, New Jersey Administrative Code regulations for, § 4:4

EXCLUSIONS

Medicaid Only Program, New Jersey Administrative Code regulations for, income, § 5:3

FAIR HEARINGS

Administration Manual for Division of Medical Assistance and Health Services, this index
New Jersey Administrative Code regulations for Medicaid Only Program, § 8:4
Special Medicaid programs manual, New Jersey care, § 19:16

FAMILYCARE MANAGED CARE PROGRAM

Medicaid, § 16:1 et seq.

FAMILYCARE PROGRAM

Administration manual for Division of Medical Assistance and Health Services, services available to eligible beneficiaries, § 11:7
Managed care program (Medicaid), administration manual for Division of Medical Assistance and Health Services, § 16:3

FEDERAL APPROVAL AND CRITERIA

Amendments, New Jersey Medical Assistance and Health Services Act, § 2:2

GUIDE TO MEDICAID LAWS AND REGULATIONS

FEES

Enrollment fees or premium charges, New Jersey Medical Assistance and Health Services Act, **§ 2:19**

Statewide Respite Care Program, qualifications and requirements, **§ 23:9**

FINANCIAL ELIGIBILITY

Medicaid Only Program, New Jersey Administrative Code regulations for, **§ 4:2**
Medically Needy Program, this index

FIRE PREVENTION

Assisted Living Regulations, this index

FRAUD

New Jersey Administrative Code regulations for Medicaid Only Program, fraudulent receipt of assistance, **§ 8:5**

Rewards for information relating to, administration manual for Division of Medical Assistance and Health Services, **§ 13:2**

FUNDS AND FUNDING REQUIREMENTS

Adult day services for persons with Alzheimer's disease or related disorders, **§ 26:3**

Traumatic Brain Injury Fund, this index

FUNERAL EXPENSES

Medicaid Only Program, New Jersey Administrative Code regulations for, **§ 7:1, 7:3**

GOVERNMENTAL PEER GROUPING SYSTEM

Definitions utilized in the Medical Assistance and Health Services Act, **§ 2:3**

GUARDIANSHIP

Estate to reimburse Medicaid claim, funds, **§ 35:35**

Medicaid recipient cannot bring claim to require state to deduct guardianship fees from income, **§ 35:37**

HCFA TRANSMITTAL NO. 64

Generally, **§ 28:1**

Effective date

Transfers of assets for less than fair market value, HCFA 64 § 3258.2, **§ 28:5**

Trusts, HCFA 64 § 3259.2, **§ 28:16**

Income, trusts established with, exceptions to treatment of trusts under trust provisions, HCFA 64 § 3259.7, **§ 28:21**

Index to, **§ 28:2**

Penalty Divisor, increase in, **§ 28:23**

State Medicaid manual (SMM), **§ 28:1**

Transfers of assets and treatment of trusts, HCFA 64 § 3257, **§ 28:3**

Transfers of assets for less than fair market value

Certain kinds of transfers, treatment of, HCFA 64 § 3258.9, **§ 28:12**

Effective date, HCFA 64 § 3258.2, **§ 28:5**

Exceptions to application of transfer of assets penalties, HCFA 64 § 3258.10, **§ 28:13**

HCFA 64 § 3258.1, **§ 28:4**

INDEX

HCFA TRANSMITTAL NO. 64—Cont'd

- Transfers of assets for less than fair market value—Cont'd
 - Income, treatment as asset, HCFA 64 § 3258.6, **§ 28:9**
 - Individuals to whom transfer of assets provisions apply, HCFA 64 § 3258.3, **§ 28:6**
- Institutionalized individuals
 - Look-back date and look-back period, HCFA 64 § 3258.4, **§ 28:7**
 - Penalties for, HCFA 64 § 3258.8, **§ 28:11**
 - Penalty periods, HCFA 64 § 3258.5, **§ 28:8**
- Jointly owned assets, treatment of, HCFA 64 § 3258.7, **§ 28:10**
- Look-back date and look-back period, HCFA 64 § 3258.4, **§ 28:7**
- Noninstitutionalized individuals
 - Individuals to whom transfer of assets provisions apply, HCFA 64 § 3258.3, **§ 28:6**
 - Look-back date and look-back period, HCFA 64 § 3258.4, **§ 28:7**
 - Penalties for, HCFA 64 § 3258.8, **§ 28:11**
 - Penalty periods, HCFA 64 § 3258.5, **§ 28:8**
- Penalties
 - Generally, HCFA 64 § 3258.8, **§ 28:11**
 - Exceptions to application of transfer of assets penalties, HCFA 64 § 3258.10, **§ 28:13**
 - Institutionalized individuals, HCFA 64 § 3258.8, **§ 28:11**
 - Noninstitutionalized individuals, HCFA 64 § 3258.8, **§ 28:11**
- Penalty periods, HCFA 64 § 3258.5, **§ 28:8**
- Spouse
 - Impoverishment provisions, transfers of assets and, HCFA 64 § 3258.11, **§ 28:14**
 - Penalty period, transfer by spouse resulting in, HCFA 64 § 3258.5, **§ 28:8**
- Trusts
 - Generally, HCFA 64 § 3259.1, **§ 28:15**
 - Application of trust provisions, HCFA 64 § 3259.5, **§ 28:19**
 - Application of trust provisions would work undue hardship, HCFA 64 § 3259.8, **§ 28:22**
 - Effective date, HCFA 64 § 3259.2, **§ 28:16**
 - Exceptions to treatment of trusts under trust provisions, HCFA 64 § 3259.7, **§ 28:21**
 - Income, trusts established with, exceptions to treatment of trusts under trust provisions, HCFA 64 § 3259.7, **§ 28:21**
 - Individual's assets form only part of trust, HCFA 64 § 3259.4, **§ 28:18**
 - Individuals to whom trust provisions apply, HCFA 64 § 3259.3, **§ 28:17**
 - Transfers of assets and treatment of trusts, HCFA 64 § 3257, **§ 28:3**
 - Treatment of trusts, **§ 28:3, 28:20**
 - Undue hardship, application of trust provisions working, HCFA 64 § 3259.8, **§ 28:22**
- Undue hardship
 - Trust provisions working undue hardship, application of, HCFA 64 § 3259.8, **§ 28:22**

GUIDE TO MEDICAID LAWS AND REGULATIONS

HEALTH CARE

Assisted Living Regulations, this index

HEALTH CARE AND EDUCATION RECONCILIATION ACT

Division of Medical Assistance and Health Services, compliance with, **§ 11:4**

HEALTHCARE COMMON PROCEDURE CODING SYSTEM

Introduction, **§ 21:39**

HEARING AID ASSISTANCE TO THE AGED AND DISABLED

Generally, **§ 30:1**

Appeal process, **§ 30:6**

Application process, **§ 30:3**

Definitions, **§ 30:2**

Eligibility, **§ 30:4**

Incorrectly paid benefits, recoveries for, **§ 30:5**

Recoveries for benefits incorrectly paid, **§ 30:5**

HOME AND COMMUNITY-BASED SERVICES WAIVER PROGRAMS

Administration Manual for Division of Medical Assistance and Health Services, this index

HOME CARE EXPANSION PROGRAM (HCEP)

Generally, **§ 20:1 et seq.**

Applications, **§ 20:5**

Assessment of need for long-term home care services, **§ 20:2**

Determinations of medical necessity and of cost, **§ 20:2**

Eligibility, **§ 20:4**

Home Care Services Manual, **§ 21:1 et seq.**

Monitoring, **§ 20:2**

Payment, **§ 20:2**

Plan of care, **§ 20:2**

Purpose, **§ 20:1**

Scope, **§ 20:1**

Services provided under, **§ 20:3**

Services within program, **§ 20:2**

HOME CARE SERVICES MANUAL

Generally, **§ 21:1 et seq.**

Advance directives, **§ 21:6**

Community Resources for People with Disabilities, **§ 21:37-21:39**

Definitions, **§ 21:2**

DHSS Long-Term Care Field Office, relationship of provider with, **§ 21:7**

Fair hearings, provisions for, **§ 21:10**

Healthcare Common Procedure Coding System, **§ 21:39**

Home Health Agency Services, **§ 21:11-21:16**

Limitations on care, **§ 21:5**

Medical Assistance Customer Center, relationship of provider with, **§ 21:7**

On-site monitoring visits, **§ 21:9**

Out-of-State approved home health agencies, **§ 21:4**

Personal Care Assistant Services, **§ 21:17-21:25**

INDEX

HOME CARE SERVICES MANUAL—Cont'd

- Private duty nursing services, § **21:26-21:36**
- Providers eligible to participate, § **21:3**
- Purpose and scope, § **21:1**
- Quality assurance review, post payment, § **21:8**
- Standards of performance, § **21:8**

