

# Personal Representative Request Form — Frequently Asked Questions



**Q: What is a Personal Representative?**

A: A Personal Representative is a person who has been entrusted to manage the affairs of a loved one who is unable to do so.

**Q: What is the Personal Representative Request Form and what does the form allow me to do?**

A: The Personal Representative Request Form is a document you can complete to be legally authorized to act on behalf of a loved one to make health care, financial, or estate decisions.

**Q: What types of legal documents need to be submitted to become a Personal Representative?**

A: There several types of legal documents someone can file. They include a Power of Attorney, a Legal Guardianship, a Custodial Order, and an Executor of Estate.

**Q: Where can I find the Personal Representative Request Form?**

A: You can find this form on PerformCare's Parents and Caregivers Forms page at

<http://www.performcarenj.org/families/forms.aspx>. You will see the Personal Representative Request Form under the Consent to Release Protected Health Information form.

**Q: If a Personal Representative fills out the Consent to Release Protected Health Information (PHI) form to disclose PHI and provides all the necessary documentation, do they still need to fill out the Personal Representative Request Form?**

A: No. As long as the Personal Representative provides PerformCare with all needed legal documentation to prove their Personal Representative status, they can simply complete the Consent to Release Protected Health Information form to disclose PHI.

**Q: Who is responsible for validating that the Personal Representative Request Form is complete and processed appropriately?**

A: As subject matter experts, the PerformCare Compliance department (with assistance from the Legal Affairs department, if necessary) should validate the completeness of this form.

**Q: What is a Power of Attorney (POA)?**

A: It is a written legal document in which a person, called the principal, authorizes another person, known as the attorney-in-fact, to perform certain duties as the principal's agent or representative.

**Q: Are there different types of POA?**

A: Yes. POAs differ in the powers granted and when the POA comes into effect. The three common types of POAs are General, Medical, and Financial POA.

The General POA will authorize an individual to act on your behalf in a wide variety of situations. Medical and Financial POAs can limit an authorized individual's power, so that the individual can only make certain medical or financial decisions on your behalf.

**Q: What are the categories of POA with regard to when the POA comes into effect?**

A: The most common types of categories are Non-Durable, Durable, and Springing. However, there is an additional, less common category called "Limited" Power of Attorney.

Non-Durable becomes ineffective in the event that you or your loved one is incapacitated. Durable can go into effect the day it is signed and will continue to be effective in the event of any future incapacity. Springing will only become effective if you or your loved one is incapacitated.

Limited POA grants an individual only particular rights to act in a specific area and can have a time limit that expires. You may use a Limited POA when you or a loved one may be temporarily incapacitated or needs help with only one area of personal management.

**Q: What are the requirements to file for a POA?**

A: In New Jersey, all POA documents require that both the principal (the individual who wishes to grant authority) and the attorney-in-fact (the individual to whom is given authority to act on your behalf) are competent and be of sound mind when the POA documents are executed.

The document(s) must be signed in the presence of at least two witnesses and in the presence of a licensed Notary of the State of New Jersey.

**Q: Some of the state files only have one parent listed for the minor. Is there a way to validate a parent's relationship to the minor without a birth certificate, such as the parent answering certain questions to validate their relationship? Should documentation, such as the Personal Representative Request Form, be filled out if the birth certificate is necessary to validate the minor's parent?**

A: When a parent calls on behalf of a minor, PerformCare associates follow normal protocol according to policy and procedure. If an individual identifies themselves as the minor child's parent, and can provide PerformCare with the applicable identification information, no further documentation would be required.

**Q: What is Guardianship?**

A: It's a legal process by a court appointing a competent adult or agency to be responsible to act on behalf of a minor or a vulnerable or incapacitated person to ensure of the health, safety, and welfare of that individual.

**Q: Are there different types of Guardianship?**

A: Yes. There is General and Limited Guardianship. General Guardianship, also known as full or plenary Guardianship, gives someone the authority to exercise all rights and powers of the vulnerable or incapacitated person for the responsibilities the Guardian has been granted.

Limited Guardianship is based on the court's findings that the vulnerable or incapacitated person in question lacks the ability to do some, but not all, of the tasks necessary to care for oneself.

**Q: What is a Custodial Order?**

A: This is more commonly known as a custody order. It's a court order document that specifies that one or both (called joint custody) parents have legal and/or physical custody and visitation arrangements of a minor child.

**Q: What is an Executor of Estate?**

A: An Executor is a person who manages the estate of the deceased, typically someone named in a will. A judge can appoint an estate administrator if a person dies without a will or does not name an Executor in their will.

**Q: Who should I contact if I want to file for POA, Legal Guardianship, Custodial Order, or Executor of Estate?**

A: You can contact a local attorney in the State of New Jersey who specializes in this area and can legally advise you on which document is best suited to file for your particular situation. There is also the option of pro se, which allows you to file the appropriate legal documentation on one's behalf and to legally represent yourself in court if necessary.

## Discrimination is against the law

PerformCare complies with applicable federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability, or sex. PerformCare does not exclude people or treat them differently because of race, color, national origin, age, disability, or sex.

