

Court Required Duties as a Guardian of Incapacitated Persons

In order for your guardianship appointment to be finalized, the court must approve **both** a decree and a bond. Once approved, you are responsible to the court and to the Incapacitated Person as follows:

BEST INTEREST

A Guardian acts in the Incapacitated Person's best interests and with consideration of the Incapacitated Person's expressed desires and personal values. A Guardian acts only as necessitated by the Incapacitated Person's limitations, encouraging him/her to the extent possible, to participate in decisions, act on his/her own behalf, and develop or regain capacity.

INITIAL GUARDIAN CARE PLAN REPORT

An initial Guardian Care Plan Report (MPC 821) is due to be filed within sixty (60) days of the appointment of a Permanent Guardian.

ANNUAL GUARDIAN CARE PLAN REPORT

An Annual Guardian Care Plan Report (MPC 821) is due to be filed every year on the anniversary of the Guardian's appointment. Failure to file this report could result in a hearing being scheduled requiring you to appear in court.

CHANGE OF ADDRESS OF THE INCAPACITATED PERSON OR GUARDIAN

You must inform the court if the address of the Incapacitated Person changes or if your address changes.

DEATH OF INCAPACITATED PERSON

Upon the death of the Incapacitated Person, you must file a copy of the death certificate or a suggestion of death with the court.

TERMINATION AS GUARDIAN

If it is determined that the Incapacitated Person is no longer incapacitated, you must petition the court to terminate the guardianship (MPC 203). A medical certificate would be required indicating that the Incapacitated Person no longer has an incapacity.

RESIGNATION AS GUARDIAN

You must file a Petition for Resignation (MPC 202) if you no longer wish to serve as Guardian.

Additionally:

CHANGE OF GUARDIAN'S AUTHORITY

If the Incapacitated Person is in need of more treatment/services than was authorized by the original guardianship decree, you must file a petition with the court to expand your authority (MPC 220). There is a different form to use when seeking authority to place an Incapacitated Person in a nursing facility for a period of 60 days or less (MPC 829).

All forms required for filing are available at each division or on the Probate and Family Court website at www.mass.gov/courts