



**THE COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT
ADMINISTRATIVE OFFICE
TWO CENTER PLAZA, SUITE 210
BOSTON, MA 02108**

**PAULA M. CAREY
CHIEF JUSTICE**

**TEL: (617) 788-6600
FAX: (617) 788-8995**

Press Release

CONTACTS: Attorney Jocelyne D. Welsh
Attorney John H. Cross
617-788-6600

FOR RELEASE ON: August 11, 2008

**PROBATE AND FAMILY COURT ANNOUNCES NEW PETITION FOR
GUARDIANSHIP OF THE PERSON - AND - ESTATE**

Boston, August 11, 2008 - The Probate and Family Court Department announces a new Guardianship Petition (CJ-P 110).

In order to advance the objective of the Probate and Family Court Department to protect incapacitated individuals, including elderly persons, who appear in our Court, a new Petition for Guardianship has been developed. The effective date of the petition is September 1, 2008 to enable the petition to be disseminated to the bar and to the local divisions of the Probate and Family Court.

This new petition is designed to protect proposed wards and to ensure that judges have the information they need in order to craft a guardianship, if appropriate, that interferes with an individual's personal liberty only to the extent necessary.

The detailed information to be provided on the petition requires disclosure about the proposed ward's individual circumstances, his or her estate, where and with whom the proposed ward lived during the last sixty (60) days, his or her expected future residence, and a list of his or her heirs at law.

The petition must indicate the grounds for the guardianship: mental illness, mental retardation, or physical incapacity or illness of the proposed ward; the reason why a guardianship is necessary; and, whether the guardianship can be limited in any manner. The petitioner(s) must designate whether a full or limited guardianship is sought and must define the scope of the guardianship.

Petitions for limited guardianship rather than full guardianship are encouraged, if possible, in order to fully protect the proposed ward's individual autonomy and personal liberty interests.

The rollout of this new petition builds on the protections put in place with the introduction of a new Medical Certificate by the Probate and Family Court on April 15, 2008. The new medical certificate provides judges with the information they need in making the important decision of whether to interfere with the fundamental liberty interest of an individual to make decisions for themselves, in whole or in part, by entering a guardianship decree.

If you have questions, please contact Attorney John H. Cross or Attorney Jocelyne D. Welsh at the Administrative Office of the Probate and Family Court Department at (617)788-6600.