

FY2021

Elder Justice Innovation Grant:

*The Office of Adult
Guardianship
and
Conservatorship
Oversight*



Massachusetts Probate
and Family Court

November 2025

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Executive Summary

The Massachusetts Elder Justice Innovation Grant project began with a clear intention: increase court oversight of guardians and conservators to protect adults from abuse, financial exploitation, and neglect. Over the four-year grant project period, the Massachusetts Trial Court, specifically the Probate and Family Court, made notable improvements to the guardianship and conservatorship system and accomplished the following:

1. Assess and increase court data collection on guardianship and conservatorship of adults.
2. Increase collaboration with internal and external experts in the aging and disability network.
3. Improve court monitoring and increased reporting compliance rates of guardians and conservators.
4. Increase services for the public related to the guardianship and conservatorship system.
5. Promote and increase the use of limitations on a guardian or conservator's authority and have options for the adult to restore their rights.

The first data sets on guardianship and conservatorship cases were collected and the centralized Office of Adult Guardianship and Conservatorship Oversight (OAGCO) was established. The Ombudsperson Service Program (OSP) now communicates directly with the public to provide accurate information about court procedure. Limitations on the authority of newly appointed guardians and conservators rose, and petitions to restore the adult's rights significantly increased.

Lasting partnerships were created with stakeholders, building cross-system collaboration. The court gained critical information about the size and age of the population under guardianship and conservatorship, the lack of post-appointment educational information for fiduciaries, and an understanding of greater systemic challenges from the perspectives of collaborators. This resulted in existing court forms being revised, training modules for guardians and conservators being created, and an improved procedure for restoring the adult's rights was developed.

This project's findings highlight the high number of fiduciary appointments and the need to utilize less-restrictive alternatives whenever possible. Alternatives that not only avoid court involvement and retain the adult's rights, but also ensure the proper steps are taken to plan for the adult's future care and mitigate crisis.

Positive progress has been made toward improving the Massachusetts' guardianship and conservatorship system. However, this work is continuing. Massachusetts will prioritize the well-being and protection of vulnerable adults beyond the scope of this project.



Introduction

In 2021, the Executive Office of the Trial Court (EOTC) applied for the Elder Justice Innovation Grant. The project proposed activities to increase court oversight of adult guardianship and conservatorship arrangements to protect adults with disabilities from abuse, neglect, and exploitation. The Probate and Family Court (PFC), which has jurisdiction over these case types, was tasked with this project. The centralized Administrative Office of the Probate and Family Court (AOPFC) was selected to carry out project activities. Although the PFC also oversees guardianship and conservatorship of minors, the work of this grant and all references in this report to these case types apply only to adults, age 18 and over.

Since 2009 the Massachusetts Uniform Probate Code (MUPC) has given the PFC the obligation to monitor guardian and conservator appointments and mandates that guardians file an annual Guardian's Care Plan Report, and that conservator's file an annual Account. Previously, funding was not allocated to the PFC to conduct this monitoring, and limited resources were available across the fourteen court divisions to do so. Moreover, a lack of data left courts unable to identify the correct number of cases requiring monitoring, and without post-appointment education for guardians and conservators to understand their reporting requirements, compliance was understandably low.

With this project, Massachusetts set out to create the Office of Adult Guardianship and Conservatorship Oversight (OAGCO) and complete five primary objectives:

1. Assess and collect data.
2. Increase collaboration with stakeholders.
3. Develop court monitoring protocols.
4. Increase services for the public.
5. Create educational tools and increase the use of limitations and petitions to restore adult's rights.

The methods employed to accomplish these goals included manual data collection, site visits to the PFC divisions, interview sessions, surveys, working group meetings, and more. The project worked continuously with Massachusetts stakeholders, as well as representatives from court systems in other states to explore best practices.

“Overall, the EJIG project in Massachusetts has laid the foundation for an improved guardianship and conservatorship framework that prioritizes data-driven decision-making and community collaboration, ultimately reaffirming the state's commitment to elder justice and the wellbeing of its vulnerable adult population.”

National Center for State Courts, August 2025



Accomplishments

Objective 1

Assess the Massachusetts adult guardianship and conservatorship system to increase data collection and make evidence-based data-driven recommendations for system improvement.

Under the first objective, the project set out to conduct a review of guardianship and conservatorship data collected by the Trial Court's case management system, MassCourts. With the assistance of the project's research partner, National Center for State Courts (NCSC), an examination and evaluation of available data was conducted. The project identified data elements that were not currently collected and established a priority level for addressing them.

