

## **Conservators**

*(Valid through 2012)*

### **§ 93-13-251. Petition for appointment of conservator; jurisdiction of courts.**

If a person is incapable of managing his own estate by reason of advanced age, physical incapacity or mental weakness, or because the person is missing or outside of the United States and unable to return, the chancery court of the county wherein the person resides or, in the case of a missing or absent person, the chancery court of the county where the person most recently resided, upon the petition of the person or of one or more of his friends or relatives, may appoint a conservator to have charge and management of the property of the person and, if the court deems it advisable, also to have charge and custody of the person subject to the direction of the appointing court.

*Sources: Codes, 1942, § 434-01; Laws, 1962, ch. 281, § 1; Laws, 2008, ch. 496, § 1, eff from and after July 1, 2008.*

### **§ 93-13-253. Notice of time and place of hearing; persons to whom notice must be given; service.**

Upon the filing of the petition, the clerk of the court shall set a time and place for hearing and shall cause not less than five (5) days' notice thereof to be given to the person for whom the conservator is to be appointed, except that the court may, for good cause shown, direct that a shorter notice be given. Unless the court finds that the person for whom the conservator is to be appointed is competent and joins in the petition, the notice shall also be given to one (1) relative of the person for whom the conservator is to be appointed who is not the petitioner and who resides in Mississippi if such relative is within the third degree of kinship, preferring first the spouse, unless legally separated, then an ascendant or descendant, then a brother or sister, then an adult niece, nephew, aunt or uncle, so that personal service is had on the person for whom the conservator is to be appointed and on one (1) relative who resides in Mississippi other than the petitioner. If no relative within the third degree of kinship to the person for whom the conservator is to be appointed is found residing in the State of Mississippi, the court shall either designate some other appropriate person to receive the notice or appoint a guardian ad litem to receive notice. If the person for whom the conservator is to be appointed is entitled to any benefit, estate or income paid or payable by or through the Veterans' Administration of the United States government, such administration shall also be given such notice.

Notice may be by personal service by the sheriff as in service of other process but nothing herein shall be construed to prevent competent persons from accepting notice in person from the clerk or his deputy.

*Sources: Codes, 1942, § 434-02; Laws, 1962, ch. 281, § 2; Laws, 2008, ch. 496, § 2, eff from and after July 1, 2008.*

### **§ 93-13-255. Hearing; appointment of guardian ad litem; examination and certificate of physicians.**

The chancery court shall conduct a hearing to determine whether a conservator is needed for the person or the estate of the person. Before such hearing, the court may, in its discretion, appoint a guardian ad litem to look after the interest of the person in question, which guardian ad litem shall be present at the hearing and present the interests of the persons for whose property or person a conservator is to be appointed.

The chancery judge shall be the judge of the number and character of the witnesses and proof to be presented, except that there shall be included therein at least two (2) physicians who are duly authorized to practice medicine in this state, or another state or one (1) such physician and a psychologist, licensed in this state or another state, each of whom shall be required to make a personal examination of the subject party, and each of whom shall make in writing a certificate of the result of such examination, which certificate shall be filed with the clerk of the court and become a part of the record of the case. They may also be called to testify at the hearing.

*Sources: Codes, 1942, § 434-03; Laws, 1962, ch. 281, § 3; Laws, 1984, ch. 520, § 4; Laws, 1993, ch. 511, § 1, eff from and after July 1, 1993.*

**§ 93-13-257. Costs; party liable.**

If the petition is sustained, the costs shall be paid out of the estate of the person for whom a conservator is requested, but if the petition be not sustained, the costs shall be paid by the party requesting the appointment of the conservator.

*Sources: Codes, 1942, § 434-04; Laws, 1962, ch. 281, § 4, eff from and after passage (approved March 20, 1962).*

**§ 93-13-259. Duties and powers of conservator.**

Should the court appoint the conservator of the property or person or property and person of the subject party, the said conservator shall have the same duties, powers and responsibilities as a guardian of a minor, and all laws relative to the guardianship of a minor shall be applicable to a conservator.

*Sources: Codes, 1942, § 434-05; Laws, 1962, ch. 281, § 5, eff from and after passage (approved March 20, 1962).*

**§ 93-13-261. Limitation on contractual powers and obligations of person protected.**

So long as there is a duly appointed conservator, the person whose property or person is in the charge of such conservator shall be limited in his or her contractual powers and contractual obligations and conveyance powers to the same extent as a minor.

*Sources: Codes, 1942, § 434-06; Laws, 1962, ch. 281, § 6, eff from and after passage (approved March 20, 1962).*

**§ 93-13-263. Support for dependents.**

If there be any persons dependent upon the person for whom the conservator has been appointed, the court shall provide for their support and maintenance from the assets of said estate and the conservator shall be directed to make the necessary support and maintenance available from the assets of said estate.

*Sources: Codes, 1942, § 434-09; Laws, 1962, ch. 281, § 9, eff from and after passage (approved March 20, 1962).*

**§ 93-13-265. Procedure for restoration.**

When any person for whom a conservator has been appointed, as set out above, is afterwards restored in mind or body, the procedure for his restoration shall be on petition for appropriate hearing by the court and decree thereof.

*Sources: Codes, 1942, § 434-08; Laws, 1962, ch. 281, § 8, eff from and after passage (approved March 20, 1962).*

**§ 93-13-267. Resignation or discharge of conservator.**

A conservator may resign or be discharged in the same manner as a guardian of a minor and may also be discharged by the appointing court when it appears that the conservatorship is no longer necessary.

*Sources: Codes, 1942, § 434-07; Laws, 1962, ch. 281, § 7, eff from and after passage (approved March 20, 1962).*