

HOUSE No. 3421

By Mr. Golden of Framingham, petition of Albert W. Flynn and J. Laurence Golden for legislation to increase the burial allowance of wards from five hundred dollars to one thousand dollars. Social Welfare.

The Commonwealth of Massachusetts

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

AN ACT INCREASING THE BURIAL ALLOWANCE OF WARDS FROM FIVE HUNDRED DOLLARS TO ONE THOUSAND DOLLARS.

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

1 Chapter 201 is hereby amended by striking out section 48A
2 and inserting in place thereof the following section: —

3 *Section 48A.* Upon application therefor by a conservator or
4 by a guardian of a mentally ill person or a spendthrift, whose
5 ward is a resident of the commonwealth, the probate court,
6 after such notice as it deems necessary, and a hearing, may
7 authorize such conservator or guardian to deposit for the pur-
8 pose hereinafter stated, in a savings bank, or in a savings
9 account in a trust company, within the commonwealth, or on
10 paid-up shares and accounts of and in a co-operative bank, a
11 sum not exceeding one thousand dollars, or may authorize said
12 conservator or guardian to purchase a share account of a
13 federal savings and loan association or a savings and loan
14 association located within the commonwealth, in a sum not
15 exceeding one thousand dollars, to be expended solely for, or
16 towards the expense of, the burial of his ward. Such deposit or
17 purchase shall be made in the name of the judge of probate for
18 the time being, and shall be subject to the order of the judge
19 and of his successors in office. The person making such deposit
20 or purchase shall file in the probate court a memorandum

21 thereof and the deposit book or share account book, and the
22 amount so deposited or purchased shall, for the purpose of the
23 accounting by said guardian or conservator, be allowed as
24 payment. Upon the death of such ward, the probate court
25 may, upon application and after like notice and hearing, order
26 the payment of such deposit or purchase, together with any
27 accrued interest thereon, hereinafter referred to as such deposit
28 or purchase, to the executor of the will of such ward or to the
29 administrator of the estate, to be expended by him only for
30 the purpose hereinbefore stated, and, in case no executor or
31 administrator is appointed, said court may order payment from
32 such deposit or purchase together with any accrued interest
33 thereon to any undertaker or other person, of any charge for
34 such burial or sum expended therefor which it finds to be
35 proper, but not exceeding the amount of such deposit or pur-
36 chase together with any accrued interest thereon, or may
37 apportion such deposit or purchase together with any accrued
38 interest thereon between several claimants for such charges or
39 expenses but in no event to exceed the total amount of such
40 charges, or expenses; provided that any balance remaining after
41 the payment of such charges or expenses shall become general
42 assets of the estate. The provisions of chapter two hundred A
43 shall not be applicable to funds deposited under this section.