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**CHAPTER 43**

**(RESERVED)**

**Chapter Historical Note**

Chapter 43, Determination of Need for a Guardian, was filed and became effective prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), Chapter 43, Determination of Need for a Guardian, was readopted as R.1983 d.390, effective September 1, 1983. See: 15 N.J.R. 1111(a), 15 N.J.R. 1581(a).

Chapter 43, Determination of Need for a Guardian, was repealed and Chapter 43, Determination of Need for a Guardian, was adopted as new rules by R.1989 d.430, effective August 21, 1989. See: 20 N.J.R. 2850(a), 21 N.J.R. 2501(a). Pursuant to Executive Order No. 66(1978), Chapter 43 expired on August 21, 1994.

Chapter 43, Determination of Need for a Guardian, was adopted as new rules by R.1994 d.611, effective December 19, 1994. See: 26 N.J.R. 2838(a), 26 N.J.R. 3341(a), 26 N.J.R. 5020(a). Pursuant to Executive Order No. 66(1978), Chapter 43 expired on December 19, 1999.

2. If there is disagreement on the issue by any of the parties involved, the Division's appeal procedure shall be followed, in accordance with N.J.A.C. 10:48, to resolve the dispute.

**10:43-9.3 Individual who has a court appointed guardian; staff review of guardianship**

(a) If a determination is reached by the administrative head of the functional service unit that the individual continues to require a guardian, a notation to that effect shall be made in the individual's record.

(b) If a determination is made by the administrative head of the functional service unit that the individual's current functioning indicates he or she no longer needs a guardian or that the guardian should be changed:

1. This conclusion shall be communicated in writing within 30 days to the legal guardian and the individual.

2. If the legal guardian agrees with the finding, an attempt shall be made by the functional service unit to obtain a written statement of concurrence.

3. If the legal guardian disagrees with the Division's position, an effort shall be made by the functional service

unit to resolve the matter informally. This attempt and the outcome shall be documented in the individual's confidential record.

(c) Whether the legal guardian has agreed or disagreed with the Division's position, the matter shall be referred to the Chief of the Bureau of Guardianship Services for referral to a court of competent jurisdiction. The Chief of the Bureau of Guardianship Services shall inform the administrative head of the functional service unit of the documentation required in each individual case.

**10:43-9.4 Special review**

Notwithstanding any other provisions of this subchapter, a special review of an individual's guardianship status by the IHP review team may be requested at any time by any interested party. If the administrative head of the functional service unit, or his or her designee determines that the request is appropriate, the special review shall be conducted within 30 days. The same potential disposition would be available as those delineated above under N.J.A.C. 10:43-9.2 and 9.3. Results of the special review shall be documented in the individual's confidential record.