HOME HEALTH AGENCY SERVICES

- Generally, § **21:11-21:16**
- Certification of need for home health services, § **21:12**
- Clinical records, § **21:14**
- Covered home health agency services, § **21:11**
- Limitations, § **21:16**
- Payment for home health services, § **21:15**
- Plan of care, § **21:13**

HOME HEALTH CARE SERVICES

- Basic medical care and services, New Jersey Medical Assistance and Health Services Act, § **2:5**

HOSPITALS

- Basic medical care and services, New Jersey Medical Assistance and Health Services Act, § **2:5**

HOUSEHOLD GOODS AND PERSONAL EFFECTS

- New Jersey Administrative Code Regulations for Medicaid Only Program, this index

HOUSEKEEPING SERVICES

- Assisted living regulations, § **34:62**

INCOME

- HCFA transmittal no. 64, treatment of income as asset, transfers of assets for less than fair market value, § **28:9**
- Lifeline Credit Program, § **24:8**
- Medically Needy Program, this index
- New Jersey Administrative Code Regulations for Medicaid Only Program, this index
- Senior gold prescription program manual, § **25:10**
- Special Medicaid programs manual, New Jersey care, § **19:11, 19:13**

INCORRECTLY PAID BENEFITS

- Hearing aid assistance to the aged and disabled, recoveries, § **30:5**
- Lifeline Credit Program, § **24:13**

INJUNCTION

- Medicaid applicants claim against the state for an injunction declaring him eligible for benefits is mooted by the applicants death, § **35:55**
- US district court in New Jersey denies a Medicaid applicant a preliminary injunction for the second time, holding that the state properly counted her late husbands assets, § **35:57**

GUIDE TO MEDICAID LAWS AND REGULATIONS

INPATIENT HOSPITAL SERVICES

New Jersey Medical Assistance and Health Services Act, medical care and services, **§ 2:5**

INSTITUTIONALIZED INDIVIDUALS

New Jersey Administrative Code Regulations for Medicaid Only Program, this index

INSURANCE

Premiums, this index

INTAKE POLICY AND PROCEDURE

Medicaid Only Program, New Jersey Administrative Code regulations for, application process, **§ 3:8**

INTEGRITY OF MEDICAID

Administration manual for Division of Medical Assistance and Health Services, **§ 11:13**

INTERNET LAW

Medicaid, web site resources, **§ 1:2**

INTERVENTION

Definitions utilized in the Medical Assistance and Health Services Act, **§ 2:3**

JACC

Jersey assistance community caregiving (jacc), this index

JERSEY ASSISTANCE COMMUNITY CAREGIVING (JACC)

Generally, **§ 27:1-27:3**

Jersey Assistance for Community Care, **§ 27:2**

policy memoranda and program instructions, **§ 27:3**

JOINT OWNERSHIP

Transfers of assets for less than fair market value, treatment of, HCFA transmittal no. 64, **§ 28:10**

LABORATORY SERVICES

New Jersey Medical Assistance and Health Services Act, medical care and services, **§ 2:5**

LICENSURE

Assisted Living Regulations, this index

LIENS

Despite the estates claims that the funds were properly paid and that the recovery violates federal anti-lien provisions, **§ 35:46**

Discharge of lien

Medicaid Liens, this index

New Jersey Medical Assistance and Health Services Act, this index

Medicaid recipients property doesn't attach until it is recorded, **§ 35:40**

New Jersey Medical Assistance and Health Services Act, this index

INDEX

LIFE CARE AGREEMENTS

Eligibility under, income, New Jersey administrative code regulations for
Medicaid Only Program, **§ 5:8**

LIFE CARE AND PAY-AS-YOU-GO AGREEMENTS

Medicaid Only Program, eligibility under, New Jersey Administrative Code
regulations, **§ 5:8**

LIFELINE CREDIT PROGRAM

Generally, **§ 24:1**

Administration manual for Division of Medical Assistance and Health Services,
§ 18:1, 18:2

Age and disability, **§ 24:10**

Appeal process, **§ 24:12**

Applications

Generally, **§ 24:6**

Administration manual for Division of Medical Assistance and Health Services, **§ 18:2**

Lifeline eligibility, **§ 24:11**

Benefits incorrectly paid, **§ 24:13**

Confidentiality and disclosure of information, **§ 24:5**

Definitions, **§ 24:2**

Disability, **§ 24:10**

Eligibility

Applications, **§ 24:11**

General eligibility requirements, **§ 24:7**

Income eligibility requirements, **§ 24:8**

General eligibility requirements, **§ 24:7**

Income eligibility requirements, **§ 24:8**

Incorrectly paid benefits, **§ 24:13**

Lifeline Credit/Tenants Lifeline Assistance payment, **§ 24:3**

Purpose and scope, administration manual for Division of Medical Assistance
and Health Services, **§ 18:1**

Residency requirement and citizenship, **§ 24:9**

Responsibilities of utility companies, **§ 24:4**

Tenants Lifeline Assistance payment, **§ 24:3**

LIVING ARRANGEMENTS

Medicaid Only Program, New Jersey Administrative Code regulations for, **§ 3:3**

LOOK BACK DATE AND LOOK BACK PERIOD

HCFA transmittal no. 64, transfer of assets, **§ 28:7**

MANAGED CARE PROGRAM

Administration Manual for Division of Medical Assistance and Health Services,
this index

MANAGED LONG TERM SERVICES AND SUPPORTS

Summary, **§ 10:2**

MANUALS

HCFA transmittal no. 64, state Medicaid manual (SMM), **§ 28:1**

GUIDE TO MEDICAID LAWS AND REGULATIONS

MANUALS—Cont'd

Provider manuals, administration manual for Division of Medical Assistance and Health Services, § 11:3

MATERIAL

Availability of, program policy issuances, administration manual for Division of Medical Assistance and Health Services, § 15:2

MATERNITY CARE

New Jersey Medical Assistance and Health Services Act, this index

MEDICAID

2024 programs for NJ family care aged, blind, disabled, § 40:5

Generally, § 1:1 et seq.

Also see more specific lines throughout this index

Applicant

appeal decision that has not yet been enforced, § 35:36

burden of proving that money in joint account not available to him, § 35:24

care agreement assessed transfer penalty because rate was too high, § 35:26

claim against the state for an injunction, § 35:55

not required to exhaust administrative remedies before filing, § 35:30

transfers under personal service agreement are uncompensated, § 35:34

who reapplied instead of appealing is not entitled to retroactive benefits, § 35:43

Applicant, not entitled to undue hardship waiver of transfer penalty, § 35:17

Applicants use its form to designate authorized representative was allowed, Medicaid Agency Requirement, § 35:7

Benefits paid for the institutionalized spouse, purchased by the community spouse prior to a Medicaid application, resource, § 35:19

Communication no

25-01, § 40:6

25-02, § 40:7

25-03, § 40:8

25-04, § 40:9

25-05, § 40:10

25-06, § 40:11

Communications (MedComs), § 1:4

Communications, decisions, § App. A

Community spouse annuity was not countable asset for Medicaid applicant spouse, § 35:9

Court rules administrator of decedents estate lacks standing to appeal Medicaid denial, § 35:31

Delaware appeals court

properly billed resident at private pay rate before residents Medicaid application approved, responsible for paying nursing home, § 35:60

DHS Orders, Decisions and Opinions

Update for Selected Medicaid Final Agency Decisions and Cases for 2015 through December 2016, § 35:79

INDEX

MEDICAID—Cont'd

Disabled Medicaid applicant

entitled to additional time provide documentation to support his application
and Medicaid agency is required to assist him, **§ 35:47**

Eligibility

improper, Ohio high court rules that interspousal transfer home prior to,
§ 35:25

Eligibility, streamlining of process to determine, **§ 1:6**

Eligibility determinations, only state Medicaid agency could make Medicaid,
§ 35:6

Eligibility, annuity is not a transfer for less than fair market value for purposes of,
§ 35:12

Excluded as countable resources, Promissory Notes medicaid applicants did not
meet criteria, **§ 35:10**

Federal appeals court

affirms lower courts ruling that beneficiary's interest two predecessor trusts
were not available resources, Connecticut Medicaid plan, **§ 35:67**

