

State of Tennessee

PUBLIC CHAPTER NO. 875

HOUSE BILL NO. 1856

By Representatives Carter, Madam Speaker Harwell, Moody, Marsh, Faison, Beck, Crawford, Mark White, Butt, Sherrell, Cameron Sexton, Keisling, Kevin Brooks, Lamberth, Dawn White, Howell, Jernigan, Powell, Travis, Stewart, Windle, DeBerry, Hazlewood, Harry Brooks, Calfee, Curcio, Reedy, Kane, Wirgau, Moon, Terry, Ragan, Eldridge, Love, Ramsey, Gant, Sanderson, Tillis, Littleton, Rudd, Rogers, Byrd, Holsclaw, Powers, Sparks, Williams, Lynn, Fitzhugh, McCormick, Staples, Clemmons, Daniel, Hardaway

Substituted for: Senate Bill No. 1851

By Senators Haile, Massey, Yarbro

AN ACT to amend Tennessee Code Annotated, Title 36 and Title 37, Chapter 5, relative to adoption.

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

SECTION 1. Tennessee Code Annotated, Section 36-1-102(1)(A)(i), is amended by deleting the language "proceeding or pleading" and substituting instead the language "proceeding, pleading, petition, or any amended petition".

SECTION 2. Tennessee Code Annotated, Section 36-1-102(1), is amended by deleting the words "willful" and "willfully" wherever they appear and by adding the following new subdivision:

() For purposes of this subdivision (1), it shall be a defense to abandonment for failure to visit or failure to support that a parent or guardian's failure to visit or support was not willful. The parent or guardian shall bear the burden of proof that the failure to visit or support was not willful. Such defense must be established by a preponderance of evidence. The absence of willfulness is an affirmative defense pursuant to Rule 8.03 of the Tennessee Rules of Civil Procedure;

SECTION 3. Tennessee Code Annotated, Section 36-1-102(1)(A)(ii), is amended by deleting the subdivision and substituting instead the following:

(ii)

(a) The child has been removed from the home or the physical or legal custody of a parent or parents or guardian or guardians by a court order at any stage of proceedings in which a petition has been filed in the juvenile court alleging that a child is a dependent and neglected child, and the child was placed in the custody of the department or a licensed child-placing agency;

(b) The juvenile court found, or the court where the termination of parental rights petition is filed finds, that the department or a licensed child-placing agency made reasonable efforts to prevent removal of the child or that the circumstances of the child's situation prevented reasonable efforts from being made prior to the child's removal; and

(c) For a period of four (4) months following the physical removal, the department or agency made reasonable efforts to assist the parent or parents or the guardian or guardians to establish a suitable home for the child, but that the parent or parents or the guardian or guardians have not made reciprocal reasonable efforts to provide a suitable home and have demonstrated a lack of concern for the child to such a degree that it appears unlikely that they will be able to provide a suitable home for the child at an early date. The efforts of the department or agency to assist a parent or guardian in establishing a suitable home for the child shall be found to be reasonable if such efforts equal or exceed

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the efforts of the parent or guardian toward the same goal, when the parent or guardian is aware that the child is in the custody of the department;

SECTION 4. Tennessee Code Annotated, Section 36-1-102(1)(D), is amended by inserting the following language immediately preceding the semicolon at the end of the subdivision:

. That the parent had only the means or ability to make small payments is not a defense to failure to support if no payments were made during the relevant four-month period

SECTION 5. Tennessee Code Annotated, Section 36-1-102(1)(E), is amended by inserting the following language immediately preceding the semicolon at the end of the subdivision:

. That the parent had only the means or ability to make very occasional visits is not a defense to failure to visit if no visits were made during the relevant four-month period;

SECTION 6. Tennessee Code Annotated, Section 36-1-102(44), is amended by deleting the language "cousins of the first degree" and substituting instead the language "cousins of the first degree, or first cousins once removed,".

