

Steps for Guardianship in Massachusetts

1. Gather the paperwork:

- [Petition for Appointment of Guardian for An Incapacitated Person](#)
 - [How to file for guardianship of an incapacitated Person](#)
- [Clinical Team Report](#) (used with intellectual disability) or [Medical Certificate](#)
 - [Instructions to Clinicians for Completing the Clinical Team Report](#)
 - [Instructions to Clinicians for Completing the Medical Certificate](#)
 - [Limitations to Guardianship and Conservatorship for Clinicians](#)
- [Bond](#)
- If an individual takes antipsychotic medication (or potentially other intrusive treatments or procedures), a [Rogers Guardianship](#) is needed to give the guardian permission to agree to this treatment. An additional form is required, that is completed by a licensed physician, certified psychiatric nurse clinical specialist, or other person authorized by law to prescribe antipsychotic medication in Massachusetts.
 - [Clinician's Affidavit as to Competency and Treatment](#)

2. If you have not retained a lawyer to assist, seek advice from a “lawyer of the day” at the probate court who can check that your forms are completed correctly.

3. File the forms in person at the Court at the same time: Petition, Clinical Team Report or Medical Certificate, and Bond. Some county probate courts may allow you to file prior to the 18th birthday, but others do not; please inquire directly at your probate court. Make sure that you file the forms within 30 days of when the Medical Certificate was signed or 180 days of when the Clinical Team Report was signed. If a Rogers is required, file the [Clinicians Affidavit as to Competency and Treatment](#) at some point before the hearing.

4. Once you file the forms, the court will mail you the Citation, which will describe who needs to be notified about the guardianship request. This will include: respondent, other parent/ guardian, siblings, adult service agencies, and potentially other agencies/ people. These will be listed in Citation. If you don't know where one of the interested parties is, the court will give you instructions for how to publish the notice in a newspaper the court chooses. You may be eligible for a fee waiver to cover the cost of publishing the notice in a Massachusetts newspaper.

5. Follow the instructions in the Citation--the respondent will need to be hand-delivered the Citation by a "disinterested" party who then needs to fill out the Return of Service form. Mail or hand-deliver the Citation to everybody else who needs to be notified and

fill out the Return of Service form. Return of Service forms must be originals, and can be mailed or hand-delivered to the court. The court will schedule the hearing after they have the form.

6. The court will assign a hearing date by mail.

7. At the hearing, you'll be sworn in, and you'll be asked to explain why you are requesting guardianship. If you are also seeking a Rogers guardianship, you will need to present the Treatment Plan (Form MPC 825) and a Findings of Facts for which there is no form, but the Clerk's office at the probate court may have a template for you to use. The individual may have a lawyer appointed by the court who will accept or oppose your proposed guardianship. The judge will ask questions of you/ your lawyer and the respondent's appointed lawyer, and then make a decision: accept, deny, or accept your request with modifications (usually to give more decision making power to the individual).

8. When guardianship is approved, the judge signs a decree. You should ask the court staff for a certified copy of the appointment letter that states you are the legal guardian. Send copies of that letter to school, doctors, dentist, etc. If the Rogers is approved, then the judge will also sign a Treatment Plan that remains in effect for one year. You (or somebody else) will be appointed as the Rogers Monitor.

9. Carefully review the [Court Required Duties as a Guardian of Incapacitated Person](#). File the initial [Guardian's Care Plan/ Report](#) within 60 days, and file one annually on the date of the anniversary of the guardian's appointment. If there is a Rogers Treatment Plan, also make arrangements to have it renewed annually if the individual continues to take those medications.