From there, site visits to court divisions, interviews with court personnel, external focus group sessions with stakeholders, and surveys were all conducted to continue assessing guardianship and conservatorship processes. Internal sessions included interviews with judges, registers, and other court officials who process guardianship and conservatorship cases. External sessions explored how the work of participating organizations interacts with court processes for guardianship and conservatorship. Surveys were disseminated to external front-line employees in the financial and medical fields who interact directly with these arrangements. Based on the information collected, a set of recommendations for improvement to the guardianship and conservatorship processes were developed.

By the end of the project, Massachusetts was able to accomplish several of the recommendations put forward by NCSC, and any outstanding recommendations remain a future milestone for the PFC.



Objective 2

Increase collaboration between the PFC and aging and disability network partners through an Advisory Committee that will meet to work strategically on this project.

An Advisory Committee met throughout the four-year grant period to collaborate, guide the project, provide diverse perspectives on the development of sustainable practices and policies, and troubleshoot any issues.

Internal members of the Advisory Committee included the Chief Justice of the PFC, staff from the AOPFC, judges, registers, and other court staff with expertise in guardianship and conservatorship. External members included representatives from the EOTC, state agencies, and subject matter experts from the following organizations:

- Boston Bar Association
- Board of Bar Overseers of the Supreme Judicial Court
- Center for Public Representation
- Committee for Public Counsel Services
- Department of Developmental Services, Executive Office of Health and Human Services
- Disabled Persons Protection Commission
- Massachusetts Bar Association, Probate Section Council
- Massachusetts Guardianship Association
- Massachusetts Guardianship Policy Institute
- Mental Health Legal Advisors Committee
- National Academy of Elder Law Attorneys: Massachusetts Chapter
- The Arc of Massachusetts
- The Arc South Shore
- The Center for Guardianship Excellence

Objective 3

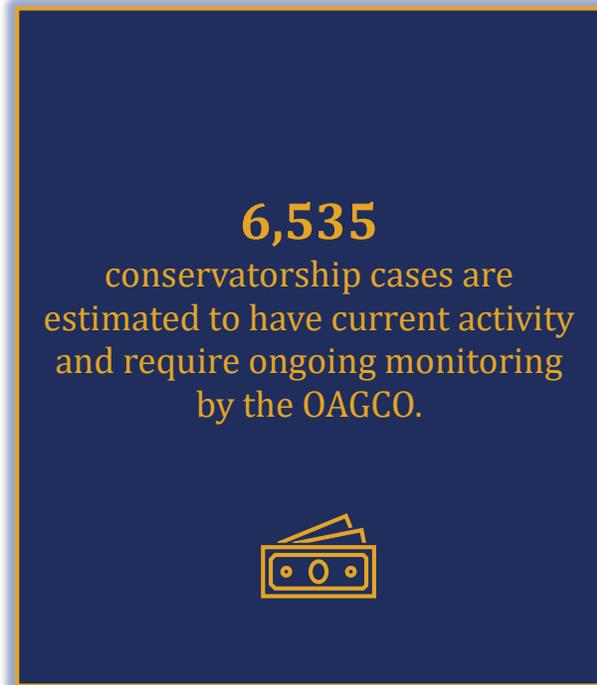
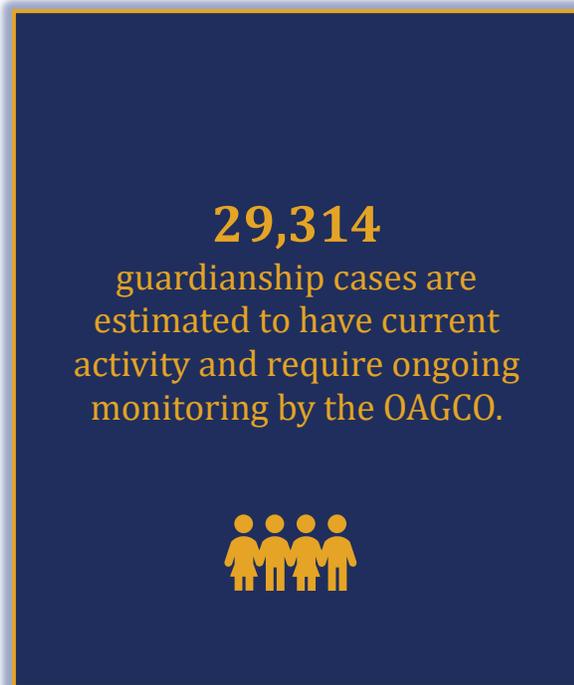
Increase reporting compliance rates of guardians and conservators and increase court monitoring of the protected person.

