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### **NEW JERSEY REFORMS ITS GUARDIANSHIP STATUTE TO ALLOW PARENTS OF MINORS WITH DEVELOPMENTAL DISABILITIES TO FILE FOR GUARDIANSHIP BEFORE THE MINOR'S 18TH BIRTHDAY**

*By: Thomas R. Lahey, Esq.*

On December 23, 2025, Governor Philip D. Murphy signed law A3893/S2332, which allows parents of children with developmental disabilities to apply for guardianship up to 180 days before they turn 18 years old. Previously, Governor Murphy issued a conditional veto of the proposed law based on the legislation's proposal to amend the existing law to prohibit withdrawal of a guardianship complaint absent a showing of capacity can act to shift the burden to the AIP to demonstrate capacity.

The current law (P.L.1970, c.289) and codified as N.J.S.A. § 3B:12-24.1 does not address the ability of a parent, relative, or other interested person to bring a guardianship action for a minor prior to their 18th birthday. Before Governor Murphy signed this legislation into law, there was a gap in the governing statute which often resulted in applications for guardianship being filed only after the alleged incapacitated person reached the age of majority, which meant that no person(s) would be authorized to act on behalf of the child before the guardianship application is adjudicated by the Court, which could lead to delays in treatment, eligibility for social services, and disruptions to education programs.

As a result of the Governor's approval, parents, relatives, or other interested persons will be able to better plan and advocate for their child's future, including submitting applications for public benefits and establishing Special Needs Trusts to protect the minor's resources in anticipation of the minor reaching the age of majority and needing a guardian.

For more information, please contact Thomas Lahey at [llahey@spsk.com](mailto:llahey@spsk.com) or 201-225-2730.

*DISCLAIMER: This Alert is designed to keep you aware of recent developments in the law. It is not intended to be legal advice, which can only be given after the attorney understands the facts of a particular matter and the goals of the client.*

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