

Commonwealth of Massachusetts
Bristol County Probate & Family Court



Gina L. DeRossi
Register of Probate

PETITION FOR GUARDIANSHIP OF A MINOR

Use these instructions ONLY if:

- ✓ You want to become the legal guardian of a child; **AND**
- ✓ The child lives in Bristol County **OR** there is a Will nominating you as Guardian and the Will is or could be probated in Bristol County.

IMPORTANT: The purpose of a Guardian is to be personally involved in the care of the minor, not of the minor's estate or assets. If you are requesting to handle the minor's estate, you must file a separate Petition for Appointment of Conservator.

STEP 1: COMPLETE THE FORMS: Fill out all forms completely using permanent black ink. You may also complete the forms on line at www.bristolcountyprobate.com.

In ALL cases you must fill out the following forms:

- ✓ **PETITION FOR APPOINTMENT OF GUARDIAN OF MINOR**
- ✓ **BOND**
- ✓ **AFFIDAVIT DISCLOSING CARE OR CUSTODY PROCEEDINGS**
- ✓ **PUBLIC ASSISTANCE AFFIDAVIT**

In SOME cases, you may have to fill out the following additional forms:

- ✓ **NOTARIZED AND VERIFIED CONSENT OR NOMINATION OF MINOR.** To be completed by child age 14 or older who wishes to consent to or nominate a guardian. Completion of this form eliminates the need for further

notice to be served on the minor.

- ✓ **NOTARIZED WAIVER AND CONSENT TO PETITION FOR GUARDIANSHIP OF MINOR.** To be completed by mother or father of child if either parent agrees to guardianship. Completion of this form eliminates the need for further notice to be served on the parent(s).
- ✓ **VERIFIED MOTION FOR APPOINTMENT OF TEMPORARY GUARDIAN FOR A MINOR.** Complete this form only if there is an immediate need to become Temporary Guardian due to an emergency. If an emergency exists, do not mail your paperwork to the Registry. Contact the Registry for court availability and instructions on how to serve advance notice to all interested persons.

STEP 2: **COPIES:** Make a copy of all completed forms. Assemble the copies so that you have 2 COMPLETE PACKETS OF THE FORMS – the originals and the copies. Keep the copies for yourself. You may have to make additional copies from these copies in the future.

STEP 3: **FILE THE PAPERS:** Deliver or mail the original documents to the Registry of Probate for processing at 40 Broadway, Suite 240, Taunton, MA 02780.

INCLUDE THE FEE: A **\$15.00** Notice & Order Fee is required unless you have consents from all interested persons (parent(s)/minors 14 and over/other). Additionally, a **\$50.00** Bond Fee is required unless you request to waive sureties on the bond (See box #10 on the Petition). The fee is payable by money order or personal check to the Registry of Probate. If documents are filed in person at the Probate & Family Court Registry at 40 Broadway, Suite 240, Taunton, MA 02780, you may also pay by cash or major credit card.

- Once you have filed the appropriate papers with the Registry you will receive a *Notice & Order*. This *Notice & Order* includes a hearing date in which you will need to appear in Court (generally 21-45 days from filing) and will instruct you how to give notice and to whom notice must be given before the hearing date.

STEP 4: **NOTIFY ALL INTERESTED PERSONS:** Follow the instructions carefully on the *Notice & Order* you receive from the court to properly notify all interested persons.

STEP 5: **REPORTING:** You are responsible to report an *Annual Report of Guardian of Minor* notifying the court of the care and living situation of the minor under your guardianship. You must report annually or at any time the court may order. Reporting forms are available at the Registry or on line at www.bristolcountyprobate.com.

Please be advised that the information in this pamphlet is provided as a service of the Bristol County Probate & Family Court Registry and does not constitute legal advice which can only be given to you by an attorney.

Bristol County Probate & Family Court Registry
40 Broadway, Suite 240
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