

8. Post-Guardianship:

Once a Decree of Guardianship is obtained, please mail or e-mail a copy to the Education Office at Boston Higashi School. Families may also want to send a copy to the student's health insurance company and school district.



9. Initial and Annual Care Plans:

60 days after the Decree of Guardianship is given, the guardian will need to submit an Initial Care Plan, a short fill-in form which summarizes such things as living arrangements and services the incapacitated person is receiving. The form can be obtained on-line (Form MPC 821). In order to maintain guardianship ongoing, an Annual Care Plan will need to be submitted every year on the anniversary of the Decree. It is important to remember to do this.

Helpful Links:

- www.massguardianshipassociation.org
- A list of topics pertaining to guardianship, including links to the forms, review of the process, list of duties of a guardian and other topics in Massachusetts can be found by searching the Mass.gov website, or visiting the following URL: <http://bit.ly/2owg9T3>

10. Roger's Authority:

If the individual under guardianship and residing in Massachusetts is on an anti-psychotic medication, that individual then requires special court authority called a Roger's Authority. When the Petition for Guardianship is submitted with the qualifying medication list, the medication will be noted. The court will then appoint a lawyer to review the appropriateness of the medication treatment and the lawyer will submit the treatment plan for approval by the judge. Additional annual reviews for the Rogers' Authority will be included with the Decree.

Note: Boston Higashi School students who take anti-psychotic medication and whose families live outside of state are advised to still file for a Roger's Authority in a Massachusetts court.



Boston Higashi School Guide to Guardianship in Massachusetts

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It is expected that most students at Higashi will need guardianship at age 18. This is because in Massachusetts, upon turning 18, a person is considered cognitively competent and able to make decisions for him/herself. If someone is at risk of harm or exploitation due to intellectual limitations, a guardian needs to be appointed. If no guardian is appointed the court will appoint one.

The Process:

1. Choosing a Guardian:

The guardianship process begins when the family of the person needing guardianship begins to think about who the best person is or people are, to exercise the duties of that role. Choosing a guardian is a very personal decision. Boston Higashi School has experienced staff available to help guide families, answer questions and offer support throughout the guardianship process.

2. Clinical Team Report (CTR Form MPC 402) Including Three Signatures:

The ideal time to begin the guardianship process and to discuss it with the Boston Higashi School educational team is at age 17. Closer to age 18, Boston Higashi will complete the CTR for the guardianship process (see below) including having a licensed psychologist and clinical social worker evaluate the student and sign the report. The CTR describes the cognitive and functional limitations of the individual and explains why a guardian is needed. Once a family receives the CTR signed by a psychologist and social worker, they then need to bring it to a physician for signature. All signatures are active for 180 days, after which they expire.

3. Petition for Guardianship (Form MPC 120):

Once the guardian or co-guardians are identified and Boston Higashi prepares the CTR, the family completes the Massachusetts Petition for Guardianship (Form MPC 120 available online). Families are advised to make copies of all completed forms. Many courthouses hold workshops on guardianship and list information on dates and times on their websites.

4. Submit Paperwork to the Probate and Family Court:

To petition for guardianship, families submit all the above forms in person to their local Family and Probate Court, while the signatures are active. The locations of the courts can be found online at www.mass.gov. The courts are assigned by county, Norfolk, Suffolk, Essex, Middlesex etc. Families may be asked to complete a Bond (Form MPC 801) which estimates real estate and assets of the individual needing guardianship. This form is available either at the court or online. It is recommended that no assets are held in the individual's name. Although Boston Higashi School staff is available for general discussion of this topic, please contact an attorney or financial professional for the best advice specific to your family. Most often, sureties are waived and there is no fee for the guardianship process. Families may choose to do the guardianship process themselves or hire an attorney to do it for them. Private attorney fees vary. Some courts allow early filing, however, decrees are awarded only at age 18 or thereafter.

5. Wait to Receive a Packet and Follow the Instructions:

After all forms are submitted to the court, families can expect to receive a packet in the mail with further directions for next steps. The time frame differs from county to county. Usually it takes a few weeks but it can take longer if the court is backed up. The packet will include a notice shown to the student.

Despite the fact the student may not understand the contents, by law the notice must be shown and explained to him/her. Boston Higashi is able to serve the notice and return the response signature form to you. Other notices may also need to be served in-hand to other "interested" parties, often meaning adult siblings and/or parents who are not petitioning for guardianship. The packet sometimes contains a request to publish a paragraph in the local newspaper. If eligible, the fee for doing that is waived.

6. Court Date:

After all notices are served, publications are completed and signatures are mailed back to the court by the date requested, families can expect to receive, by mail, a date to appear in court. That is the date to go in front of the judge and for the judge to review the papers and decide on the guardianship. The court date is usually two to three months from when the Petition was originally submitted. Most often, the individual needing guardianship does not have to appear in court.

It is very important to submit all forms by the dates required and to appear in court on the date scheduled. Otherwise, it is possible that the process will be voided and the family will have to start from the beginning. At court, the judge will review the paperwork and likely present the Decree of Guardianship.

7. Emotions:

Attending court and "officially" stating that your family member requires a guardian can be an emotional experience. Sometimes families are so busy with the preparations and paperwork they don't realize the sadness that can accompany the court procedure. Judges and family courts are sensitive to this fact and are supportive and understanding. Boston Higashi School is available to offer support and direct families to additional resources upon request.