SECTION 7. Tennessee Code Annotated, Section 36-1-113, is amended by redesignating subdivisions (d)(3)(A)(iv) and (v) as new subdivisions (d)(2)(E) and (F) respectively and by deleting the remainder of subdivision (d)(3)(A) and substituting instead the following:

(A) The petition, or allegations in the adoption petition, shall contain a verified statement that:

(i) The putative father registry maintained by the department has been consulted within ten (10) working days of the filing of the petition and shall state whether there exists any claim on the registry to the paternity of the child who is the subject of the termination or adoption petition;

(ii) Any putative father registry maintained by another state in which the child was born has been consulted within ten (10) working days of the filing of the petition and shall state whether there exists any claim on that registry to the paternity of the child who is the subject of the termination or adoption petition; and

(iii) If the petitioner knows or has reason to believe that the mother was living or present in another state at the time of the child's conception, any putative father registry maintained by that state has been consulted within ten (10) working days of the filing of the petition and shall state whether there exists any claim on that registry to the paternity of the child who is the subject of the termination or adoption petition.

SECTION 8. Tennessee Code Annotated, Section 36-1-116(b)(13)(A), is amended by deleting the language "putative father registry within ten (10)" and substituting instead the language "Tennessee putative father registry and the putative father registry of any other state required by § 36-1-113(d)(3)(A) within ten (10)".

SECTION 9. Tennessee Code Annotated, Section 36-1-113(d)(3)(C)(i), is amended by deleting the subdivision and substituting instead the following:

(i) The petition or request for termination in the adoption petition, if granted, shall have the effect of forever severing all of the rights, responsibilities, and obligations of the parent or parents or the guardian or guardians to the child who is the subject of the order, and of the child to the parent or parents or the guardian or guardians;

SECTION 10. Tennessee Code Annotated, Section 36-1-113(g)(3), is amended by deleting the subdivision and substituting instead the following:

(3)

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(A) The child has been removed from the home or the physical or legal custody of a parent or guardian for a period of six (6) months by a court order entered at any stage of proceedings in which a petition has been filed in the juvenile court alleging that a child is a dependent and neglected child, and:

(i) The conditions that led to the child's removal still persist, preventing the child's safe return to the care of the parent or guardian, or other conditions exist that, in all reasonable probability, would cause the child to be subjected to further abuse or neglect, preventing the child's safe return to the care of the parent or guardian;

(ii) There is little likelihood that these conditions will be remedied at an early date so that the child can be safely returned to the parent or guardian in the near future; and

(iii) The continuation of the parent or guardian and child relationship greatly diminishes the child's chances of early integration into a safe, stable, and permanent home.

(B) The six (6) months must accrue on or before the first date the termination of parental rights petition is set to be heard.

SECTION 11. Tennessee Code Annotated, Section 36-1-113(g)(4), is amended by deleting the subdivision and substituting instead the following:

(4) The parent or guardian has been found to have committed severe child abuse, as defined in § 37-1-102, under any prior order of a court or is found by the court hearing the petition to terminate parental rights or the petition for adoption to have committed severe child abuse against any child;

SECTION 12. Tennessee Code Annotated, Section 36-1-113(g)(14), is amended by deleting the language "A legal parent" and substituting instead the language "A parent".

SECTION 13. Tennessee Code Annotated, Section 36-1-114, is amended by deleting subdivision (3) and adding the following new subdivisions:

(3) Where, at the time the petition is filed, any respondent resides;

(5) Where the child became subject to the care and control of a public or private child-caring or child-placing agency; or

(6) Where the child became subject to partial or complete guardianship or legal custody of the petitioners as provided in this part.

SECTION 14. Tennessee Code Annotated, Section 36-1-115, is amended by deleting subsections (d) and (e) and substituting instead the following:

(d) The petitioner or petitioners shall live and maintain their regular place of abode in this state when the adoption petition is filed. Nonresidents may also file a petition to adopt a child in this state, if they file such petition in the county where a court granted the nonresidents partial or complete guardianship of the child.

