

Giving Notice of Guardianship of a Minor

Instructions for delivering and publishing the "Notice of 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
NOTICE of Guardianship of a Minor**

YOU are required to deliver this notice to the parents of the child or children (unless they have signed on the Guardianship petition that they agree that you should become the Guardian). There may be other people who have to get this notice.

Read this sheet carefully. If you get more than one form, it is because the children do not have the same parents.

The notice must be given to the following people: These are the "interested parties."

1. The child, if the child is 14 years old or older and did not agree in writing to the guardianship petition.
2. The natural or adoptive parents of the child, if they have not agreed by signing the petition, to the guardianship.
3. If someone else has legal custody of the child, then that person or persons must be given notice.
4. If the child is residing with someone other than you, then that person or persons must be given notice.

There are two ways you must deliver the notice: First, ONE of the following.

Mail a COPY of the "Notice" by certified or registered mail at least fourteen days before the "RETURN DAY" listed on the Notice. The "Return Day" is NOT a date for a court hearing. You can send certified or registered mail from the Post Office. Ask for a return receipt. After the post office has delivered the mail, they will send you the receipt. You will need to show this receipt to the court. You must send the Notice to the current or last known address of the parents of the minor children. Even if the last known address of one of the parents is your address, you still must send a copy of the notice by certified or registered mail to that parent at your address.

OR

By delivering a copy of the notice in person to the mother and father or other "interested parties."

IF YOU DO NOT RECEIVE PROOF THAT THE NOTICE WAS DELIVERED BY CERTIFIED MAIL

OR

YOU ARE NOT ABLE TO DELIVER THE NOTICE IN PERSON BECAUSE YOU DO NOT KNOW WHERE ONE OF THE PARTIES LIVES, YOU MUST ALSO:

PUBLISH THE NOTICE IN THE NEWSPAPER. The name of the newspaper you must use will be filled in on the Order of Notice section of the form. The Notice must be published at least 7 days before the "Return Day." Call the newspaper and they will explain to you how to get the Notice published. If your income is near or below the poverty level, and you have filed an "Affidavit of Indigency", and the Court has agreed that you cannot afford the fees for this case, then the Court will pay for the cost of publication of the Notice of Guardianship of a Minor. Send the newspaper a copy of the fee waiver you got when you filed the Petition for Guardianship. Otherwise you must pay to publish the Notice.

After the notice is published, the newspaper will mail you a copy of the notice printed in the paper. Keep this copy. You will need to file it in court with the Notice."

Before returning the Notice to court, fill in the bottom of the Notice form on the ORIGINAL FORM SENT TO YOU BY THE COURT. This section is called "Return of Service".

In the blank lines, print what you did. For example: ...I have served the foregoing citation by *Publishing the Notice in the*
_____ newspaper on _____ (date).

Mail or bring to court The "Return of Service", along with the copy of the newspaper publication of the notice. If you do not return the completed "Notice" to the Court, and the service is not done correctly, your case cannot go forward.

**IF YOU WISH TO MAIL BACK THE
RETURN OF SERVICE, SEND IT TO :**
Register of Probate, Richard Iannella
Suffolk Registry of Probate, Return of
Service
24 New Chardon Street
Boston, MA 02114-4703

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.

Write the Docket Number in a place where you keep important information.

Commonwealth of Massachusetts

The Trial Court

Probate and Family Court Department

SUFFOLK Division

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 Boston on or before **The date filled in here is the "RETURN DAY". This is NOT a date for a court hearing.**

WITNESS, Elaine M. Moriarty, Esquire, First Justice of said Court at Boston, this _____ day of _____, 20_____

Register of Probate

Order of Notice

Read this carefully. Call the newspaper listed to find out exactly what you need to do in order to get this "NOTICE" published.

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 _____ days/months 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 _____, a newspaper published in **The Court will tell you which newspaper to use for publication.** the publication to be seven (7) days at least before said return day.

WITNESS, Elaine M. Moriarty, Esquire, First Justice of said Court, at Boston this _____ day of _____, 20_____

Register of Probate

Return of Service

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

After you have completed the registered mailing and the publication in the newspaper, fill in this section, on the original "Notice" telling the court what you did.

Date _____

Signature _____

Address _____

This is a sample form. Do not fill in this form. Fill in the required information on the original "Notice."