

HOUSE . . . . . No. 1319.

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Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, April 27, 1900.

The committee on Probate and Insolvency, to whom was referred the petition (with accompanying bill, House, No. 768) of P. E. Cheney for legislation to authorize probate courts to appoint temporary guardians of minors and insane persons, report the accompanying bill.

For the Committee,

ARCHIE N. FROST.

## Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred.

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### AN ACT

#### Relative to Temporary Guardians.

*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 1. When by reason of delay in  
2 granting or issuing letters of guardianship of a  
3 minor, an insane person or a spendthrift, or when  
4 for any cause the judge of the probate court  
5 deems it expedient to do so, he may at any time  
6 and place and with or without notice or minor's  
7 nomination appoint some suitable person to be  
8 temporary guardian of the person and estate of  
9 such minor, insane person or spendthrift, with like  
10 powers and duties and subject to the same pro-  
11 visions of law, except as the same may be modi-  
12 fied by this act, as those relative to guardians,  
13 and unless sooner discharged to continue in office  
14 until the appointment of a guardian or until the  
15 temporary guardianship shall be terminated ac-

16 cording to law; and in case of an appeal from the  
17 decree appointing him, the temporary guardian  
18 shall nevertheless proceed in the execution of his  
19 duties until otherwise ordered by the supreme  
20 court of probate. The judge of the probate court  
21 having jurisdiction may at any time with or with-  
22 out notice remove a temporary guardian or ter-  
23 minate his trust.

1 SECTION 2. When it appears to the judge that  
2 the parents or surviving parent of a minor are or  
3 is unfit to have the custody of the person of such  
4 minor, or that one of such parents is unfit there-  
5 for, the judge may, with the consent of the other  
6 parent order that the temporary guardian of such  
7 minor shall have such custody; he may also so  
8 order when a temporary guardian of a minor is  
9 serving or appointed to serve in place of a tem-  
10 porary guardian removed; and upon such order  
11 the temporary guardian shall have the custody  
12 and control of such minor exclusive of parents  
13 or parent during the continuance of his trust or  
14 until it is otherwise ordered. The person ap-  
15 pointed to be temporary guardian of a minor  
16 pending proceedings before the probate court for  
17 an order under section four of chapter one hun-  
18 dred and thirty-nine of the Public Statutes or for  
19 the removal of a guardian of a minor, shall by  
20 virtue of his appointment have the custody and  
21 control of his ward, exclusive of parents or parent,  
22 during the pendency of such proceedings, and  
23 until such proceedings are terminated.

1 SECTION 3. The appointment of a temporary  
2 guardian, whether of a minor, an insane person  
3 or a spendthrift, may be made upon the petition  
4 of the mayor of a city, of the selectmen of a town,  
5 of the overseers of the poor of a city or town, or  
6 of any person in interest.

1 SECTION 4. Every temporary guardian shall  
2 give bond with sufficient sureties in form sub-  
3 stantially like those required of guardians in  
4 similar cases.

1 SECTION 5. Upon the issuing of letters of  
2 guardianship the powers of the temporary guar-  
3 dian shall cease, and he shall forthwith deliver to  
4 the guardian all the estate of the ward in his  
5 hands; and the guardian may be admitted to pros-  
6 ecute a suit commenced by the temporary guar-  
7 dian in like manner as an administrator may  
8 prosecute a suit commenced by a former special  
9 administrator.

1 SECTION 6. Section six of chapter one hun-  
2 dred and thirty-nine of the Public Statutes and  
3 chapter one hundred and thirty-five of the acts of  
4 the year eighteen hundred and ninety-seven are  
5 hereby repealed.