

**HOUSE . . . . . No. 1591**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Bradley H. Jones, Jr.***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

**An Act providing protections against predatory guardianship.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/17/2023</i>
<i>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>	<i>1/26/2023</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>1/26/2023</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>	<i>1/26/2023</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>2/1/2023</i>
<i>Alyson M. Sullivan-Almeida</i>	<i>7th Plymouth</i>	<i>2/9/2023</i>

**HOUSE . . . . . No. 1591**

By Representative Jones of North Reading, a petition (accompanied by bill, House, No. 1591) of Bradley H. Jones, Jr. and others for legislation to further regulate guardianship. The Judiciary.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Third General Court  
(2023-2024)**

An Act providing protections against predatory guardianship.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 5-304 of Chapter 190B of the General Laws, as appearing in the 2020 Official  
2 Edition, is hereby amended by striking out subdivision (7) and adding in place thereof the  
3 following subdivision:-

4 (7) the person’s legal counsel, if counsel is retained by the person.

5 Said section 5-304 is further amended by adding the following subdivision:-

6 (8) any other person as directed by the court.

7 Said section 5-304 is further amended by adding the following subsection:

8 (e) The notice shall inform the person alleged to be incapacitated or person to be  
9 protected of their legal rights, including the right to legal representation and the right to be  
10 present at any and all hearings in person.

11 SECTION 5-305 of Chapter 190B of the General Laws, as appearing in the 2020 Official  
12 Edition, is hereby amended by striking out subdivision (3) of subsection (c) and inserting in  
13 place the following subdivision:-

14 (3) any other person the court deems appropriate who is certified as a National Certified  
15 Guardian by the Center for Guardianship Commission within 6 months after his or her  
16 appointment.

17 SECTION 5-309 of Chapter 190B of the General Laws, as appearing in the 2020 Official  
18 Edition, is hereby amended by inserting after the word “decision-making” in line 36 the  
19 following words:-

20 “, as well as related expenses charged by the guardian to the incapacitated person’s  
21 estate;”