524.5-427 PRINCIPLES OF DISTRIBUTION BY CONSERVATOR.

(a) Unless otherwise specified in the order of appointment and endorsed on the letters of appointment, a conservator may expend or distribute income or principal of the estate of the person subject to conservatorship without further court authorization or confirmation for the support, care, education, health, and welfare of the person subject to conservatorship and individuals who are in fact dependent on the person subject to conservatorship, including the payment of child or spousal support, in accordance with paragraphs (b) to (e).

(b) The conservator shall consider recommendations relating to the appropriate standard of support, care, education, health, and welfare for the person subject to conservatorship or an individual who is in fact dependent on the person subject to conservatorship made by a guardian, if any, and, if the person subject to conservatorship is a minor, the conservator shall consider recommendations made by a parent.

(c) The conservator may not be surcharged for money paid to persons furnishing support, care, education, or benefit to the person subject to conservatorship or an individual who is in fact dependent on the person subject to conservatorship pursuant to the recommendations of a parent or guardian of the person subject to conservatorship unless the conservator knows that the parent or guardian derives personal financial benefit therefrom, including relief from any personal duty of support, or the recommendations are not in the best interest of the person subject to conservatorship.

(d) In making distributions under this section, the conservator shall consider:

(1) the size of the estate, the estimated duration of the conservatorship, and the likelihood that the person subject to conservatorship, at some future time, may be fully self-sufficient and able to manage business affairs and the estate;

(2) the accustomed standard of living of the person subject to conservatorship and individuals who are in fact dependent on the person subject to conservatorship; and

(3) other money or sources used for the support of the person subject to conservatorship.

(e) Money expended under this section may be paid by the conservator to any person, including the person subject to conservatorship, to reimburse for expenditures that the conservator might have made or in advance for services to be rendered to the person subject to conservatorship if it is reasonable to expect the services will be performed and advance payments are customary or reasonably necessary under the circumstances.

History: *2003 c 12 art 1 s 65; 2020 c 86 art 1 s 41*