



Massachusetts
Probate
and
Family Court

GMI

Petition for Guardianship of a Minor

Form and Instructions

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.

Use these instructions **ONLY** if:

- P** You want to become a child's guardian; and
- P** The child lives in the county where you are filing this Petition; and
- P** The child does NOT own any real estate or have more than \$1 00 in cash or property.

Do not use these instructions unless all three are true. Please see the staff at the Registry of Probate if you have questions.

STAR T HERE

The Petition for Guardianship of a Minor is the first form that you must complete to ask the court to appoint you as guardian. Be sure to read the important instructions on the back about the other steps you must take to complete the application process.

**Instructions for Completing the
PETITION FOR GUARDIANSHIP OF A MINOR WITHOUT SURETIES**

Please print or type all information.

Do not fill in the sample form, use the form provided by the court. Look at the sample on the opposite page to see where to put the required information. For example, put the information asked for in line ① of these instructions on the same line of the form provided by the court (the numbers are not on the form that you will fill out).

- ① Write in the name of the county where you are filing your papers.
 - ② Do NOT write in this space. A docket number will be assigned after you file the Petition.
 - ③ Print the name of one of the children for whom you are applying to be guardian.
 - ④ Print the child's current address, including the street, city, state and ZIP code.
 - ⑤ Print the child's date of birth.
 - ⑥ If there is more than one child with the same parents, list the other children at (2) and (3). **ALL CHILDREN LISTED ON THIS PETITION MUST HAVE THE SAME MOTHER AND FATHER.** If you are applying to be the guardian of more than one child and they have the same mother but different fathers (or the same father and different mothers), you must complete a **SEPARATE FORM FOR EACH CHILD.**
 - ⑦ Print your name, address, and your relationship (for example, Maternal or Paternal; Aunt, Grandmother, Uncle) to the child. If you and another person are both applying, print both of your names and addresses and each of your relationships to the child.
 - ⑧ Print the names and last known addresses of the mother and father of the children. If you do not know an address, write "**ADDRESS UNKNOWN.**" If a parent has died, write "**DECEASED**" next to the parent's name. If both parents have died, also print the names, addresses and relationships of the closest blood relatives of the child or children.
 - ⑨ If the child is entitled to benefits from the Veteran's Administration, cross out the word "not". Cross out the word "does" in the next sentence.
 - ⑩ If you alone are applying to be guardian cross out the word "they" and circle "he" or "she" Cross out "**and the estate**" Cross out "**with**".
 - ⑪ Print today's date.
 - ⑫ **Sign the form.** If two people are asking to be appointed, they must both sign the Petition. **NUMBERS 13-16** are to be completed only if you wish to become guardian for a child over 14 and the child wants you to be guardian. The child must sign his or her name in front of a notary public. If you do not know how to find a notary public, ask at the Registry, of Probate.
 - ⑬ A child who is over the age of 14 can nominate (recommend to the court) his or her own guardian. If the child is over 14 and wants you to be guardian, print the child's name here.
 - ⑭ Print your name here.
 - ⑮ The child signs here if the child wants you to be guardian.
 - ⑯ The notary public signs here.
- NUMBERS 17-19** are to be completed if one or both parents agree to have you. become **permanent** guardian. The parents must sign in the "Parental Assent" section. If either parent agrees that you may become guardian but is not with you when you are filing the Petition for Guardianship, ask at the Registry of Probate for a "General Assent" form which the parents can sign and return to the court.
- ⑰ Print today's date.
 - ⑱ Have one parent sign here.
 - ⑲ Have the other parent sign here.

ON THE BACK OF THE FORM IN THE SECTION "For Petitioner" FILL IN YOUR NAME,
FULL ADDRESS, and PHONE NUMBER.

YOU ARE FINISHED WITH THIS FORM. THE REST OF THE FORM WILL BE FILLED IN BY THE COURT.

1 Division

The Trial Court
Probate and Family Court Department
Guardianship of Minor With - Without - Sureties

2 Docket No.

Name of Ward(s)*

Residence

Date of Birth

3 (1) Print child's name

4 Print child's address

5 Child's date of birth

6 (2)

(street, city and state)

(3)

If the petitioner is an agency then only one ward is permitted on each petition. Each ward must have -the same mother and father to be listed on the same petition.

7 PETITIONER(S) PRINT your name

Print your address (include street, city, state and ZIP code) How are you related to the child?
(city or town) (state) (zip code) (relationship to ward)

List the names of parents, if known, otherwise name grandparents, sisters, brothers, aunts, or uncles (who are over 18):

Name Residence Relationship

8

9 The minor(s) is/are - not - entitled to benefits, estate, or income paid or payable by or through the United States Veterans Administration. I/We certify that the ward's estate - does - does not - exceed \$100.00.

