

Conservatorship (For Healthcare Facilities)

Attorneys

Thomas J. Cleary
Samantha Andler Feldman
Christopher J. Leazott
F. Michael McArdle
Kiran Mistry-Patel
Jake F. Rogers
Kellie L. Sanders
Kristin Smola
Bryan J. Texiera
Tyler K. Tyack
Rachael Karr Wright
Jack C. Zachary

Related Services

Healthcare & Nursing
Home Law
Conservatorship (For
Healthcare Facilities)
Contracts, Disputes, and
Insurance Claims
Estate Claims and Creditor
Administration
Guardianship (For
Healthcare Facilities)
Healthcare Debt Collection
Regulatory Compliance
Risk Mitigation and
Training

Overview

When a resident lacks the capacity to manage finances and has no family member, agent under a power of attorney, or other fiduciary available to act, the facility faces a legal and operational problem that does not resolve on its own. Bills go unpaid. Medicaid applications stall. Discharge planning stops. The resident's financial affairs deteriorate while the facility absorbs growing risk.

A conservatorship petition establishes court-supervised financial management for the incapacitated resident, creating the legal authority needed to apply for benefits, pay outstanding obligations, and bring nursing home financial management into compliance with state and federal requirements. Cohen Cleary serves as conservatorship counsel for SNFs, assisted living residences, and other healthcare providers across New England, where we maintain active practices in multiple states.

How We Help Healthcare Facilities Petition for Conservatorship

Facility-initiated conservatorship petitions require coordination between clinical staff, social services, legal counsel, and the Probate and Family Court. Whether the matter involves a single SNF conservatorship or a facility managing multiple unbefriended residents, we handle the process from initial assessment through appointment, working directly with your administrators, social workers, and billing departments to build the evidentiary record the court requires.

Our representation spans the full conservatorship process, from preparing the petition and assembling the clinical evidence required under Massachusetts General Laws Chapter 190B through presenting the case at the Probate Court hearing. When the facility should not serve as a conservator, we coordinate the appointment of a professional conservator or identify an appropriate public agency to fill that role.

We also advise facilities on threshold questions that arise before any petition is filed: whether to wait for a family member to act, when delay creates unacceptable risk, and how conservatorship integrates with a pending Medicaid application. We tell our clients that the decision to petition is as important as the petition itself, because a premature filing wastes resources and a delayed filing compounds exposure.

Why Healthcare Facilities Work With Cohen Cleary

At Cohen Cleary, our practice teams combine deep subject-matter experience with disciplined execution and responsive client service. We do not take a one-size-fits-all approach. Every matter is handled with careful preparation, clear communication, and a strategy tailored to the client's goals and the realities of the forum.

Clients choose Cohen Cleary because we deliver:

Practice-Focused Legal Experience

Our attorneys work in defined practice areas, allowing us to develop practical insight into the legal, procedural, and regulatory nuances that matter most in each case. This focus allows us to anticipate issues, avoid unnecessary delays, and position matters for efficient resolution.

Clear Guidance and Proactive Communication

We prioritize clarity at every stage. Clients receive straightforward explanations of their options, timely updates on developments, and practical advice grounded in real-world outcomes.

Strategic Advocacy with Trial Readiness

Whether a matter calls for negotiation, mediation, or litigation, our attorneys prepare every case with discipline and foresight. We pursue efficient resolution when possible and are fully prepared to advocate aggressively when necessary to protect our clients' interests.

Regional Knowledge and Local Presence

With offices throughout Massachusetts and experience across New England courts and agencies, we bring local insight and regional reach to every matter.

Client-Centered Service

We treat every matter with urgency and respect. Our clients rely on us for responsive service, sound judgment, and steady counsel through complex legal challenges.

In our healthcare conservatorship work, this approach helps facilities resolve financial management gaps for incapacitated residents with clarity, efficiency, and confidence.

Our Approach: Why Delay Creates Compounding Risk

Facilities that delay initiating conservatorship proceedings for unbefriended residents create operational and liability exposure that compounds daily. Every financial decision made without proper legal authority is a potential regulatory issue, and the longer the delay, the larger the exposure. Unpaid accounts age. Benefit applications miss filing windows. Discharge options narrow.

We work with facilities to identify residents who need conservatorship early and move the process forward efficiently, because the cost of a conservatorship petition is consistently lower than the cost of inaction.

Serving Healthcare Facilities Across New England

Cohen Cleary represents healthcare facilities in conservatorship proceedings across New England, with particular concentration in Massachusetts, Rhode Island, Connecticut, and Maine. Our nursing home conservator lawyers regularly appear in Probate and Family Courts throughout these states and understand the procedural variations that affect case timelines and outcomes.

Each state's probate framework has distinct requirements for facility-initiated conservatorship petitions, from clinical documentation standards to notice provisions to bond requirements. Our attorneys work within these frameworks routinely, preparing petitions that meet court expectations without unnecessary continuances. With offices in [Taunton](#) and [Plymouth](#),

Massachusetts, we maintain the regional presence and local court familiarity that institutional clients require.

Discuss a Conservatorship Petition for Your Facility

If your facility has residents who lack capacity and have no available fiduciary, contact Cohen Cleary to evaluate whether a conservatorship petition is the appropriate next step. We work with facility administrators and social services staff to assess the situation and move efficiently toward resolution.

Frequently Asked Questions About Conservatorship for Healthcare Facilities

Can a healthcare facility petition for conservatorship over a resident?

Yes. Under Massachusetts law and similar statutes in other New England states, a healthcare facility may petition the Probate and Family Court for appointment of a conservator when a resident lacks capacity to manage financial affairs and no family member, agent, or other interested party is available or willing to act. The facility does not need to serve as a conservator. In many cases, a professional conservator or public agency is appointed.

When should a facility initiate a conservatorship petition rather than waiting for the family?

If a resident has been without financial management for more than a few weeks and no family member is likely to step forward, the facility should consult counsel about filing. Common triggers include unpaid bills with no responsible party, a Medicaid application that cannot proceed without a fiduciary, or an imminent discharge with no one authorized to manage the transition. Waiting for a family member who may never appear is one of the most costly mistakes facilities make.

How does conservatorship relate to the Medicaid application process?

Many facility-initiated conservatorship petitions are driven by the need to file a Medicaid application on behalf of an incapacitated resident. Without a conservator or other authorized fiduciary, the facility cannot access financial records, gather required documentation, or execute the application. Appointing a conservator removes this barrier and allows the Medicaid process to move forward, stabilizing both the resident's coverage and the facility's reimbursement.

What are the ongoing obligations after a conservator is appointed?

The appointed conservator must file an inventory of the resident's assets with the court, followed by annual financial accountings. The conservator is a court-supervised fiduciary with duties to manage assets prudently, pay obligations, and report to the court. For facilities, the conservator becomes the point of contact for billing, benefit coordination, and financial decisions. When the resident has assets, the conservatorship may intersect with estate planning or creditor claims. Cohen Cleary can advise on reporting requirements and subsequent proceedings that arise during the conservatorship.