The primary goal of the project was to develop the OAGCO to oversee ongoing guardianship and conservatorship cases and monitor compliance with statutory reporting requirements. To accomplish this, the project needed to collect the essential data elements identified under the first project objective. Utilizing MassCourts and the Tableau system, various reports were produced to identify guardianship and conservatorship cases. From there, cases were manually reviewed to determine:

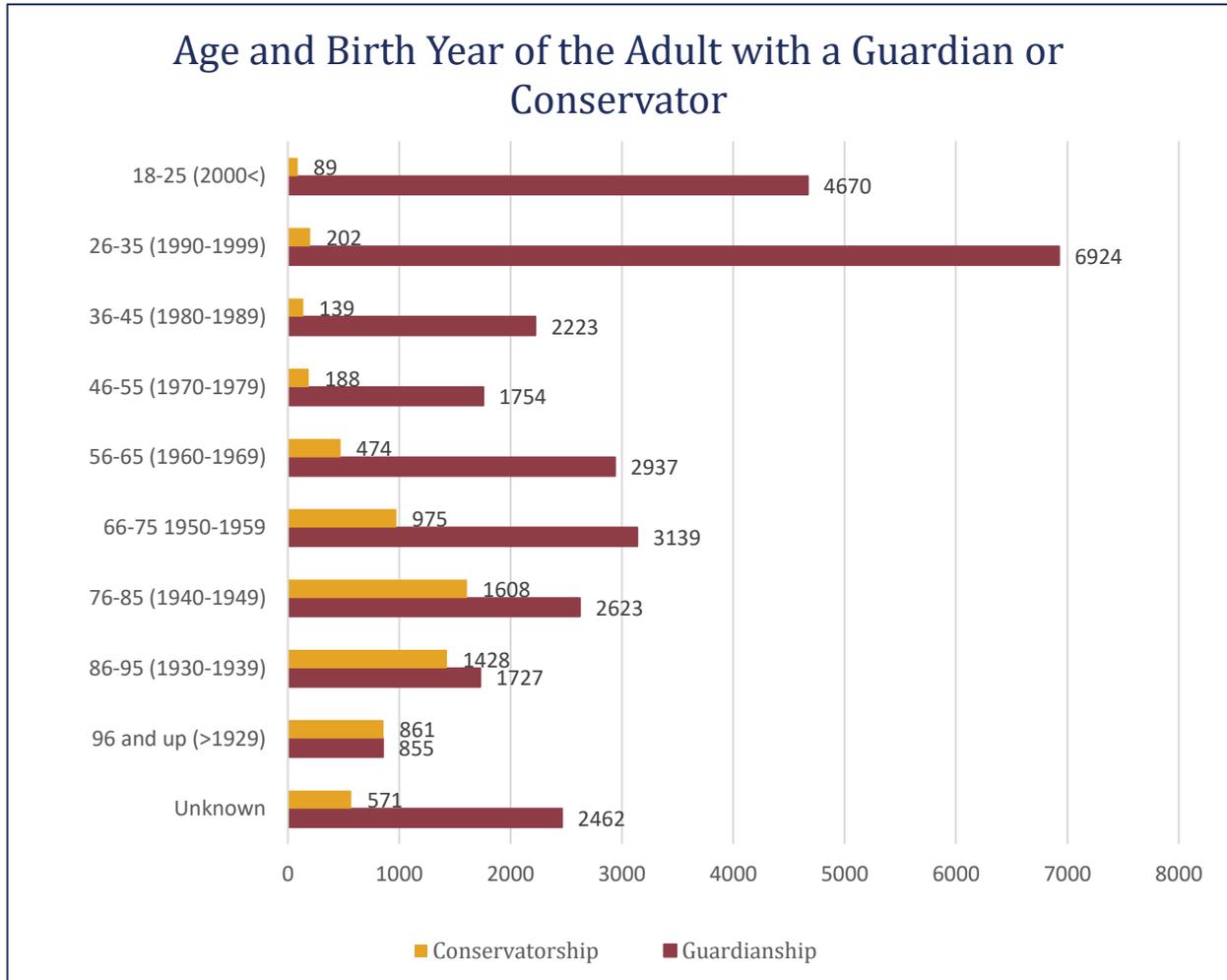
- 1) Whether the case was currently active and required court monitoring;
- 2) The age of the adult;
- 3) The petitioner type;
- 4) Whether the guardian and/or conservator was currently in compliance with their mandatory reporting requirements; and
- 5) Whether the annual tickler was properly set to the next reporting due date in MassCourts.

