

SENATE BILL 2835

By McNally

AN ACT to amend Tennessee Code Annotated, Title 36  
and Title 68, relative to adoptions.

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

SECTION 1. Tennessee Code Annotated, Section 36-1-121, is amended by deleting subsection (f) in its entirety and by substituting instead the following:

(1) Except as provided in subdivision (f)(2), the adoptive parents of a child shall not be required by any order of the adoption court to permit visitation by any other person, nor shall the order of the adoption court place any conditions on the adoption of the child by the adoptive parents.

(2) In any agreement or contract between the parents or guardian of a child and the adoptive parents that requires visitation or an open adoption, either party may enforce rights or terms under the agreement or contract except where the court finds that enforcement of those rights or terms is not in the best interest of the child.

SECTION 2. Tennessee Code Annotated, Section 68-3-311, is amended by adding a new, appropriately designated subsection as follows:

(g)

(1) When a new certificate of birth has been issued for an adoptive child indicating an adoptive parent as parent of the child, the adoptive child, upon reaching the age of majority, may petition a court of competent jurisdiction for an order requiring issuance of a new certificate of birth replacing the name of the adoptive parent with the name of a deceased biological parent, if all of the conditions as follows are met:

(A) The adoptive child was born in wedlock in this state with the names of both biological parents stated on the original certificate of birth;

(B) Subsequently, one of the adoptive child's biological parents died, the surviving parent remarried, and the surviving biological parent's new spouse legally adopted the adoptive child; and

(C) The surviving biological parent and adoptive parent of the adoptive child subsequently divorced.

(2) If the court enters an order granting the petition authorized by this subsection (g), the state registrar, upon receiving a certified copy of such order, shall prepare a new certificate of birth for the petitioner replacing the name of the adoptive parent with the name of the deceased biological parent.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.