

# The Decoder

## Petition Changes Re: Notice to the Division of Medical Assistance

### Frequently Asked Questions:

**Q:** Do I have to send DMA the Informal Notice (MPC 550) form and include them on the Return of Service?

**A:** No. The Probate and Family Court will continue to rely on the affirmative statement made by the petitioner in #12 of the informal petition that notice was sent to DMA. See also Probate and Family Court Transmittal No. 12-2004.

**Q:** Do I have to file the "green card" with the court as proof of notice to DMA?

**A:** No. The court however retains the right to request proof, if necessary.

**Q:** In a formal proceeding, do I have to provide notice twice to DMA? Once before I file and then again when the citation issues?

**A:** No. Notice must only be provided once to DMA by citation.

The Petition for Formal Probate of Will, Adjudication of Intestacy, Appointment of Personal Representative (MPC 160) and the Petition for Informal Probate of Will and/or Appointment of Personal Representative (MPC 150) have been revised for use on or after July 13, 2015. The changes reflect the revised notice requirements to the Division of Medical Assistance, Estate Recovery Unit ("DMA").

### The changes are as follows:

#### **Petition for Formal Probate of Will, Adjudication of Intestacy, Appointment of Personal Representative (MPC 160):**

12. □ The Petitioner shall give notice once by citation to the Division of Medical Assistance. To do so, the Petitioner shall send a copy of the citation when issued by the Court together with a copy of this Petition and death certificate by certified mail at least fourteen (14) days before the return day to the Division of Medical Assistance, Estate Recovery Unit, P.O. Box 15205, Worcester, MA 01615-0205. For specific details, see the citation's Order of Notice.

#### **Petition for Informal Probate of Will and/or Appointment of Personal Representative (MPC 150):**

12. □ The Petitioner gave written notice seven (7) days prior to petitioning for informal probate or appointment by sending a copy of this Petition and death certificate by certified mail to the Division of Medical Assistance, Estate Recovery Unit, P.O. Box 15205, Worcester, MA 01615-0205.

For more information regarding the legislative changes to G. L. c. 190B, § 3-306(g) and § 3-403(g), see Probate and Family Court Transmittal No. 12-2004 posted on the

MUPC Hub at <http://www.mass.gov/courts/court-info/trial-court/pfc/mupc-updates-changes-lc.html>.



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