

HOUSE BILL 2003

By Farmer

AN ACT to amend Tennessee Code Annotated, Title 34,
relative to attorneys ad litem.

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

SECTION 1. Tennessee Code Annotated, Section 34-1-114(a), is amended by deleting the subsection and substituting:

(a) The costs of the proceedings, which are the court costs, the guardian ad litem fee and expenses incurred by the guardian ad litem in conducting the required investigations, the required medical examination costs, the cost of any attorney ad litem appointed, and the attorney's fee for the petitioner, may, in the court's discretion, be charged against the property of the respondent to the extent the respondent's property exceeds the supplemental security income eligibility limit, or to the petitioner or any other party, or partially to any one (1) or more of them as determined in the court's discretion. In exercising its discretion to charge some or all of the costs against the respondent's property, the fact a conservator is appointed or would have been appointed but for an event beyond the petitioner's control is to be given special consideration. The guardian ad litem fee, attorney ad litem fee, and attorney's fee for the petitioner must be established by the court. If a fiduciary is cited for failure to file an inventory or accounting, the costs incurred in citing the fiduciary, in the discretion of the court, may be charged to and collected from the cited fiduciary.

SECTION 2. Tennessee Code Annotated, Section 34-1-125(b), is amended by deleting the subsection in its entirety.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.