

GM02

Filing a Motion for Temporary Guardianship of a Minor

Produced by the Suffolk Probate & Family Court Community Outreach Program—Richard Iannella, Register

READ THIS:

Information provided in this packet IS NOT LEGAL ADVICE. It is information. This information is not a substitute for a competent lawyer.

When you sign a legal document or file any papers in court, it can seriously affect you in the future. You should always try to get legal advice before filing documents.

Bar Association lawyer referral services are listed in our brochure "Legal Resources in and around Suffolk County." Also listed are free legal service providers. You may be eligible for help.

INSTRUCTIONS FOR COMPLETING THE MOTION FOR TEMPORARY GUARDIANSHIP

Look at the sample form attached and follow the instructions for each number.
Please print or type all information.

The line numbers for the instructions match the numbers on the sample form. Put the information asked for in line 1 in the place marked 1 in the sample. The number 1 is not on the form you will fill out.

1. Write in SUFFOLK.
2. Fill in the Docket Number of the case.
3. Fill in the name of the minor child.
4. Fill in your name.
5. Sign the form.
6. Print your name.
7. Print your address.
8. Print your telephone number.

YOU ARE FINISHED WITH THIS FORM.

INSTRUCTIONS FOR FILING AND GETTING A HEARING DATE FOR A MOTION FOR TEMPORARY GUARDIANSHIP

- 1. Make sure you have completed all the forms required for filing for the Guardianship of a Minor, including the Motion for Appointment For Temporary Guardian.**
- 2. FILE** The Forms either in person or by mail.
 - If you file in person:***
 - 1.** File the forms with an Assistant Register
 - 2.** GET The Docket Number from the Indexing Department.
- 3. GO OVER TO THE MAIN DESK** and TELL THEM YOU WISH TO GET A DATE FOR A HEARING. They will call the Judge's clerk who will come up to the front desk tell you the next available date. Make sure you write this date down either on this sheet or another place.
- 4. YOU** must arrange for delivery of the motion to the other parties in the case. *SEE OUR PACKET: GIVING NOTICE OF HEARING ON A MOTION.*
- 5. A copy of the motion and notice of the date of the hearing must be given to the following people:** These are the "interested parties."
 - (a)** The child, if the child is 14 years old or older and did not agree in writing to the guardianship petition.
 - (b)** The natural or adoptive parents of the child, if they have not agreed by signing the petition, to the guardianship.
 - (c)** If someone else has legal custody of the child, then that person or persons must be given notice.
 - (d)** If the child is residing with someone other than you, the petitioner, then that person or persons must be given notice.
- 6. Mail the notice of the hearing at least ten days in advance of the hearing, or give it to the persons in hand at least seven days before the hearing.** IF any of the other parties have an attorney, the notice must be mailed or delivered in hand to their attorney.
- 7. You will have to tell the court that you served the motion.** ON the back of the motion, write down the date you mailed or delivered the motion, who you sent it to, and the address you sent it to. Sign and date the paper. Make a copy and keep it. File the original in court in person or by mail, before the hearing date.
- 8. COME TO COURT ON THE DATE AND TIME OF THE HEARING.** The courtrooms are all on the 4th floor. Go to the 4th floor. There will be a list telling you which courtroom your case will be in.

1. If you wish to mail in the papers, send them to:

Richard Iannella, Register of Probate
Suffolk Probate and Family Court
24 New Chardon Street
Boston, MA 02114

If you file by mail:

2. Allow a few days for the papers to be processed, then phone the Indexing Department and ask for your docket number. This is the number the court uses to identify your case. Write this number on all papers you file in Court.
3. Once you have a docket number, phone the Court 788-8300 and ask for the Trial Clerk for your case. Tell her you are calling to schedule a Motion for Temporary Guardianship which you filed by mail. Give her your docket number. She will tell you the next available date.
4. **YOU** must arrange for delivery of the motion to the other parties in the case. **SEE OUR PACKET: GIVING NOTICE OF HEARING ON A MOTION.**
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Every time a case is filed in court, a **DOCKET NUMBER** is assigned. This is the number the court uses to identify your case and find your case file.

Write this number on *all* papers you file in Court. Have the Docket Number handy when you come to the courthouse or call on the telephone to ask about your case.