

~~(2) The address given by the person as the address at which any personal, postal, or telephone contact shall be made by the department;~~

~~(3) The date and place of birth of the person, if known;~~

~~(4) Any persons whom the person who files a contact veto wishes to exclude from the application of the contact veto pursuant to § 36-1-130(a)(6)(A)(i);~~

~~(5) The name, address, and telephone number of the person requesting contact so as to be notified in the event that the contact veto is withdrawn or varied;~~

~~(6) The method of contact, if any, to which the person consents, including contact through one (1) or more third parties; and~~

~~(7) Any other information that eligible parties wish to release to the other eligible parties.~~

~~(d) Within ninety (90) days of January 1, 1996, and periodically thereafter on at least an annual basis, through the use of public service announcements and other forms of media coverage as may be available without cost, the department shall announce the existence of the registry and its services.~~

~~36-1-129. Procedures for filing contact veto or giving consent~~

~~(a) (1) A person eligible to file a contact veto or give consent for further contact may notify the department in writing on a form supplied by the department that such person does or does not object to contact being made with such person by any person or group of persons who are eligible to establish contact. The department shall supply the necessary form upon request of any persons eligible to have their names entered on the registry.~~

~~(2) A contact veto is not effectively filed or consent properly given unless the person provides the department with satisfactory proof of such person's identity and completes and files with the department a form from the department containing the relevant information in § 36-1-128(c) and pays any necessary fees.~~

~~(b) As part of the surrender under § 36-1-111 or as part of a parental consent, a biological parent or guardian shall indicate in the appropriate place on the surrender or parental consent document~~

whether or not such person wishes to file a contact veto or give consent for further contact, and shall complete the information requirements for registration on the contact veto registry on a form supplied by the department containing the relevant information in § 36-1-128(c). A contact veto is not effectively filed or consent properly given unless the person surrendering or giving a parental consent completes such form at the time of the surrender or parental consent or properly files the form with the department at a later time; provided, that no fee for filing a contact veto or consent to contact shall be required if the veto or consent is completed at the time of the surrender or parental consent. If, for any reason, the person failed to complete a consent for contact or a veto at the time of the surrender or parental consent, the person may do so at a later time after compliance with all provisions for filing, including the payment of all necessary fees.

(c) By filing a contact veto that complies with the requirements of this section, a person is entitled to notification of any inquiry requesting contact with the filing person.

(d) Forms for filing consents for contact or for filing contact vetoes shall be made available by the department in the offices of the clerks of courts with adoption jurisdiction and in the department's state office and county offices.

36-1-130. Access to records—Search of registry—Restrictions on contact

(a) (1) When a request is made for access to an adoption record, sealed adoption record, sealed record or a post-adoption record by a person eligible to have access, that person shall identify in writing on the form supplied by the department, the persons or classes of persons who are eligible under § 36-1-128 to refuse or allow contact with whom the person wishes to establish contact, if any, and shall submit the sworn statement required by § 36-1-127(f).

(2) Upon submission of the sworn statement and after proper identification of the requesting party, the department shall grant access to the records requested. Notwithstanding § 68-3-313, upon receipt of a copy of the sworn statement required by § 36-1-127 or upon notification from the department, the division of vital records of the department of health shall grant access to a copy of an adopted person's original or amended birth certificate.

~~(3) No person requesting access to the records, whether acting alone or in concert with any other person, persons or entities, shall at anytime contact or attempt contact with any person or persons who are eligible to file a contact veto until the completion of the search by the department pursuant to this section and § 36-1-131. A violation of this prohibition shall make the requesting party, the party's agents, or any person or persons acting in concert with them subject to the legal remedies pursuant to § 36-1-132.~~

~~(4) If the person eligible to request access to the records does state on the form a desire to contact any person who is eligible to file a contact veto, then the department shall search the contact veto registry to determine whether a contact veto has been filed or whether consent has been given for further contact with the person who is sought.~~

~~(5) The department shall only search for those persons with whom the requesting party seeks contact.~~

~~(6) (A) (i) If a person files a contact veto in conformity with this part, the contact veto shall, in addition, automatically protect and apply to the person's spouse, siblings or future siblings, lineal descendants and lineal ancestors and any spouses of those other persons, but may exclude from such protection and application, by specific reference, any such relatives or spouses where permission is given to the department in writing by the person filing the contact veto. If, because contact vetoes or consents are filed on the same date, the department is unable to determine which was filed first, the contact veto shall be deemed to be the first filed.~~

