



# *State of Tennessee*

## **PUBLIC CHAPTER NO. 305**

### **SENATE BILL NO. 1440**

**By Akbari**

Substituted for: House Bill No. 581

**By Ragan**

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

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

SECTION 1. Tennessee Code Annotated, Section 34-1-106(b), is amended by deleting the subsection and substituting:

The petitioner shall give notice to the closest relative of the respondent required to be named in the petition and to the person, if any, having care or custody of the respondent, institution, or residential provider with whom the respondent is living by certified mail or personal service in accordance with the Tennessee Rules of Civil Procedure. 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, except where such petitions are filed by or on behalf of a regional mental health institute owned and 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.

SECTION 2. Tennessee Code Annotated, Section 34-1-108(c)(3), is amended by adding the following sentence at the end of the subdivision:

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, except where such petitions are filed by or on behalf of a regional mental health institute owned and 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.

SECTION 3. Tennessee Code Annotated, Section 34-3-105, is amended by adding the following as a new subsection (f):

(f) Reports and documents prepared under this section are confidential and are not open for inspection by the public. However, this section does not:

- (1) Limit the respondent or the respondent's agent or attorney from having access to any such reports or documents about the respondent; or
- (2) Prohibit an investigative body from accessing any such reports or documents as authorized or required by law.

SECTION 4. Tennessee Code Annotated, Section 34-3-106(6), is amended by deleting the subdivision and substituting instead the following:

(6) Request a protective order placing under seal the respondent's financial information and any health information not otherwise protected by § 34-3-105(f).

SECTION 5. Tennessee Code Annotated, Section 34-1-114, is amended by adding the following language as a new subsection:

(c) Notwithstanding subsections (a) and (b), the petitioner is responsible for the court costs necessary for initiating proceedings, including filing fees and costs associated with required notices and publication. At any point in the proceedings, in the court's discretion, such costs may be charged according to subsection (a) and the petitioner may be reimbursed.

SECTION 6. Any court forms that do not comply with this act may be used until current supplies are exhausted and new forms prepared.

SECTION 7. This act takes effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 1440

PASSED: April 22, 2021

  
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RANDY McNALLY  
SPEAKER OF THE SENATE

  
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CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 4<sup>th</sup> day of May 2021

  
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BILL LEE, GOVERNOR