Federal district court

claim that state improperly attributed his estranged wife's assets to him,
dismisses medicaid applicants, **§ 35:72**

medicaid applicant against state agency imposed penalty period due to
purchase of spousal annuity, barred res judicata, **§ 35:59**

Filing a second application after some transferred assets were returned, 10 year
penalty period cannot relitigate her application, **§ 35:2**

Final agency decisions, Superior Court of New Jersey Appellate Division Deci-
sions August 2021 through July 2022, **§ 35:85**

Final agency decisions, Superior Court of New Jersey Appellate Division Deci-
sions August 2022 through July 2023, **§ 35:86**

Final agency decisions, Superior Court of New Jersey Appellate Division Deci-
sions August 2023 through July 2024, **§ 35:87**

Final agency decisions, Superior Court of New Jersey Appellate Division Deci-
sions July 2020 to July 2021, **§ 35:84**

Final agency decisions, Superior Court of New Jersey Appellate Division Deci-
sions March 2019 to June 2020, **§ 35:82**

Final agency decisions, Superior Court of New Jersey Appellate Division Deci-
sions Post July 2018, **§ 35:81**

Final agency decisions, Superior Court of New Jersey Appellate Division Deci-
sions 2017 through July 2018, **§ 35:80**

Final agency decisions and superior court of New Jersey Appellate Division
Decisions August 2024 through July 2025, **§ 35:88**

Florida appeals court

hearing officer had jurisdiction to hear a Medicaid recipients argument that
state applying an un promulgated rule, **§ 35:77**

Florida court of appeals

anti-lien provision does not apply to medicaid lien imposed on a medicaid
recipients property after recipient dies, **§ 35:78**

Forms

2024 programs for NJ familycare aged, blind, disabled, **§ 40:5**

NJ FamilyCare Aged, Blind, Disabled Programs, **§ 40:5**

MEDICAID—Cont'd

Forms—Cont'd

 notice of privacy practices, **§ 40:4**

 PA-4, **§ 40:1**

 PA-5, **§ 40:2**

 Voter registration opportunity and authorized representative, **§ 40:3**

Guardianship funds must go to estate to reimburse medicaid claim, **§ 35:35**

Lien against Medicaid recipients property doesn't attach until it is recorded, **§ 35:40, 35:41**

Medicaid accountable care organization demonstration project, Establishing, **§ 2:17**

Michigan appeals court

 state may recover medicaid benefits paid to recipient before recipient received notice about potential estate recovery, **§ 35:61**

New Jersey appeals court

 accounts of residents of an assisted living facility counts as income for

 Medicaid eligibility purposes, need-based credit applied, **§ 35:48**

 caretaker child exception does not apply to a Medicaid applicant who transferred her house to her daughter, **§ 35:50**

 in-home medicaid waiver recipients gift house to her daughter does not fall under the caregiver exemption, **§ 35:45**

 minimum monthly maintenance needs allowance, monthly stipend a Medicaid recipients spouse receives from an annuity, **§ 35:49**

 state has right to recover improperly paid Medicaid costs, probate estate of woman who was under guardianship, **§ 35:46**

New Jersey federal court

 nursing home residents lawsuit, state medicaid agencys interpretation of caregiver exemption from transfer asset rules is moot, **§ 35:56**

New York appeals court

 applicant did not rebut presumption her transfers were made in order to qualify for Medicaid, **§ 35:65**

 applicant successfully rebutted presumption, transfers to daughter made one and two years before entering nursing home, **§ 35:64**

 banks claim against Medicaid recipients property has priority over states claim for Medicaid recovery, **§ 35:74**

Newsletter on pre-eligiblity Medicaid expenses, **§ 6:5**

Newsletters, **§ 1:5**

NJ FamilyCare Aged, Blind, Disabled Programs, **§ 40:5**

North Dakota statute under which the annuity been deemed countable violates and preempted by federal medicaid law, **§ 35:13**

Notice of privacy practices, **§ 40:4**

Nursing home has standing to pursue Medicaid appeal on residents behalf, **§ 35:39**

Ohio appeals court

 deceased Medicaid recipients life estate does not extinguish at death for the purposes of Medicaid estate recovery,lien on property, **§ 35:58**

Oregon appeals court

 foster care facility that accepted a medicaid recipient is not entitled to damages from recipients estate, **§ 35:73**

INDEX

MEDICAID—Cont'd

Other services & resources, **§ 40:12**

PA-4

Forms, **§ 40:1**

PA-5

Forms, **§ 40:2**

Payments to caregiver subject Medicaid applicant to penalty period, **§ 35:42**

Prevent Medicaid eligibility, cannot be treated as available resource, Short-term annuities purchased by applicants for nursing home Medicaid, **§ 35:1**

Properly denied despite contention of abandonment by power of attorney, **§ 35:5**

Purposes of medicaid eligibility, Veterans pension benefits may not be counted as income for the, **§ 35:16**

Recipient

Nebraskas highest court rules, state can recover non-medical expenses, room and board, **§ 35:70**

Recipient cannot bring claim to require state to deduct guardianship fees from income, **§ 35:37**

Sixth Circuit Court of Appeals

living residents applying Medicaid benefits not entitled to retroactive benefits, reversing a lower court decision, **§ 35:62**

US Court of Appeals

Sixth Circuit rules that a case by the family Kentucky medicaid recipient challenging states adherence to federal law regarding spousal annuities, **§ 35:66**

US district court

claim by nursing home against state for failing evaluate nursing home residents Medicaid eligibility timely manner, **§ 35:63**

denies a Medicaid applicant a preliminary injunction for the second time, New Jersey, **§ 35:57**

group of Medicaid applicants not have private right of action to sue the state for not issuing Medicaid eligibility determinations with 45 days, **§ 35:71**

husband who became ineligible for medicaid benefits during a redetermination and then transferred assets to wife during the period of ineligibility, **§ 35:69**

reverses a previous decision and grants a preliminary injunction to a group of medicaid applicants, **§ 35:75**

who was denied Medicaid benefits after transferring assets her children in exchange for a promissory note may proceed with her claim against the state, **§ 35:76**

Validity of gift/annuity planning, division of medical assistance and health services acknowledges, **§ 35:18**

MEDICAID LIENS

Attachment of lien, **§ 2:12**

Bond, discharge of lien prior to adjudication, **§ 2:15**

Deposit and bond, discharge of lien prior to adjudication, **§ 2:15**

Discharge of lien

Generally, **§ 2:14**

Prior to adjudication, **§ 2:15**

GUIDE TO MEDICAID LAWS AND REGULATIONS

MEDICAID LIENS—Cont'd

- Estate of Medicaid recipient, lien of debt against
 - Generally, § 2:11
- Estate of Medicaid recipient, lien or certificate of debt against
 - Action to determine validity of lien, § 2:15
 - Attachment of lien, § 2:12
 - Compromise, settlement or waiver of lien, § 2:14
 - Recording liens and certificates of debt, § 2:13
 - Trust, property held in, § 2:12
- Psychiatric facilities, institutional liens
 - Generally, § 29:1 et seq.
 - Ability to pay, § 29:4
 - County adjuster's role, § 29:2
 - Definitions, § 29:1
 - Extinguishment of liens, § 29:5
 - Final judgment of commitment, contents of, § 29:3
 - Payment arrangements, § 29:4
- Recording liens and certificates of debt, New Jersey Medical Assistance and Health Services Act, § 2:13
- Senior gold prescription program manual, § 25:15
- Trust, property held in, lien of debt against estate of Medicaid recipient, § 2:12
- Waiver of lien, § 2:14

MEDICAID ONLY PROGRAM

- New Jersey Administrative Code Regulations for Medicaid Only Program, this index

MEDICAL ASSISTANCE FOR THE AGED CONTINUATION

- New Jersey Administrative Code Regulations for Medicaid Only Program, this index

MEDICAL ASSISTANCE UNITS

- Medicaid Only Program, New Jersey Administrative Code regulations for, § 3:29

MEDICAL CARE

- Assisted Living Regulations, this index

MEDICAL NECESSITY DETERMINATIONS

- Home Care Expansion Program (HCEP), § 20:2

MEDICAL REVIEW AND EVALUATION

- Medicaid, program controls, administration manual for Division of Medical Assistance and Health Services, § 13:1

MEDICALLY NEEDY PROGRAM

- Generally, § 33:1 et seq.
- Income
 - Medical Assistance and Health Services Act, Definitions utilized, § 2:3

