



Massachusetts
Probate
and
Family Court

Welcome to the
Probate and Family Court
Department of the
Massachusetts Trial Court.

Many Probate and Family law matters involve complex and valuable legal rights. You should always speak with an attorney before filing any papers. Please ask court staff for the pamphlet "Looking for Legal Assistance?" which contains helpful information about obtaining legal advice and representation.

The information in this pamphlet is provided as a service of the court and does not constitute legal advice which can only be given to you by an attorney.

GM3

Giving Notice of Guardianship of a Minor

Instructions

HOW TO USE THESE INSTRUCTIONS

- P** Use these instructions to deliver and publish the Notice of Guardianship if you receive one from the Court.
- P** You must follow these instructions carefully. If you do not deliver the Notice of Guardianship properly, your case cannot be heard and you will not be appointed Guardian.

Please see the staff at the Registry of Probate if you have questions.

Instructions for Completing the NOTICE OF GUARDIANSHIP OF A MINOR

If you have filed a Petition for Guardianship of a Minor and received a Notice of Guardianship of a Minor from the court, you must deliver ("serve") the Notice to all "interested parties". Interested parties are:

1. The birth parents or, if the children have been adopted, the adoptive parents.
2. Any other person who has legal custody of the child or with whom the child is living.
3. The child, if the child is 14 years old or older.

You do not have to deliver the Notice to anyone who has signed an "assent", agreeing that you should become Guardian. If you receive more than one Notice, it is because the children do not have the same parents. In that case, you must follow these instructions for each Notice separately.

STEP ①: SERVE THE NOTICE

There are two ways you can deliver the Notice. You can either:

Mail a copy of the Notice to each interested party. Normally you must mail the Notice at least fourteen days before the "Return Day" but you may have to allow more time if the Notice indicates more than fourteen days. The Return Day is not a date for a court hearing but a deadline by which interested parties may object to your appointment as Guardian. You should send the copy by certified or registered mail from the Post Office. Ask for a return receipt. After the Post Office has delivered the Notice, they will send you the signed receipt. Save this receipt because you may need to show it to the court. Mail the copy of the Notice to the current or last known address of each interested party. Even if the current or last known address of one of the interested parties is your address, you must mail a copy of the Notice to that person at your address.

OR

Deliver a copy of the Notice **in person** to the interested party at least fourteen days before the Return Day, or further in advance if the Notice indicates that you must deliver the Notice more than fourteen days before the Return Day.

if you were able to deliver the Notice in hand to each interested party or if you have a signed receipt from the Post Office proving that each interested party received the Notice in the mail, you do not have to publish the Notice. Otherwise, follow the directions for publication.

PUBLICATION

If you do not have proof that all interested parties actually received a copy of the Notice, you must publish the Notice in the newspaper listed in the "Order of Notice- section. Call the newspaper as soon as possible to allow them time to receive the Notice and publish it at least seven days before the Return Day, or further in advance if the Notice indicates that publication must be more than seven days before the Return Day. Call the newspaper and they will explain to you how to get the Notice published. Be sure to send a copy of the Notice to the newspaper. The newspaper will charge a fee for publication of the Notice. If you think that you can not afford to pay the fee, ask someone at the Registry of Probate how you can request that the court pay for the publication. Otherwise you must pay the fee for publication. The newspaper will mail you a copy of the Notice after it is printed in the paper. Keep this copy. You may need to show it to the court.

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STEP ② COMPLETE THE RETURN OF SERVICE

Before returning the Notice to court, fill in the bottom of the original Notice sent to you by the court. This section is called the "Return of Service~. This is the only part of the form on which you should write.

In the blank lines after the words "...I have served the foregoing citation by _____", print exactly what you did. For example, write "mailing a copy to Mary Jones on June 28, 2001, by delivering a copy to Bob Smith on June 29, 2001 and by publishing in the Boston Herald on June 30, 2001". Be sure to sign and date the Return of Service and **fill in your address**.

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STEP ③ RETURN THE NOTICE TO THE COURT

After you complete and sign the Return of Service you must return the original Notice to the court, in person or by mail. If you choose to mail the Notice to the court, look on the back page of these instructions for the address of the Registry of Probate in the county where you filed your papers. Call the Registry of Probate and ask if you should also send them the return receipts from the Post Office and the clippings from the newspaper. If you do not have to give the return receipts and the newspaper clippings to the court, save them because the court may ask to see them later. **If you do not return the completed "Notice" to the court, and you have not delivered or published it properly, your case will not be heard.**

Commonwealth of Massachusetts

The Trial Court

Division

Probate and Family Court Department

Docket No.

