# Massachusetts Probate and Family Court

# Module 7: How to Complete the Conservator’s Account

## Welcome

Welcome to the Massachusetts Probate and Family Court's orientation program for guardians and conservators of adults.

In this training module you will learn:

* How to complete the conservator’s Account
* What must be included in each of the three Account Schedules
* How to report the sale of real estate or other property
* Finalizing the Account
* When to amend the Account, and
* Required petitions

## How to complete the conservator’s Account

The Account (MPC 853) is a five-page form. It has a cover page, a page that asks for information about the conservatorship, and three pages called “Schedules.” They are:

* Schedule A – Receipts and Income
* Schedule B – Payment of Debts, Administration Expenses, Taxes & Distributions, and
* Schedule C – Balance of Assets on hand at end of accounting period

There is also an Account form (MPC 853a) that lets the conservator use their own Schedules. This version may help estates that use financial software or Excel to track income and payments. You may use and file either of these Account forms.

 The Account is on the Probate and Family Court webpage at mass.gov. It is also at the Registry in each Division of the Probate and Family Court.

Let’s look at how to complete the Account.

## The cover page

On top of the cover page, complete the requested information. This includes the case docket number and the Court Division where the case is filed. Be sure to check off the box that tells the Court that this is the Account of the Conservatorship. Include the name of the adult in the space provided. Check the box to indicate if it is an annual, final or amended Account. If it is an annual Account, state the number of the Account (e.g., 1st, 2nd, 3rd, etc.). If it is the final Account, indicate why the conservatorship ended. If it is an amended Account, state the number and filing date of the Account that you are amending.

If you are filing an Account that is not an annual, final or amended Account, check the box for “other” Account and provide an explanation.
Insert the “from” and “to” dates of the reporting period. If you are completing the form online, you can click on the calendar to insert the dates.

Complete the requested information about you as the “Accounting Fiduciary" (that is, you as the conservator). Make sure to include your email and primary phone number.
The “Summary of Schedules” section asks for the totals for each Schedule. You will fill this out after completing the Schedules. If you are completing the Account form online, the totals will auto-fill in this section for you as you enter information in Schedules A, B, and C.

## Information about the conservatorship

On page 2 of the Account, answer Questions 1 through 5 about the conservatorship.

Question 1 asks if the conservatorship should be continued. Check “yes” or “no.” If you answer no, you must explain why. Ending the conservatorship requires you to file a separate Petition with the Court. The information you provide in the Account is not enough by itself to end the conservatorship.

If you answered “yes” to Question 1, Question 2 asks if you recommend any changes to the scope of the conservatorship.

Check “yes” or “no”. If the answer is yes, state your recommendation(s). Any change to the scope of the conservatorship requires you to file a separate Petition with the Court. The information you provide in the Account is not enough by itself to cause a change.

Question 3 asks you to list the services provided to the adult, like “Meals on Wheels,” housekeeping, transportation to adult day programs, etc.

If you were ordered to file a Conservator’s Financial Plan (MPC 831), answer “yes” to Question 4. If you are unsure if you were ordered to file this Plan, check the Order or Decree appointing you.
If you were ordered to file a Conservator’s Financial Plan, Question 5 asks for any changes you recommend to that Plan. If the answer is yes, state your recommendation(s).

We will come back to the signature section at the bottom of page 2 at the end of this module.

Let’s take a look now at Schedule A.

## Schedule A – receipts and income.

Note the instructions on the top of this Schedule. If it is your first Account, enter the Inventory total of both personal property and real estate in the “Amount Received” column on the line for “Balance of Inventory or Prior Account”.

If this is not your first Account, enter the Total (Book Value) balance from Schedule C in the last prior filed Account in the “Amount Received” column on the line for “Balance of Inventory or Prior Account”.

Next, if any property was not reported on the Inventory or any prior Account, list it on Schedule A. The value listed should be the value of the property as of the date of your appointment as conservator.

Also, if you need to make a correction to increase the value of any property as you reported it on your Inventory or a prior Account, state the increase here. Note this as an adjustment to the previously stated value. Provide details so the Court understands what you are doing.
Do not report increases in the market value of any property you reported on your Inventory or any prior Account in Schedule A. Market value increases are not stated in Schedule A. They are stated in Schedule C.

Next, report all the income received during this accounting period. This includes wages, unemployment, interest, dividends, disability, social security, veterans’ benefits, pensions, rental income and any other type of income.

List each payment received in chronological order by the date of receipt. State the payor’s name. State other details to identify the payor, such as the last four digits of the account number, if any. Do not include the full account number. Describe the type of payment (interest, dividends, social security, etc.). Then state the amount of each payment.

If there are several payments of the same type from the same payor, you may group them together in categories such as “Interest Payments” or “Social Security.” List each amount received chronologically within the category.

If you are completing the Account (MPC 853) online, you can click to add or click to remove any lines in this Schedule using the button at the bottom of the form. The total at the bottom of this Schedule will auto-fill. It will also auto-fill for you on page 1 in the Summary of Schedules in the “Schedule A” section.

If you are not completing the form online, you must add the items in the “Amount Received” column and state the total at the bottom of this Schedule. You must also state the total for Schedule A on page 1 in the Summary of Schedules in the “Schedule A” section.

## Schedule B– payment of debts, administration expenses, taxes & distributions.

If you mistakenly included property on the Inventory or any previous Account, identify the property on Schedule B and state that it is an adjustment. Deduct the same value that you listed for it on the Inventory or on the previous Account.

Also, if you need to make a correction to decrease the value of any property as you reported it on your inventory or prior Account, state the decrease here.

