

HOUSE BILL 634

By Clemmons

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 34 and Title 71, Chapter 2, relative to
conservatorships.

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

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

(a) There is created the conservatorship management task force, hereafter referred to in this section as the "task force".

(b) The task force is composed of nine (9) members, which include:

(1) The commissioner of disability and aging or the commissioner's designee;

(2) The commissioner of health or the commissioner's designee;

(3) The director of the administrative office of the courts or the director's designee;

(4) The commissioner of human resources or the commissioner's designee;

(5) The commissioner of mental health and substance abuse services or the commissioner's designee; and

(6) The following public members, to be appointed by the governor:

(A) One (1) current member of the judiciary with experience in probate matters;

(B) One (1) representative from the Conservatorship Association of Tennessee;

(C) One (1) representative from either a legal services program or legal aid office in this state, or an attorney who contracts with either program or office; and

(D) One (1) representative of the Tennessee Center for Decision-Making Support.

(c) Initial appointees to the task force under subdivision (b)(6) serve staggered terms as follows:

(1) The persons appointed under subdivisions (b)(6)(A) and (b)(6)(B) shall serve initial terms terminating on June 30, 2027; and

(2) The persons appointed under subdivisions (b)(6)(C) and (b)(6)(D) shall serve initial terms terminating on June 30, 2028.

(d)

(1) Following the expiration of members' initial terms as prescribed in subsection (c), all appointments to the task force are for terms of three (3) years and shall begin on July 1 and terminate on June 30, three (3) years thereafter.

(2) Public members shall serve until the expiration of the term to which they were appointed and until their successors are appointed and qualified.

(3) Members are eligible for reappointment to the task force following the expiration of their terms, but shall serve no more than two (2) consecutive three-year terms.

(e) The purpose of the task force is to:

(1) Review the care and management provided by conservators to determine the health, safety, and welfare of individuals under a conservatorship and make recommendations;

(2) Determine the amount of assets managed by conservators and review the management of assets by conservators;

(3) Review the provision and direction of available resources to promote effective and successful conservatorships;

(4) Review education offerings and requirements for conservators and the public about conservatorships in this state;

(5) Determine a process to provide notification to the court when a conservator is removed for cause;

(6) Determine the capacity to document and track information for conservatorships in one (1) central location;

(7) Review the capacity to detect fraud and abuse of persons subject to conservatorship by enhancing this state's ability to identify potential areas of concern;

(8) Review the capacity of the public guardianship program and determine the need for an independent conservator panel or professional conservators;

(9) Review the monitoring of conservatorships and determine the necessity for a central oversight office; and

(10) Address other issues identified in the course of the work of the task force.

(f) A majority of the members constitutes a quorum. The governor shall appoint a chair from the members appointed pursuant to subdivision (b)(6).

(g) The task force shall meet quarterly and may meet more often upon a call of the chair.

(h) The task force shall submit a report of its findings and recommendations to the department of disability and aging and the administrative office of the courts no later than December 31, 2025 and every year thereafter.

(i) The task force is administratively attached to the department of disability and aging. All appropriate agencies of state government shall provide assistance to the task force upon request of the task force.

(j) If vacancies occur on the task force for any cause, then the governor shall fill the vacancies within sixty (60) days for the duration of the unexpired term, if applicable.

(k) No members of the task force shall receive compensation, nor shall members be entitled to reimbursement for actual travel and other expenses incurred in attending any meeting and in performing any duties prescribed in this section.

SECTION 2. For the purpose of appointing members to the task force, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2025, the public welfare requiring it.