MEDICATIONS

- Assisted Living Regulations, this index

INDEX

MENTAL HEALTH AND ADDICTION SERVICES

PAS Forms, § 2:35

MONITORING

Home Care Expansion Program (HCEP), § 20:2

NATIONAL VOTER REGISTRATION ACT

Medical Assistance and Health Services Act, § 2:37

NEW JERSEY ABLE ACCOUNTS

Generally, § 39:2

NEW JERSEY ADMINISTRATIVE CODE REGULATIONS FOR MEDICAID ONLY PROGRAM

Generally, § 3:1

Age requirements, § 3:24

Aliens

Deeming from sponsor to alien, § 5:9

Documentation requirements, § 3:19

Application

Disposition of, § 3:15

Application for payment of unpaid medical bills, § 6:4

Application process

Generally, § 3:5

Assignment of pending application for completion of eligibility determination, § 3:12

Definitions, § 3:5

Intake policy and procedure, § 3:8

Policy and procedure, § 3:9

Prompt disposition, policy and procedure on, § 3:7

Responsibilities in, § 3:6

Approved, definition of, § 3:5

Assessment, resources, § 4:9

Assignment of pending application for completion of eligibility determination, § 3:12

Basic principles of administration, § 3:4

Beneficiaries who leave New Jersey, eligibility, § 3:22

Burial and Burial Ground, this index

Case recording

Collateral investigation, § 3:13

Case records and files

application for payment of unpaid medical bills, § 6:4

Forms applicable to Medicaid Only Program, § 6:2

Medicaid application, § 6:3

Purposes and contents of case records, § 6:1

Change of county residence, § 3:21

Choice of program by applicant, § 3:2

Citizenship requirements, § 3:18

Collateral investigation, case record, § 3:13

Complaints, responsibilities, § 8:4

GUIDE TO MEDICAID LAWS AND REGULATIONS

**NEW JERSEY ADMINISTRATIVE CODE REGULATIONS FOR
MEDICAID ONLY PROGRAM—Cont'd**

Continuation of medical need, medical assistance for the aged continuation,
§ 9:3

Control records, **§ 3:7**

Countable resources, **§ 4:3**

County Welfare Agency responsibility and procedures, **§ 3:27**

Couple, resources of, **§ 4:8**

Deeming

Alien, deeming from sponsor to, **§ 5:9**

Alien, sponsor to, **§ 5:9**

Sponsor to alien, **§ 5:9**

Deeming, resources, **§ 4:6**

Definitions

Application process, **§ 3:5**

Approved, **§ 3:5**

Disability, **§ 3:26**

Disposition of application, **§ 3:5**

New application, **§ 3:5**

Pending application, **§ 3:5**

Reapplication, **§ 3:5**

Reopened application, **§ 3:5**

Disability

Definitions, **§ 3:26**

Disability and blindness

Factors, **§ 3:25**

Reports to Commission for the Blind and Visually Impaired under specified
circumstances, **§ 3:11**

Disposition of

application, **§ 3:15**

Disposition of application

Definition of, **§ 3:5**

Eligibility

Generally, **§ 3:17**

Assignment of pending application for completion of eligibility determination,
§ 3:12

Beneficiaries who leave New Jersey, **§ 3:22**

Factors, **§ 3:17**

Institutional eligibility, **§ 3:28**

Medical assistance for the aged continuation, eligibility for other programs,
§ 9:4

Process of establishing, **§ 3:12**

Excludable resources, **§ 4:4**

Exclusions, income, **§ 5:3**

Fair hearings, responsibilities, **§ 8:4**

Financial eligibility standards, resources, **§ 4:2**

Forms applicable to Medicaid Only Program, case records and files, **§ 6:2**

Fraudulent receipt of assistance, responsibilities, **§ 8:5**

INDEX

NEW JERSEY ADMINISTRATIVE CODE REGULATIONS FOR MEDICAID ONLY PROGRAM—Cont'd

Funeral expenses, § 7:1, 7:3

Includable income, § 5:4

Income

- Deeming of income
- Generally, § 5:5
- Determination of countable income, § 5:2

Eligibility

- Life care and pay-as-you-go agreements, eligibility under, § 5:8
- Standards, § 5:1, 5:6

Exclusions, § 5:3

Financial eligibility standards, § 5:1

Includable income, § 5:4

Institutionalized individuals, § 5:7

- Life care and pay-as-you-go agreements, eligibility under, § 5:8
- Post-eligibility treatment of, § 5:7
- post-eligibility treatment of income, § 5:7

Initial certification and termination, medical assistance for the aged continuation, § 9:2

Institutionalized individuals

- Generally, § 3:28
- Income, § 5:7
- Resource eligibility, determination of, § 4:8

Intake policy and procedure, application process, § 3:8

Life care and pay-as-you-go agreements, eligibility under, income, § 5:8

Living arrangements, § 3:3

Medicaid application, § 6:3

Medical assistance for the aged continuation

- Generally, § 9:1
- Continuation of medical need, § 9:3
- Eligibility for other programs, § 9:4
- Initial certification and termination, § 9:2
- Other programs, eligibility for, § 9:4

Medical assistance units, § 3:29

New application, definition of, § 3:5

Newsletter on pre-eligibility Medicaid expenses, § 6:5

Nondiscrimination in public assistance programs, § 8:8

Notice of County board of social services decision, § 8:3

Other agency responsibilities, § 8:1

Pay-as-you-go agreements, eligibility under, income, § 5:8

Payments for services and burial and funeral expenses, generally, § 7:1

Pending application, definition of, § 3:5

Post-eligibility treatment of income, § 5:7

Prompt disposition, policy and procedure on, application process, § 3:7

Reapplication, definition of, § 3:5

Recommendation for agency decision, § 3:14

Redetermination of medical eligibility, § 8:2

GUIDE TO MEDICAID LAWS AND REGULATIONS

**NEW JERSEY ADMINISTRATIVE CODE REGULATIONS FOR
MEDICAID ONLY PROGRAM—Cont'd**

Registration

 Definition of, **§ 3:5**

 Procedures and record of inquiries, **§ 3:10**

Rejected, definition of, **§ 3:5**

Reopened application, definition of, **§ 3:5**

Reporting criminal offenses to law enforcement authorities, **§ 8:6**

Reports to Commission for the Blind and Visually Impaired under specified circumstances, **§ 3:11**

Residence requirement

 Generally, **§ 3:20**

 Beneficiaries who leave New Jersey, **§ 3:22**

 Change of county residence, **§ 3:21**

 Definition of resident, **§ 3:20**

 Eligibility for individuals who enter New Jersey in order to secure medical care, **§ 3:23**

Resources

 Generally, **§ 4:1**

 Assessment, **§ 4:9**

 Countable resources, **§ 4:3**

 Couple, resources of, **§ 4:8**

 Deeming of resources, **§ 4:6**

 Eligibility standards, **§ 4:5**

 Excludable resources, **§ 4:4**

 Financial eligibility standards, **§ 4:2**

 Institutional eligibility, **§ 4:8**

 Resource eligibility standards, **§ 4:5**

 Transfer of resources, **§ 4:7**

 Trusts, **§ 4:10**

Responsibilities

 Application process, **§ 3:6**

 Complaints, **§ 8:4**

 Fair hearings, **§ 8:4**

 Fraudulent receipt of assistance, **§ 8:5**

 Nondiscrimination in public assistance programs, **§ 8:8**

 Notice of County board of social services decision, **§ 8:3**

 Other agency responsibilities, **§ 8:1**

 Redetermination of medical eligibility, **§ 8:2**

 Reporting criminal offenses to law enforcement authorities, **§ 8:6**

 Safeguarding information, **§ 8:7**

Retroactive eligibility for Medicaid

 Generally, **§ 3:16**

Safeguarding information, responsibilities, **§ 8:7**

Services and service payments, **§ 7:1, 7:2**

Supervisory review and approval, **§ 3:14**

Transfer application, definition of, **§ 3:5**

Transfer of resources, **§ 4:7**

INDEX

NEW JERSEY ADMINISTRATIVE CODE REGULATIONS FOR MEDICAID ONLY PROGRAM—Cont'd

Trusts, resources, § 4:10

NEW JERSEY MEDICAL ASSISTANCE AND HEALTH SERVICES ACT

Generally, § 2:1 et seq.