A total of **52,834** guardianship and conservatorship cases were reviewed during this process and the following was determined:

Number of Cases with Current Activity



Age of the Adult with a Guardian or Conservator



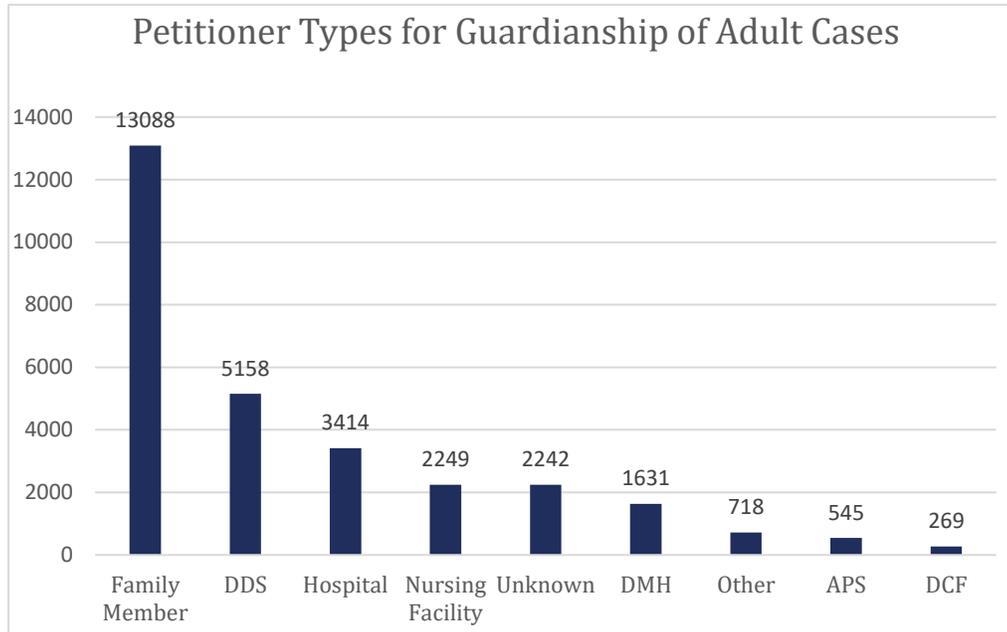
Of the 29,314 guardianship cases, the largest age group of adults under guardianship are between the ages of **26-35 years old**, followed by adults **18-25 years old**.

Of the 6,535 conservatorship cases, the largest age group of adults under conservatorship are adults between the ages of **76-85 years old**, followed by adults between the ages of **86-95**.

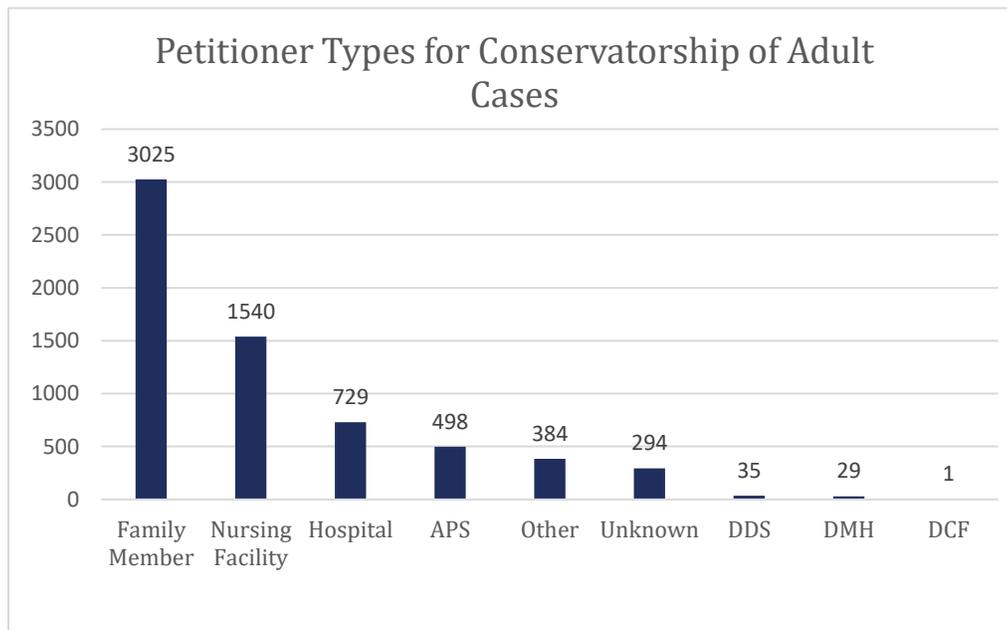


Petitioner Types in Guardianship and Conservatorship Cases

Of the 29,314 guardianship cases, the largest category of petitioners are family members, followed by the Department of Developmental Services.