PerformCare reduces language barriers to accessing services through the New Jersey Children's System of Care by:

- Providing free aids and services to people with disabilities to communicate effectively with us, such as:
  - Written information in other formats (large print, audio, accessible electronic formats, and other formats).
  - Telecommunication devices such as Device for the Deaf (TDD) and Text Telephone (TTY) systems to enable individuals who are deaf, hard of hearing, or speech-impaired to use the phone to communicate.
- Providing language services at no cost to people whose primary language is not English, such as:
  - Qualified interpreter services.
  - Information written in other languages.

If you need these services, contact PerformCare at **1-877-652-7624** or [TTY (for the hearing impaired) **1-866-896-6975**]. We are available 24 hours a day, seven days a week.

If you believe that PerformCare has failed to provide these services or discriminated in another way on the basis of race, color, national origin, age, disability, or sex, you can submit a complaint by mail or phone, by either calling PerformCare's Quality department at **1-877-652-7624** or by writing to:

PerformCare  
Attn: Quality Department  
300 Horizon Center Drive, Suite 306, Robbinsville, NJ 08691

If you need help filing a complaint, PerformCare's Quality department is available to help you.

You can also file a civil rights complaint with the U.S. Department of Health and Human Services, Office for Civil Rights, electronically through the Office for Civil Rights Complaint Portal, available at <https://ocrportal.hhs.gov/ocr/portal/lobby.jsf>, or by mail or phone at:

U.S. Department of Health and Human Services  
200 Independence Avenue, SW, Room 509F, HHH Building  
Washington, DC 20201

**1-800-368-1019, 1-800-537-7697 (TDD)**

Complaint forms are available at  
<http://www.hhs.gov/ocr/office/file/index.html>.

Multi-language interpreter services

## Attention: If you do not speak English, language assistance services are available to you at no cost. Call 1-877-652-7624 (TTY 1-866-896-6975).

**Spanish:** Atención: Si habla español, tiene a su disposición servicios gratuitos de asistencia lingüística. Llame al 1-877-652-7624 (TTY 1-866-896-6975).

**Portuguese:** Atenção: Se fala português, encontra-se disponível serviço gratuito de intérprete pelo telefone 1-877-652-7624 (TTY 1-866-896-6975).

**Arabic:** ملحوظة: إذا كنت تتحدث اللغة العربية، فإن خدمات المساعدة اللغوية تتوافر لك بالمجان. اتصل برقم (رقم هاتف الصم والبكم: 1-877-652-7624 (TTY: 1-866-896-6975).

**Haitian Creole:** Atansyon: Si w pale Kreyòl Ayisyen, gen sèvis èd pou lang ki disponib gratis pou ou. Rele 1-877-652-7624 (TTY: 1-866-896-6975).

**Chinese Mandarin:** 注意: 如果您说中文普通话/国语, 我们可为您提供免费语言援助服务。请致电: 1-877-652-7624 (TTY 1-866-896-6975)。

**Korean:** 주의: 한국어를 사용하시는 경우, 언어 지원 서비스를 무료로 이용하실 수 있습니다. 1-877-652-7624 (TTY 1-866-896-6975) 번으로 전화해 주십시오.

**Bengali:** লক্ষ্য করুন: যদি আপনি বাংলা, কথা বলতে পারেন, তাহলে নিঃখরচায় ভাষা সহায়তা পরিষেবা উপলব্ধ আছে। ফোন করুন ১-৮৭৭-৬৫২-৭৬২৪ (TTY 1-866-896-6975)।

**French:** Attention : si vous parlez français, des services d'aide linguistique vous sont proposés gratuitement. Appelez le 1-877-652-7624 (TTY 1-866-896-6975).

**Vietnamese:** Chú ý: Nếu bạn nói Tiếng Việt, có các dịch vụ hỗ trợ ngôn ngữ miễn phí dành cho bạn. Gọi số 1-877-652-7624 (TTY 1-866-896-6975).

**Hindi:** ध्यान दें: यदि आप हिंदी बोलते हैं तो आपके लिए मुफ्त में भाषा सहायता सेवाएं उपलब्ध हैं। 1-877-652-7624 (TTY 1-866-896-6975) पर कॉल करें।

**Chinese Cantonese:** 注意: 如果您使用粵語, 您可以免費獲得語言援助服務。請致電 1-877-652-7624 (TTY 1-866-896-6975)。

**Polish:** Uwaga: Jeżeli mówisz po polsku, możesz skorzystać z bezpłatnej pomocy językowej. Zadzwoń pod numer 1-877-652-7624 (TTY 1-866-896-6975).

**Urdu:** توجہ فرمائیں: اگر آپ اردو بولتے ہیں، تو آپ کو زبان کی مدد کی خدمات مفت میں دستیاب ہیں۔ کال کریں 1-877-652-7624 (TTY: 1-866-896-6975)۔

**Turkish:** Dikkat: Türkçe konuşuyorsanız dil yardımı hizmetlerinden ücretsiz olarak yararlanabilirsiniz. 1-877-652-7624 (TTY 1-866-896-6975) numaralı telefonu arayın.

**Russian:** Внимание: Если вы говорите на русском языке, то вам доступны бесплатные услуги перевода. Звоните 1-877-652-7624 (TTY 1-866-896-6975).