~~(ii) The person filing the automatic veto or giving consent to contact may vary or withdraw the automatic veto or consent that has been given upon satisfactory proof of identity and by making such request in writing to the department.~~

~~(iii) If a request is made by an adopted person or person for whom records are maintained as described in § 36-1-127(c)(1)(A), or such person's legal representative, to have contact with a person to whom the automatic veto under subdivision (a)(6)(A)(i) applies or to have contact with a person who is otherwise eligible to file a contact veto, the department shall attempt to contact those~~

persons for whom a contact request is made who are listed on the registry or, if not listed on the registry, shall attempt contact pursuant to the search requirements of § 36-1-131.

(iv) If a request is made under this part to have contact with an adopted person or a person for whom records are maintained as described in § 36-1-127(c)(1)(A) by a parent, sibling, lineal descendant, lineal ancestor of such person, or the legal representative of the requesting party, the department shall make a diligent effort to contact the adopted person or the person for whom records are maintained as described in § 36-1-127(c)(1)(A), or such person's legal representatives, based upon information contained in any records that it maintains pursuant to this part or based upon other information that it is given by the parent, sibling, lineal descendant, lineal ancestor or the legal representative of such persons.

(v) In the circumstances described in subdivision (a)(6)(A)(iii) or (a)(6)(A)(iv), the department shall determine if any of these persons wish to consent to contact with the requesting party or whether they wish to confirm, alter, vary or withdraw a contact veto, or in the case of an adopted person or a person for whom records are maintained as described in § 36-1-127(c)(1)(A), whether they wish to release any identifying information.

(vi) If the adopted person or person for whom records are maintained as described in § 36-1-127(c)(1)(A), is twenty one (21) years of age or older, or such person's legal representative, wishes to permit contact or wishes to release identifying information, such person may give written direction to the department relative to the desire for contact or the extent of identifying information such person wishes to release; provided, that notwithstanding any other provisions of this part to the contrary, they shall not be under any affirmative duty to use any of the procedures for filing any contact veto pursuant to this part to

~~prevent contact or to prevent the release of any identifying information from any record subject to this part, and no identifying information from any record shall be made available to any other persons without the written consent to the department by an adopted person or person for whom records are maintained as described in § 36-1-127(c)(1)(A), or such person's legal representative; provided, that nothing herein shall be construed to prevent access to identifying information in the records of the adopted person as otherwise permitted or required pursuant to §§ 36-1-125, 36-1-126 and 36-1-138. If written direction is given by an adopted person or person for whom records are maintained as described in § 36-1-127(c)(1)(A), or such person's legal representative, to permit contact or the release of certain identifying information, the department shall require the requesting party to sign a sworn statement similar to that required under § 36-1-127(f), acknowledging the restrictions on contact or use of any identifying information permitted or allowed under this subdivision (a)(6)(A)(vi).~~

~~(vii) The spouse of the person filing an automatic veto and the siblings, lineal descendants and lineal ancestors and any spouses of those persons, or the legal representatives of any persons eligible to file a contact veto, may also give written consent to the department for release from the automatic veto that may have been filed prior to such person's filing with the contact veto registry, and the person, or the person's legal representative, may alter or vary the automatic veto as it applies specifically to that person, and, if contacted by the department pursuant to this part in response to a search request, may agree to contact.~~

~~(B) The restrictions of § 36-1-132 shall apply to the persons enumerated in subdivision (a)(6)(A)(i) or their agents or persons acting on their behalf.~~

~~(C) If a person who is contacted pursuant to this part agrees to contact before any other person files a contact veto~~

~~pursuant to this part, the provisions of subdivision (a)(6)(A)(i) shall not apply to that person.~~

~~(b) (1) If a contact veto has been filed, the department shall notify the person with whom contact has been sought of the inquiry concerning the request for contact. Such person shall have the opportunity to confirm the veto, vary it, or withdraw it.~~

~~(2) If a contact veto that has been filed with the department remains intact or is filed as a result of a search pursuant to § 36-1-131, or if a consent to contact is altered to withdraw the ability to have contact, the department shall notify the requesting party of this fact and the requesting party shall not be permitted contact with the person sought.~~

