ORDER APPOINTING TEMPORARY CONSERVATOR FOR ☐ ADULT ☐ MINOR	Docket No.	Commonwealth of Massachusetts The Trial Court Probate and Family Court

In the Interests of:

First Name _____ Middle Name _____ Last Name _____

Protected Person

_____ **Division**

After hearing on the Motion for Appointment of Temporary Conservator(s),

The Court finds:

1. Venue is proper.
2. Notice pursuant to G.L. c. 190B, §5-412A(d) was:
   - ☐ Properly given.
   - ☐ Shortened or waived in whole or in part because the Court finds that an immediate emergency situation exists which requires the immediate appointment of a Temporary Conservator(s) pursuant to G.L. c. 190B, §5-412A(e). The nature of the emergency is the likelihood of immediate and substantial harm to property, income or entitlements of the Protected Person or those entitled to the Protected Person's support or:
3. A qualified person seeks appointment.
4. It is necessary to appoint a Temporary Conservator(s) for the Protected Person because of the likelihood of substantial harm to the property, income or entitlements of the Protected Person or those entitled to the Protected Person's support occurring prior to the return date. There is no other conservator appointed and no other person appears to have authority to act in the circumstances.
5. The Protected Person ☐ was ☐ was not present.
   - ☐ The Protected Person is a minor over the age of 14 who requested to be present but the Court finds that the nonappearance of the minor Protected Person is in his or her best interest because the appearance of the minor would unnecessarily or inappropriately expose the minor to details regarding the parent(s)' fitness or because:

The Court appoints the following person(s) as Temporary Conservator(s) of the Protected Person (hereafter "Temporary Conservator") who is ☐ a minor ☐ a disabled person .

Name: _____ First Name _____ M.I. _____ Last Name

_____ (Address) _____ (Apt, Unit, No. etc.) _____ (City/Town) _____ (State) _____ (Zip)

Primary Phone #: _____

Name: _____ First Name _____ M.I. _____ Last Name

_____ (Address) _____ (Apt, Unit, No. etc.) _____ (City/Town) _____ (State) _____ (Zip)

Primary Phone #: _____

click to add click to remove

THIS APPOINTMENT OF TEMPORARY CONSERVATOR(S) IS NOT A DETERMINATION OF INCAPACITY OR DISABILITY.

In the Interests of: _____ First Name _____ Middle Name _____ Last Name	Docket No.

The Temporary Conservator may exercise only the powers specified in this order. The powers of the Temporary Conservator are as follows:

1. ☐ The Temporary Conservator(s) may only exercise the following powers:

2. ☐ The powers and duties of the Temporary Conservator are all powers over the property and business affairs of the Protected Person which are or may be necessary in the best interests of the Protected Person and the Protected Person's immediate family pursuant to G.L. c. 190B, §§ 5-423(c) (1-7) & (14-24). These powers ☐ are not limited.

   ☐ are limited as set forth in Exhibit A which is incorporated and merged herein and which detail those powers retained by the protected person

The Court orders the following:

1. **If this Order was issued without full notice, post-appointment notice must be given together with a statement that the appointment may be vacated and heard as a *de novo* matter as expeditiously as possible. Said notice must be given within seven days from the date of this appointment to the Protected Person and those persons named in the petition who were not previously given notice in accordance with G.L. c. 190B, §5-308(c). A certification stating such notice has been given must be filed within seven days of the appointment or the appointment may be vacated *sua sponte*.**

2. ☐ The Court has appointed counsel for the Protected Person. See separate Order Appointing Counsel.

3. The Temporary Conservator(s) shall serve:

   ☐ without surety on his, her or their bond:

   ☐ because the person has a priority of appointment under G.L. c. 190B, §5-409(a)(1) and the person nominating the conservator expressly waived the requirement.

   ☐ for the following good cause:

   ☐ with personal sureties or corporate surety on his, her or their bond in the amount of _____ pursuant to G.L. c. 190B, §5-410.

   NO LETTERS OF CONSERVATORSHIP SHALL ISSUE UNTIL THE BOND IS FILED AND APPROVED.

4. The Temporary Conservator shall file for approval with the Court a Temporary Conservator's Inventory within ninety (90) days of this appointment or by _____ (date within 90 days from appointment).
   (date)

   The Temporary Conservator shall file for approval with the Court a Temporary Conservator's Account for the time of the temporary appointment but no later than annually from the date of this appointment unless otherwise ordered by the Court.

   Forms are available at the Court's Registry office or online at the Court's Web site:
   http://www.mass.gov/courts/courtsandjudges/courts/probateandfamilycourt/upc.html

In the Interests of: _____ First Name _____ Middle Name _____ Last Name	Docket No.

5. ☐ The Temporary Conservator(s) shall make the following report to the Court:

6. This appointment of the Temporary Conservator(s) shall expire 90 days from today or on _____ (Date).

If this date is more than 90 days from the date of appointment, the Court finds the following extraordinary circumstances warrant a later date:

7. A _____ hearing shall be held on this matter on _____ at ____ : ____ ☐ a.m. ☐ p.m.

at the _____ Probate and Family Court.

8. ☐ The parties shall comply with a stipulation or agreement of the parties dated _____ (date) which is filed with the Court and expressly made a part of this Order.

9. The Court further orders:

Date _____ _____

EXTENSION(S) OF APPOINTMENT

For good cause shown, the appointment of the Temporary Conservator(s) is extended for an additional period of time and shall expire on _____ (Date).

A _____ hearing shall be held on this matter on _____ at ____ : ____ ☐ a.m. ☐ p.m.

at the _____ Probate and Family Court.

The Bond of the Temporary Conservator(s) is hereby re-examined and re-approved.

Date _____ _____

For good cause shown, the appointment of the Temporary Conservator(s) is extended for an additional period of time and shall expire on _____ (Date).

A _____ hearing shall be held on this matter on _____ at ____ : ____ ☐ a.m. ☐ p.m.

at the _____ Probate and Family Court.

The Bond of the Temporary Conservator(s) is hereby re-examined and re-approved.

Date _____ _____

Reset Form