Adult Guardianship Assistant

Thank you for using the Adult Guardianship Assistant!

This packet includes the enclosed checklist and partially completed court forms:

{%p if temporary\_guardian %} Temporary {%p endif %} Guardianship {%p if antipsychotic\_meds\_yes %} with Rogers Authority {%p endif %} Checklist

Petition Attachments

Notice Checklist

{%p if temporary\_guardian %}

Proposed Order Appointing Temporary Guardian

{%p endif %}

Proposed Decree and Order of Appointment of Guardian {%p if antipsychotic\_meds\_yes %} with Rogers Authority {%p endif %}

Adult Guardianship Checklist for {{Petitioner\_name\_first}} {{Petitioner\_name\_last})

*This checklist helps you file all of the documents required for your particular guardianship petition.*

# **Forms**

*Please review all forms for accuracy and completion before submitting to court.*

**Petition for Appointment of Guardian {%p if antipsychotic\_meds\_yes %} with Rogers Authority {%p endif %}**

**{%p if temporary\_guardian %}**

**Motion for Appointment of Temporary Guardian of Incapacitated Person (Motion for Temporary Guardian)**

**Temporary Decree**

**Temporary Bond**

**{%p endif %}**

**{%p if Respondent\_intellectual\_disabled\_yes = false %}**

**Medical Certificate**

* ***Medical Certificate is required in cases when the Respondent is not intellectually disabled.***
  + ***Must be completed by a registered physician, licensed psychologist, certified psychiatric nurse clinical specialist, or a nurse practitioner.***
  + ***An updated Certificate, based on a new exam, is required within 30 days of the hearing.***

**{%p endif %}**

**{%P if Respondent\_intellectual\_disabled\_yes %}**

**Clinical Team Report**

* ***Clinical Team Report is required when the Respondent is allegedly intellectually disabled.***
  + ***Must be based on exam conducted by person authorized to prescribe antipsychotic medication.***
  + ***Usually the exam must be conducted within 60 days of the hearing.***

**{%p endif%}**

**{%P if antipsychotic\_meds\_yes %}**

**Clinician’s Affidavit as to Competency and Treatment (Clinician’s Affidavit)**

**Treatment Plan**

**Review Order (Antipsychotic Medication)**

**Proposed Finding of Fact**

* ***This is not an official court form.***
* ***Some Probate and Family Courts require this to be presented at your hearing.***

**{%p endif %}**

**Bond**

* ***Bond with sureties is required unless the Court determines it is in the Respondent’s best interest to waive sureties, or the Durable Power of Attorney or Health Care Proxy waives sureties.***
* ***Bond without sureties is allowed when the Respondent is considered indigent or doesn’t have assets or an estate to protect.***

**Affidavit of Indigency (if applicable)**

* ***The Indigency Assistant can guide you through this form. Visit the following link:***

**Military Affidavit (if applicable)**

* ***The Military Affidavit Assistant can guide you through this form. Visit the following link:***

**Decree and Order of Guardian for an Incapacitated Person (proposed)**

# **Next Steps**

1. Review the forms for accuracy and completion. Complete any additional forms.
2. File the forms with the Clerk’s Office at: **{{county}} Probate and Family Court**

You can find the mailing address at: https://www.mass.gov/orgs/probate-and-family-court/locations?\_page=1

{%p if **antipsychotic\_meds\_yes %}**

The Clinician’s Affidavit, Treatment Plan, Review Order (Antipsychotic Medication), and Proposed Findings of Fact can be filed at a later date, closer to the hearing.

1. Make copies of all documents you file with the Clerk’s Office.
2. The court will send you a citation in the mail. To receive the citation, you must either pay

$15 or qualify as indigent.

1. Serve a copy of the citation and petition on all those entitled to notice 14 days before the Return Date listed on the citation. The Respondent must be served in hand by a disinterested person. Anyone else entitled to notice may be served by mail.
2. File a Return of Service with the court (comes with the citation).
3. The court will provide you with a Notice of Hearing. Provide a copy of the Notice of Hearing to the Respondent and other parties in the case.
4. On the hearing date, go to court with copies of all documents, including updated medical certificate (if applicable). *Note: In some extraordinary circumstances, you may be asked to join the hearing remotely. Instructions will be provided to you either on the Notice of Hearing or by a Clerk of the Court.*

{%p endif %}

**{%p if temporary\_guardian %}**

1. **Provide written notice to those entitled to notice of your Motion for Temporary Guardian 7 days before the hearing on the motion. The court may shorten or waive this requirement. Unless notice was shortened or waived, A certificate stating that such notice was given should be provided to the court at the hearing.**
2. **Go to court with copies of all documents, including an updated medical certificate (if applicable)**
3. **If you are appointed Temporary Guardian and notice was shortened or waived, serve Notice of Appointment for Temporary Guardian/Conservator and Notice of Right to Hearing on the Respondent personally and all other people entitled to notice. A certificate stating that service was done must be filed with the court within 7-days of the appointment.**

**{%p endif %}**

# **Day of Hearing:**

* Check in with the session clerk in the courtroom, and check that they have your file.
* File any documents you have not already filed or have edited since filing.
* Hearing times vary. Set aside the entire morning for the hearing.

# **Additional Resources:**

## Suffolk University Health Law Clinic

* The Health Law Clinic’s student attorneys provide free legal services for adult guardianship.
* Address: 120 Tremont Street, Suite 150, Boston, MA 02108
* Phone Number: 617-573-8100

## Volunteer Lawyers Project (“VLP”)

* VLP provides low income families and individuals with legal help, advice and information.
* Address: 7 Winthrop Square, 2nd Floor, Boston, MA 02110
* Website: https://vlpnet.org/get-help/
* Helpline (Monday-Friday 9am-12pm): 617-603-1700

## Commonwealth of Massachusetts

* Forms and additional information can be found on the Massachusetts website below.
* Website: https://[www.mass.gov/guardianship-conservatorship-of-incapacitated-persons](http://www.mass.gov/guardianship-conservatorship-of-incapacitated-persons)