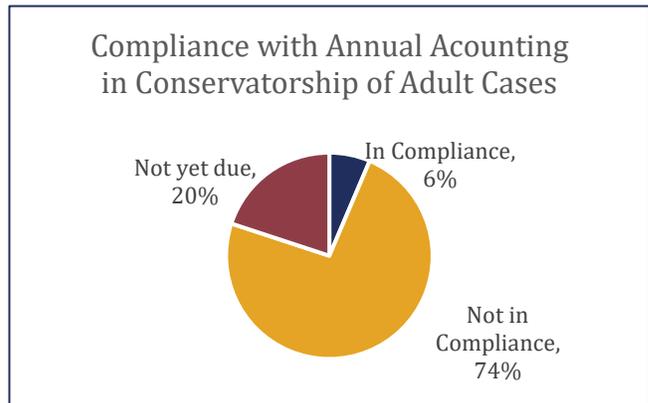
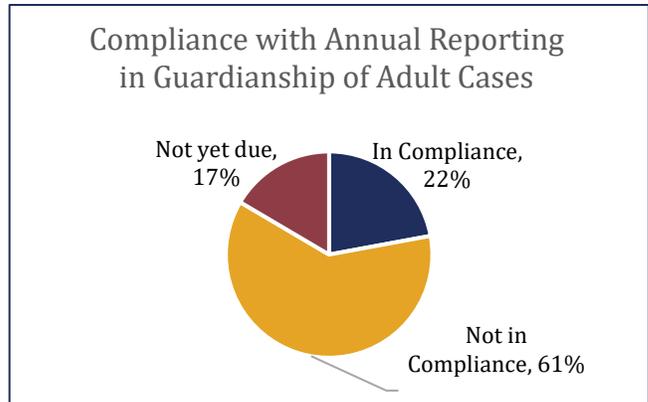
Of the 6,535 conservatorship cases, the largest category of petitioners are family members, followed by nursing facilities.



Compliance with Mandatory Reporting Requirements

The rate of compliance with mandatory reporting requirements was determined by reviewing whether the guardian or conservator had filed an annual Guardian’s Care Plan Report or conservator’s Account within 12 months of the date the data was collected. Cases with a Guardian’s Care Plan Report or Account filed within that 12-month period were considered to be “in compliance”.

The data revealed that approximately **22% of guardians** were “in compliance” with their annual reporting requirement, and **6% of conservators** were “in compliance” with their annual accounting requirement.



On February 3, 2025, the OAGCO was established by Standing Order 1-2025.

Within the first seven months of operation, the OAGCO issued 10,706 Notices of Noncompliance to guardians and conservators who were past-due in filing their annual Guardian’s Care Plan Report or annual Account. For those who did file, the OAGCO reviewed 7,176 Guardian’s Care Plan Reports.

The OAGCO:



Issued 10,706
Notices of
Noncompliance



Reviewed 7,176
Guardian’s Care
Plan Reports

from 2/3/2025 - 8/31/2025

Issuing Notices of Noncompliance has helped educate guardians and conservators and bring them “in compliance”. Many people contact the OAGCO with questions about reporting requirements, forms, and how to complete and file them. Issuing Notices of Noncompliance has also prompted guardians and conservators to let the court know the adult has passed away which procedurally ends their case and reduces the estimated number of cases overall.

The OAGCO collaborates with court staff in all divisions to take additional steps toward bringing guardians and conservators to be “in compliance” if they do not respond to a Notice of Noncompliance.

One best practice identified to improve reporting compliance was to issue a reminder to a guardian *before* an annual Guardian’s Care Plan Report is due. This is in addition to the court’s ongoing practice to send a Notice of Noncompliance *after* the report is past due.

During the project, the ability to send text message reminders on upcoming report due dates to guardians was developed in MassCourts. This was tested in one division of the PFC. Currently, data on text messages sent is under review to determine how to expand the texting ability to all fourteen court divisions.



Objective 4

Increase services for the public.

With the launch of the OAGCO in February 2025, the Ombudsperson Service Program (OSP) became available to the public. This program serves as a point of access for the public to find information about guardianship or conservatorship. The OSP is available by email at OAGCO@jud.state.ma.us and hosts a monthly virtual Zoom session. The OAGCO staff are available to answer questions as outlined on the OSP webpage:

What the OSP can do

The OSP can assist you with questions about:

- Reporting requirements of guardians and conservators
- Court procedure
- Alternatives to guardianship and conservatorship
- Procedures to restore the adult's rights

What the OSP cannot do

The OSP **cannot** assist you with any of the following:

- Emergency or life-threatening situations - **Call 911**
- Questions about decisions made by the Court
- Guardianship and conservatorship of minors
- Concerns about state or federal departments, government entities, facilities, residential settings, or healthcare providers

<https://www.mass.gov/info-details/ombudsperson-service-program-osp>

From February through August of 2025, the OSP received 197 inquiries by email. They also assisted seven individuals during monthly Zoom sessions.

