



State of Tennessee

PUBLIC CHAPTER NO. 187

SENATE BILL NO. 270

By Johnson, Haile, White

Substituted for: House Bill No. 318

By Lamberth, Cochran, Rudder, Russell, Bricken, Alexander, Gant, Helton-Haynes, Littleton, Moody, Ragan, Lynn, Hazlewood, Doggett

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 1, Part 1 and Title 37, Chapter 2, Part 4, relative to children.

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

SECTION 1. Tennessee Code Annotated, Section 36-1-109(a)(1)(B)(i), is amended by deleting the language "ninety (90) days prior to or forty-five (45) days" and substituting "the duration of the pregnancy and ninety (90) days".

SECTION 2. Tennessee Code Annotated, Section 36-1-109(a)(1)(B)(ii), is amended by deleting the language "one (1) year" and substituting "two (2) years".

SECTION 3. Tennessee Code Annotated, Section 36-1-111(b)(1), is amended by deleting the language "in chambers" and inserting "A surrender made under this section may be made in chambers or over a virtual video platform on which the court sees the person or persons surrendering the child. The decision whether to conduct the surrender in chambers or over a virtual video platform is within the court's discretion." at the end of the subdivision.

SECTION 4. Tennessee Code Annotated, Section 36-1-111(b)(3), is amended by deleting the language "I know that I should only sign this form if I want my parental rights terminated. If I want to talk to my own lawyer before I sign this form, I should tell the Judge or other officiant now and this surrender process will stop. I can talk to my lawyer and then decide if I still want to end my parental rights." and substituting "I know that I should only sign this form if I want my parental rights terminated. If I want to talk to my own lawyer before I sign this form, I should tell the Judge or other officiant now and this surrender process will stop. I can talk to my lawyer and then decide if I still want to end my parental rights. If I do not have my own lawyer, I understand that I am free to go obtain my own lawyer and this surrender process will stop until I have done so, or I may continue without my own lawyer at this time. The judge or other officiant has also advised me that once my child is born, I am still free to obtain my own lawyer, who I can consult with prior to and during any reaffirmation of this surrender which I may choose to make."

SECTION 5. Tennessee Code Annotated, Section 36-1-111(d)(2), is amended by deleting the subdivision and substituting:

(2) A surrender or parental consent may be made at any time prior to birth, but a surrender or parental consent made prior to the birth of a child shall not be filed with the clerk of court until after the birth of the child and until the surrendering party or parties have filed a written reaffirmation of their desire to surrender the child, unless the surrender was executed in accordance with subsection (g). At the time of taking a parental consent prior to the birth of the child, the judge shall explain to the consenting parent the legal effect of signing the document, the time limit for withdrawal of the consent, and the procedures for withdrawal of the consent. Any surrender or parental consent made prior to the birth of a child must be reaffirmed within three (3) calendar days of the birth of the child, except a surrender executed in accordance with subsection (g).

SECTION 6. Tennessee Code Annotated, Section 36-1-111(d)(3), is amended by deleting the language "that is made within three (3) calendar days subsequent to the date of the child's birth, such period to begin on the day following the child's birth" and substituting "unless made after the

earlier of discharge from a hospital or other birthing facility or forty-eight (48) hours following the child's birth".

SECTION 7. Tennessee Code Annotated, Section 36-1-119(a), is amended by deleting the subsection and substituting:

(a) Unless the child is related to the petitioners, a final order of adoption shall not be entered before the home study has been filed with the court and before the petition has been on file at least six (6) months and before a final court report is filed with the court, except when the order is based upon a petition for re-adoption pursuant to § 36-1-106; however, the court, considering the petition as a whole, may deem it in the best interest of the child to reduce the waiting period to three (3) months.

SECTION 8. Tennessee Code Annotated, Section 36-1-119(c), is amended by deleting the language "six (6) months" and substituting "three (3) months".

SECTION 9. Tennessee Code Annotated, Section 36-1-127(e), is amended by adding the following as a new subdivision:

(3) Notwithstanding § 36-1-149 or another law to the contrary, no identifying information from the sealed records, sealed adoption records, or post-adoption records may be released if the biological parent of the adopted person has executed a request for redaction of identifying information, and the adopted person was less than six (6) months old at the time the request was executed. Such request for redaction must be made on a form created by the department, and may only be rescinded by submission of a sworn, notarized statement requesting such rescission. The rescission is effective upon the department's acknowledgment of receipt of the rescission.

SECTION 10. Tennessee Code Annotated, Section 37-2-401, is amended by adding the following as a new subsection:

(d) The department of children's services shall strive to identify and finalize a safe, stable, and permanent home for children in the custody of the department.

SECTION 11. Tennessee Code Annotated, Section 37-2-405, is amended by adding the following as a new subdivision:

(5) A list of services available from other state programs or agencies.

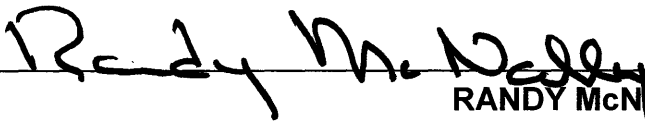
SECTION 12. Tennessee Code Annotated, Section 37-2-415(a)(22), is amended by deleting the subdivision and substituting:

(22) The department shall permit the foster parent or parents a period of respite for up to six (6) months, free from placement of foster children in the family's home with follow-up contacts by the agency occurring at a minimum of every three (3) months, without threat of reprisal. The foster parent or parents shall provide reasonable notice, as determined by the department, to the department for respite.

SECTION 13. This act takes effect on July 1, 2023, the public welfare requiring it.


SENATE BILL NO. 270

PASSED: April 6, 2023


RANDY McNALLY
SPEAKER OF THE SENATE


CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 24th day of April 2023


BILL LEE, GOVERNOR