

**Commonwealth of Massachusetts
The Trial Court
Probate and Family Court Department**

**Procedure for Actions Filed Under the Uniform Adult
Guardianship and Protective Proceedings Jurisdiction Act
(UAGPPJA)
Chapter 225 of the Acts of 2014, G.L.c.190B §5A**

What Actions can be brought under the UAGPPJA?

- Transfer In: Brings Guardianship or Conservatorship case into Massachusetts' jurisdiction. (§ 5A-302)
- Transfer Out: Sends Guardianship or Conservatorship case to another state's jurisdiction. (§ 5A-301)
- Registration of another state's Guardianship or Conservatorship order: Originating state retains jurisdiction. (§5A-401) (§ 5A-205, Exclusive and Continuing Jurisdiction)

A. Transfer In

Filing Petition to Accept Guardianship or Conservatorship Transferred from another state. (MPC 111)

A Guardian or Conservator appointed elsewhere may petition the Massachusetts Probate and Family Court to accept the guardianship or conservatorship from another state.

This petition shall include a certified copy of the other state's provisional order of transfer.

Notice shall be given in both the transferring state and the Commonwealth of Massachusetts to those persons who would be entitled to notice if the petition was one for appointment. (§ 5A-302(b))

The Guardian or Conservator shall file the appropriate bond.

Where is the Petition Filed?

In the Division where the Incapacitated Person/Protected Person resides.

What is the Filing Fee?

There is no fee for Guardianship Transfer.

There is a fee of \$240 for Conservatorship Transfer “In” and a \$15 surcharge.

What Happens Next?

Upon request of anyone entitled to notice, or by the court sua sponte, a hearing shall be conducted.

If no hearing is requested and no objection is filed, the matter may be handled administratively.

The court shall issue a provisional order granting the petition, unless:

- an objection has been made, and the objector establishes that the transfer would be contrary to the interests of the incapacitated or protected person, or
- The guardian or conservator is ineligible for appointment in Massachusetts.

The court shall issue a final order accepting the guardianship or conservatorship and appointing the guardian or conservator upon the receipt of a final order issued by the sending state transferring the proceeding to Massachusetts.

Not later than 90 days after the issuance of the final order accepting the transfer of a case, Massachusetts shall determine whether the guardianship or conservatorship needs to be modified to conform to the laws of Massachusetts.

Is Counsel Appointed for the Incapacitated Person/Protected Person?

Upon request or by order of the Judge. (c.190B, §5-106)

How Can an Interested Person Object to a Proceeding?

An Interested Person can file form MPC 505A, Notice of Appearance and Objection.

B. Transfer Out

Filing Petition to Transfer Guardianship or Conservatorship to another state. (MPC 110)

A Guardian or Conservator appointed in Massachusetts may petition the court to transfer the guardianship or conservatorship to another state.

Notice shall be given to the person(s) entitled to notice of an original petition for Guardianship or Conservatorship. (§ 5A-301(b))

Where is the Petition Filed?

In the Division where the Guardian or Conservator was appointed.

What is the Filing Fee?

There is no fee for Guardianship or Conservatorship Transfer “Out.”

What Happens Next?

A Citation will issue.

Upon request of anyone entitled to notice, or by the court sua sponte, a hearing shall be conducted.

If no hearing is requested and no objection is filed, the matter may be handled administratively.

The court shall issue a provisional order granting the petition, and shall direct the petitioner to petition for transfer or acceptance of the guardianship or conservatorship in the other state if Massachusetts is satisfied that:

- the guardianship or conservatorship will be accepted by the other state,
- the incapacitated or protected person is physically present in, or expected to move permanently to the other state,
- no objection has been made, or, if made, objector has not established the transfer would be contrary to the interests of the incapacitated or protected person, and,

- Plans for care and services of the incapacitated person or management of the affairs of the protected person are reasonable and sufficient.

The court shall issue a **final order** confirming the transfer and terminating the guardianship or conservatorship upon the receipt of:

- a provisional order accepting the proceeding from the court to which the proceeding is to be transferred, AND
- Documents required to terminate the Massachusetts guardianship / conservatorship. (MPC 640a and 640b)

Is Counsel Appointed for the Incapacitated Person/Protected Person?

Upon request or by order of the Judge. (c.190B, §5-106)

How Can an Interested Person Object to a Proceeding?

An Interested Person can file form MPC 505A, Notice of Appearance and Objection.

C. Registration of Orders from Other States

Guardianship Orders (§ 5A-401)

If a guardian has been appointed in another state and a petition for appointment of guardian is NOT pending in Massachusetts, the guardian may, after giving notice to the appointing court of an intent to register, register the out of state guardianship order by filing certified copies of the order, letters of office, and bond, if any, **as a foreign judgment** in the division of the Massachusetts Probate and Family Court where an original proceeding could be filed.

Protective (Conservatorship) Orders (§ 5A-402)

If a conservator has been appointed in another state and a petition for appointment of conservator is NOT pending in Massachusetts, the conservator may, after giving notice to the appointing court of an intent to register, register the out of state conservatorship order by filing certified copies of the order, letters of office, and bond, if any, **as a foreign judgment** in the division of the Massachusetts Probate and Family Court where property belonging to the protected person is located.

Where is the Petition Filed?

In the Division where an original proceeding could be filed. (MPC 112)

What is the Filing Fee?

There is no fee to register a Guardianship Order/Decree.

There is a fee of \$75 to register a Conservatorship Order/Decree.

Effect of Registration

Upon registration of orders from another state, a guardian or conservator who is a Massachusetts resident may exercise all powers authorized in the order of appointment except those prohibited under the laws of the Commonwealth of Massachusetts.

If the guardian or conservator is NOT a Massachusetts resident s/he may exercise all powers authorized subject to any conditions imposed upon nonresident parties except those prohibited under the laws of the Commonwealth of Massachusetts.

Is Counsel Appointed for the Incapacitated Person/Protected Person?

Upon request or by order of the Judge. (c.190B, §5-106)

What are the Notice Requirements?

Notice must be given to the appointing court of the intent to register the order in Massachusetts.