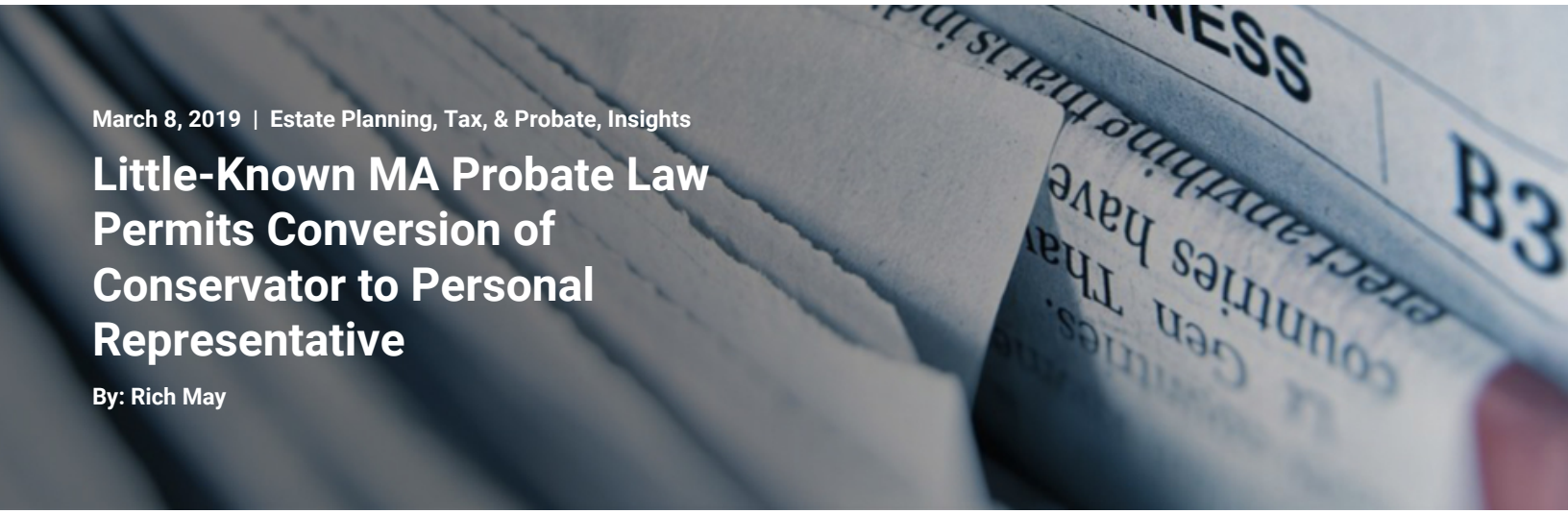


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Little-Known MA Probate Law Permits Conversion of Conservator to Personal Representative

By: Rich May

You have a disabled friend or relative who needs your help – perhaps they have had a stroke or suffer from dementia. They are no longer capable of paying their bills.

When an adult is disabled and requires a substitute decision maker to handle their finances, the Massachusetts Probate and Family Court may appoint someone called a Conservator to take on the role of managing that disabled person's finances. The court-appointed Conservator is ultimately responsible for the proper management of the Protected Person's income and assets.

Now, once you have been appointed, what happens if your loved one passes away? Sometimes, the Conservator is the same person who will bear the ultimate responsibility of distributing the Protected Person's estate. This position is called the Personal Representative (formerly Executor/trix) of the estate. There is a statute that allows a convenient conversion from the role of Conservator to Personal Representative.

Ordinarily, when seeking to be appointed as Personal Representative, a person must petition the Probate and Family Court. Even with formal and informal processes, there are notice, publication and accounting requirements. This can all add up to be quite a burden at an already confusing and emotional time. However, we have assisted our clients through a process laid out in the Massachusetts Uniform Probate Code, codified at MGL c. 190B, s. 5-424(e), which can shortcut some of that process. After complying with certain conditions, and ideally after obtaining certain consents, a Conservator may apply to exercise the powers and duties of a Personal Representative directly. Our clients have found this to be an effective way to expedite matters at what can be a trying time.

Of course, having an estate plan in place can help your loved one avoid the need for a Conservator in the first place. Rich May is available to assist with your estate plan and capable of assisting where such future planning was not done.



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Anyone with questions, or in need of assistance in any probate matter, can contact Rich May, P.C. attorneys Nathaniel Donoghue and Danielle Justo.

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Disclaimer: This summary is provided for educational and informational purposes only and is not legal advice. Any specific questions about these topics should be directed to attorney Nathaniel Donoghue.