

HOUSE BILL 24

By Jernigan

AN ACT to amend Tennessee Code Annotated, Title 34
and Title 35, relative to conservatorships.

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

SECTION 1. Tennessee Code Annotated, Section 34-3-104, is amended by adding the following new subdivisions:

() A fingerprint sample from the proposed conservator and the proposed conservator's consent to submit the sample to the Tennessee bureau of investigation to conduct a state criminal history background check and investigation, and then a national criminal history background check to be conducted by the federal bureau of investigation. Any costs incurred by the Tennessee bureau of investigation or the federal bureau of investigation, as appropriate, in conducting such investigations of proposed conservators shall be paid by the petitioner;

() If the petition requests the conservator to manage the property of the respondent, the petition must also contain the proposed conservator's authorization and any information necessary for the court to obtain an independent credit report for the proposed conservator from a consumer reporting agency, as defined in § 603(p) of the Fair Credit Reporting Act, codified in 15 U.S.C. § 1681a(p);

SECTION 2. Tennessee Code Annotated, Title 34, Chapter 3, is amended by adding the following new section:

(a) Upon receiving the fingerprint sample and consent required by § 34-3-104, the court shall submit the proposed conservator's fingerprints to the Tennessee bureau of investigation for a state criminal history background check and investigation and then

a national criminal history background check to be conducted by the federal bureau of investigation.

(b) If the petition contains authorization to obtain an independent credit report for the proposed conservator, the court shall use the information provided in the petition to obtain the independent credit report.

(c) If the court determines that a conservatorship is needed, but declines to appoint the proposed conservator named in the petition, the court must request any other proposed conservator to submit a fingerprint sample and consent for a criminal history background check and, if applicable, authorization and any information necessary for the court to obtain an independent credit report.

(d) The court shall not enter an order appointing a conservator until reviewing the results of a criminal history background check and, if applicable, an independent credit report for that conservator.

SECTION 3. Tennessee Code Annotated, Title 34, Chapter 3, is further amended by adding the following new section:

(a) Any individual appointed to serve as a conservator must complete educational training on conservatorships, unless the court enters an order stating that the individual does not require the training because the individual has previously completed the training.

(b) A conservator must complete the required educational training within thirty (30) days of appointment. Upon completion, the appointed conservator shall provide an affidavit of completion to the court, certifying that the educational training has been completed. If the court does not receive an affidavit of completion within thirty (30) days of appointment of a conservator, the court may discharge the conservator pursuant to § 34-3-108 for failure to perform the duties and obligations of a conservator.

(c) The commission on aging shall coordinate the education program for conservators, and shall update the program materials and requisite forms as necessary. The educational training may include the following:

- (1) Written materials;
- (2) Recorded information, whether audio, visual, or both; or
- (3) A combination of the above.

SECTION 4. This act shall take effect July 1, 2019, the public welfare requiring it, and shall apply to petitions for conservatorship filed on or after that date.