



**THE COMMONWEALTH OF MASSACHUSETTS  
THE TRIAL COURT  
PROBATE AND FAMILY COURT DEPARTMENT  
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## **NOTICE**

### **Probate and Family Court Department Announces New Notice Requirements to the Division of Medical Assistance, Estate Recovery Unit, For Informal and Formal Estate Proceedings**

As a result of recent legislative changes to Massachusetts General Laws Chapter 190B, in an informal proceeding to probate an estate (with or without a will), a petitioner is now required to give written notice to the Division of Medical Assistance, Estate Recovery Unit (“DMA”), at least seven (7) days prior to filing an informal petition (MPC 150) by sending a copy of the informal petition and death certificate to DMA by certified mail. See G. L. c. 190B, § 3-306(g), as added by St. 2014, c. 165, s. 174.<sup>1</sup> Procedurally, the Probate and Family Court shall continue to rely on the affirmative statement made by the petitioner in the informal petition that notice was provided to DMA.

In addition, in a formal proceeding to probate an estate (with or without a will), a petitioner is now required to give citation notice to DMA by mailing a copy of the citation by certified mail, in accordance with the Order of Notice, together with a copy of the formal petition (MPC 160) and death certificate. See G. L. c. 190B, § 3-403(g), as added by St. 2014, c. 165, s. 175.<sup>2</sup> Procedurally, the Probate and Family Court shall require that the petitioner certify on the Return of Service that citation notice was provided to DMA.

The above is effective immediately.

For more information, contact Evelyn J. Patsos, Esq., at (617) 788-6613 or by email at [Evelyn.Patsos@jud.state.ma.us](mailto:Evelyn.Patsos@jud.state.ma.us).

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<sup>1</sup> G. L. c. 118E, § 32(a) as currently enacted refers to § 3-306(f) in error. See G. L. c. 118E, § 32(a), as amended by St. 2014, c. 165, s. 149. Legislative change is required to correct this error.

<sup>2</sup> G. L. c. 118E, § 32(a) as currently enacted refers to § 3-403(f) in error. See G. L. c. 118E, § 32(a), as amended by St. 2014, c. 165, s. 149. Legislative change is required to correct this error.