



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

Transmittal No. 12-2014

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CHIEF JUSTICE

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Memorandum

TO: All Judges, Registers, MUPC Magistrates and Estate Local User Experts
FROM: Hon. Angela M. Ordoñez, Chief Justice *AMO*
DATE: October 29, 2014
RE: Legislative Changes to G. L. c. 190B, § 3-306(g) and § 3-403(g)

By Email

As a result of recent legislative changes to Massachusetts General Laws Chapter 190B, in an informal proceeding to probate an estate (with or without a will), a petitioner is now required to give written notice to the Division of Medical Assistance, Estate Recovery Unit (“DMA”), at least seven (7) days prior to filing an informal petition (MPC 150) by sending a copy of the informal petition and death certificate to DMA by certified mail. See G. L. c. 190B, § 3-306(g), as added by St. 2014, c. 165, s. 174.¹ Procedurally, the Probate and Family Court shall continue to rely on the affirmative statement made by the petitioner in the informal petition that notice was provided to DMA.

In addition, in a formal proceeding to probate an estate (with or without a will), a petitioner is now required to give citation notice to DMA by mailing a copy of the citation by certified mail, in accordance with the Order of Notice, together with a copy of the formal petition (MPC 160) and death certificate. See G. L. c. 190B, § 3-403(g), as added by St. 2014, c. 165, s. 175.² Procedurally, the Probate and Family Court shall require that the petitioner certify on the Return of Service that citation notice was provided to DMA.

Attached are copies of G. L. c. 190B, § 3-306(g) and § 3-403(g). The above is effective immediately. Please post a copy of this transmittal in each registry.

If there are any questions, please contact Evelyn J. Patsos, Esq., at evelyn.patsos@jud.state.ma.us or at 617-788-6613. Thank you.

¹ G. L. c. 118E, § 32(a) as currently enacted refers to § 3-306(f) in error. See G. L. c. 118E, § 32(a), as amended by St. 2014, c. 165, s. 149. Legislative change is required to correct this error.

² G. L. c. 118E, § 32(a) as currently enacted refers to § 3-403(f) in error. See G. L. c. 118E, § 32(a), as amended by St. 2014, c. 165, s. 149. Legislative change is required to correct this error.

G. L. c. 190B, § 3-306(g) and § 3-403(g), as added by Chapter 165 (2014)

SECTION 174. Section 3-306 of chapter 190B of the General Laws, as so appearing, is hereby amended by adding the following subsection: -

(g) The petitioner shall give written notice 7 days prior to petitioning for informal probate or appointment by sending a copy of the petition and death certificate by certified mail to the division of medical assistance.

SECTION 175. Section 3-403 of said chapter 190B, as so appearing, is hereby amended by adding the following subsection: -

(g) The petitioner shall give notice by certified mail to the division of medical assistance together with a copy of the petition and death certificate.