

SENATE BILL 2077

By Yager

AN ACT to amend Tennessee Code Annotated, Title 34, Chapter 7 and Title 71, Chapter 2, relative to the public guardianship for elderly persons and adults with disabilities.

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

SECTION 1. Tennessee Code Annotated, Section 34-7-102(a), is amended by deleting the subsection and substituting instead the following:

(a) The general assembly recognizes that many elderly persons and adults with disabilities in the state are unable to meet essential requirements for their physical health or to manage essential aspects of their financial resources. The general assembly finds that private conservatorship is inadequate where there are no willing and responsible family members or friends to serve as conservator and where the person with disabilities does not have adequate resources for the compensation of a private conservator, or to pay legal and court costs. The general assembly intends through this chapter to establish a statewide public conservatorship program to aid persons with disabilities who are forty (40) years of age or older and who have no family member or friend who is willing and able to serve as conservator.

SECTION 2. Tennessee Code Annotated, Section 34-7-102(b), is amended by deleting the first sentence of the subsection and substituting instead the following:

The general assembly intends to promote the general welfare by establishing a public guardianship system that permits adults with disabilities and the elderly to determinatively participate as fully as possible in all decisions that affect them, that assists such persons to regain or develop their capacities to the maximum extent

possible, and that accomplishes such objectives through the use of the least intrusive alternatives.

SECTION 3. Tennessee Code Annotated, Section 34-7-103, is amended by deleting the language "for the elderly" and substituting instead the language "for the elderly and adults with disabilities".

SECTION 4. Tennessee Code Annotated, Section 34-7-104(a)(1), is amended by deleting the language and substituting instead the following:

(1) To serve as conservator for persons with disabilities who are forty (40) years of age or older and who have no family members or other person, bank, or corporation willing and able to serve as conservator;

SECTION 5. Tennessee Code Annotated, Section 34-7-104(d)(2), is amended by deleting the language "elderly wards" and substituting instead the language "wards"; and by deleting the language "for the elderly" and substituting instead the language "for the elderly and adults with disabilities".

SECTION 6. Tennessee Code Annotated, Section 34-7-105, is amended by deleting the language "for the elderly" and substituting instead the language "for the elderly and adults with disabilities".

SECTION 7. Tennessee Code Annotated, Section 34-7-101, is amended by deleting the language "Public Guardianship for the Elderly Law" and substituting instead the language "Public Guardianship for the Elderly and Adults with Disabilities Law".

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.