

SENATE BILL 2072

By Burks

AN ACT to amend Tennessee Code Annotated, Title 34  
and Title 71, Chapter 6, relative to adult protection.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 6, Part 1, is amended by deleting the words "imminent danger" wherever such words appear and substituting instead the word "danger".

SECTION 2. Tennessee Code Annotated, Section 71-6-102, is amended by adding the following language as a new, appropriately designated subdivision:

( ) "Financial misappropriation" means improper use by a caretaker of funds that have been paid to an adult or to the caretaker for the use or care of the adult.

SECTION 3. Tennessee Code Annotated, Section 71-6-107, is amended by deleting the last sentence of subsection (c) and substituting instead the following language:

Nothing in this section shall be construed as requiring the department to accept an appointment as either a conservator or a temporary guardian.

SECTION 4. Tennessee Code Annotated, Section 71-6-107, is amended by adding the following language as a new subsection:

(d)

(1) If there is substantial evidence that an adult is the victim of financial misappropriation that threatens the adult's financial ability to pay for necessary care, then the department may petition for the appointment of a custodian and temporary guardian for a disabled adult

(2) If there is substantial evidence that an adult is the victim of financial misappropriation that threatens the adult's ability to pay for necessary care, and

there is a suitable person or agency to serve as the conservator, and the adult has the financial means to pay for the legal process, then the department shall petition for the appointment of a conservator for a disabled adult.

SECTION 5. This act shall take effect July 1, 2009, the public welfare requiring it.