

# CONSERVATORSHIPS

**What Is a Conservator?** A conservator is a person appointed by the Court to provide partial or full supervision, protection and assistance to a disabled person. The person may be appointed as conservator of the disabled individual's person, or property, or both.

**Who May File.** Any person may file a petition for appointment of a conservator if he or she has knowledge of circumstances necessitating a conservatorship. The persons having priority to be conservator, subject always to the Court's discretion, are: (1) the person(s) the disabled individual designated in writing; (2) the disabled individual's spouse; (3) any child of the disabled individual; (4) closest relatives of the disabled individual; and (5) other persons.

**Where to File.** Can file petition in any probate court or other court of record in the county of residence of the allegedly disabled individual.

**Examination.** A sworn statement by a physician or psychologist is required. Testimony in court is not.

**Rights of Disabled Person.** To prevent abuse, a guardian ad litem is appointed to represent the disabled person.

**Termination or Modification of Conservatorship.** A conservator may be discharged or have duties modified when the Court determines the person is no longer disabled or that it is in the person's best interests to do so. The Court may also remove or modify a conservator on grounds the conservator has not performed as required by law or does not act in the person's best interests.

**Support of Disabled Person's Spouse or Minor Children.** The appointment of a conservator does not automatically terminate a disabled person's duty to support a spouse or minor children. The Court may establish the amount of financial support to which a spouse or children are entitled.

**Final Accounting.** Within 120 days after the conservatorship terminates, by death of the disabled person or by Court Order, the conservator must file the PRELIMINARY FINAL ACCOUNTING, which must account for all assets, receipts, and disbursements from the date of the last accounting until the date of termination. It must also state the amount of final distribution to close the conservatorship. If no objection is filed to the clerk's report on the PRELIMINARY FINAL ACCOUNTING within 30 days of the filing of the clerk's report, the Conservator must distribute the remaining assets. The Conservator must then file with the Court the receipts and final cancelled checks evidencing the final distribution. When that evidence has been filed, and on Order of the Court, the conservatorship will be closed.

*Adapted by Southeast Tennessee Legal Services, [www.selegal.org](http://www.selegal.org).  
Source: Hamilton County Chancery Court.*