# Massachusetts Probate and Family Court

# Module 1: Introduction

## Welcome

*Hello, my name is John Casey and I’m the Chief Justice of the Massachusetts Probate and Family Court. Welcome to the Probate and Family Court's orientation program for guardians and conservators of adults.*

*Guardians and conservators have an important role in the life of the person who needs their assistance. Learning more about these roles ensures the well-being of the person, and the protection of their rights.*

*Probate and Family Court judges hear and issue decisions in adult guardianship and conservatorship cases every day.  In many of these cases, the appointment of a guardian or a conservator was an important step to assist a person who was unable to access medical care or make medical decisions for themselves, or to protect a person who was unable to manage finances and was susceptible to financial exploitation.*

*The Court recognizes that being a guardian or conservator and doing it right is time-consuming and its hard work, and we appreciate the family members and the unrelated fiduciaries who take on these roles.*

*On behalf of the Massachusetts Probate and Family Court, thank you for participating in this orientation program and for becoming a guardian or conservator for an adult who needs your help.*

The information you are about to receive in this orientation program is provided for educational purposes only. It does not provide legal advice. For answers to specific legal questions, please consult an attorney.

In this orientation program you will learn about:

* What it means to be a guardian or a conservator; and the specific roles and duties of each.
* The characteristics of a successful guardian and conservator.
* What reports are required of both guardians and conservators, and how to complete and file these reports.   
  and
* Alternatives to guardianship and conservatorship.

Let’s begin with an overview of three important topics.

The first is the Massachusetts Uniform Probate Code (MUPC) – the law that governs guardianship and conservatorship in Massachusetts. The second is the Elder Justice Innovation Grant and the Office of Adult Guardianship and Conservatorship Oversight (OAGCO) and, the third is the differences and similarities between being a guardian and being a conservator.

## The Massachusetts Uniform Probate Code

In 2009, Massachusetts enacted the Massachusetts Uniform Probate Code (MUPC), Chapter 190B. Sections of the MUPC relating to guardianship and conservatorship are found in Article 5. The law can be found online at malegislature.gov.  
The MUPC requires separate proceedings to be appointed guardian and conservator.

Under the MUPC, the term “guardian” refers only to the person who makes personal decisions for the adult, whereas the term “conservator” refers only to the person who makes financial decisions regarding the adult’s property. Throughout these Modules, we refer to the adult under guardianship or conservatorship as “the adult”.

Under the MUPC, the Probate and Family Court has a statutory obligation to establish a system for monitoring guardians and conservators, including the filing and review of their mandatory reports.

## The Elder Justice Innovation Grant

In 2021, Massachusetts took another step forward in protecting the well-being of adults with guardians and conservators.

Thanks to the United States Department of Health and Human Services Administration for Community Living, the Massachusetts Trial Court was one of only seven state court systems to participate in the Elder Justice Innovation Grant.

In 2021 with the Elder Justice Innovation Grant, the federal government provided funding to state courts for the specific purpose of improving court oversight of guardians and conservators of adults.

This orientation program is one of many great improvements made possible by the grant.

The federal government and the Probate and Family Court are working together to protect adults who are incapacitated or who have disabilities from all forms of abuse including financial, physical, psychological or through neglect.

## The Office of Adult Guardianship and Conservatorship Oversight (OAGCO)

The Office of Adult Guardianship and Conservatorship Oversight (OAGCO), which is located within the Administrative Office of the Massachusetts Probate and Family Court, was established through the Elder Justice Innovation Grant.

The OAGCO is committed to protecting Massachusetts’ adults with incapacities or disabilities and our rapidly growing population of aging adults who are subject to a guardianship or conservatorship arrangement.

The OAGCO is responsible for:

* Monitoring the reporting of guardians and conservators of adults
* Collaborating with aging and disability network partners
* Offering information about alternatives to guardianship and conservatorship
* Promoting restoration of rights
* Data collection, and
* Providing an ombudsperson service program to assist the public, guardians and conservators with procedural questions and access to the Probate and Family Court.

For more information on the OAGCO and how it can assist you as a guardian or conservator visit the Probate and Family Court website at mass.gov

## The Differences and Similarities of Being a Guardian and Conservator

If you are seeking to be appointed guardian of an adult, the authority you may be given will focus on the adult’s personal, social, and medical needs.

If you are seeking to be appointed conservator of an adult, the authority you may be given will focus on the adult’s finances, including income and assets.

Guardians and conservators of adults have two major things in common.

First, you are expected to involve the adult in the decisions you make as much as possible and make decisions that benefit the adult and reflect the adult’s values.

The second thing guardians and conservators have in common is the requirement to file reports with the Court. This reporting requirement is so important that there are specific training Modules provided to you to teach you which reports to complete, how to complete them properly, and the process for filing them on time.

## Resources

Remember, there are resources available to help you in your role as guardian or conservator.   
Click on the icons to see the various resources available.

* Court: If you have questions, you may always ask the Court for direction.
* OAGCO: You may also reach out to the OAGCO, that is the Office of Adult Guardianship and Conservatorship Oversight in the Administrative Office of the Probate and Family Court.
* Email: We are here to help you. You can contact us by email at OAGCO@jud.state.ma.us
* Webpage: You can visit us on the Probate and Family Court webpage at mass.gov to learn more about the OAGCO and how it can assist you as a guardian or conservator.

*Chief Justice John D. Casey:*

*“Thank you for becoming a guardian or conservator for an adult who needs your help.”*

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