



# State of Tennessee

## PUBLIC CHAPTER NO. 79

### HOUSE BILL NO. 102

By Representatives Lamberth, Cochran, Slater, Harris, Hardaway, Todd, Barrett

Substituted for: Senate Bill No. 1267

By Senators Johnson, Haile

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

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

SECTION 1. Tennessee Code Annotated, Section 36-1-126, is amended by deleting subdivision (d)(1) and substituting:

(1) The department may open the adoption records, the sealed adoption records, sealed records, post-adoption records, adoption assistance records, or limited records in subsection (b) in order to perform any duties required under this part or under circumstances as described in § 36-1-127(c)(1)(A). Any specific provision for access to such records contained in this section or § 36-1-127 shall not be construed as a limitation on the department's ability to access such records pursuant to this subdivision (d)(1).

SECTION 2. Tennessee Code Annotated, Section 36-1-127, is amended by deleting subdivision (c)(1)(A)(i) and substituting:

(i) An adopted person or a person subject to subdivision (c)(1)(A) on whom an adoption record, sealed record, sealed adoption record, post-adoption record, or other record or paper is maintained and who is:

(a) Eighteen (18) years of age or older; or

(b) Emancipated;

SECTION 3. Tennessee Code Annotated, Section 36-1-127(c)(1)(A), is amended by adding the following new subdivisions:

(iii) An adoptive parent of a person described in subdivision (c)(1)(A) who is under eighteen (18) years of age;

(iv) A representative of the department when the department receives a report that a child, including the adoptive child, an adoptive child's sibling, or a person subject to subdivision (c)(1)(A), is the alleged victim of abuse or neglect. This release of information is limited to the information necessary to:

(a) Assist in the determination of abuse or neglect;

(b) Assist in the provision of services to address the impact of abuse or neglect; or

(c) Mitigate the risk of abuse or neglect;

(v) A representative of the department when a legal case involving an adoptive child is filed against the department; and

(vi) A district attorney general when the district attorney general requests information necessary to investigate or prosecute child abuse or neglect;

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SECTION 4. Tennessee Code Annotated, Section 36-1-127(c)(1)(B), is amended by deleting "twenty-one (21)" and substituting "eighteen (18)" and by deleting "§ 36-1-138" and substituting "§ 36-1-138, unless the consenting party is deceased. If the consenting party is deceased, then identifying information from the sealed records, sealed adoption records, or post-adoption records may be released to the adopted person or to parents, siblings, lineal descendants, or lineal ancestors of the adopted person or of a person for whom records are maintained as described in subdivision (c)(1)(A)".

SECTION 5. Tennessee Code Annotated, Section 36-1-127(c)(1)(C), is amended by deleting "is deceased or".

SECTION 6. Tennessee Code Annotated, Section 36-1-127(e)(1)(A), is amended by deleting "twenty-one (21) years of age" and substituting "eighteen (18) years of age".

SECTION 7. Tennessee Code Annotated, Section 36-1-127, is amended by deleting subdivision (e)(2) and substituting:

(2) Notwithstanding another law to the contrary, identifying information from the sealed records, sealed adoption records, or post-adoption records shall not be released without the written consent of the biological parent if the records indicate that, with respect to the adopted person, the biological parent was the victim of rape or incest, unless the biological parent is deceased. If a biological parent for whom records contain such information is deceased, then identifying information from the sealed records, sealed adoption records, or post-adoption records may be released to the adopted person. If a conservator of the person and property of a biological parent has been appointed under title 34, then the lineal descendants of the person may petition the court pursuant to the same procedures established pursuant to § 36-1-138(c)(7) to be given access to identifying information of the biological parent.

SECTION 8. Tennessee Code Annotated, Section 36-1-138, is amended by deleting subdivision (c)(7) and substituting:

(7) The movant is a lineal descendant of a person for whom records are maintained as described in § 36-1-127(c)(1)(A) or is the lineal descendant of such a person who is disabled as defined for purposes of appointment of a conservator under title 34.

SECTION 9. Tennessee Code Annotated, Section 36-1-134(a)(1), is amended by deleting "twenty-one (21)" and substituting "eighteen (18)".

SECTION 10. Tennessee Code Annotated, Section 36-1-136, is amended by deleting the section and substituting:

(a)

(1) A notification required to be made as part of a search or a contact or an identifying request pursuant to this part for an adopted person or a person for whom records are maintained as described in § 36-1-127(c)(1)(A), shall be made with such persons who are eighteen (18) years of age or older or who are emancipated, except as otherwise provided by § 36-1-135, or with the legal representative of such persons.

(2) A notification for search or contact requests involving the biological or legal relative, who is under eighteen (18) years of age, of the adopted person or person for whom records are maintained as described in § 36-1-127(c)(1)(A), shall be with the parents or legal representative of the biological or legal relative.

(3) A notification involving other persons who are subject to contact for search requests or contact requests under this part shall be made with those persons who are eighteen (18) years of age or older or with the known legal representative of any such persons.

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(b) A decision to permit contact or to permit the disclosure of information authorized by this part to be disclosed under subsection (a) shall be made, as the case may be:

(1) By the adopted person or a person for whom records are maintained as described in § 36-1-127(c)(1)(A) and in subdivision (a)(1), who is eighteen (18) years of age or older or is emancipated, or such person's legal representative, except as otherwise provided by § 36-1-135;

(2) By the parents or the legal representative of the biological or legal relative in subdivision (a)(2), who is under eighteen (18) years of age, of the adopted person or person for whom records are maintained under § 36-1-127(c)(1)(A); or

(3) By those other persons in subdivision (a)(3) who are eighteen (18) years of age or older or by the known legal representative of any such persons.

SECTION 11. This act takes effect July 1, 2025, the public welfare requiring it.

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PASSED: March 10, 2025



CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES



RANDY MCNALLY  
SPEAKER OF THE SENATE

APPROVED this 28<sup>th</sup> day of March 2025



BILL LEE, GOVERNOR