This chart displays the type of inquiries received by the OSP through both email and Zoom sessions.

Total Breakdown of OSP Inquiries by Category	
Procedural Information on Reporting or Accounting	102
Other Inquiries	28
Forms assistance	21
Procedural Information on Ending a Guardianship or Conservatorship	18
Other Procedural Information Related to Guardianship or Conservatorship	17
Comments or Concerns	13
Guardian or Conservator Duties	5

Objective 5

Increase limited guardianship and conservatorship arrangements and increase petitions to restore rights.

Throughout the project period, a focus was placed on education for guardians and conservators about their duties and responsibilities, limited guardianship and conservatorship arrangements, and the process to restore the rights of the adult.

Training on restoration of rights and limitations to a guardian or conservator's authority were offered throughout the project period through conversations with stakeholders, presentations at conferences, and webinars.

The *Orientation Program for Guardians and Conservators of Adults* was developed. This series of nine training modules is available to the public for free on Mass.gov. The modules cover the following topics:

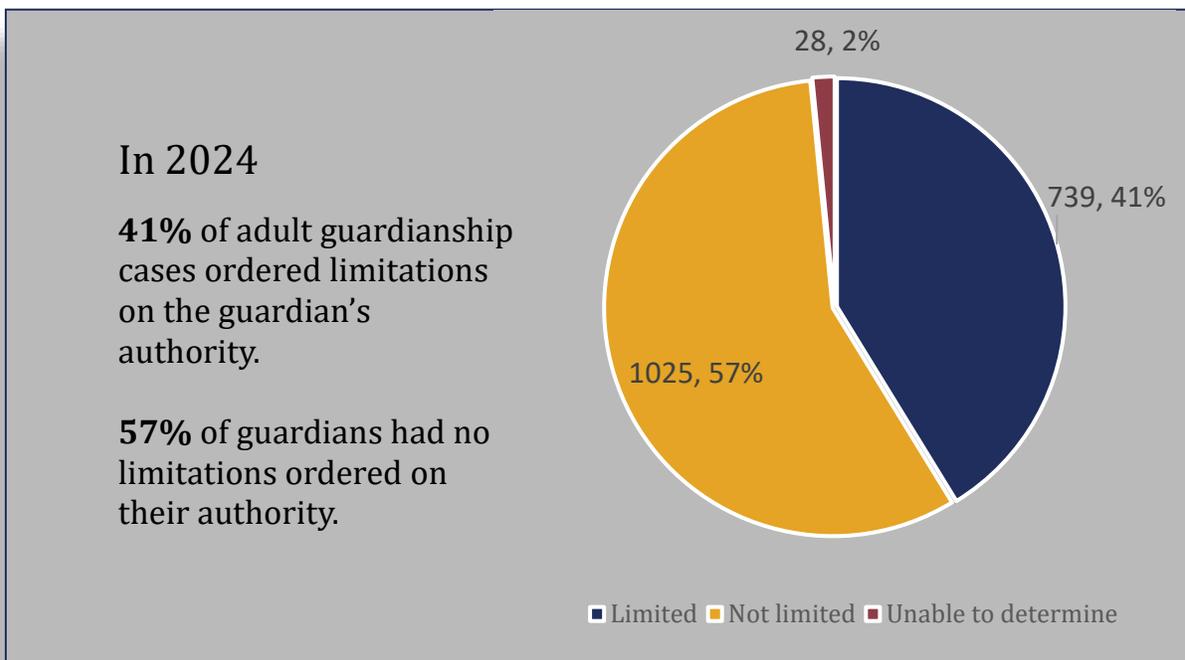
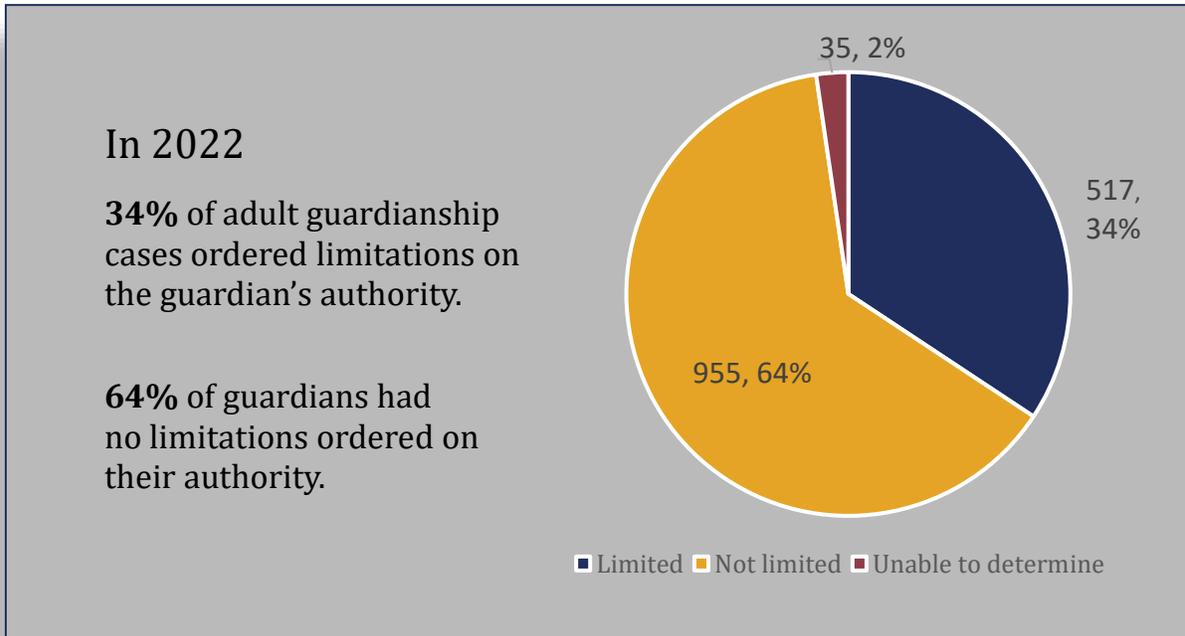
- ✓ Module 1: Introduction
- ✓ Module 2: Getting Started as a Guardian
- ✓ Module 3: Getting Started as a Conservator
- ✓ Module 4: The Bonding and Reporting Requirements of Guardians and Conservators
- ✓ Module 5: How to Complete the Guardian's Care Plan Report
- ✓ Module 6: How to Complete the Conservator's Inventory
- ✓ Module 7: How to Complete the Conservator's Account
- ✓ Module 8: How to File and Distribute Guardian and Conservator Reports
- ✓ Module 9: Alternatives to Guardianship and Conservatorship
- ✓ Contact

