



February 28, 2020

SUMMARY OF ORIGINAL BILL: Authorizes notification to be published in a newspaper if postal addresses of certain parties cannot be ascertained in conservatorship proceedings. Requires that certain examination reports in conservatorship proceedings are confidential and not open for inspection by the public.

FISCAL IMPACT OF ORIGINAL BILL:

Increase Local Expenditures –
\$21,700/FY20-21 and Subsequent Years/Permissive

SUMMARY OF AMENDMENT (015565): Deletes and replaces all language after the enacting clause such that the only substantive changes are to: 1) exempt petitions that are filed by or on behalf of a regional mental health institute operated by the Department of Mental Health and Substance Abuse Services or by or on behalf of the Department of Intellectual and Developmental Disabilities pertaining to an individual receiving home and community based waiver services or intermediate care facility/intellectual disability (ICF/ID) services; 2) require the petitioner to be responsible for the court costs necessary for initiating the proceedings, including filing fees and costs associated with required notices and publication; and 3) authorize the courts to order the petitioner to be reimbursed.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 34-1-108, notice is required to be served upon the closest relative or relatives of the respondent. Service by mail sent to the last known address of such persons is sufficient.
- Under this legislation, if, after reasonable effort, a postal address cannot be ascertained, a notification may be published in a newspaper of general circulation in the county where the petition is filed, or if there is no newspaper of general circulation published in the county, notice may be posted at the county courthouse.

- This legislation requires the petitioner to be responsible for the court costs necessary for initiating the proceedings, including filing fees and costs associated with required notices and publication; therefore, there will not be a significant impact to local government expenditures.
- Pursuant to Tenn. Code Ann § 34-7-102(a), the public conservatorship program aids disabled persons who are 60 years of age or older and have no family member or friend who is willing and able to serve as conservator.
- The Commission on Aging and Disability (TCAD) has nine district area agencies across the state. Each district has one public guardian who provides services for elderly and disabled Tennesseans in the public guardianship program.
- There is an average of 430 individuals in the program at any given time.
- As this legislation authorizes the courts to order the petitioner to be reimbursed at any point of the proceedings, it is assumed that those petitioners represented in the public conservatorship program would be reimbursed immediately, and thus, there would not be a significant impact on state or local government expenditures.
- Per the language of this legislation, court forms that do not comply may be used until current supplies are exhausted and new forms prepared; therefore, there will not be an increase in expenditures as a result of printing out of circulation.
- Any increase in caseloads to probate courts can be accommodated within existing resources without an increased appropriation or reduced reversion.
- Requiring that certain examination reports in conservatorship proceedings are confidential and not open for inspection by the public will not result in a significant fiscal impact to local government
- Exempting petitions that are filed by or on behalf of a regional mental health institute operated by the Department of Mental Health and Substance Abuse Services or by or on behalf of the Department of Intellectual and Developmental Disabilities pertaining to an individual receiving home and community based waiver services or ICF/ID services will not have significant fiscal impact to state or local government.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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