

HOUSE BILL 62

By Lamberth

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 1 and Section 68-3-313, relative to adoption records.

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

SECTION 1. Tennessee Code Annotated, Section 36-1-102(30), is amended by deleting the language "36-1-131,".

SECTION 2. Tennessee Code Annotated, Section 36-1-102(41)(A), is amended by deleting the language "the contact veto registry established by this part,".

SECTION 3. Tennessee Code Annotated, Section 36-1-102(41)(A), is amended by deleting the language "pursuant to the requirements of the contact veto process".

SECTION 4. Tennessee Code Annotated, Section 36-1-111(b)(4), is amended by deleting the following language:

12. Contact Veto.

I understand that information about who I am, where I live, my social and medical history and other similar information will be available to the adopted person when he/she is 21 years old or older if the adopted person asks for the information.

Identifying information about me will not be released if I am the victim of rape or incest and that fact is known to DCS and I have not consented to release of the information. Even if the adopted person obtains information about me, I understand that I may direct that the adopted person not be allowed to contact me by registering a "contact veto" on this form or separately with the Tennessee Department of Children's Services at:

Contact Veto Registry

Post Adoption Unit
Tennessee Department of Children's Services
315 Deaderick Street
UBS Tower, 9th Floor
Nashville, TN 37243

I may also change my previously expressed direction regarding contact at the same address. If I am contacted in violation of a contact veto, the adopted person will be guilty of a Class B misdemeanor and I can sue them for injunctive relief and compensatory and punitive damages and attorney's fees.

a. Do you want to register a contact veto in order to prevent the adopted person from contacting you in the future? Yes [] No [].

b. If identifying information about you is going to be released to the adopted person do you want to be notified before the information is released? Yes [] No [].

c. Please supply a permanent address and telephone number for the Department to use to consult with you regarding release of information about you to the adopted person:

d. Please describe any other directions regarding future contact and or any information you want passed on to the adopted person:

SECTION 5. Tennessee Code Annotated, Section 36-1-126(a), is amended by deleting subdivisions (3), (4), and (5) in their entirety.

SECTION 6. Tennessee Code Annotated, Section 36-1-126(a), is amended by deleting the language "or where the surrender or confirmation of parental consent or revocation of a surrender or parental consent was taken".

SECTION 7. Tennessee Code Annotated, Section 36-1-126(b)(1), is amended by deleting the language "or revoking the surrender or the parental consent or upon conclusion of

all termination of parental rights proceedings that were filed in conjunction with an adoption proceeding".

SECTION 8. Tennessee Code Annotated, Section 36-1-126(b)(4), is amended by deleting the language "or dismissal of termination proceedings that were filed in conjunction with an adoption proceeding, or upon revocation of a surrender or parental consent, or modification of an order of guardianship".

SECTION 9. Tennessee Code Annotated, Section 36-1-126(b)(4), is amended by deleting the language "or surrender proceedings were initiated or filed shall forward a certified copy of the orders" and substituting instead the language "proceeding was initiated or filed shall forward a certified copy of the order".

SECTION 10. Tennessee Code Annotated, Section 36-1-126(c)(1), is amended by deleting the language ", the order revoking the surrender, or the order dismissing the order of guardianship".

SECTION 11. Tennessee Code Annotated, Section 36-1-127(c)(1)(B), is amended by deleting the language ", and, notwithstanding any other of the following provisions of this part to the contrary, the adopted person or a person for whom records are maintained as described in subdivision (c)(1)(A), such person's legal representative shall, under no circumstances, be required to take any affirmative action pursuant to the contact veto provisions of this part to protect the confidentiality of such identifying information".

SECTION 12. Tennessee Code Annotated, Section 36-1-127(c)(1)(C), is amended by deleting the language ". A lineal descendant given access pursuant to this subdivision (c)(1)(C) is subject to all the requirements of the contact veto process".

SECTION 13. Tennessee Code Annotated, Section 36-1-127(c), is amended by deleting subdivision (2) in its entirety.

SECTION 14. Tennessee Code Annotated, Section 36-1-127(c)(3), is amended by deleting the language "contact veto registry process and".

SECTION 15. Tennessee Code Annotated, Section 36-1-127(e)(2), is amended by deleting the language "A lineal descendant given access pursuant to this subsection (e) is subject to all requirements of the contact veto process."

SECTION 16. Tennessee Code Annotated, Section 36-1-127, is amended by deleting subsections (d) and (f) in their entireties.

SECTION 17. Tennessee Code Annotated, Sections 36-1-128, 36-1-129, 36-1-130, 36-1-131, and 36-1-132, are amended by deleting the sections in their entireties.

SECTION 18. Tennessee Code Annotated, Section 36-1-133(b), is amended by deleting the language ", if those biological or legal relatives have not registered their consent as provided under §§ 36-1-128 - 36-1-131, or".

SECTION 19. Tennessee Code Annotated, Section 36-1-134(a)(2), is amended by deleting the language "A lineal descendant given access to records under this subdivision (a)(2) is subject to the requirements of the contact veto process."

SECTION 20. Tennessee Code Annotated, Section 36-1-134(b), is amended by deleting the language ", or a person eligible to file a contact veto".

SECTION 21. Tennessee Code Annotated, Section 36-1-137(c), is amended by deleting the subsection in its entirety.

SECTION 22. Tennessee Code Annotated, Section 36-1-138(c)(7), is amended by deleting the language "The effect of any order permitting the lineal descendant who is permitted to have access pursuant to this subdivision (c)(7) shall be to make the lineal descendant subject to the contact veto process."

SECTION 23. Tennessee Code Annotated, Section 36-1-138(g), is amended by deleting the subsection in its entirety.

SECTION 24. Tennessee Code Annotated, Section 36-1-138, is amended by deleting the language "- 36-1-131" wherever it appears.

SECTION 25. Tennessee Code Annotated, Section 36-1-141(a)(1)(A), is amended by deleting subdivisions (ii) and (iii) in their entirety.

SECTION 26. Tennessee Code Annotated, Section 36-1-141(b)(7), is amended by deleting the subdivision in its entirety.

SECTION 27. Tennessee Code Annotated, Section 36-1-141(c)(3), is amended by deleting the language "contact veto or consent to contact or".

SECTION 28. Tennessee Code Annotated, Title 36, Chapter 1, Part 3, is amended by deleting the part in its entirety.

SECTION 29. Tennessee Code Annotated, Section 68-3-313(a)(3), is amended by deleting the language ", § 36-1-127 or § 36-1-130" and substituting instead the language "or § 36-1-127".

SECTION 30. By June 1, 2022, the department of children's services shall notify each individual who has registered a contact veto at the most recent address contained in the contact veto registry of this act and its effective date.

SECTION 31. Section 30 of this act shall take effect upon becoming a law, the public welfare requiring it. All other provisions of this act shall take effect July 1, 2022, the public welfare requiring it.