(e) If one (1) or both of petitioners is an active duty service member in the United States military, the service member and any co-petitioner with the service member may file a petition for adoption in this state without actual residency in this state, if the service member has lived, or maintained a regular place of abode, within this state for six (6) consecutive months immediately prior to entering military service or if this state is the service member's state of legal residence as identified to the United States military.

SECTION 15. Tennessee Code Annotated, Section 36-1-116(a)(1), is amended by deleting the word "may" wherever it appears in the subdivision and substituting instead the word "shall, except as otherwise provided by law," and by adding the following language before the period at the end of the end of the subdivision:

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; provided, that the court may waive this requirement when the child is to be adopted by related persons

SECTION 16. Tennessee Code Annotated, Section 36-1-116(b)(1), is amended by deleting the subdivision and substituting instead the following:

(1) The full name of the petitioners; however, initials or a pseudonym may be used to promote the safety of the petitioners or of the child, with permission of the court;

SECTION 17. Tennessee Code Annotated, Section 36-1-113(d)(2), is amended by designating the existing language as subdivision (2)(A) and adding the following new subdivision:

(B) Initials or pseudonyms may be used in the petition in lieu of the full names of the petitioners to promote the safety of the petitioners or of the child, with permission of the court;

SECTION 18. Tennessee Code Annotated, Section 36-1-116(e)(6), is amended by deleting the subdivision and substituting instead the following:

(6) Court filings in adoption actions by public or private agencies or parties, offered as proof of parentage, termination of parental rights, or related to establishment or termination of guardianship, may be reviewed by all parties to the case unless the court grants a protective order. If there is no protective order, the agency that made the filing shall, at the time of the filing, send a paper or encrypted electronic copy of the filing to the attorney for the petitioners. Petitioners' counsel and the court must receive the submission at least two (2) business days prior to the scheduled hearing to finalize the adoption. A protective order may be requested by motion of any party or by the agency that made the filing. A protective order shall be granted upon showing of good cause to restrict the information; such cause shall be proven by a preponderance of evidence. The protective order shall be as narrow as possible while still offering the protections that the court found to be warranted.

SECTION 19. Tennessee Code Annotated, Section 36-1-117(c)(1), is amended by deleting the language "pursuant to § 36-2-318," and substituting instead the language "pursuant to § 36-2-318, as described in § 36-1-113(d)(3)(A),".

SECTION 20. Tennessee Code Annotated, Section 36-1-117(c)(2), is amended by deleting the subdivision.

SECTION 21. Tennessee Code Annotated, Section 36-1-111(a)(2), is amended by deleting the language "When a parental consent is executed," and substituting instead the language "When a parental consent is executed, pursuant to § 36-1-117(g),".

SECTION 22. Tennessee Code Annotated, Section 36-1-111(d)(4), is amended by deleting the subdivision and substituting instead:

(4) No surrender or parental consent shall be valid if the surrendering or consenting party states a desire to receive legal or social counseling until such request is satisfied or withdrawn.

SECTION 23. Tennessee Code Annotated, Section 36-1-111, is amended by deleting subsection (e) in its entirety.

SECTION 24. Tennessee Code Annotated, Section 36-1-111(k)(1)(A), is amended by deleting subdivision (k)(1)(A) and substituting instead the following:

(A) When a person executing a surrender is unable to read, read in the English language, see, or otherwise unable to review and comprehend the surrender form and attachments offered for the person's signature or provided on the person's behalf, the person shall be provided with appropriate and sufficient assistance to make the documents and attachments understandable to the person both before and during the surrender hearing. The accepting party shall be responsible for payment of the cost of such interpreter or assistance if the surrendering party requires such assistance.