Actions

Enforcement of commissioner's decisions, order by civil action, § 2:25

Lien, action to determine validity of, § 2:15

penalties, § 2:26

Admission to skilled nursing or intermediate care facilities, § 2:26

Attachment of lien, § 2:12

Attorney General

Enforcement of rights against third party for recovery of medical assistance payments, § 2:10

penalties, § 2:26

Attorney General enforcement of rights against third party for recovery of medical assistance payments, § 2:10

Background, § 2:2

Basic medical care and services under, § 2:5

Bed holds, § 2:8

Bond, discharge of lien prior to adjudication, § 2:15

Chief administrator of office providing assistance, § 2:36

Commissioner's duties, § 2:9

Compliance with National Voter Registration Act, § 2:37

Compromise, settlement, or waiver of lien, § 2:14

Consideration as precondition, admission to skilled nursing or intermediate care facilities, § 2:26

Crimes, consideration as precondition to admission or continued stay in skilled nursing or intermediate care facility, § 2:26

Definitions

Medicaid, § 2:3

Medical assistance, § 2:3

Prospective drug utilization review, § 2:3

Retrospective drug utilization review, § 2:3

Deposit and bond, discharge of lien prior to adjudication, § 2:15

Discharge of lien

Generally, § 2:14

Prior to adjudication, § 2:15

Duties of Commissioner, § 2:9

Eligibility determination, § 2:21

Eligible aliens

Medical assistance to, § 2:7

Enforcement of commissioner's decisions, § 2:25

Enforcement of rights against third party for recovery of medical assistance payments, Attorney General, § 2:10

Enrollment fees or premium charges, § 2:19

Establishing medicaid accountable care organization demonstration project, § 2:17

NEW JERSEY MEDICAL ASSISTANCE AND HEALTH SERVICES ACT

—Cont'd

- Insure distribution of voter registration forms and instructions, **§ 2:36**
- Lien of debt against estate of Medicaid recipient
 - Generally, **§ 2:11**
 - Lien or certificate of debt against estate of Medicaid recipient
 - Generally, **§ 2:14**
 - Action to determine validity of lien, **§ 2:15**
 - Attachment of lien, **§ 2:12**
 - Compromise, settlement or waiver of lien, **§ 2:14**
 - Recording liens and certificates of debt, **§ 2:13**
 - Trust, property held in, **§ 2:12**
 - Medicaid defined, **§ 2:3**
 - Medical assistance defined, **§ 2:3**
 - Methods and procedures, **§ 2:18**
 - New Jersey medical assistance and health services plan, **§ 2:36**
 - Order by civil action, **§ 2:25**
 - Overview, **§ 2:2**
 - PAS Forms for Mental Health and Addiction Services, **§ 2:35**
 - Payment of claims, **§ 2:16**
 - Penalties, **§ 2:26**
 - Penalties
 - Generally, **§ 2:22**
 - Consideration as precondition to admission or continued stay in skilled nursing or intermediate care facility, Crime, **§ 2:26**
 - Transfer of assets for less than fair market value, **§ 2:23**
 - Personal needs allowance, **§ 2:6**
 - Posting of statement, skilled nursing or intermediate care facility, **§ 2:30**
 - Premium charges, **§ 2:19**
 - Preparation of comprehensive medical plan, **§ 2:20**
 - Prospective drug utilization review defined, **§ 2:3**
 - Qualified applicant defined, **§ 2:3**
 - Recording liens and certificates of debt, **§ 2:13**
 - Records required for reimbursement, maintenance of, **§ 2:18**
 - Report, skilled nursing or intermediate care facility bed space, **§ 2:31**
 - Retroactive eligibility, skilled nursing or intermediate care facility applicants, **§ 2:28**
 - Retroactive eligibility and adjusted reimbursement rates, skilled nursing or intermediate care facility, **§ 2:27**
 - Retrospective drug utilization review defined, **§ 2:3**
 - Rules and regulations
 - Generally, **§ 2:24**
 - Adoption by Human Services Department, **§ 2:4**
 - Settlement or waiver of lien, **§ 2:14**
 - Skilled Nursing or Intermediate Care Facility, this index
 - Suspension or disqualification of providers, **§ 2:24**
 - Termination of benefits to recipients, **§ 2:24**

INDEX

NEW JERSEY MEDICAL ASSISTANCE AND HEALTH SERVICES ACT

—Cont'd

Third party

Attorney General enforcement of rights against third party for recovery of medical assistance payments, **§ 2:10**

Lien against property of, **§ 2:11**

Transfer of assets for less than fair market value, **§ 2:23**

Trust, property held in, lien of debt against estate of Medicaid recipient, **§ 2:12**

Unnecessary use of care and services, **§ 2:18**

Voter registration forms and instructions, Chief Administrator to ensure distribution, **§ 2:36**

Waiver of lien, **§ 2:14**

NONFINANCIAL ELIGIBILITY FACTORS

Special Medicaid Programs Manual, New Jersey Care, this index

NON-LAWYER MEDICAID ADVISERS

Generally, **§ 36:1**

NOTICE

Assisted Living Regulations, this index

County board of social services decision

New Jersey Administrative Code regulations for Medicaid Only Program, **§ 8:3**

County Welfare Agency decision

Special Medicaid programs manual, New Jersey care, **§ 19:15**

NURSING HOME PREADMISSION SCREENING PROGRAM

Definitions, **§ 2:3**

Establishment, **§ 2:32**

Monitoring, **§ 2:33**

New Jersey Medical Assistance and Health Services Act, **§ 2:32, 2:33**

Performance of preadmission screening, **§ 2:33**

Pre-admission screening process, **§ 2:34**

Private pay individuals, availability to, **§ 2:33**

Responsibilities of skilled nursing or intermediate care facilities, **§ 2:32**

Rules and regulations, **§ 2:33**

Standards, **§ 2:32**

NURSING SERVICES

Assisted living regulations, **§ 34:29, 34:30**

OUTRIGHT GIFTS

Adult disabled child are considered exempt transfers even after the child reaches age 65 and disability benefits are converted to retirement benefits, **§ 35:21**

Federal and State Medicaid regulations, adult disabled child is an exempt transfer under, **§ 35:22**

PA-4

Forms, medicaid, **§ 40:1**

PA-5

Forms, medicaid, § 40:2

PATIENT PROTECTION AND AFFORDABLE CARE ACT

Division of Medical Assistance and Health Services, compliance with, § 11:4

PAY-AS-YOU-GO AGREEMENTS

Medicaid Only Program, eligibility under, New Jersey Administrative Code regulations, § 5:8

PAYMENT

Caregiver subject Medicaid applicant to penalty period, § 35:42

Home Care Expansion Program (HCEP), § 20:2

New Jersey administrative code regulations for Medicaid Only Program, § 7:1

New Jersey Administrative Code regulations for Medicaid Only Program, services and burial and funeral expenses, § 7:1

New Jersey Medical Assistance and Health Services Act claims, § 2:16

PENALTIES

Care agreement assessed transfer penalty because rate was too high, Medicaid applicant, § 35:26

Medicaid applicant not entitled to undue hardship waiver of transfer penalty, § 35:17

New Jersey Medical Assistance and Health Services Act, § 2:26

New Jersey Medical Assistance and Health Services Act, this index

Senior gold prescription program manual, § 25:15

State can impose second penalty period on same transfers of assets, § 35:38

State cannot modify penalty period unless all transferred assets are returned, § 35:27

PENDING APPLICATION

Definition of, New Jersey Administrative Code regulations for Medicaid Only Program, § 3:5

PERSONAL CARE ASSISTANTS

Assisted Living Regulations, this index Services, § 21:17-21:27

Certification, § 21:20

Clinical records, § 21:22

Covered, § 21:19

Duties of the registered professional nurse, § 21:21

Limitations, § 21:24

payment, § 21:23

Prior authorization, § 21:25

Purpose, scope, § 21:17

reimbursement, § 21:18

PERSONAL NEEDS ALLOWANCE

Assisted living regulations, § 34:23

New Jersey Medical Assistance and Health Services Act, § 2:6

INDEX

PHARMACEUTICAL ASSISTANCE TO AGED AND DISABLED

Administration manual for Division of Medical Assistance and Health Services, verification of eligibility, **§ 11:6**