Note this is an adjustment to the previously stated value. Provide details so the Court understands what you are doing.

Do not report decreases in the market value of any property you reported on your Inventory or any prior Account. Market value decreases are not stated in Schedule B. They are stated in Schedule C.
Next, this Schedule requires you to list payments made during the accounting period.
List each payment in chronological order by date the payment was made. State the name of the payee. State the purpose of the payment and the amount you paid.

These details help the Court understand what you paid, whom you paid, and what the payment was for.

If there are several payments of the same type, you may group them. Use categories like rent, groceries, utilities or home care services. List each amount received in chronological order within the category. Categories such as “cash” or “miscellaneous” are not acceptable.

Payments you made directly to the adult during this period are also reported on Schedule B. Describe each payment by date, purpose, and amount.

If you are completing the Account (MPC 853) online, you can click to add or click to remove any lines in this schedule by using the button at the bottom of the form. The total at the bottom of this Schedule will auto-fill. It will also auto-fill for you on page 1 in the Summary of Schedules in the “Schedule B” section.

If you are not completing the form online, you must add the items in the “Amount Paid” column and state the total at the bottom of this Schedule.
You must also state the total for Schedule B on page 1 in the Summary of Schedules in the “Schedule B” section.

## How to report the sale of real estate or other property

You must report the sale of any real estate and any other property during the accounting period.
This includes property the adult owned alone or with others. The sale may have resulted in a gain or a loss.

If there is a gain, report the date of the sale, the name of the purchaser, a description of what you sold, and the amount of the gain in Schedule A. The gain is the sale price minus costs and fees, and minus the book value, of the asset as reported in the previous Account or Inventory.

If there is a loss, report the date of the sale, the name of the purchaser, a description of what you sold, and the amount of the loss in Schedule B. The loss is the sale price minus costs and fees, and minus the book value of the asset as reported in the previous Account or Inventory.

If there was no gain or loss, you must still report the sale and all the required details in Schedule A. The gain will be zero.

## Schedule C- balance of assets on hand at end of accounting period

List each asset remaining in the conservatorship at the end of the accounting period in Schedule C.
Check your previous Account or your Inventory (if this is your first Account) to be sure that you have not forgotten any asset.

Be clear and specific in describing what each item is and where it is located (e.g., account type, bank, property address, etc.). If another person co-owns any asset with the adult, include that information.

You must include any debts owed or lien on an asset, like a house or car. Include the following information about the debt or lien:

* The name of the payee
* The principal balance; and
* The interest rate

If any of the assets remaining in Schedule C were adjusted in Schedule A or Schedule B, the Book Value in Schedule C must reflect that adjustment.

If this is an Annual Account, then: Schedule A’s balance - Schedule B’s balance must = Schedule C’s balance

f this is your Final Account, then: Schedule A’s balance - Schedule B’s balance must = 0.

If you are completing the Account (MPC 853) online, you can click to add or click to remove any lines in this Schedule by using the button at the bottom of the form. The total at the bottom of this Schedule will auto-fill. It will also auto-fill for you on page 1 in the Summary of Schedules in the Schedule C section.

If you are not completing the form online, you must add the items in the “Book Value” column and state that total at the bottom on this Schedule.
You must also state the total for Schedule C on page 1 in the Summary of Schedules in the Schedule C section.

## Finalizing the Account

After completing all Schedules, return to the cover page. Check that the totals listed on the cover page in the Summary of Schedules match the totals for each Schedule. It is important that you double check your Account before filing it with the Court.

Date and sign the Account under the penalties of perjury. You are promising that, to the best of your knowledge, the Account’s information is true. If you are represented by an attorney, their information must be included in the space provided.

Do not submit any documents with the Account, such as receipts, bank statements or appraisals unless ordered by the Court. Keep them organized with your records in case you need them in the future.

## Required petitions

When you file your Account, you must also file the proper Petition for its allowance.
You must file a Petition for Allowance of Account (MPC 857) with any Account that is not your final Account. You must file a Petition for Order of Complete Settlement (Conservator) (MPC 860) with your final Account. When you file your Account and Petition, you will be charged certain filing fees.
There are three fees that will be assessed:

* The fee to file your Account
* The fee to file the Petition, and
* The fee to issue a citation

Information on these filing fees can be found on the Probate and Family Court’s webpage at mass.gov.

After you file your Account and Petition with the Court and pay the proper filing fees, the Court will issue the citation to you. The citation is a Court Order used to provide notice to interested persons.

To learn more, watch *Module 8: How to File and Distribute Guardian and Conservator Reports.*

## When to amend the Account

If a mistake is found in your Account after it is filed with the Court, you must correct it by filing an “Amended Account.” You may be permitted to file an amended Petition, or you may be required to file a new Petition for the allowance of the amended Account.

Either way, a new citation will be issued to you, and you will be required to provide new citation notice. You will also have to pay additional fees.

## Resources

Remember, there are resources available to help you in your role as a conservator.

Click on the icons to see the various resources available.

* Court: If you have questions, you may always ask the Court for direction.
* OAGCO: You may also reach out to the OAGCO, that is the Office of Adult Guardianship and Conservatorship Oversight in the Administrative Office of the Probate and Family Court.
* Email: We are here to help you. You can contact us by email at OAGCO@jud.state.ma.us
* Webpage: You can visit us on the Probate and Family Court webpage at mass.gov to learn more about the OAGCO and how it can assist you as a conservator.

## Inventory

*Chief Justice John D. Casey:*

*“Thank you for becoming a guardian or conservator for an adult who needs your help.”*

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