

SENATE BILL 2254

By Stevens

AN ACT to amend Tennessee Code Annotated, Title 34,
relative to conservatorship.

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

SECTION 1. Tennessee Code Annotated, Section 34-3-105, is amended by adding the following new subsection:

(g) As used in this section:

(1) "Examination report" means the written report by the examiner of the evaluation of the respondent;

(2) "Examine" means the respondent has been evaluated by an examiner;

(3) "Examiner" means a physician, psychologist, or senior psychological examiner; and

(4) "Sworn" means sworn before a notary public or declared under penalty of perjury as set forth in Tennessee Rules of Civil Procedure, Rule 72.

SECTION 2. Tennessee Code Annotated, Section 34-3-105, is amended by deleting subsections (a) and (b) and substituting:

(a) If the respondent has been examined not more than ninety (90) days prior to the filing of the petition and the examination is pertinent, then the examination report must be submitted with the petition. If the respondent has not been examined within ninety (90) days of the filing of the petition, cannot get out to be examined, or refuses to be voluntarily examined, then the court shall order the respondent to submit to examination by an examiner identified in the petition or, if no examiner is identified in the

petition, by an examiner selected by the court. The examiner on completing the examination shall send the examination report to the court with copies to the petitioner and the guardian ad litem, if one has been appointed. The examiner's examination report must be sworn.

(b) On motion by the petitioner, the respondent, the adversary counsel, the guardian ad litem, if one has been appointed, or on its own initiative, the court may order the respondent to submit to examination by an examiner or other specialists who have expertise in the specific disability of the respondent. The examiner or other specialist shall send the sworn examination report to the court with copies to the petitioner and the guardian ad litem, if one has been appointed. The court may assess the cost of the second examination against the property of the respondent or against the person requesting the examination report.

SECTION 3. Tennessee Code Annotated, Section 34-3-105(c), is amended by deleting the language "Each physician's, psychologist's or senior psychological examiner's sworn report shall contain the following:" and substituting "Each sworn examination report must contain the following:".

SECTION 4. Tennessee Code Annotated, Section 34-3-105(d), is amended by deleting the language "examiner's sworn report" and substituting "sworn examination report".

SECTION 5. This act takes effect upon becoming a law, the public welfare requiring it.