Definitions, **§ 2:3, 22:2**

Eligibility manual

Generally, **§ 22:1**

Appeal process, **§ 22:7**

Application process, **§ 22:4**

Definitions, **§ 22:2**

General eligibility requirements, **§ 22:5**

Income eligibility requirements, **§ 22:6**

Liens, **§ 22:8**

Recoveries, **§ 22:8**

Scope of services, **§ 22:3**

Manual, administration manual for Division of Medical Assistance and Health

Services, verification of eligibility, **§ 11:6**

Medical Assistance and Health Services Act, **§ 2:3**

PHARMACEUTICAL SERVICES

Assisted Living Regulations, this index

PHYSICAL PLANT

Assisted Living Regulations, this index

PLANS

Assisted Living Regulations, this index

Care, Home Care Expansion Program (HCEP), **§ 20:2**

POLICIES

Assisted Living Regulations, this index

POST-APPLICATION CLIENT RESPONSIBILITIES

Special Medicaid programs manual, New Jersey care, **§ 19:6**

POST-ELIGIBILITY TREATMENT OF INCOME

Income in post-eligibility calculation of community spouses monthly income amount, eligibility date must be treated, **§ 35:20**

New Jersey administrative code regulations for Medicaid Only Program, **§ 5:7**

POSTING OF STATEMENT

Skilled nursing or intermediate care facility, New Jersey Medical Assistance and Health Services Act, **§ 2:30**

POWER OF ATTORNEY

Medicaid applications properly denied despite contention of abandonment, **§ 35:5**

PREMIUM CHARGES

Medicaid, New Jersey Medical Assistance and Health Services Act, **§ 2:19**

PREMIUMS

New Jersey Medical Assistance and Health Services Act, **§ 2:19**

GUIDE TO MEDICAID LAWS AND REGULATIONS

PRIMARY AND SECONDARY PAYMENT

Statewide respite care program, § 23:6

PRIVATE DUTY NURSING

Services, § 21:26-21:36

Basis for reimbursement for home and community based services waiver, § 21:35

Clinical records and personnel files, § 21:31

Eligibility, § 21:33

Eligibility for Early and Periodic Screening Diagnosis and Treatment, § 21:28

Limitation, duration, and location, § 21:34

Limitation, duration and location, § 21:29

Nursing assessment, § 21:30

Payment, § 21:32

Prior authorization, home and community based services waiver, § 21:36

Purpose, scope, § 21:26

reimbursement, § 21:27

PRIVILEGED OR CONFIDENTIAL MATTERS

Administration manual for Division of Medical Assistance and Health Services, § 11:11

Adult day services for persons with Alzheimer's disease or related disorders, § 26:8

Lifeline Credit Program, § 24:5

Senior gold prescription program manual, § 25:13

Statewide Respite Care Program, § 23:5

PROGRAM CONTROLS

Administration Manual for Division of Medical Assistance and Health Services, this index

PROMISSORY NOTES

Medicaid applicants did not meet criteria to be excluded as countable resources, § 35:10

PROSPECTIVE BUDGETING OF INCOME

Special Medicaid programs manual, New Jersey care, § 19:12

PROSPECTIVE DRUG UTILIZATION REVIEW

Definitions utilized in the Medical Assistance and Health Services Act, § 2:3

PROVIDER

Administration Manual for Division of Medical Assistance and Health Services, this index

PROVIDER MANUALS

Administration manual for Division of Medical Assistance and Health Services, § 11:3

PSYCHIATRIC FACILITIES INSTITUTIONAL LIENS

Generally, § 29:1 et seq.

Ability to pay, § 29:4

County adjuster's role, § 29:2

INDEX

PSYCHIATRIC FACILITIES INSTITUTIONAL LIENS—Cont'd

- Definitions, **§ 29:1**
- Extinguishment of liens, **§ 29:5**
- Final judgment of commitment, contents of, **§ 29:3**
- Payment arrangements, **§ 29:4**

PUBLIC ACCESS TO MATERIAL

- Medicaid, administration manual for Division of Medical Assistance and Health Services, **§ 15:2**

PUBLIC POLICY ISSUANCES

- Maintenance of, administration manual for Division of Medical Assistance and Health Services, **§ 15:1**

PUBLIC UTILITY COMPANIES

- Responsibilities of, Lifeline Credit Program, **§ 24:4**

QUALIFICATIONS

- Adult day services for persons with Alzheimer's disease or related disorders, **§ 26:7**
- Aliens. New Jersey Medical Assistance and Health Services Act, this index
- Assisted Living Regulations, this index
- Lifeline Credit Program, this index
- New Jersey Administrative Code Regulations for Medicaid Only Program, this index
- New Jersey Medical Assistance and Health Services Act, this index
- Pharmaceutical Assistance to Aged and Disabled, this index
- Senior gold prescription program manual, **§ 25:9**
- Statewide Respite Care Program, **§ 23:4**
- Statewide Respite Care Program, this index

QUALIFIED INCOME TRUSTS

- Generally, **§ 33:1 et seq.**
- Communication, **§ 33:7**
- Division of Medical Assistance and Health Services memo to banks, **§ 33:5**
- Frequently asked questions, **§ 33:3**
- Medicaid applicants, establishing at bank, **§ 33:6**
- Medically needy coverage, **§ 33:1**
- Template, **§ 33:4**
- Trust, **§ 33:2**

REAPPLICATION

- Definition of, New Jersey Administrative Code regulations for Medicaid Only Program, **§ 3:5**

RECOMMENDATION FOR AGENCY DECISION

- Medicaid Only Program, New Jersey Administrative Code regulations for, **§ 3:14**

RECORD KEEPING

- Medicaid, administration manual for Division of Medical Assistance and Health Services, **§ 11:12**

GUIDE TO MEDICAID LAWS AND REGULATIONS

RECORDING LIENS AND CERTIFICATES OF DEBT

Medicaid, New Jersey Medical Assistance and Health Services Act, § **2:13**

RECORDS

Assisted Living Regulations, this index

New Jersey Medical Assistance and Health Services Act, § **2:18**

Reports, this index

RECOVERY OF PAYMENTS AND SANCTIONS

Administration Manual for Division of Medical Assistance and Health Services, this index

Hearing Aid Assistance to the Aged and Disabled, recoveries for benefits incorrectly paid, § **30:5**

Senior gold prescription program manual, § **25:15**

REDETERMINATION

Medically Needy Program, this index

New Jersey Administrative Code regulations for Medicaid Only Program, § **8:2**

Special Medicaid programs manual, New Jersey care, § **19:5**

REDUCTION OF ASSISTANCE

Medicaid assistance, advance notice of intent to reduce, administration manual for Division of Medical Assistance and Health Services, § **12:6**

REGISTRATION

New Jersey Administrative Code Regulations for Medicaid Only Program, this index

REIMBURSEMENT

Lack of personal care agreement makes reimbursements to relatives an improper transfer, § **35:44**

Senior gold prescription program manual, § **25:4**

REJECTED

Defined, New Jersey administrative code regulations for Medicaid Only Program, § **3:5**

REJECTION

Medicaid Only Program, New Jersey Administrative Code regulations for, definitions, § **3:5**

RELIGIOUS BELIEF

Medicaid, Administration manual for Division of Medical Assistance and Health Services, § **11:9**

RENEWAL PROCESS

Senior gold prescription program manual, § **25:8**

REOPENED APPLICATION

Medicaid Only Program, New Jersey Administrative Code regulations for, definitions, § **3:5**

INDEX

REORGANIZATION OF NEW JERSEY DEPARTMENT OF HEALTH AND SENIOR SERVICES

Generally, § 32:1 et seq.

Dementia

 Adult Day Services for Persons with Alzheimer's Disease or Related Disorders, this index

REPORTS

Commission for the Blind and Visually Impaired under specified circumstances, New Jersey Administrative Code regulations for Medicaid Only Program, § 3:11

Criminal offenses to law enforcement authorities, New Jersey Administrative Code regulations for Medicaid Only Program, § 8:6

Skilled nursing or intermediate care facility, New Jersey Medical Assistance and Health Services Act, § 2:31

REPRODUCTION OF POLICY MATERIAL

Medicaid, administration manual for Division of Medical Assistance and Health Services, § 15:3

RES JUDICATA

Medicaid applicant against the state agency that imposed a penalty period due to the purchase of a spousal annuity, § 35:59

RESIDENCE

Lifeline Credit Program, § 24:9

New Jersey Administrative Code Regulations for Medicaid Only Program, this index

Senior gold prescription program manual, § 25:11

Special Medicaid programs manual, New Jersey care, state residency, § 19:10

RESOURCE ELIGIBILITY

Medical Assistance and Health Services Act, § 2:3

Special Medicaid programs manual, New Jersey care, § 19:14

RESOURCES

New jersey administrative code regulations for medicaid only program Excludable, § 4:4

