

# Appointment of Guardians and Conservators For Minors

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## Overview

A grandparent enrolling a child in school. A relative authorizing emergency surgery. An aunt managing an inheritance after a parent's death. Each requires legal authority that family relationships alone do not provide. Without a court-issued guardianship or conservatorship order, schools, hospitals, and financial institutions can refuse to recognize a caregiver's authority, regardless of how involved that person has been in the child's life. Grandparent guardianship petitions are among the most common filings we handle, and the families behind them are often surprised to learn that neither a close relationship nor a DCF referral creates automatic legal standing to make decisions for a child.

In Massachusetts, child guardianship and conservatorship of a minor's estate are separate proceedings in Probate and Family Court. Rhode Island uses different terminology: "guardian of the person" addresses a child's care, while "guardian of the estate" covers financial management. Cohen Cleary helps families in both states navigate these proceedings with clarity and a focus on the child's best interests.

## How We Help Families Establish Guardianship of a Minor

Minor guardianship and conservatorship petitions involve requirements that vary based on whether parents consent, whether the petition is contested, and whether the child has assets requiring protection.

In Massachusetts, when both parents consent, the petition process through Probate and Family Court is relatively streamlined. When one or both parents object, or when parents cannot be located, the proceedings become adversarial. The court requires notice to interested parties, may appoint a guardian ad litem, and evaluates the totality of circumstances before issuing an appointment. We prepare petitioners for both paths, building the factual record probate judges rely on.

Families also seek temporary guardianship when a child needs immediate authorization for medical treatment, school enrollment, or travel while a permanent petition is pending. We handle these time-sensitive filings alongside the broader proceeding to ensure the child's needs are not delayed by the court's scheduling timeline.

For children who have inherited money, received a structured settlement, or hold assets under the Uniform Transfers to Minors Act (UTMA), a separate conservatorship may be required. We counsel families on bond requirements, accounting obligations, and investment restrictions. The conservatorship typically terminates at age eighteen, and planning for that transition is part of the representation from the outset.

## Why Families Choose to Work With Cohen Cleary

At Cohen Cleary, our practice teams combine deep subject-matter experience with disciplined execution and responsive client service. We do not take a one-size-fits-all approach. Every matter is handled with careful preparation, clear communication, and a strategy tailored to the client's goals and the realities of the forum.

Clients choose Cohen Cleary because we deliver:

### Practice-Focused Legal Experience

Our attorneys work in defined practice areas, allowing us to develop practical insight into the legal, procedural, and regulatory nuances that matter most in each case. This focus allows us to anticipate issues, avoid unnecessary delays, and position matters for efficient resolution.

### Clear Guidance and Proactive Communication

We prioritize clarity at every stage. Clients receive straightforward explanations of their options, timely updates on developments, and practical advice grounded in real-world outcomes.

### Strategic Advocacy with Trial Readiness

Whether a matter calls for negotiation, mediation, or litigation, our attorneys prepare every case with discipline and foresight. We pursue efficient resolution when possible and are fully prepared to advocate aggressively when necessary to protect our clients' interests.

### Regional Knowledge and Local Presence

With offices throughout Massachusetts and experience across New England courts and agencies, we bring local insight and regional reach to every matter.

### Client-Centered Service

We treat every matter with urgency and respect. Our clients rely on us for responsive service, sound judgment, and steady counsel through complex legal challenges.

In our guardianship and conservatorship work, this approach helps families navigate sensitive court proceedings with clarity, efficiency, and confidence.

## Our Approach to Minor Guardianship Cases

The person you assume the court will appoint as guardian is not always the person the court selects. Massachusetts probate courts evaluate the totality of circumstances, and family disagreements, geographic distance, or conflicts of interest can redirect the appointment entirely. We tell our clients to prepare as if the appointment will be scrutinized. Every petition we file anticipates the questions a judge or guardian ad litem will ask, and every supporting document is organized to answer them.

## Serving Families Across Massachusetts and Rhode Island

Cohen Cleary represents families in minor guardianship and conservatorship proceedings throughout Massachusetts and Rhode Island, also serving clients across New England. Our court familiarity includes:

- Filing guardianship and conservatorship petitions in Massachusetts Probate and Family

Courts across Bristol, Plymouth, and Norfolk counties, and statewide

- Petitioning for guardian of the person and guardian of the estate appointments in Rhode Island Probate Court
- Coordinating with schools, medical providers, and financial institutions during and after the appointment
- Handling temporary guardianship petitions for time-sensitive decisions from our offices in [Taunton](#) and [Plymouth](#)

## Protect a Child's Future and Speak With a Minor Guardianship Attorney

If you need legal authority to care for a minor child or manage a child's assets, the process begins with understanding your options. Contact Cohen Cleary to discuss your situation with an attorney who can evaluate the right path forward.

### Frequently Asked Questions About Minor Guardianship

#### What is the difference between guardianship of a minor and child custody?

Guardianship of a minor is a probate court proceeding that grants a non-parent legal authority over a child's care, education, and medical decisions. Custody is a family court matter between parents, typically arising during divorce or separation. A grandparent or other relative who needs authority to care for a child generally pursues guardianship. In Rhode Island, this proceeding appoints a "guardian of the person" with similar authority.

#### Can I get guardianship of a minor without parental consent in Massachusetts?

Yes, but the process is more involved. The petitioner must demonstrate that guardianship serves the child's best interests and that parents are unable, unwilling, or unfit to provide care. The court may appoint a guardian ad litem to investigate. Parental incapacity, abandonment, substance abuse, or incarceration can support a petition filed without consent.

#### When does a minor need a conservator, and when does the conservatorship end?

A minor may need a conservator when the child owns assets requiring active management, such as an inheritance, a structured settlement, or funds exceeding custodial account limits. In Massachusetts, the conservator manages these assets under court supervision with bond and accounting requirements. In Rhode Island, this role is called "guardian of the estate." The conservatorship typically ends when the minor turns eighteen.

#### What is standby guardianship, and when should a parent consider it?

Standby guardianship allows a parent with a terminal illness or serious condition to designate a guardian who will assume care upon the parent's incapacity or death, avoiding the delay of a post-crisis petition. Massachusetts law permits parents to execute a standby designation that takes effect when a triggering event occurs. We advise parents facing serious health challenges to put this designation in place early, coordinating it with estate planning documents that address the child's financial needs.