

Adult Guardianship Checklist

This checklist is a tool to help you file for guardianship.

Forms

Completed

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

Petition for Appointment of Guardian for an Incapacitated Person (Petition)

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Medical Certificate or Clinical Team Report

- *Medical Certificate is required in cases when the Respondent is not intellectually disabled.*
 - *Medical Certificate must be based on an exam of the Respondent within 30-days of filing the Petition*
 - *An updated Certificate, based on a new exam, is required within 30-days of the hearing*
- *Clinical Team Report is required in cases when the Respondent is allegedly intellectually disabled.*
 - *Clinical Team Report must be based on exams of the Respondent conducted within 180-days of filing the Petition.*

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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 waives sureties*
- *Bond without sureties is allowed when the Respondent is considered indigent or doesn't have assets or an estate to protect*

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Affidavit of Indigency (if applicable)

- *The Indigency Assistant can guide you through this form. Visit the following link: <https://mlursul.community.lawyer/interview?i=docassemble.playground1%3AALBcmHjD37zEAhcO.yml#page1>.*

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Military Affidavit

- *The Military Affidavit Assistant can guide you through this form. Visit the following link: (insert pat's link).*

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

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Next Steps:

1. Review the forms for accuracy and completion. Complete any additional forms.
2. File the forms with the Clerk's Office at:
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 the 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 any other parties in the case.
8. On the hearing date, go to court with copies of all documents, including an 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.

Additional Resources:

Suffolk University Health Law Clinic

- The Health Law Clinic's student attorneys provide free legal services for adult guardianship cases.
- 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>