

SENATE BILL 2203
By Burks

AN ACT to amend Tennessee Code Annotated, Title 33;
Title 34; Title 71, Chapter 2 and Title 71, Chapter
6, relative to conservatorship.

WHEREAS, Public Chapter 815 of 2004 required the department of human services, department of children's services, the division of mental retardation services of the department of finance and administration and the department of mental health and developmental disabilities to study the feasibility of a guardianship program for persons who are mentally disabled or physically disabled;

WHEREAS, the study discovered widely divergent conservatorship programs exist in Tennessee and serve persons with disabilities labeled mentally ill or mentally retarded as well as those who are disabled because of age, other disability or a combination of disabilities;

WHEREAS, the commission on aging and disabilities has a federal grant specific to conservatorship services for individuals age 62 and above;

WHEREAS, the department of mental health and developmental disabilities uses state funds to provide conservatorship services for individuals residing in state hospitals;

WHEREAS, the division of mental retardation services provides conservatorship services to certain individuals;

WHEREAS, the department of children's services provides no conservatorship services;

WHEREAS, adult protective services in the department of human services may initiate conservatorship proceedings and may contract for conservatorship services;

WHEREAS, the study found very few local programs, fragmented service delivery, little specific funding, few standards for programs that do exist, little or no training for individuals

involved in the conservatorship process, no statewide capacity assessment standards, or monitoring or instructional material; and

WHEREAS, the study found the state has no centralized conservatorship program and no ability to hire persons to recruit, train and monitor volunteers to act as conservators; now, therefore,

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

SECTION 1. The department of human services, department of children's services, the commission on aging and disabilities, the division of mental retardation services of the department of finance and administration and the department of mental health and developmental disabilities are directed to coordinate any and all programs regarding conservatorships for mentally or physically disabled persons to be more efficient and to better serve the citizens of Tennessee.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.