

Adult Guardianship with Rogers Authority Checklist

This checklist helps you file for guardianship when requesting Rogers Authority.

Forms

Completed

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

Petition for Appointment of Guardian for an Incapacitated Person (Petition)	<input type="checkbox"/>
Medical Certificate or Clinical Team Report <ul style="list-style-type: none">• <i>Medical Certificate is required in cases when the Respondent is <u>not</u> intellectually disabled.</i><ul style="list-style-type: none">◦ <i>Must be completed by a registered physician, licensed psychologist, certified psychiatric nurse clinical specialist, <u>or</u> a nurse practitioner.</i>◦ <i>Must be based on an exam within 30-days of filing the Petition</i>◦ <i>An updated Certificate, based on a new exam, is required within 30-days of the hearing</i>• <i>Clinical Team Report is required when the Respondent <u>is</u> allegedly intellectually disabled.</i><ul style="list-style-type: none">◦ <i>Must be completed by a licensed psychologist, registered physician, <u>and</u> licensed social worker.</i>◦ <i>Must be based on an exams conducted within 180-days of filing the Petition.</i>	<input type="checkbox"/>
Bond <ul style="list-style-type: none">• <i>Bond <u>with</u> 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 waives sureties</i>• <i>Bond <u>without</u> sureties is allowed when the Respondent is considered indigent or doesn't have assets or an estate to protect</i>	<input type="checkbox"/>
Affidavit of Indigency (if applicable) <ul style="list-style-type: none">• <i>The Indigency Assistant can guide you through this form. Visit the following link: https://mlursul.community.lawyer/interview?i=docassemble.playground1%3AALBcmHjD37zEAhcO.ymi#page1.</i>	<input type="checkbox"/>
Military Affidavit <ul style="list-style-type: none">• <i>The Military Affidavit Assistant can guide you through this form. Visit the following link: https://community.lawyer/cl/pgenovese95/military-affidavit-assistant.</i>	<input type="checkbox"/>
Decree and Order of Guardian for an Incapacitated Person (proposed)	<input type="checkbox"/>
Proposed Findings of Fact <ul style="list-style-type: none">• <i>This is not an official court form.</i>• <i>Some Probate and Family Courts require this to be presented at your hearing.</i>	<input type="checkbox"/>
Clinician's Affidavit as to Competency and Treatment (Clinician's Affidavit) <ul style="list-style-type: none">• <i>Must be based on exam conducted by person authorized to prescribe antipsychotic medication</i>• <i>Usually the exam must be conducted within 60-days of the hearing</i>	<input type="checkbox"/>
Treatment Plan	<input type="checkbox"/>
Review Order (Antipsychotic Medication)	<input type="checkbox"/>

Next Steps:

1. Review the forms for accuracy and completion. Complete any additional forms.
2. File the forms with the Clerk's Office at:

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.

3. Make copies of all documents you file with the Clerk's Office.
4. The court will send you a citation in the mail. To receive the citation, you must either pay \$15 or qualify as indigent.
5. 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.
6. File a Return of Service with the court (comes with the citation).
7. 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.
8. On the hearing date, go to court with copies of all documents, including updated medical certificate (if applicable).

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.
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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>