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SECTION 25. Tennessee Code Annotated, Section 36-1-111(k)(1)(B), is amended by deleting the subdivision and substituting instead the following:

(i) The court, or other persons authorized by this part to accept surrenders, shall personally verify under oath by the surrendering or consenting person who has provided the information required surrender or parental consent process pursuant to this part, that the parent or guardian agrees with the information provided in the forms and attachments and that such person does accept the surrender of the subject child.

(ii) The pre-surrender information forms for the birth parent and accepting party and all required attachments must be attached to the surrender or parental consent when the surrender and acceptance are executed and maintained with the surrender or parental consent form by the court or the court clerk, or person authorized by this part to accept surrenders, and transmitted to the department as otherwise required by this part.

SECTION 26. Tennessee Code Annotated, Section 36-1-111(k), is amended by deleting subdivisions (k)(2), (3), and (4) in their entireties.

SECTION 27. Tennessee Code Annotated, Section 36-1-111(l)(1), is amended by deleting the language "under subdivision (k)(2)(E)" and the language "certified as having been".

SECTION 28. Tennessee Code Annotated, Section 36-1-111(l)(2), is amended by deleting the language "under subdivision (k)(2)(F)" and the language "certified as having been".

SECTION 29. Tennessee Code Annotated, Section 36-1-111(m), is amended by deleting the subsection and substituting instead the following:

(m) Before the surrender is received and before an order of guardianship is entered based upon a parental consent, the person or persons to whom the child is to be surrendered or the persons to whom a parental consent is given, other than the department or a licensed child-placing agency, shall present with the surrender executed in this state or on a Tennessee form at the time of the execution of the surrender or before confirmation of a parental consent by the court, a court report based upon a currently effective or updated home study or preliminary home study conducted by a licensed child-placing agency, a licensed clinical social worker, or the department.

SECTION 30. Tennessee Code Annotated, Section 36-1-111, is amended by deleting subsections (n), (o), (s), and (z) in their entireties.

SECTION 31. Tennessee Code Annotated, Section 36-1-111(w)(4), is amended by deleting the subdivision (w)(4) and substituting instead the following:

(4) The waiver of interest and notice may be executed at any time after the biological mother executes a statement identifying such person as the biological father or possible biological father of the biological mother's child to be born, or at any time after the birth of the child.

SECTION 32. Tennessee Code Annotated, Section 36-1-117(g)(2), is amended by deleting the language "pursuant to § 36-1-111(k), including the question regarding the contact veto required by § 36-1-111(k)(3)" and substituting instead the language "pursuant to § 36-1-111(b)(4)".

SECTION 33. Tennessee Code Annotated, Section 36-1-112(b), is amended by deleting the subsection in its entirety.

SECTION 34. Tennessee Code Annotated, Section 36-1-116(b)(12), is amended by adding the following as a new subdivision:

(C) When a parent uses the procedure for a consent in the adoption of an unrelated child the parent shall also complete the information form from § 36-1-111(b)(4) no later than when the petition is signed and such form shall be filed with the court. In order to confirm a parental consent in the adoption of an unrelated child, the surrender form provided at § 36-1-111(b)(2) shall be modified to reflect applicable law and executed by the same procedure provided for execution of a surrender.

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SECTION 35. Tennessee Code Annotated, Section 36-1-124(d), is amended by deleting the subsection in its entirety.

SECTION 36. Tennessee Code Annotated, Section 36-1-108(d)(1), is amended by deleting the language "36-1-111(k)(4)(A)," in its entirety.

SECTION 37. Tennessee Code Annotated, Section 36-1-111(b), is amended by redesignating the current language as subdivision (b)(1) and adding the following new subdivisions:

(2) A surrender form shall be legally sufficient if it contains statements comparable to the "Form of Surrender" set forth in subdivision (b)(3). The information requested on the pre-surrender information forms under subdivisions (b)(4) and (b)(5) shall be collected, to the extent that such information is known to the surrendering or accepting party respectively, on the forms provided in subdivisions (b)(4) and (b)(5) or by a substantially similar method and shall be attached to the surrender form proffered to the judge or officiant for execution.