WHEREFORE, the petitioner(s) pray(s) that he/she/they - or some other suitable person - be appointed the guardian of the minor(s) - and the estate - with custody - with - without - surty on the bond - the parent(s) being. unfit.

11 Date Print today's date SIGN your name 12
(signature of petitioner (1)) (signature of petitioner (2))

Nomination of Ward(s)
Then personally appeared 13 PRINT child's name
(PRINT name of child(ren))
above the age of fourteen years, who nominate(s)
(14) PRINT your name to be his/her/their guardian.
(PRINT name of nominee) 15 Child SIGNS his or her name
(signature of minor)
Before me, 16 My Commission Expires
NOTARY PUBLIC/JUSTICE OF THE PEACE

Parental Assent
I/We, the surviving parent(s) - spouse - of the minor hereby assent(s) to the granting of the foregoing petition.
Date 17 18 Parent SIGNS his or her name 19 Other parent SIGNS here
(signature of parent) (signature of parent)

DECREE

All persons interested having been notified in accordance with the law or having assented and no objections being made thereto,

It is decreed that

of

be appointed guardian - with custody - of the person - and of the estate - of the above - named minor(s), first giving bond with sureties for the due performance of the trust.

It is further ordered

Date

HOW TO ASK THE COURT TO APPOINT YOU GUARDIAN OF A MINOR

STEP 1

COMPLETE THE FORMS: Fill out all forms completely and in black ink. There are detailed instructions available for some of the forms. **In all cases you will have to fill out the following forms:**

P GUARDIANSHIP OF MINOR FORM (PETITION FOR APPOINTMENT)

See this pamphlet GM1 "Petition for Guardianship of a Minor".

P BOND. You must file a bond before being appointed Guardian. If you want to be appointed Temporary Guardian you must fill out two bonds. See pamphlet GM2 "Bond of Guardian of a Minor".

P AFFIDAVIT DISCLOSING CARE OR CUSTODY PROCEEDINGS
See pamphlet AF1 "Affidavit Disclosing Care or Custody Proceedings"

In some cases, you will also have to fill out the following forms. Ask the staff at the Registry of Probate for assistance.

P MILITARY AFFIDAVIT. Ask for help at the Registry of Probate.

P MOTION FOR APPOINTMENT OF TEMPORARY GUARDIAN OF A MINOR and AFFIDAVIT FOR TEMPORARY GUARDIANSHIP

Complete these if you want to become Temporary Guardian.

See pamphlets GM4 "Motion for Appointment of Temporary Guardian of a Minor" and GM5 "Affidavit for Temporary Guardianship"

STEP 2

COPIES: Make a copy of all the completed forms. Assemble the copies so that you have 2 **COMPLETE PACKETS OF THE FORMS** -- the originals and the copies. Keep the copies for yourself. You may have to make additional copies from these copies.

STEP 3

FILE THE PAPERS. Take or mail the originals of the documents to the Registry of Probate for processing. If you choose to mail the papers, see the back of pamphlet GM3 "Giving Notice of Guardianship of Minor" for the address of the Registry of Probate.

STEP 4

SCHEDULE A HEARING ON THE MOTION FOR TEMPORARY GUARDIANSHIP

If you are filing a Motion for Appointment of Temporary Guardian, ask at the Registry of Probate and someone will help you schedule a hearing date.

STEP 5

NOTIFY THE OTHER PARTIES OF THE HEARING DATE

If you are filing a Motion for Appointment of Temporary Guardian, ask at the Registry of Probate about how to tell the parents and other parties when the hearing will take place.

STEP 6

SERVE THE "NOTICE OF GUARDIANSHIP" IF YOU RECEIVE ONE IN THE MAIL

If you receive a "Notice of Guardianship" from the court, you may have to send it to the parents, the child and other people. You may also have to publish the Notice in a newspaper. See pamphlet GM3 "Giving Notice of Guardianship of a Minor".

Important: If you cannot afford to pay the fee for publishing the Notice of Guardianship, you may ask the court to pay the fee. Ask someone at the Registry of Probate for an **AFFIDAVIT OF INDIGENCY** and **PUBLIC ASSISTANCE AFFIDAVIT**.

STEP 7

SCHEDULE A HEARING DATE FOR THE PETITION FOR GUARDIANSHIP

After you have properly "served" the Notice of Guardianship (see step 6), contact the Registry of Probate for a hearing date.