

HOUSE BILL 1994

By Stevens

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 21, Part 4 and Title 34, Chapter 8, relative to the transfer of guardianships and conservatorships.

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

SECTION 1. Tennessee Code Annotated, Title 34, Chapter 8, Part 3, is amended by adding the following as a new section:

(a)

(1) A guardian or conservator appointed in this state may file a motion with the court making the appointment requesting a transfer of the guardianship or conservatorship to a court in another county of this state.

(2) The fee for filing a motion to transfer a guardianship or conservatorship to a court in another county of this state must not exceed the cost set forth in § 8-21-401(c)(6).

(3) In a motion to transfer a guardianship or conservatorship under this subsection (a), the ward has the same rights as in § 34-3-106.

(b) Notice of a motion to transfer under subsection (a) must be given to the persons who are entitled to notice of a petition in this state for the appointment of a guardian or conservator.

(c) A hearing must be set on the transferring court's regular motion docket unless circumstances require the motion to be heard as a specially set matter.

(d) The transferring court shall issue an order provisionally granting a motion to transfer a guardianship or conservatorship and shall direct the guardian or conservator to petition for guardianship or conservatorship in the receiving court if the transferring

court is satisfied that the guardianship or conservatorship will be accepted by the receiving court and the transferring court finds that:

(1) The disabled person or minor is physically present in or is reasonably expected to move permanently to a county in the jurisdiction of the receiving court;

(2) An objection to the transfer has not been made or, if an objection has been made, the objector has not established that the transfer would be contrary to the interests of the disabled person or minor; and

(3) Plans for care and services for the disabled person or minor in the other county are reasonable and sufficient.

(e)

(1) Upon receipt of the signed order granting provisional transfer to the receiving court, a guardian or conservator shall petition the receiving court requesting provisional acceptance of the transfer of the guardianship or conservatorship.

(2) The fee for a petition requesting provisional acceptance of the transfer of a guardianship or conservatorship must not exceed the cost set forth in § 8-21-401(c)(6).

(3) In a petition to accept the transfer of a guardianship or conservatorship under this subsection (e), the ward has the same rights as in § 34-3-106.

(f) The receiving court shall issue an order provisionally accepting the transfer of the guardianship or conservatorship if the receiving court is satisfied that the conditions listed in subsection (d) have been met.

(g) Upon receipt of the signed order accepting provisional transfer to the receiving court, a guardian or conservator must file a motion with the transferring court requesting final approval of the transfer of the guardianship or conservatorship.

(h) Upon receipt of the signed order granting final approval of the transfer to the receiving court, a guardian or conservator must file a motion with the receiving court requesting final acceptance of the transfer of the guardianship or conservatorship.

(i) Upon the receiving court's final approval, the guardian or conservator must file a copy of the signed order with the clerk of the transferring court and the clerk of the receiving court, and the clerks are responsible for the transfer of the guardianship or conservatorship file from the transferring court to the receiving court.

(j) The receiving court may require in the final order accepting the transfer of the guardianship or conservatorship that a hearing be held within ninety (90) days of the acceptance of the transfer to allow the court to review the guardianship or conservatorship for any needed changes.

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