(3)

TENNESSEE SURRENDER FORM

I, (full name of surrendering party) _____,
born (surrendering party's date of birth) _____, sign this surrender to end my
parental rights and responsibilities to (full name of child)
_____, born (child's date of birth) _____
in (location of child's birth) _____. I am this child's (circle
one) mother / father / possible father / guardian.

I surrender my parental rights to and request that this Court give guardianship to
(a person/family with a current, approved home study, or a licensed child-placing
agency)

I know I only have three (3) days to change my mind and revoke this decision
after I sign this form. This decision may not be changed if I do not revoke this surrender
on or before _____ (three days after today, calculated under Tennessee
Rule of Civil Procedure 6.01). To revoke, I must sign a revocation form before the Judge
or officiant with me now or his or her successor.

I have completed the Surrendering Party Pre-Surrender Information Form. I have
provided true and complete answers to all the questions on that form to the best of my
knowledge.

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 anyone is putting pressure on me to sign this surrender, or trying to make me
sign against my will, or has promised me something I value in order to make me want to
sign this surrender, I understand that I should tell the Judge or officiant about that before
I sign the form. The Judge or officiant will not allow me to be forced to sign this
surrender.

No one is pressuring, threatening, or paying me to get me to sign this form. I
believe voluntary termination of my parental rights is in the best interest of my child.

By signing below I voluntarily terminate my parental rights and surrender my child
to the person(s) or agency listed above.

This _____ day of _____, 20____.

Surrendering Party's Signature

Judge or Officiant Attestation

I interviewed the surrendering party and witnessed execution of the foregoing surrender and as required by T.C.A. § 36-1-111. The surrendering party understands that he/she is surrendering parental rights to this child. There is no reason to believe that this is not a voluntary act.

The Surrendering Party's Pre-Surrender Information Form, the surrendering party's Social and Medical History Form, and if the surrender is to an individual, or individuals, as opposed to an agency, the individual's, or individuals', court report based upon a current and approved home study are attached to this form. The Pre-Surrender Information Form and Social and Medical History Form are properly verified by a notary or I reviewed the information with the surrendering party and he/she has attested before me to the correctness of those forms.

This _____ day of _____, 20__.

Judge or Officiant's Signature

Name and Title: _____

Court or Employing Institution and Location: _____

ACCEPTANCE BY AGENCY or PROSPECTIVE ADOPTIVE PARENT(S)

I/We _____ and _____ individually or I, _____, on behalf of the licensed child-placing agency, _____, hereby accept the surrender of _____ (child) from _____ (surrendering party) and plan to adopt the surrendered child or for an agency, expect and intend to place this child for adoption with an appropriate family. I/We or the undersigned agency have physical custody of this child or will have physical custody upon discharge of this child from a healthcare facility. I/We or the undersigned agency agree(s) to assume responsibility for obtaining guardianship of the surrendered child through a court order within thirty (30) days of the date of the surrender. I/We or the undersigned agency agree(s), to be responsible for the care, custody, financial support, medical care, education, moral, and spiritual training of this child, pending an adoption.

I/We have completed the Accepting Party's Pre-Acceptance Information Form. The information provided in that form is true and to the best of my/our knowledge.

This ___ day of _____, 20__.

Signature of Prospective Adoptive Parent

Signature of Prospective Adoptive Parent

Signature of Agency Representative and Title

Judge or Officiant Attestation

I interviewed the accepting parties and witnessed execution of the foregoing acceptance.

The Accepting Party's Pre-Acceptance Information Form and any accepting individual's/individuals' court report based upon a current and approved home study are attached to this form. The Accepting Party's Pre-Acceptance Information Form is properly verified by a notary or I reviewed the information with the accepting parties and they have attested before me to the correctness of the form.

