

Amendment No. _____

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Signature of Sponsor

AMEND Senate Bill No. 264*

House Bill No. 941

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 34-1-127, is amended by deleting the section in its entirety and substituting instead the following:

(a) The court has an affirmative duty to ascertain and impose the least restrictive alternatives upon the person with a disability that are consistent with adequate protection of the person with a disability and the property of the person with a disability, including less restrictive alternatives to conservatorship, including, but not limited to, supported decision-making.

(b) If the court accepts supported decision-making as a less restrictive alternative to conservatorship, a supported decision-making arrangement and relationship may be operationalized by methods including, but not limited to:

(1) A power of attorney executed with the same formality as a durable power of attorney as defined in the Uniform Durable Power of Attorney Act, compiled in chapter 6, part 1 of this title;

(2) Health care advance directives; and

(3) Through service plans related to education, vocational rehabilitation, and medicaid supports.

(c) Nothing in this chapter shall be construed to limit the way supported decision-making may be operationalized or require that supported decision-making be operationalized only in accordance with subsection (b).



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(d) This section shall be liberally construed to effectuate and give force and effect to supported decision-making arrangements or agreements that may be designed differently than the methods described in this chapter if the court finds supported decision-making to be the intent of the person with a disability.

SECTION 2. Tennessee Code Annotated, Section 34-1-101, is amended by adding the following new subdivisions:

() "Supported decision-making" means a less restrictive alternative available to any person with a disability that provides a plan for supporting and accommodating a person with a disability in a manner that enables the person to make life decisions, including where the person wants to live; the services, supports, and medical care the person wants to receive; how the person uses the person's own money; with whom the person wants to live; and where the person wants to work, without impeding the self-determination of the person with a disability;

() "Less restrictive alternatives to conservatorship" are techniques that provide assistance in decision-making for people who are not under conservatorship and include, but are not limited to, supported decision-making techniques and agreements;

SECTION 3. This act shall take effect on July 1, 2018, the public welfare requiring it.