<https://www.mass.gov/info-details/orientation-program-training-modules-for-guardians-and-conservators-of-adults>

Limitations

Data was collected on the frequency of limitations ordered on a guardian's authority for all guardianship cases with a *Decree and Order of Appointment of Guardian for an Incapacitated Person* entered in the years 2022 and 2024.

When normalized to 2022 numbers, the increase in the number of limitations ordered between 2022 and 2024 was 20%. The breakdown is as follows:

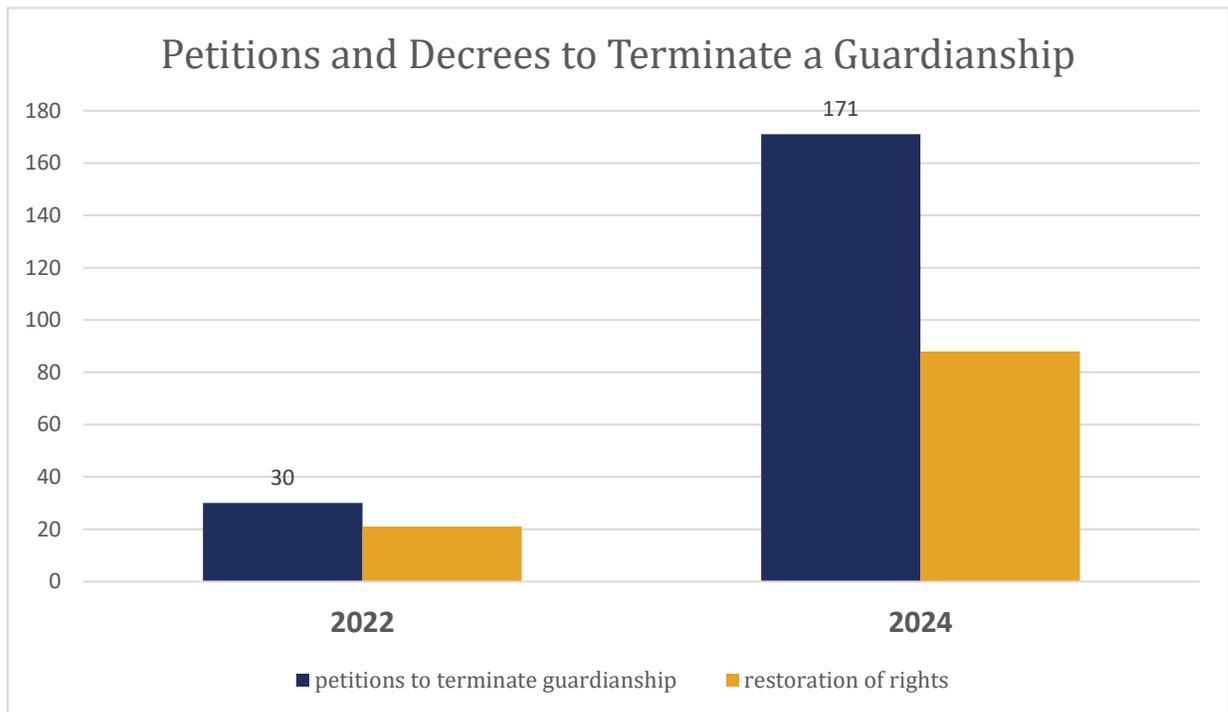


Restoration of Rights

Data was collected on the frequency of termination actions in guardianship cases to restore the rights of the adult. This data was collected for the years 2022 and 2024.

The current Petition for Termination is a combination form to request either a termination, resignation, or removal of the guardian. Therefore, each petition filed was manually reviewed to determine the actual request. If a Decree had been issued on the case as of the review date, the Decree was also reviewed to determine if the guardianship was in fact terminated.

The number of Petitions to Terminate increased from 30 filings in 2022 to 171 filings in 2024, an increase of 470%. The number of Decrees issued increased from 21 filings in 2022 to 88 filings in 2024, an increase of 319%.



In addition to education and data collection, the project also assembled a working group to review Massachusetts' statutes as they relate to restoration of rights. The working group developed a procedure and forms for Informal Requests for Termination. As of the end of the project period, the procedure and forms were being prepared for implementation.



Impact

The data collected on guardianship and conservatorship cases are the first data sets of their kind in Massachusetts. This data has provided the needed insight on guardianships and conservatorships that the court previously did not have. Currently, the number of active cases is still a best-estimate based on available reports but has increased the court's understanding of the population affected by these case types.

Data collected on the age of adults under guardianship revealed that the largest age group of adults are not elders; ages 18-25 and 26-35 were the largest groups. The most notable impact of this finding was the decision for the AOPFC to pursue a second funding opportunity, which was awarded to Massachusetts in 2024. This new grant project will develop a program to increase awareness for adults, their families, and supporters about less-restrictive alternatives. Creating a guardianship diversion program will benefit adults of all ages who require assistance with decision making. It has the potential to be the strongest impact on young adults and their family members who currently make up many of the guardianships in Massachusetts.

