

Rogers Guardianship

What is Rogers Guardianship?

“A Rogers guardianship is a type of guardianship where the court gives the guardian permission to agree to extraordinary treatment for an incapacitated person who can’t agree to treatment themselves. This usually refers to treatment with antipsychotic medication, but it may include other intrusive treatments and procedures. Yearly reviews are required at minimum.”

Petitioner and Respondent

- Petitioner: The person who files a petition in court and tells the court about the person’s conditions and needs is called the petitioner. The petitioner may be a:
 - Physician
 - Hospital
 - Facility
 - State agency
 - Friend
 - Neighbor
 - Family member
- Respondent: The person the petitioner thinks needs help is called the respondent. In a Rogers guardianship, the respondent is an incapacitated person. The respondent has the right:
 - To have a lawyer. If the respondent can’t afford a lawyer, the court will appoint one to represent them. The lawyer will tell the court what the person wants, not necessarily what is in their best interests.
 - To know that a petition for guardianship has been filed, and the date, time, and place of the court hearing
 - To be at the hearing unless there are important reasons that they can’t go
 - To object to having a guardian appointed and to present evidence and cross-examine witnesses
 - To object to the person who will be named guardian or monitor.

Rogers Monitor

- When the court gives the guardian Rogers authority, the court also appoints a person called a Rogers monitor to make sure the respondent is being medicated as agreed in the court-approved treatment plan. The Rogers monitor may be the person who was appointed as guardian or someone else.
- The Rogers monitor must report to the court in writing regularly and file a report before the yearly review. If the monitor doesn’t file the reports, they might be removed from the monitor position.

How to file for Rogers Guardianship:

To become a Rogers guardian, you'll need to file these forms:

- [Petition for Appointment of Guardian for an Incapacitated Person \(MPC 120\)](#). In this form, you need to specifically ask for permission to give antipsychotic medication or other “extraordinary” medical treatment. You must check the box at #14, “to treat Respondent with antipsychotic medication in accordance with a Treatment Plan” or “for the treatment or action.”
- [Bond \(MPC 801\)](#). The Bond promises that the person filing agrees to do what the court says. Since this appointment won't give the guardian permission to control the respondent's (the person you think needs assistance) assets, the bond may be without sureties. You will need to fill out the estimated value of the respondent's real estate and personal estate.
- [Medical Certificate Guardian or Conservatorship \(MPC 400\)](#) for an incapacitated person who is mentally ill. The respondent must be examined within 30 days of each hearing date. A registered physician, a licensed psychologist, or a certified psychiatric nurse clinical specialist must sign the medical certificate.
- [Clinical Team Report \(MPC 402\)](#) for an incapacitated person who is developmentally delayed. The respondent must have been examined within 180 days of the day the petition is filed. A physician, a licensed psychologist, and a social worker must sign the Clinical Team Report.
- [Clinician's Affidavit as to Competency and Treatment \(MPC 800\)](#). A licensed physician, psychiatrist, or certified psychiatric nurse clinical specialist who treats or has evaluated the respondent must complete the Clinician's Affidavit.