Financial eligibility standards, § 4:1

New Jersey Administrative Code Regulations for Medicaid Only Program, this index

RESPONSIBILITIES

New Jersey Administrative Code Regulations for Medicaid Only Program, this index

RETROACTIVE ELIGIBILITY

Medicaid applicant who reapplied instead of appealing is not entitled to retroactive benefits, § 35:43

New Jersey Administrative Code Regulations for Medicaid Only Program, this index

New Jersey Medical Assistance and Health Services Act, skilled nursing or intermediate care facility, § 2:27

GUIDE TO MEDICAID LAWS AND REGULATIONS

RETROACTIVE ELIGIBILITY—Cont'd

New Jersey Medical Assistance and Health Services Act, skilled nursing or intermediate care facility applicants, **§ 2:28**

Special Medicaid programs manual, New Jersey care, **§ 19:7**

RETROSPECTIVE DRUG UTILIZATION REVIEW

Definitions utilized in the Medical Assistance and Health Services Act, **§ 2:3**

REWARD

Medicaid fraud and abuse, information relating to, administration manual for Division of Medical Assistance and Health Services, **§ 13:2**

RULES AND REGULATIONS

New Jersey Medical Assistance and Health Services Act, this index

SAFEGUARDING INFORMATION

Medicaid, responsibilities, New Jersey Administrative Code regulations for Medicaid Only Program, **§ 8:7**

SELECTED MEDICAID COMMUNICATIONS AND DECISIONS

Generally, **§ Appx. A**

SENIOR GOLD PRESCRIPTION PROGRAM MANUAL

Generally, **§ 25:1**

Agency controls, **§ 25:7**

Appeal process, **§ 25:14**

Applications, **§ 25:6**

Applications, Renewal process, **§ 25:8**

Citizenship, **§ 25:11**

Confidentiality and disclosure of information, **§ 25:13**

Copayments, **§ 25:4**

Definitions, **§ 25:2**

Drug products, **§ 25:5**

Eligibility requirements, **§ 25:9**

Income standards, **§ 25:10**

Liens, **§ 25:15**

Other assistance and pharmaceutical coverage, receipt of, **§ 25:12**

Penalties, **§ 25:15**

Purpose, **§ 25:1**

Recoveries, **§ 25:15**

Reimbursements, **§ 25:4**

Renewal process, **§ 25:8**

Residence, **§ 25:11**

Scope, **§ 25:1**

Special needs trust, **§ 25:3**

Trust, special needs, **§ 25:3**

SERVICES AND SERVICE PAYMENTS

New Jersey administrative code regulations for Medicaid Only Program, **§ 7:1, 7:2**

INDEX

SKILLED NURSING OR INTERMEDIATE CARE FACILITY

New Jersey Medical Assistance and Health Services Act
Generally, § 2:30
Admission to, § 2:26
Applicants
 Facility applicants, § 2:27
 Facility applicants, retroactive eligibility, § 2:28
 Providers, current and prospective qualified applicants, § 2:29
Basic medical care and services, § 2:5
Bed space, § 2:31
Copies for applicants, § 2:30
Crimes, consideration as precondition to admission or continued stay in skilled nursing or intermediate care facility, § 2:26
Medicaid eligible persons, § 2:31
Posting of statement, § 2:30
Provider
 Continuity of care upon ceasing to be Medicaid provider, § 2:29
 Current and prospective qualified applicants, § 2:29
Report, § 2:31
Retroactive eligibility, § 2:28
Retroactive eligibility and adjusted reimbursement rates, § 2:27

SPECIAL MEDICAID PROGRAMS MANUAL, NEW JERSEY CARE

Generally, § 19:1
Aged, blind, and disabled individuals, income eligibility, § 19:13
Application, case processing, § 19:2
Case processing, application, § 19:2
Case records, § 19:17
Case transfer, § 19:4
Fair hearings, § 19:16
Income eligibility, § 19:11, 19:13
Nonfinancial eligibility factors
 Generally, § 19:8 et seq.
 Citizenship, § 19:9
 State residency, § 19:10
Notice of county welfare agency decision, § 19:15
Post-application client responsibilities, § 19:6
Prospective budgeting of income, § 19:12
Redetermination of eligibility, § 19:5
Resource eligibility, § 19:14
Retroactive eligibility, § 19:7
Verification requirements, § 19:3

SPECIAL NEEDS TRUSTS

Code provisions, § 38:3
Establishment, § 38:1
HCFA transmittal no. 64, § 38:2
Senior Gold Prescription Program manual, § 25:3

GUIDE TO MEDICAID LAWS AND REGULATIONS

SPECIAL NEEDS TRUSTS—Cont'd

SSI Program Operations Manual System

Development and documentation of trusts established on or after 01-01-00,
§ 38:7

Exceptions to counting medicaid trusts legal guardians, **§ 38:8**

Exceptions to counting trusts established on or after 1/1/00, **§ 38:9**

Notices for trusts established on or after 1-1-00 notices, **§ 38:10**

Trust property, **§ 38:6**

Trusts, **§ 38:5**

Trusts established with the assets of an individual on or after 1/1/00, **§ 38:4**

SPECIAL STATUS PROGRAM

Administration manual for Division of Medical Assistance and Health Services,
recovery of payments and sanctions, **§ 14:2**

SPEND-DOWN

Medically Needy Program, this index

SPENDTHRIFT PROVISION

Exceptions, Uniform Trust Code, **§ 37:38**

Uniform Trust Code, **§ 37:37**

SPONSORS

Statewide Respite Care Program, qualifications and requirements, **§ 23:7**

SSI PROGRAM OPERATIONS MANUAL SYSTEM

Generally, **§ 38:4- 38:10**

Development and documentation of trusts established on or after 01-01-00,
§ 38:7

Exceptions to counting medicaid trusts legal guardians, **§ 38:8**

Exceptions to counting trusts established on or after 1/1/00, **§ 38:9**

Notices for trusts established on or after 1-1-00 notices, **§ 38:10**

Trust property, **§ 38:6**

Trusts, **§ 38:5**

SSI-RELATED CASES

Medically Needy Program, this index

STAFFING

Assisted Living Regulations, this index

STANDARDS

Assisted Living Regulations, this index

STATEWIDE RESPITE CARE PROGRAM

Generally, **§ 23:1**

Application process, **§ 23:3**

Confidentiality and disclosure of information, **§ 23:5**

Definitions, **§ 23:2**

Eligibility standards, **§ 23:4**

Primary and secondary payment, **§ 23:6**

INDEX

STATEWIDE RESPITE CARE PROGRAM—Cont'd

Qualifications and requirements
Appeals process, § 23:10
Fees, § 23:9
Provider agencies, § 23:8
Sponsors, § 23:7

SUBROGATION

Medical assistance payments, Attorney General enforcement of rights against third party for recovery of, New Jersey Medical Assistance and Health Services Act, § 2:10

SUPERVISORY REVIEW AND APPROVAL

Medicaid Only Program, New Jersey Administrative Code regulations for, eligibility, § 3:14

SUSPENSION

Assistance, advance notice of intent, administration manual for Division of Medical Assistance and Health Services, § 12:6
Providers, New Jersey Medical Assistance and Health Services Act, § 2:24

TENANTS LIFELINE ASSISTANCE PROGRAM (TLAP)

Administration manual for Division of Medical Assistance and Health Services, § 18:1
Intent of, § 24:1
Payment, § 24:3

TERMINATION OF ASSISTANCE

Advance notice of intent to terminate, reduce or suspend Medicaid assistance, administration manual for Division of Medical Assistance and Health Services, § 12:6

New Jersey Medical Assistance and Health Services Act, § 2:24

THERAPEUTIC APPROPRIATENESS

Definitions utilized in the Medical Assistance and Health Services Act, § 2:3

THERAPEUTIC DUPLICATION

Definitions utilized in the Medical Assistance and Health Services Act, § 2:3

THIRD PARTY

New Jersey Medical Assistance and Health Services Act, this index

TRANSFER OF PERSONS

Application, definition of, New Jersey administrative code regulations for Medicaid Only Program, § 3:5

