

FAMILY LAW

Shortened Surrender Revocation Period Is in Effect: Was 10 Days But Is Now 3

By Dawn Coppock

Effective April 10, 2015, the revocation period for a parent after surrendering parental rights to a child in Tennessee was reduced from 10 days to three days.

The language of the changes was not entirely consistent with T.R.C.P. 6.01 on the computation of time. Ambiguity in this context is highly undesirable so the Tennessee members of the American Academy of Adoption Attorneys¹ and the General

Counsel for the Tennessee Department of Children’s Services² came to a consensus and offer their interpretation for uniform use by the Tennessee bench and bar pending clarification by the legislature.


The question is *does T.R.C.P. 6.01 on computation of time apply to calculation of the revocation period?* The consensus is that T.R.C.P. does and should apply to Pub. Chapter No. 113, amending 36-1-112(a)(1)(A), (C) and (F). Therefore weekends and legal holidays are not counted in the three-day period. If the final day is on a weekend or legal holiday the last

day is the next following business day.

A chart of revocation period calculations for surrenders on all weekdays, and without holidays and the text of T.R.C.P. 6.01 are provided below.

The link to the new surrender forms prepared by DCS is http://share.tn.gov/sos/rules_all/2015/0250-07-13.20150911.pdf. The forms leave a blank for the last day to revoke and no direction is given for the computation of time. If you frequently prepare or witness surrenders you are encouraged to print the chart for future reference to make is easier to complete that important blank in compliance with T.R.C.P. 6.01.

By sharing collective thinking

and acting in concert we can avoid confusion that could harm parents and children. 

Dawn Coppock practices adoption law from Strawberry Plains, Tennessee.

Notes

- 1. American Academy of Adoption Attorneys Fellows: Dawn Coppock, Lisa Collins, Michael Jennings, Theodore Kern, Sharon Massey, Julia Tate, Robert Tuke and Kevin Weaver.
- 2. Douglas Dimond, General Counsel, Tennessee Department of Children’s Services.

T.R.C.P. 6.01. Computation

In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, the date of the act, event or default after which the designated period of time begins to run is not to be included.

The last day of the period so computed shall be included unless it is a Saturday, a Sunday or a legal holiday as defined in *Tenn. Code Ann.* § 15-1-101, or, when the act to be done is the filing of a paper in court, a day on which the office of the court clerk is closed or on which weather or other conditions have made the office of the court clerk inaccessible, in which event the period runs until the end of the next day which is not one of the aforementioned days.

When the period of time prescribed or allowed is less than 11 days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

Surrender Revocation Periods

Monday Surrender	Tuesday Day 1	Wed. Day 2	Thurs. (Last) Day <u>3</u>	Fri.	Sat.	Sun
Tuesday Surrender	Wed. Day 1	Thurs. Day 2	Fri. (Last) Day <u>3</u>	Sat.	Sun.	Mon.
Wednesday Surrender	Thurs. Day 1	Fri. Day 2	Sat. X	Sun. X	Mon. (Last) Day <u>3</u>	Tues.
Thursday Surrender	Fri. Day 1	Sat. X	Sun. X	Mon. Day 2	Tues (Last) Day <u>3</u>	Wed.
Friday Surrender	Sat. X	Sun. X	Mon. Day 1	Tues. Day 2	Wed. (Last) Day <u>3</u>	Thurs.

Used with permission from the *Tennessee Bar Journal*, a publication of the Tennessee Bar Association.