

Court Required Duties as a Conservator

In order for your conservatorship appointment to be finalized, the court must approve **both** a decree and a bond. Once approved, you are responsible to the court and to the Protected Person as follows:

GENERAL DUTY

As a Conservator, you are a fiduciary responsible for managing the property of the Protected Person. Consequently, you must observe the standards of care applicable to trustees. You may exercise the authority only as authorized by the court's decree. As a Conservator, you also have an obligation to the Protected Person. To the extent possible, this obligation involves encouraging the Protected Person to participate in decisions, to act on their own behalf, and to regain the ability to manage their estate and business affairs.

INVENTORY

You must file an Inventory (MPC 854 or MPC 854a) within 90 days of your temporary and/or permanent appointment. The purpose is to identify the assets of the protected person. See G. L. c. 190B, § 5-417.

ANNUAL ACCOUNT

You must file an annual Account (MPC 853 or MPC 853a) for allowance. The annual Account must be filed with a Petition for Allowance (MPC 857). Your account is due each year within 60 days of the anniversary date of your appointment. Your account must be personally presented to the court, unless otherwise court ordered. The purpose is to present an accounting of your financial transactions and current status of the conservatorship estate during the accounting period. See G. L. c. 190B, § 5-418.

FINAL ACCOUNT

You must file a final Account (MPC 853 or MPC 853a) for allowance when you resign, are removed or when the protected person dies or the conservatorship terminates. The final Account must be filed with a Petition for Order of Complete Settlement (MPC 860). Your final account is due within 60 days of the terminating event. The purpose is to present an accounting of all financial transactions and the final status of the conservatorship estate during the accounting period. See G. L. c. 190B, § 5-418.

FINANCIAL PLAN

You must file a Conservator's Financial Plan (MPC 861) **ONLY** if court ordered. The financial plan must be filed by the date ordered by the court, or if no date is specified, within 60 days of the date of the court order. See G. L. c. 190B, § 5-416(c).

CHANGE AUTHORITY

You must file a Petition to Expand/Modify/Limit Powers (MPC 230) **if** you need to change your statutory authority under the law for any reason. For more details, see G. L. c. 190B, §§ 5-407, 5-423, 5-424, 5-425.

CHANGE OF ADDRESS

You must notify the court **if** the address of you or the protected person changes. See G. L. c. 190B, § 5-412.

DEATH OF PROTECTED PERSON

You must notify the court **if** the protected person dies. A copy of the death certificate must be filed. A final account of your administration as Conservator is required. See G. L. c. 190B, § 5-429.

RESIGNATION AS CONSERVATOR

You must file a Petition for Resignation (MPC 202) **if** you no longer wish to serve as a conservator. See G. L. c. 190B, § 5-429. The purpose is to determine if a successor is necessary.

TERMINATION OF CONSERVATORSHIP

You must file a Petition for Termination (MPC 203) if the protected person no longer requires conservatorship. See G. L. c. 190B, § 5-419. The purpose is to end the administration and transfer title to estate assets back to the formerly protected person.

All forms required for filing are available at each division or on the Probate and Family Court website at www.mass.gov.