Notice of Guardianship - Minor - With - Without Sureties

Notice

To all persons interested in THE COURT WILL FILL IN THIS SECTION
of (street and no.) (city or town) (county) (zip)

A petition has been presented in the above captioned matter praying that

THE COURT WILL FILL IN THIS SECTION

If you desire to object to the allowance of said petition, YOU or your attorney must file a written appearance in said Court at on or before The date here is the "Return Day".

IMPORTANT
The Return Day is not a day to come to court. It is a deadline by which interested parties may file an objection to your appointment as Guardian

WITNESS, Esquire, First Justice of said Court at
, this day of ,20

Register of Probate

IMPORTANT
Call the newspaper to find out exactly what you must do to have the Notice published.

Step 1

Order Of Notice

It is ordered that notice of said proceeding be given by delivering or mailing by registered or certified mail a copy of the foregoing citation to all persons interested fourteen days at least before said return day; and, if service be made by registered or certified mail, unless it shall appear that all persons interested have received actual notice, by publishing a copy thereof once in the The court will tell you which newspaper to use for publication a newspaper published in , the publication to be seven (7) days at least before said return day; and it is further ordered that notice thereof be given by delivering or mailing by registered or certified mail a copy thereof to the United States Veterans' Administration fourteen days at least before said return day.

WITNESS, Esquire, First Justice of said Court,
at this
day of ,20

Register of Probate

Step 2

Return Of Service

I certify under the penalties of perjury that I have served the foregoing citation by

After you have delivered the Notice and published it in the newspaper (if necessary), fill in this section on the original Notice, telling the court what you did.

Date Print today's date

Signature SIGN your name
Address Print your full address

Registries of Probate in Massachusetts

<p><u>Barnstable County</u> Register of Probate Barnstable Division, Probate and Family Court Main Street, P.O. Box 346 Barnstable.. MA 02630 Tel.-(508) 375-6600</p>	<p><u>Berkshire County</u> Register of Probate Berkshire Division, Probate and Family Court 44 Bank Row Pittsfield, MA 01201 Tel. (413) 442-6941</p>
<p><u>Bristol County</u> Register of Probate Bristol Division, Probate and Family Court I I Court Street, P.O. Box 567 Taunton, MA 02780 Tel. '(508) 824-4004</p>	<p><u>Dukes County</u> Register of Probate Dukes Division, Probate and Family Court P.O. Box 237 Edgartown, MA 02539 Tel. (508) 627-4703</p>
<p><u>Essex County</u> Register of Probate Essex Division, Probate and Family Court 36 Federal Street Salem, MA 01970 Tel. (978) 744-1020</p>	<p><u>Franklin County</u> Register of Probate Franklin Division, Probate and Family Court 425 Main Street, P.O. Box 590 Greenfield, MA 01301 Tel. (413) 774-7011</p>
<p><u>Hampden County</u> Register of Probate Hampden Division, Probate and Family Court 50 State Street Springfield, MA 0 1 103 Tel. (413) 748-7760</p>	<p><u>Hampshire County</u> Register of Probate Hampshire Division, Probate and Family Court 33 King Street, Suite 3 Northampton, MA 01060 Tel. (413) 586-8500</p>
<p><u>Middlesex County</u> Register of Probate Middlesex Division, Probate and Family Court 208 Cambridge Street~ P.O. Box 410-440 East Cambridge, MA 02141 Tel. (617) 768-5800</p>	<p><u>Nantucket County</u> Register of Probate Nantucket Division, Probate and Family Court Broad Street~ P.O. Box I 1 16 Nantucket, MA 02554 Tel. (508) 228-2669</p>
<p><u>Norfolk County</u> Register of Probate Norfolk Division, Probate and Family Court 649 Fligh Street, P.O. Box 269 Dedham, MA 02027 Tel. (781) 326-7200</p>	<p><u>Plymouth County</u> Register of Probate Plymouth Division, Probate and Family Court North Russell Street, P.O. Box 3640 Plymouth, MA 02361 Tel. - (508) 747-6204</p>
<p><u>Suffolk County</u> Register of Probate Suffolk Division, Probate and Family Court 24 New Chardon Street Boston, MA 02114 Tel. (617) 788-8300</p>	<p><u>Worcester County</u> Register of Probate Worcester Division, Probate and Family Court 2 Main Street Worcester, MA 0 1608 Tel. (508) 770-0825</p>