



PAULA M. CAREY
CHIEF JUSTICE

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT
ADMINISTRATIVE OFFICE
JOHN ADAMS COURTHOUSE
BOSTON, MA 02108

Tel: (617) 788-6600
Fax: (617) 788-8995

PRESS RELEASE

FOR RELEASE ON: AUGUST 15, 2012

CONTACT: Evelyn J. Patsos, Esq.
evelyn.patsos@jud.state.ma.us

PROBATE AND FAMILY COURT ANNOUNCES NEW GUARDIANSHIP FORM AND PROCEDURE

Chief Justice Paula M. Carey announces the release of form MPC 829 *Notice of Intent to Admit to a Nursing Facility for Short Term Services* and MPC 955 *Instructions*, for completing and filing the form. The form is available for use **on or after Monday, August 27, 2012.**

The new form is a result of the recent amendment to section 5-309(g) of G. L. c. 190B (Massachusetts Uniform Probate Code). See Section 42 of Chapter 140 of the Acts of 2012, <http://www.mass.gov/courts/courtsandjudges/courts/probateandfamilycourt/index.html>

Under the new law, a Massachusetts court appointed guardian (temporary or permanent) shall have the authority to admit an incapacitated person to a nursing facility, without prior court approval, for a period of 60 days or less, if:

- (1) a licensed physician, licensed psychologist, certified psychiatric nurse clinical specialist or nurse practitioner recommends such admission;
- (2) the incapacitated person and any interested person do not object to such admission;
- (3) on or before the date of admission, a written notice of intent to admit the incapacitated person to a nursing facility for short-term services has been filed by the guardian in the appointing court;
- (4) a copy of the written notice has been served, prior to filing, in-hand on the incapacitated person and provided to the nursing facility, and counsel for the incapacitated person, if any; and
- (5) the incapacitated person is represented by counsel, or if not already represented, counsel is appointed by the Court "forthwith".

The law requires that the notice of intent to admit the incapacitated person to a nursing facility be on a form prescribed by the Chief Justice of the Probate and Family Court. The *Notice of Intent to Admit to a Nursing Facility for Short Term Services (MPC 829)*, was created solely for this purpose by the MUPC Procedures Committee. In addition, the Committee has created an anticipated "*Frequently Asked Questions*" list that will be updated as necessary. The form and all instructional materials are approved by Chief Justice Carey and available on the Probate and Family Court website at: <http://www.mass.gov/courts/courtsandjudges/courts/probateandfamilycourt/upcforms.html>