TRANSFER OF RESOURCES

New Jersey Administrative Code regulations for Medicaid Only Program, § 4:7

TRANSFERS OF ASSETS FOR LESS THAN FAIR MARKET VALUE

HCFA Transmittal No. 64, this index

Penalties, New Jersey Medical Assistance and Health Services Act, § 2:23

GUIDE TO MEDICAID LAWS AND REGULATIONS

TRANSPORTATION

Assisted living regulations, **§ 34:10**

TRAUMATIC BRAIN INJURY FUND

Generally, **§ 31:1 et seq.**

Administration of, **§ 31:4**

Application process for services and supports, **§ 31:7**

Approval and denial of supports and services, **§ 31:8**

Approval of supports and services, **§ 31:8**

Case managers, responsibilities, **§ 31:10**

Definitions, **§ 31:2**

Denial of supports and services, **§ 31:8**

Eligibility criteria for services and supports for, **§ 31:6**

Eligibility for services, **§ 31:6**

Eligibility for supports and services of, **§ 31:2**

Emergency services, **§ 31:14**

Expenditures, **§ 31:5, 31:15**

Ineligibility for supports and services of, **§ 31:13**

Payments for supports/services, **§ 31:11**

Regulations, generally, **§ 31:1**

Reporting of expenditures for, **§ 31:15**

Requirements, generally, **§ 31:3**

Responsibilities of case managers, **§ 31:10**

Revenue and reporting of expenditures, **§ 31:15**

Revenue for, **§ 31:15**

Service coordination under, **§ 31:9**

Supports and services, eligible, **§ 31:12**

TRUSTS

Distributions from special needs trust considered in calculation for child support, **§ 35:4**

Firefighter allowed to change pension beneficiary to special needs trust for disabled son, **§ 35:3**

HCFA Transmittal No. 64, this index

New Jersey Administrative Code regulations for Medicaid Only Program, **§ 4:10**

New Jersey Medical Assistance and Health Services Act, property held in trust, **§ 2:12**

Qualified Income Trusts, **§ 33:1 et seq.**

Special Needs Trusts, this index

Uniform Trust Code, **§ 37:1 et seq.**

2025 SUMMARY

Generally, **§ 1:3**

UNAUTHORIZED PRACTICE OF LAW

Generally, **§ 36:1**

UNDUE HARDSHIP

HCFA Transmittal No. 64, this index

INDEX

UNIFORM TRUST CODE

Generally, **§ 37:1 et seq.**

Animal, trust for care of, **§ 37:25**

Appointment of representative, **§ 37:18**

Beneficiary's consent, release, or ratification, **§ 37:79**

Breach of trust

 Damages for, **§ 37:73**

 Remedies for, **§ 37:72**

 Trustee's duty to redress, **§ 37:67**

Certification of trust, **§ 37:82**

Charitable purposes, enforcement, **§ 37:23**

Charitable trust, Modification of trust, **§ 37:30**

Combination and division of trusts, **§ 37:35**

Common law, **§ 37:7**

Costs of administration, **§ 37:59**

Damages

 Absence of breach of trust, **§ 37:74**

 Breach of trust, **§ 37:73**

Debtor and creditor

 Creditor or assignee, rights of beneficiary's, **§ 37:36**

 Creditor's claims against settlor, **§ 37:40**

Default and mandatory rules, **§ 37:6**

Definitions, **§ 37:4**

Discretionary trusts, **§ 37:39**

Distribution of trust property, **§ 37:46**

Effect of Standard, **§ 37:39**

Electronic records and signatures, **§ 37:83**

Event affecting administration or distribution, **§ 37:77**

Existing relationships, application to, **§ 37:85**

Fiduciary, protection of persons assisting or dealing with, **§ 37:86**

Fraud, duress, or undue influence, creation of trust induced by, **§ 37:24**

General partner, interest as, **§ 37:81**

Governing law, **§ 37:8**

Interest as general partner, **§ 37:81**

Investment advisers, trustees authority to direct, consent to, or disapprove of,
§ 37:63

Knowledge, **§ 37:5**

Legislation, statement, **§ 37:88**

Limitation of action against trustee, **§ 37:75**

Limitation on action contesting validity of revocable trust, **§ 37:46**

Methods of creating trust, **§ 37:19**

Modification of trust, **§ 37:27, 37:34**

Modification of trust, Noncharitable irrevocable trust by consent, **§ 37:28**

Noncharitable trust without ascertainable beneficiary, **§ 37:26**

Nonjudicial settlement agreements, **§ 37:12**

Notice, methods and waiver, **§ 37:10**

Overdue distribution, **§ 37:41**

UNIFORM TRUST CODE—Cont'd

- Principal place of administration, **§ 37:9**
- Principles of Equity, **§ 37:7**
- Proceedings for approval or disapproval, **§ 37:27**
- Provisions and definitions, **§ 37:2**
- Qualified beneficiaries, treatment as, **§ 37:11**
- Reformation to correct mistakes, **§ 37:32**
- Reliance on trust instrument, **§ 37:76**
- Representation
 - Basic Effect, **§ 37:14**
 - Fiduciaries and Parents, **§ 37:16**
 - Holder of general testamentary power of appointment, **§ 37:15**
 - Person having substantially identical interest, **§ 37:17**
- Requirements for creation, **§ 37:20**
- Revocation or amendment of revocable trust, **§ 37:44**
- Rules of construction, **§ 37:13**
- Scope, **§ 37:3**
- Settlers
 - Capacity of settlor of revocable trust, **§ 37:43**
 - Construction to conform to intent of settlor, **§ 37:33**
 - Creditor's claims against settlor, **§ 37:40**
 - Powers, **§ 37:45**
 - Tax objectives, **§ 37:34**
 - Withdrawal, powers of, **§ 37:45**
- Severability of clause, **§ 37:84**
- Spendthrift provision, **§ 37:37**
- Spendthrift provision, Exceptions, **§ 37:38**
- Statement accompanying legislation, **§ 37:88**
- Statutes repealed, **§ 37:87**
- Termination of trust
 - Generally, **§ 37:27**
 - Charitable trust, **§ 37:30**
 - Circumstances or inability to administer trust effectively, **§ 37:29**
 - Distribution upon termination, **§ 37:71**
 - Noncharitable irrevocable trust by consent, **§ 37:28**
 - Uneconomic Trust, **§ 37:31**
- Trust property
 - Control and protection, **§ 37:64**
 - Duty to collect, trustee, **§ 37:67**
 - Recordkeeping and identification, **§ 37:65**
- Trust purposes, **§ 37:22**
- Trustees
 - Accepting or declining trusteeship, **§ 37:47**
 - Administer trust, duty to, **§ 37:55**
 - Bond, **§ 37:48**
 - Collect trust property and redress breaches of trust, duty to, **§ 37:67**
 - Costs of administration, **§ 37:59**

INDEX

UNIFORM TRUST CODE—Cont'd

- Trustees—Cont'd
 - Co-Trustees, § 37:49
 - Delegation by, § 37:61
 - Delivery of property by former trustee, § 37:53
 - Disclose and discretion to periodically report, duty to, § 37:68
 - Discretionary powers, § 37:69
 - Enforce and defend claims, duty to, § 37:66
 - Exculpation, § 37:78, 37:80
 - General Powers, § 37:70
 - Impartiality, duty of, § 37:57
 - Investment decisions, authority to direct, consent to, or disapprove, § 37:63
 - Limitation of action against trustee, § 37:75
 - Loyalty, duty of, § 37:56
 - Personal obligations, § 37:42
 - Powers to direct, § 37:62
 - Prudent administration, duty of, § 37:58
 - Reimbursement of expenses, § 37:54
 - Removal of trustee, § 37:52
 - Resignation of trustee, § 37:51
 - Special skills, duty to use, § 37:60
 - Vacancy in trusteeship, appointment of successor, § 37:50
- Unanticipated
 - Circumstances or inability to administer trust effectively, Modification of trust, § 37:29
- Uneconomic Trust, Modification of trust, § 37:31
- Written trusts created in other jurisdictions, § 37:21

UNNECESSARY USE OF CARE AND SERVICES

- Medicaid, New Jersey Medical Assistance and Health Services Act, § 2:18

UTILITY COMPANIES

- Responsibilities of, Lifeline Credit Program, § 24:4

VERIFICATION

- Eligibility for Medicaid or pharmaceutical assistance to the aged and disabled, Administration manual for Division of Medical Assistance and Health Services, § 11:6

- Special Medicaid programs manual, New Jersey care, § 19:3

VOTER REGISTRATION FORMS AND INSTRUCTIONS

- Chief Administrator to ensure distribution, New Jersey Medical Assistance and Health Services Act, § 2:36

- Compliance with National Voter Registration Act, § 2:37

WAIVER

- Comprehensive Waiver Program, § 10:1, 10:1 et seq.

- Lien, New Jersey Medical Assistance and Health Services Act, § 2:14

WEB SITE RESOURCES

- Medicaid, § 1:2