

SENATE BILL 542

By Walley

AN ACT to amend Tennessee Code Annotated, Title 29; Title 36; Title 37; Title 47 and Title 71, relative to adoption.

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

SECTION 1. Tennessee Code Annotated, Section 47-18-104(b), is amended by adding the following as a new subdivision:

() Providing services related to adoption, including, but not limited to, counseling or facilitating, and the services are provided using false or misleading representations of fact or deceptive representations;

SECTION 2. Tennessee Code Annotated, Title 29, Chapter 34, Part 2, is amended by adding the following new section:

29-34-214.

(a) A person who is a party to an adoption in this state that violates title 36, chapter 1, part 1 or title 71, chapter 3, part 5 may bring an action for wrongful adoption against any licensed child-placing agency, chartered child-placing agency, or licensed clinical social worker, as those terms are defined in § 36-1-102, that performed, assisted, recommended, or participated in the adoption and knew or reasonably should have known that the adoption was in violation of state law.

(b) A person who brings a successful claim for wrongful adoption may recover:

(1) Compensatory damages, including, but not limited to, noneconomic damages, as defined in § 29-39-101(2);

(2) Punitive damages, as provided in § 29-39-104, if appropriate; and

(3) Liquidated damages of no less than one hundred thousand dollars (\$100,000) for each child who is adopted in violation of state law.

SECTION 3. Tennessee Code Annotated, Section 36-1-108, is amended by adding the following as a new subsection:

(e)

(1) A person commits an offense who engages or attempts to engage in placing children for adoption in violation of the requirements of this part or title 71, chapter 3, part 5.

(2) A violation of this subsection (e) is a Class A misdemeanor.

SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it.