

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: SB585

House of Origin ☐ Introduced ☒ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Dunnavant

3. Committee: Rehabilitation and Social Services

4. Title: Guardianship; supported decision making.

5. Summary: Provides that if the respondent to a guardianship or conservatorship petition is between 17 and a half and 21 years of age and has an Individualized Education Plan (IEP), the guardian ad litem appointed to represent the respondent shall review the IEP and include the results of his review in the report required to be submitted to the court, and it requires the Superintendent of Public Instruction to make available transitional materials prepared by the Department of Behavioral Health and Developmental Services that include information about powers of attorney and guardianship to be provided to students and parents during the student's annual IEP meeting.

The bill also requires the guardian ad litem to consider whether a less restrictive alternative, including the use of an advance directive or durable power of attorney, is available to provide assistance to the respondent.

The bill requires the court, upon appointment of a guardian or conservator, to inform such person of his duties and that the respondent should be encouraged to participate in decisions, act on his own behalf, and develop or maintain the capacity to manage his personal affairs if he retains any decision-making rights. The bill sets out specific language to be included in all orders of appointment of a guardian.

Finally, the bill requires the Department of Behavioral Health and Developmental Services to convene a group of stakeholders to study the use of supported decision-making agreements.

As introduced, the bill was a recommendation of the Joint Commission on Health Care.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: No.

8. Fiscal Implications: The substitute version of this bill has no fiscal impact.

9. Specific Agency or Political Subdivisions Affected: Department of Behavioral Health and Developmental Services; Department of Education

10. Technical Amendment Necessary: No.

11. Other Comments: None.