



COMMONWEALTH OF MASSACHUSETTS
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PRESS RELEASE
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FOR IMMEDIATE RELEASE

PROBATE AND FAMILY COURT ANNOUNCES NEW MEDICAL CERTIFICATE FORM
EFFECTIVE JULY 1, 2009 IN GUARDIANSHIP AND CONSERVATORSHIP CASES TO
COINCIDE WITH THE EFFECTIVE DATE OF ARTICLE V OF THE MUPC

The Probate and Family Court announces a new Medical Certificate Form, which will now be used in guardianship and conservatorship cases involving incapacitated and disabled individuals.

The prior version of this form has been significantly changed to require information necessary for the court to assess the need for a limited or general (plenary) guardianship or conservatorship in accordance with the new statutory requirements of Article V of the Massachusetts Uniform Probate Code which is effective July 1, 2009.

The Probate and Family Court's Uniform Probate Code Article V Implementation Committee, comprised of Judges, court staff, lawyers and representatives of the medical community worked closely in the development of this form which requires information relative to the clinical diagnosis, decision-making impairment, and functional impairment of the individual as well as the individual's values and social and risk factors and the interaction of the individual with his or her environment. Building on the current medical certificate form which underwent significant changes in April of 2008, the new form has been reformatted to streamline the information and is posed to be a national model to encourage limited guardianship and conservatorship decrees.

This finalized Medical Certificate has an effective date of Wednesday, July 1, 2009. As of July 1, 2009, this form must be used. Pursuant to G.L. c.190B, the medical certificate **must** accompany any Petition for Appointment of Guardian of an Incapacitated Person or Petition for Appointment of Conservatorship for a Disabled Person unless it is **impossible** to obtain. The Medical Certificate must indicate that the examination has taken place within 30 days prior to the filing of the Petition. In addition, a Medical Certificate must be dated and the examination must take place within 30 days prior to any hearing for the appointment of a guardian and/or conservator, whether temporary or permanent. A Medical Certificate may be completed by a physician or licensed psychologist or a certified psychiatric nurse clinical specialist.

In addition, the following instructional and informational sheets are provided to give guidance to those completing a Medical Certificate: General Information Regarding Guardianship and Conservatorship; Instructions to Clinicians for Completing the Massachusetts Medical Certificate for Guardianship or Conservatorship; and Limitations to Guardianship and Conservatorships.

If you have any questions, please contact Attorneys John Cross and Jennifer Rivera Ulwick at the Administrative Office of the Probate and Family Court Department at 617-788-6600.