

# SENATE . . . . . No. 41.

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To accompany the petition of William P. Hayes for legislation relative to the appointment of guardians and conservators. Legal Affairs.

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## Commonwealth of Massachusetts.

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In the Year One Thousand Nine Hundred and Seven.

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### AN ACT

To provide for Less Delay in the Appointment of  
Guardians and 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 SECTION 1. Section six of chapter one hundred  
2 and forty-five of the Revised Laws is hereby  
3 amended by substituting the word seven for the  
4 word "fourteen," in the fifth line, and by inserting  
5 after the word "him," in the sixth line, the fol-  
6 lowing provision:—*provided*, that the judge of  
7 said court may, for cause shown, direct that a  
8 shorter notice be given to him,—so as to read as  
9 follows:—

10 *Section 6.* If the relations or friends of an in-  
11 sane person, or the mayor and aldermen or select-

12 men of a city or town of which an insane person is  
13 an inhabitant or resident, apply to the probate court  
14 to have a guardian appointed for him, the court  
15 shall cause not less than seven days' notice of the  
16 time and place appointed for the hearing to be given  
17 to him: *provided*, that the judge of said court may,  
18 for cause shown, direct that a shorter notice be  
19 given to him; and if after a hearing the court finds  
20 that he is incapable of taking care of himself, it  
21 shall appoint a guardian of his person and his  
22 estate.

1 SECTION 2. Section seven of said chapter is  
2 hereby amended by substituting the word seven for  
3 the word "fourteen," in the twelfth and thirteenth  
4 lines, and inserting after the word "spendthrift,"  
5 in the fourteenth line, the following provision:—  
6 *provided*, that the judge of said court may, for  
7 cause shown, direct that a shorter notice be given  
8 to him,—so as to read as follows:—

9 *Section 7.* If a person, by excessive drinking  
10 gaming, idleness, or debauchery of any kind, so  
11 spends, wastes or lessens his estate as to expose  
12 himself or his family to want or suffering, or any  
13 city or town to charge or expense for his support  
14 or for the support of his family, the overseers of  
15 the poor of the city or town of which he is an in-  
16 habitant or resident, or upon which he is or may  
17 become chargeable, or a relation or relations of  
18 such spendthrift, may file a petition in the probate  
19 court, stating the facts and circumstances of the  
20 case and praying to have a guardian appointed. In  
21 towns in which overseers of the poor are not chosen  
22 and in which selectmen act as such, the selectmen

23 may file such petition. Upon the filing of such pe-  
24 tition, the court shall cause not less than seven days'  
25 notice of the time and place appointed for the hear-  
26 ing to be given to the supposed spendthrift: *pro-*  
27 *vided*, that the judge of said court may, for cause  
28 shown, direct that a shorter notice be given to him;  
29 and if, after a hearing, it finds that he comes within  
30 the above description, it shall appoint a guardian  
31 of his person and estate.

1 SECTION 3. Section forty of said chapter is  
2 hereby amended by substituting the word seven  
3 for the word "fourteen," in the sixth line, and by  
4 inserting after the word "petitioner," in the eighth  
5 line, the following provision:—*provided*, that the  
6 judge of said court may, for cause shown, direct  
7 that a shorter notice be given to him, — so as to read  
8 as follows:—

9 *Section 40.* If a person by reason of advanced  
10 age or mental weakness is unable to properly care  
11 for his property the probate court of the county in  
12 which he resides may, upon his petition or of one  
13 or more of his friends, appoint a conservator of  
14 his property. Upon the filing of such petition, the  
15 court shall appoint a time and place for a hearing,  
16 and shall cause at least seven days' notice thereof  
17 to be given to the person for whom a conservator  
18 is to be appointed if he is not the petitioner: *pro-*  
19 *vided*, that the judge of said court may, for cause  
20 shown, direct that a shorter notice be given to him.  
21 If at the hearing it appears that such person is in-  
22 capable of properly caring for his property a con-  
23 servator shall be appointed who shall have the  
24 charge and management of such property subject

25 to the direction of the court. Such conservator  
26 may be discharged by the probate court upon the  
27 application of the ward, or otherwise, when it ap-  
28 pears that the conservatorship is no longer neces-  
29 sary.

1 SECTION 4. This act shall take effect upon its  
2 passage.