

Commonwealth of Massachusetts
Bristol County Probate & Family Court



Gina L. DeRossi
Register of Probate

PETITION FOR GUARDIANSHIP OF INCAPACITATED PERSON

Use these instructions ONLY if:

- ✓ You want to become the legal guardian of an alleged incapacitated person; *AND*
- ✓ The person is a resident of Bristol County *OR* there is a Will nominating you as Guardian and the Will is or could be probated in Bristol County *OR* the person is admitted to a facility in Bristol County.

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

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 FOR INCAPACITATED PERSON**
- ✓ **BOND**
- ✓ **MEDICAL CERTIFICATE.** (Must be completed if filing for “incapacitated person”. The Medical Certificate must be filed within 30 days of examination.)
OR
CLINICAL TEAM REPORT. (Must be completed if the person has an “intellectual disability”. The Clinical Team Report must be dated within 180 days)

of examination.)

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

- ✓ **VERIFIED MOTION FOR APPOINTMENT OF TEMPORARY GUARDIAN FOR ADULT.** 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** Citation Fee is required. Additionally, a **\$50.00** Bond Fee will be required unless you request to waive sureties on the bond (See the Petition).

The fee may be payable by money order or personal check to the Registry of Probate. If the documents are filed in person at the Probate & Family Court Registry at 40 Broadway, Suite 240, Taunton, MA, you may also pay by cash or major credit card.

- Once you have filed the appropriate papers with the Registry you will receive a *Citation* with an *Order of Notice*. This *Order of Notice* will instruct you how to give notice and to whom notice must be given.

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

STEP 5: **REPORTING:** You are responsible to file the *Guardianship of Person Care Plan/Report of Incapacitated Person* form to report on the care and living situation of the incapacitated person under your guardianship 60 days after being appointed and annually thereafter or at any time the court may order. This form is 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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