

SENATE BILL 440

By Haile

AN ACT to amend Tennessee Code Annotated, Title 36,
Chapter 1, Part 1, relative to adoption.

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

SECTION 1. Tennessee Code Annotated, Section 36-1-112(a)(1), is amended by deleting the subdivision in its entirety and substituting instead the following:

A surrender may be invalidated or revoked only by court order entered pursuant to a timely filed complaint filed pursuant to subsection (d) or as permitted by order of the court entered pursuant to § 36-1-118.

SECTION 2. Tennessee Code Annotated, Section 36-1-112(b), is amended by deleting the language “surrender or”.

SECTION 3. Tennessee Code Annotated, Section 36-1-112(c)(1), is amended by deleting the language “receiving the revocations shall maintain the originals” and substituting instead the language “receiving a revocation of parental consent shall maintain the original”; and is further amended by deleting the language “copies of the revocations to the child’s parents” and substituting instead the language “copies of the revocation of parental consent to the child’s parents”.

SECTION 4. Tennessee Code Annotated, Section 36-1-112(d), is amended by deleting the following:

After the revocation period has expired or after the court has entered an order confirming a parental consent, no surrender or waiver of interest or parental consent shall be set aside by a court except upon clear and convincing evidence of duress, fraud, intentional misrepresentation or for invalidity under § 36-1-111(d), and substituting instead the following:

After a surrender or after the court has entered an order confirming a parental consent, no surrender or waiver of interest or parental consent shall be set aside or revoked by a court except pursuant to § 36-1-118, for invalidity under § 36-1-111(d), or upon clear and convincing evidence of duress, fraud, or intentional misrepresentation,

SECTION 5. Tennessee Code Annotated, Section 36-1-112(e)(2)(A), is amended by deleting the language “who executed and revoked the surrender or parental consent” and substituting instead the language “who executed the surrender or revoked the parental consent”; and is further amended by deleting the language “where the revocation was executed” and substituting instead the language “where the revocation was ordered or executed”.

SECTION 6. Tennessee Code Annotated, Section 36-1-112(e)(2)(C)(i), is amended by deleting the language “who executed and revoked the surrender or parental consent” and substituting instead the language “who executed the surrender or revoked the parental consent”.

SECTION 7. Tennessee Code Annotated, Section 36-1-112(e)(3)(A), is amended by deleting the language “parental consent that was revoked by that parent” and substituting instead the language “revocation of parental consent”.

SECTION 8. Tennessee Code Annotated, Section 36-1-112(e)(3)(B), is amended by deleting the language “the court receiving the revocation” and substituting instead the language “the court ordering the revocation of the surrender or receiving the revocation of parental consent”.

SECTION 9. Tennessee Code Annotated, Section 36-1-112(f), is amended by adding the language “ordered or” immediately after the language “the court where the revocation was”.

SECTION 10. Tennessee Code Annotated, Section 36-1-102(16), is amended by deleting the language “or revocation of surrenders” and “and to take a revocation of such surrender” and “and revocations”.

SECTION 11. Tennessee Code Annotated, Section 36-1-111(b), is amended by deleting the language “of the right of revocation of the surrender and time for the revocation and

the procedure for such revocation” and substituting instead the language “that the person may not revoke the surrender”.

SECTION 12. Tennessee Code Annotated, Section 36-1-111(e), is amended by deleting the subsection and substituting instead the following:

The surrender form shall incorporate a provision stating to the surrendering parent or guardian that the parent or guardian may not revoke the surrender of the child.

SECTION 13. Tennessee Code Annotated, Section 36-1-111(k)(2)(G), is amended by deleting the language “revoke the surrender or consent” and substituting instead the language “revoke the consent”; and is further amended by adding the language “, and that there is no right to revoke the surrender” immediately after the language “may be executed”.

SECTION 14. Tennessee Code Annotated, Section 36-1-111(x)(1), is amended by deleting the language “, after the expiration of the ten-day period for revocation,”.

SECTION 15. Tennessee Code Annotated, Section 36-1-113(n), is amended by deleting the language “or revocations” and “or § 36-1-112”.

SECTION 16. Tennessee Code Annotated, Section 36-1-141(b)(3), is amended by deleting the language “surrenders and”.

SECTION 17. This act shall take effect upon becoming a law, the public welfare requiring it.