This _____ day of _____, 20__.

Judge or Officiant's Signature

Name and Title: _____

Court or Employing Institution and Location: _____

(4)

SURRENDERING PARTY'S PRE-SURRENDER INFORMATION FORM

STATE OF _____

COUNTY OF _____

Being duly sworn according to law, affiant would state:

1. I am:

a. Mother _____

(Date of Birth) _____ or

b. Father: _____

(Date of Birth) _____ or

c. Legal Guardian: _____

(Date of Birth) _____ of:

2.

a. Child's Name

b. Child's Date of Birth

c. Child's Place of Birth

d. Child's Sex

e. Child's Race

3. This child was born in wedlock / out of wedlock / in wedlock but the mother's husband is not the child's biological father .

4. State the names and relationships of any other legal parents, putative fathers, and legal guardians for this child:

a.

(1) Name

(2) Relationship to the child

(3) Address

(4) City, State, Zip

(5) Telephone Number: Home: _____ Work: _____

(6) Other identifying information concerning the above identified other legal or biological parent/legal guardian.

b.

(1) Name

(2) Relationship to the child

(3) Address

(4) City, State, Zip

(5) Telephone Number: Home: _____ Work: _____

(6) Other identifying information concerning the above identified other legal or biological parent/legal guardian.

5. If the above named parties' whereabouts are unknown, please describe why that is the case: _____

6. Is the child or surrendering parent or another legal parent of the child a member of a federally recognized American Indian or Alaskan Native tribe? _____

If "yes," please provide the name and address of the tribe, all available information regarding the tribal membership, including a membership number if there is one, or the basis for the belief that one may be a tribal member. If there is a tribal membership card or tribal enrollment document please provide a copy by attaching it to this form.

7.

a. Will this child be sent out of Tennessee to another state for adoption?

Yes No

b. If yes, name of state: _____

8. Have you been paid, received, or promised any money or other remuneration or thing of value in connection with the birth of the above-named child or placement of this child for adoption?

Yes No If no, go to #10.

If yes, please list the amount paid, to whom the payment was made, whom made the payment, when was the payment made, and for what purpose the payment was made:

9. Does the child own any real or personal property? Yes No . If yes, please describe property, its value, and any relevant circumstances:

10.

a. I currently have (____) legal, (____) physical, or (____) legal and physical custody of the child.

b. If someone else has legal or physical custody of the child, please identify the person or agency that holds custody of the child and whether they have legal custody, physical custody, or both.

For a custodian, other than the surrendering party, please list the custodians:

Custodian(s)

Street

City _____, State _____, Zip _____

Telephone Number: Home: _____ Work: _____

11.

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- a. There may be state assistance- money, classes, health insurance, food aid and such, available to help you if you parent the child yourself.
- b. There is counseling available if you want to talk to a counselor about your choice before you sign a surrender form.
- c. You can talk to a lawyer who only represents you, if you want to, before you sign a surrender form.

Do you understand that all these things are available? Yes No

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
USB 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 putative 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:

FURTHER, AFFIANT SAITH NOT.

This the _____ day of _____ 20 _____.

Signature: Biological Legal Mother _____

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Biological Legal Father _____

Legal Guardian _____ of

Name of Child

Sworn to and subscribed before me this the ____ day of _____, 20____.

Notary Public

My commission expires: _____

(A notary is necessary if information on this form is not reviewed by and acknowledged before a Judge or officiant.)

(5)

ACCEPTING PARTY'S PRE-ACCEPTANCE INFORMATION FORM

STATE OF _____

COUNTY OF _____

Being duly sworn affiants would state:

1.

a. I am _____, Prospective Adoptive Parent.

b. Prospective Adoptive Parent's Date of Birth

c. Prospective Adoptive Parent's Place of Birth

d. Prospective Adoptive Parent's Marital Status

2.

a. I am _____, Prospective Adoptive Parent.

b. Prospective Adoptive Parent's Date of Birth

c. Prospective Adoptive Parent's Place of Birth

d. Prospective Adoptive Parent's Marital Status

3. The following costs have been paid or promised by _____ for activities involving the placement of this child. (me/us)

Please include, amount paid or promised, to whom, by whom, date paid and type of service or cost:

4. I am _____, representative of _____ a licensed child placing agency with offices at:

5.

