

By Mr. White of Boston, petitioner of John Marshall Lane, W. Paul White and others that provision be made for the appointment of public conservators in each county of the Commonwealth. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Nine.

AN ACT PROVIDING FOR PUBLIC CONSERVATORS.

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

1 The General Laws are hereby amended by inserting after
2 chapter 194 the following new chapter: —

3 CHAPTER 194A
4 PUBLIC CONSERVATORS

5 *Section 1.* There shall be in each county one or more public
6 conservators, not exceeding six each in Middlesex and in Suffolk
7 and five in any other county, appointed by the governor, who
8 shall hold office for five years from the time of their appoint-
9 ment.

10 *Section 2.* A public conservator shall give bond for the
11 faithful performance of each estate as to which he is appointed
12 conservator with sufficient sureties or without sureties and in
13 such form as the probate court may order, payable to the
14 commonwealth with conditions substantially as required for a
15 bond of a conservator under section nineteen of chapter two
16 hundred one.

17 *Section 3.* A public conservator shall petition the probate
18 court for appointment as conservator of any person who by
19 reason of advanced age, mental weakness, or physical inca-
20 pacity is unable to properly care for his property and who has
21 no known husband, widow, heirs apparent or presumptive or

22 friend living in the commonwealth at the time of filing the
23 petition who is capable to properly care for the property of
24 such person.

25 *Section 4.* Upon the filing of such petition the court shall
26 appoint a time and place for a hearing, and shall cause not less
27 than seven days' notice thereof to be given to the person for
28 whom a conservator is to be appointed, except that the court
29 may for cause shown direct that a shorter notice be given. If
30 the court finds that the welfare of the person requires the
31 immediate appointment of a public conservator, such appoint-
32 ment may be made without notice, in which event notice of
33 not less than seven days shall be given to show cause why the
34 appointment shall be continued or terminated. All notices here-
35 under shall also be given to the heirs apparent or presumptive
36 of such person, including the husband or wife, if any, and if
37 such person is entitled to any benefit, estate or income paid or
38 payable through the United States Veterans Administration to
39 such agency, and to the commissioner of public welfare.

40 *Section 5.* The petition of a public conservator shall not
41 be granted when the husband, widow or an heir apparent or
42 presumptive of the person, in writing, claims the right of
43 appointment as conservator and files a petition therefor praying
44 for appointment of himself or herself or of some other suitable
45 person gives the bond required, and satisfies the probate court
46 of the suitability of such appointment. Otherwise, the petition
47 of a public conservator shall be granted if it appears to the
48 probate court to be in the best interests of the person.

49 *Section 6.* A public conservator shall have the same powers
50 and duties as a conservator appointed under chapter two hun-
51 dred one and shall render accounts in the same manner as
52 other conservators.

53 *Section 7.* A public conservator may be discharged from an
54 estate by the probate court upon petition of the ward, or
55 otherwise when it appears that the conservatorship is no longer
56 necessary. The court shall order notice on such petition as it
57 shall deem appropriate.

58 *Section 8.* A public conservator shall receive just and reason-
59 able compensation for his services, and reimbursement for ex-

60 penses actually incurred, in an amount approved by the pro-
61 bate court for such estate, such compensation to be payable
62 out of the treasury of the commonwealth from funds appro-
63 priated therefor. In no event shall the compensation or ex-
64 penses of a public conservator be paid or reimbursed out of the
65 assets of the estate.

66 *Section 9.* The probate court in each county shall require
67 every public conservator in such county to render an account
68 of his proceedings under any petitions for appointment at least
69 once a year.

70 *Section 10.* A public conservator shall, upon the appoint-
71 ment and qualification of his successor in office, render an
72 account of all estates to the probate court, and, upon a just
73 settlement of each such account, shall pay over and deliver to
74 his successor all money remaining in his hands on such
75 account, and all other property, effects and credits of each
76 ward in his possession or under his control.

77 *Section 11.* Upon the death, resignation or removal of a
78 public conservator, the probate court shall issue a warrant to
79 some other public conservator in the same county, requesting
80 him to examine the account of such public conservator relative
81 to the estates subject to his conservatorship, and to return to
82 the probate court a statement of all such estates. Thereupon
83 the court shall appoint the public conservator making the
84 return as successor public conservator of each such estate.

85 *Section 12.* This act shall take effect upon its passage.