The partnerships built between the PFC, the OAGCO and external partners has been vital in increasing shared knowledge about the guardianship and conservatorship process and needs for improvement. The shared knowledge among stakeholders during this project and beyond is a first step toward an ongoing culture shift surrounding guardianship and conservatorship.

Since February 2025, the impact of the OAGCO's work has already extended to the PFC divisions, adults and their guardians and conservators, stakeholder groups, and interested persons seeking information about guardianship and conservatorship. The OAGCO email address receives frequent inquiries from guardians and conservators statewide who have received a Notice of Noncompliance for the first time. Many of these emails explain to the OAGCO that the guardian or conservator had not been aware of their reporting requirements and do not know how to proceed.

These inquiries are promptly responded to with additional information about where and how to find, complete, and file necessary forms. Of the inquiries received before the end of the project period, 50% were related to information about reporting requirements.

The informational webpages and training modules on Mass.gov have made information about guardianship and conservatorship more accessible to the public. As of the end of the project period, the main OAGCO webpage had been viewed 3,983 times, and the page containing the training modules had been viewed 4,393 times.

“...as of the end of the project period, the main OAGCO webpage had been viewed 3,983 times, and the page containing the training modules had been viewed 4,393 times.”

Conclusion

Massachusetts has made progress in the collection and use of data, has increased collaboration with stakeholders, made lasting improvements to the oversight of guardians and conservators, created new ways for the public to interact with the court, developed educational materials, and promoted the use of limited guardianships and conservatorships.

The OAGCO, as an ongoing function of the Probate and Family Court, has created a hub for all things related to adult guardianship and conservatorship. They are working closely with the courts and public to improve procedure, provide education and information, and connect with system partners who drive further change. Moving forward, the OAGCO will continue working on these important initiatives, and ultimately, support the well-being of adults with a guardian or conservator.