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- a. ____ I/We have physical custody of this child; or
- b. ____ I/We will receive physical custody of the child from the parent or legal guardian within five (5) days of this surrender. The affidavit required by T.C.A § 36-1-111(d)(6) of the custodial parent or guardian to this effect has been presented to the court at this time; or
- c. ____ I/We have the right to receive physical custody of the child upon his or her release from a hospital or health care facility, and the affidavit of the custodial parent or guardian to this effect required by T.C.A. § 36-1-111(d)(6) has been presented to the court at this time;
- d. ____ Another person or agency currently has physical control of the child. I/We have presented to the court an affidavit of the person or agency required by T.C.A § 36-1-111(d)(6) which indicates their waiver of right to custody of the child upon entry of a guardianship order pursuant to T.C.A. § 36-1-136(r).

6. Yes No I/We have presented to the court a currently effective or updated home study or preliminary home study of my/our home conducted by a licensed child-placing agency, a licensed clinical social worker, or the Tennessee Department of Children's Services as required by Tennessee law. (Not applicable for agency placements)

7.

a. If the child is to be removed from Tennessee for adoption in another state, will there be compliance with the Interstate Compact on the Placement of Children.

Yes No Not Applicable .

b. If yes, who will be responsible for preparing and submitting the ICPC package?

FURTHER AFFIANT(S) SAITH NOT

This ____ day of _____, 20 ____.

Signature of Prospective Adoptive Parent

Signature of Prospective Adoptive Parent

OR

Signature of Representative of Agency

Name of Agency: _____

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Sworn to and subscribed before me this

_____ day of _____, 20_____.

Notary Public

My commission expires: _____

(A notary is necessary if information on this form is not reviewed by and acknowledged before a Judge or officiant.)

(6)

REVOCATION OF SURRENDER BY A PARENT OR GUARDIAN

STATE OF _____

COUNTY OF _____

Being duly sworn according to law affiant would state:

1. I am:

a. Mother: _____

b. Father: _____, or

c. Legal Guardian: _____, of:

2.

a. Child's Name: _____

b. Child's Date of Birth: _____

c. Child's Place of Birth: _____

d. Child's Sex: _____

e. Child's Race: _____

3. On (Date) _____, I executed a surrender of my parental or guardianship rights to the child named in #2 to:

a. Prospective Adoptive Parent(s)

b. Licensed Child-Placing Agency

c. Tennessee Department of Children's Services

4. The surrender was executed before:

(Name of Judge or Officiant)

5. I hereby revoke the surrender of the above-named child.

FURTHER AFFIANT SAITH NOT.

This the _____ day of _____, 20_____.

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Signature:

Biological ____ Legal ____ Mother:

Biological ____ Legal ____ Father:

Legal Guardian:

Sworn to and subscribed before me this day of _____ 20____.

This Revocation of Surrender was received by me on the ____ day of _____, 20____.

Please Print: _____

Signature: _____

Judge or Officiant

SECTION 38. This act shall take effect July 1, 2018, the public welfare requiring it.

HOUSE BILL NO. 1856

PASSED: April 18, 2018

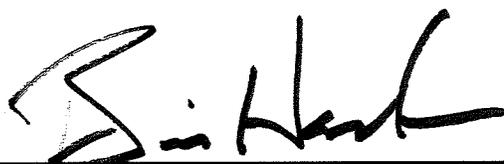


BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES



RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this 3rd day of May 2018



BILL HASLAM, GOVERNOR