

Amendment No. 1 to SB1952

Gardenhire
Signature of Sponsor

AMEND Senate Bill No. 1952

House Bill No. 2003*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 34-1-125(b), is amended by deleting the subsection and substituting the following:

(1) Except as provided by subdivision (b)(2), the cost of the attorney ad litem must be charged against the assets of the respondent.

(2) The costs of an attorney ad litem may, in the court's discretion, be charged against the petitioner if the court dismisses a conservatorship petition because of a finding of fraud, bad faith, or deception by the petitioner.

SECTION 2. Tennessee Code Annotated, Section 34-1-132, is amended by adding the following as a new subsection:

(f) The cost of the attorney ad litem in an emergency guardianship or conservatorship proceeding may, in the court's discretion, be charged against the assets of the respondent or against the petitioner. The costs charged must not exceed one thousand five hundred dollars (\$1,500) except when the court dismisses an emergency guardianship or conservatorship proceeding because of a finding of fraud, bad faith, or deception by the petitioner or when the court determines there are unusually complex factual issues, in which case there is no cap on the attorney ad litem fees. The maximum amount of the fee for the attorney ad litem shall be adjusted annually for inflation based upon the percentage of change in the average consumer price index (all items-city average), as published by the United States department of labor, bureau of

labor statistics, for the calendar year immediately preceding. The adjustment shall take effect on February 1, 2025, and on February 1 of each year thereafter.

SECTION 3. Tennessee Code Annotated, Section 34-1-133, is amended by adding the following as a new subsection:

(f) The cost of the attorney ad litem in an expedited limited healthcare fiduciary proceeding may, in the court's discretion, be charged against the assets of the respondent or against the petitioner. The costs charged must not exceed one thousand five hundred dollars (\$1,500) except when the court dismisses an expedited limited healthcare fiduciary proceeding because of a finding of fraud, bad faith, or deception by the petitioner or when the court determines the proceeding involves unusually complex factual issues, in which case there is no cap on the attorney ad litem fees. The maximum amount of the fee for the attorney ad litem shall be adjusted annually for inflation based upon the percentage of change in the average consumer price index (all items-city average), as published by the United States department of labor, bureau of labor statistics, for the calendar year immediately preceding. The adjustment shall take effect on February 1, 2025, and on February 1 of each year thereafter.

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.