



County of Passaic

Court House – Surrogate's Court
71 Hamilton Street, Paterson, New Jersey 07505

Hon. Zoila Cassanova, Esq.
Surrogate Court Judge

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County Commissioner - Director Pasquale Lapore:

Re: PASSAIC COUNTY SURROGATE COURT'S FIVE-YEAR PLAN

The following represents the Surrogate's Court Five-Year Plan for your approval. This Plan is required by *N.J.S.A. 22A:2-51.1* and the adoption of same as it relates thereto. The composition of this Plan affords the Board of Chosen Commissioners a snapshot of the revenues collected over the last five years, which based upon the same provides a projection for future revenues and the Capital Improvements needed in the Surrogate's Court. Your review and adoption of this Plan is critical to the continued growth and modernization of this Court. I am happy to report that Passaic County is now in compliance with the Administration of Courts guardianship monitor requirement. Prior to my appointment as Surrogate, Passaic County had a 5 year noncompliance backlog.¹

The New Jersey Constitution provides that all Surrogates shall be both the Judges of the Surrogate Court and Deputy Clerks of the Chancery Division, Probate Part of the Superior Court. *N.J.S.A. 2B:14-1*. See also *In re Judges of Passaic County*, 100 N.J. 352 (1985). By way of background, the Passaic County Surrogate Court (hereinafter known as "Court") is responsible for probating Wills, conducting hearings for the appointment of Administrators who manage and distribute the Estates of deceased persons who die intestate (without a will); the appointment of a Guardian over a minor or over the property and things of a person adjudged incapacitated; and the supervision of adoption hearings and the maintaining of the records thereof. In addition, the Surrogate shall perform such duties and maintain files and records on behalf of the Superior Court as may be required by law and the Rules of Court. (Please see addendum expounding on the Surrogate Court)

Annually, the Passaic County Surrogate's Court generates revenues for the Passaic County Treasury which is used to offset taxation in the County's Budget. In 2022 the Surrogate's Court generated a total of \$483,163.28 in total revenue, of which \$ 30,722.00 was reimbursed to the Surrogate's Court from the County Treasury. The following represents a summary of the revenues generated by the Surrogate's Court between 2018 and 2022:

¹ Pursuant to the New Jersey Court Rules, the Surrogates oversee the guardianship monitoring of court appointed guardians of individuals adjudicated incapacitated. As monitor, the Surrogate ensures that guardians file annual well-being reports, and when required financial reports. The Surrogates are required to report noncompliant guardians to the Superior Court and the Administration of Courts. When necessary, the Surrogate may seek removal of the guardian.

- 2018 \$436,301.42
- 2019 \$459,734.18
- 2020 \$544,269.74*
- 2021 \$497,270.38
- 2022 \$483,163.28

In addition to the foregoing, the Surrogate's Court is empowered and required to provide to the Passaic County Board of Commissioners a Five-Year Plan for the use of "Check off" fee revenues which includes the interest generated thereon. The Check-off fees are surcharges to be used for various improvement projects, including but not limited to, the upgrading and modernization of the services provided by the Court. These check-off fees, however, shall not be used by the County for budgetary reductions. *N.J.S.A. 22A:4-17.2*. The Surcharges are maintained in the Surrogate Court's Trust Fund.

As you know, the Passaic County Surrogate's Court serves approximately 530,985 residents making it one of the highest volume County's in the State of New Jersey. Guided by the legislatively mandated use of the check off surcharge fees for Capital Improvements, we aim to further modernize our Court by creating an efficient and user-friendly space for our customers. It is anticipated through the use of these fees, the next five years shall bring new expansions, addition of Artificial Intelligent to improve multilingual on-line interface, upgrading of scanners and portable printers, subscription to legal text and research; an upgraded server which will afford staff faster program processing applications and access thereto; as well as training to ensure that staff understand the application of law.

I have conferred with Richard Cahill, the Chief Financial Officer, regarding the projected average revenues for the next five years based on the past revenues generated. He and I agree that the average revenues generated will likely remain consistent short of the legislature amending the fee schedules, which is not currently anticipated. Based on the prior check off fee revenue, it is projected that the next five-year projections should remain relatively consistent with that which is set forth below. As you will see, over the course of the last five (5) years, the Surrogate Court has collected on average \$25,000.00 in check off fee surcharge revenue. This average excludes 2021, which generated a significantly higher than average amount of \$77,454.00 in check off surcharges due in part to the Covid-19 pandemic.² The following represents the annual collection amount between 2018 and 2022³:

- 2018 \$21,986.00
- 2019 \$27,664.00
- 2020 \$25,902.00
- 2021 \$77,454.00
- 2022 \$30,722.00

² Due to deaths caused by the Covid 19 pandemic the estate and State closures, filings for 2021 doubled resulting in a higher than usual number of estate filings fees.

³ The 2017 fiscal year was included as an example of the average prior to increase in the volume of deaths caused by the Covid 19 pandemic.

Based on the foregoing, it is anticipated that the next five years will generate a minimum of \$110,865.00 in combined check off fee surcharge revenue.

By way of example, in 2017, the number of Estates settled were 2,004 which included Administrations, Affidavits, Probates, and Succeeding Executors. Additionally, in 2017 this Court oversaw and processed 37 Adoptions. Currently, the Minor's Trust Account has a balance of 22,538,792.61. The Capital Improvements from the last five years, consisted of, but were not limited to, new flooring and carpeting, shelving units, panel frames, Covid-19 front glass tile protective guards, as well as round tabletops and a cafeteria. These improvements cost \$36,511.52, in total, a significantly lower cost than the average \$22,000.00 per year in check off fee surcharges allotted for Capital Improvements. Therefore, the current proposed Five-Year Plan is well funded.

These upgrades will also create a more conducive working environment for the staff. As technology is advanced, outdated equipment will need to be replaced by new and innovative hardware and software. The goal of staying on the cutting edge of progress, as we evolve along with new technological advancements, remains paramount to this Office. The Passaic County Surrogate's Court continues to provide outstanding mobile services to the community through our Night Court Sessions. Rotating within the County to the various municipalities, the Probate Clerks are fully equipped with laptops and portable printers to conveniently serve the Citizens of Passaic with their probate needs. Through the acquisition of new technology, I intend to expand the Night Court Sessions to other municipalities.

This Court continues to advance the goal of having a superb Information Technology System, process and procedures; and the most efficient means of serving the citizens of this County. An upgraded server, laptops, scanners, printers, and the modernization of office equipment, as well as improved social media presences, such as the 2023 launch of a multilingual AI website interface, shall be an on-going process to insure the best facilities for the public *par none* in the State of New Jersey.

The foregoing Five-Year Plan is but a blueprint for my vision of progress and adaptation to fast changing technology and the requirements of the State for the various programs and mandates of the Surrogate's Court. It is my expectation that the positive changes that will be undertaken will become apparent over the course of the next five years as we continue to improve upon the last Five-Year Plan, bringing our current vision closer to fruition.

I ask that this Plan be adopted at the next full Meeting of the Board of Chosen Commissioners.

Hon. Zoila Cassanova, Judge of the Surrogate Court

Cc: County Commissioners, Matthew Jordan Esq, County Administrator; Louis E. Imhof, III, Clerk to the Commissioner Board; Richard Cahill, Chief Financial Officer