~~(3) If the contact veto remains intact, or if the adopted person or a person for whom records are maintained as described in § 36-1-127(c)(1)(A), or such person's legal representative, refuses contact or refuses to release identifying information, the person making the request for contact or information may place such person's name, address and telephone number in the registry to request notification from the department should the contact veto be varied, altered or withdrawn or permission for release of identifying information be given, or such requesting person may, in writing, permit the department to release such person's name, address and telephone number to the person who had entered the contact veto or who had denied contact or who had denied the release of identifying information, and that person may contact the requesting person at such person's discretion without further involvement of the department.~~

~~(c) If consent for contact is shown from the registry records or is given by the person with whom contact is sought either by withdrawing or varying the veto, or if the adopted person or a person for whom records are maintained as described in § 36-1-127(c)(1)(A), or such person's legal representative, gives permission for contact or for release of identifying information, the department shall, in conformity with the consent or the varied or altered veto, notify the person making the original request of this fact and shall provide such information as may be available to establish contact or shall provide such identifying information as may be released from any record in conformity with this part by the adopted person or a person for whom records are maintained as described in § 36-1-127(c)(1)(A), or such person's legal representative.~~

~~(d) If the persons or classes of persons who are the subject of the search were not located on the registry or could not be notified at the address~~

designated in the registry, the department shall follow the procedures under § 36-1-131.

36-1-131. Search of sealed adoption record, sealed record or post-adoption records—Opportunity to veto contact

(a) If, after a search has been made of the registry, then either no person with whom contact was requested was located on the registry or the person named on the registry could not be notified at the address designated in the registry, then the department shall search the sealed adoption record, sealed record or the post-adoption records in its possession for information concerning the location of the person who is the subject of the search and shall conduct a diligent search for such person.

(b) (1) Upon locating such person whose relationship to the requesting party is confirmed by the person sought or whose relationship to the requesting party is or has been confirmed by other evidence satisfactory to the department, the department shall notify such person of the inquiry and of the department's determination of relationship to the requesting party.

(2) (A) Such person whose relationship to the requesting party is confirmed as provided in subdivision (b)(1), or that person's legal representative, may file a written consent with the registry.

(B) If the person wishes to veto contact, the person must, unless such person is an adopted person or a person for whom records are maintained as described in § 36-1-127(c)(1)(A) or a person for whom an automatic veto applies pursuant to § 36-1-130(a)(6)(A)(i), file a contact veto pursuant to §§ 36-1-128 and 36-1-129 and must pay any necessary fees, within ninety (90) days of the date the department gives oral or written notice of that time period for filing a contact veto. If the contact veto is timely and effectively filed pursuant to this part, then the department shall notify the requesting party in writing and no contact shall be permitted with that person with whom contact was sought. If the contact veto is not timely and effectively filed, the department shall notify the person requesting the search, and that person shall be permitted to attempt contact with the person or persons sought unless such person is an adopted person or a person for whom records are maintained as described in § 36-1-127(c)(1)(A), or unless

~~such person is a person for whom an automatic veto applies pursuant to § 36-1-130(a)(6)(A)(i). Written notice shall be effective upon the date the notice is sent.~~

~~(c) If the person who is the subject of the search whose relationship to the requesting party has been confirmed by evidence satisfactory to the department cannot be located after diligent search, including the sending of notice to the last known mailing address of such person; and, unless such person is an adopted person or a person for whom records are maintained as described in § 36-1-127(c)(1)(A) or unless such person is a person for whom an automatic veto applies pursuant to § 36-1-130(a)(6)(A)(i), the department shall inform the person requesting the search of this fact in writing, and that person shall be under no further restrictions pursuant to § 36-1-130 against contact with the person who has been sought.~~

~~36-1-132. Violation of contact veto a misdemeanor—Injunction and damages—Attorney’s Fees—Using information to injure persons whose names were obtained~~

~~(a) Any person who has filed a contact veto pursuant to this part or the adopted person or a person for whom records are maintained as described in § 36-1-127(c)(1)(A), or such person’s legal representative, shall have a cause of action in the circuit or chancery court for injunctive relief and for compensatory and punitive damages against any person or entity who or that has violated the provisions of the contact veto or for violation of any restrictions on contact with the adopted person or a person for whom records are maintained as described in § 36-1-127(c)(1)(A).~~

