

By Mr. DiMasi of Boston, petition of Salvatore F. DiMasi 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 Eighty-Two.

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 chapter  
2 194 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 shall  
8 hold office for five years from the time of their appointment.

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

15 *Section 3.* A public conservator shall petition the probate court  
16 for appointment as conservator of any person who by reason of  
17 advanced age, mental weakness, or physical incapacity is unable to  
18 properly care for his property and who has no known husband,  
19 widow, heirs apparent or presumptive or friend living in the com-  
20 monwealth at the time of filing the petition who is capable to  
21 properly care for the property of such person.

22     *Section 4.* Upon the filing of such petition the court shall ap-  
23 point a time and place for a hearing, and shall cause not less than  
24 seven days' notice thereof to be given to the person for whom a  
25 conservator is to be appointed, except that the court may for cause  
26 shown direct that a shorter notice be given. If the court finds that  
27 the welfare of the person requires the immediate appointment of a  
28 public conservator, such appointment may be made without no-  
29 tice, in which event notice of not less than seven days shall be given  
30 to show cause why the appointment shall be continued or terminat-  
31 ed. All notices hereunder shall also be given to the heirs apparent or  
32 presumptive of such person, including the husband or wife, if any,  
33 and if such person is entitled to any benefit, estate or income paid  
34 or payable through the United States Veterans Administration to  
35 such agency, and to the commissioner of public welfare.

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

45     *Section 6.* A public conservator shall have the same powers and  
46 duties as a conservator appointed under chapter two hundred one  
47 and shall render accounts in the same manner as other conserva-  
48 tors.

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

54     *Section 8.* A public conservator shall receive just and reasona-  
55 ble compensation for his services, and reimbursement for expenses  
56 actually incurred, in an amount approved by the probate court for  
57 such estate, such compensation to be payable out of the treasury of  
58 the commonwealth from funds appropriated therefor. In no event  
59 shall the compensation or expenses of a public conservator be paid  
60 or reimbursed out of the assets of the estate.

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

65 *Section 10.* A public conservator shall, upon the appointment  
66 and qualification of his successor in office, render an account of all  
67 estates to the probate court, and, upon a just settlement of each  
68 such account, shall pay over and deliver to his successor all money  
69 remaining in his hands on such account, and all other property,  
70 effects and credits of each ward in his possession or under his  
71 control.

72 *Section 11.* Upon the death, resignation or removal of a public  
73 conservator, the probate court shall issue a warrant to some other  
74 public conservator in the same county, requesting him to examine  
75 the account of such public conservator relative to the estates  
76 subject to his conservatorship, and to return to the probate court a  
77 statement of all such estates. Thereupon the court shall appoint the  
78 public conservator making the return as successor public conserva-  
79 tor of each such estate.

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

