



COMMONWEALTH OF MASSACHUSETTS

THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT
ADMINISTRATIVE OFFICE
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PRESS RELEASE

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FOR IMMEDIATE RELEASE

PROBATE AND FAMILY COURT ANNOUNCES NEW PROCEDURE FOR RESOLUTION OF HEALTH CARE PROXY DISPUTES

The Probate and Family Court announces a new procedure and the requisite forms for addressing health care proxy disputes in accordance with Massachusetts General Laws Chapter 201D. Specifically, this procedure is available to affirm a health care proxy, remove a health care agent, or override a health care agent's decision.

The forms are Petition for Special Proceeding In Re: a Health Care Proxy (MPC 405), Statement of Attending Physician Filed With Petition for Special Proceeding In Re: a Health Care Proxy (MPC 406), and, Decree On Special Proceeding In Re: Health Care Proxy (MPC 793). The forms are available on the Probate and Family Court website.

The petition is to be filed where the Principal resides, whether at home or in a nursing facility unless s/he is under guardianship in Massachusetts in which case the petition is to be filed in the same division where the guardianship was allowed. The filing fee is \$150 plus a \$15 surcharge.

Upon the filing of the petition, the court will provide a hearing date. Due to the time sensitive issues involved, this expedited process requires the court to set a hearing date within 10 calendar days. The petitioner then serves a copy of the petition upon all interested persons no later than seventy-two (72) hours prior to the hearing, completing a Certificate of Service for submission to the court.

This new procedure went into effect on July 1, 2014.