~~(b) Venue for such action shall be in the county of the residence of the plaintiff, or, if the plaintiff resides out of state, in the county where the adoption petition was originally filed, or if no petition was filed, or if its venue is unknown, in the chancery or circuit court of any county with a population of one hundred thousand (100,000) or greater as established by the federal census of 1990 or any subsequent census.~~

~~(c) A certified copy of the sworn statement that was signed pursuant to § 36-1-127(f) or § 36-1-130(a)(6)(A)(vi), by the person against whom the action is brought for violation of the contact veto shall be admissible in the action under this section as conclusive evidence of that person’s knowledge of the restrictions imposed by a contact veto or the restrictions imposed by § 36-1-130.~~

~~(d) Any person who has filed a contact veto or an adopted person or a person for whom records are maintained as described in § 36-1-127(c)(1)(A), or such person's legal representative, who has prevailed in an action under subsection (a) shall be entitled to recover attorney's fees and all costs of the proceeding from the opposing party or parties.~~

~~(e) Any action under this section shall be brought within three (3) years of any contact or attempted contact or violation of other restrictions on contact in violation of this part.~~

~~(f) Any person who, after obtaining information under this part, uses such information to cause injury to the person whose name was obtained under this part, commits a Class A misdemeanor. Further, any person who has been injured pursuant to this subsection (f) shall have a cause of action in the circuit or chancery court for injunctive relief and damages, including both compensatory and punitive damages, against any person who uses the information in violation of this subsection (f).~~

~~(g) Any person who, in violation of this part, contacts or causes to be contacted a person with respect to whom the contacting person or person causing the contact knows a contact veto has been filed pursuant to this part commits a Class B misdemeanor.~~

36-1-133. Release of nonidentifying information concerning biological or legal family.

(a) Upon written request of an adopted person eighteen (18) years of age or older or of the adoptive parents or guardian of an adopted person under eighteen (18) years of age, the biological or legal relatives of an adopted person, the lineal descendants of the adopted person, or the legal representatives of such persons, the department shall provide to such persons, upon proper identification of such persons by the department, nonidentifying information about the adopted person and such person's biological or legal relatives as may be contained in the adopted person's sealed adoption record, sealed record or post-adoption record.

(b) The information that may be released shall include only the following; provided, that nothing in this section shall be construed to authorize or require the release of any information from a sealed adoption record, sealed record or post-adoption record if such information would lead to the discovery of the identity or whereabouts of the biological or legal relatives of the adopted person, ~~if those biological or legal relatives have not registered their consent as provided under §§ 36-1-128 — 36-1-131,~~ or unless § 36-1-138 is applicable:

- (1) The date and time of the birth of the adopted person and such person's weight and other physical characteristics at birth;
- (2) The age of the adopted person's biological relatives at the time of such person's birth;
- (3) The nationality, ethnic background, race and religious preference of the biological or legal relatives;
- (4) The educational level of the biological or legal relatives, general occupation and any talents or hobbies;
- (5) A general physical description of the biological or legal relatives, including height, weight, color of hair, color of eyes, complexion and other similar information;
- (6) Whether the biological or legal parent had any other children, and if so, any available nonidentifying information about such children; and
- (7) Available health history of the adopted person, and the person's biological or legal relatives, including specifically, any psychological or psychiatric information that would be expected to have any substantial effect on the adopted person's mental or physical health.

(c) Whenever the department releases information pursuant to this section and it appears from the record that the adopted person who has sought information has been adopted two (2) or more times, the department shall specify whether the information released pertains to the adopted person's birth parents or to any intervening adoptive parent or parents.

36-1-134. Transmission of information between affected parties — Access to records of deceased or disabled persons — Updating of information to allow contact.

- (a) (1) The department, or a licensed child-placing agency or the licensed clinical social worker that has had a prior relationship with the persons stated in § 36-1-133(a) through placement of a child or through a home study process and that maintains a limited record or post-adoption record, shall, subject to the written consent of each party and only in any situation where contact has been sought, transmit between an adopted person

twenty-one (21) years of age or older or a person for whom records are maintained as described in § 36-1-127(c)(1)(A), or such person's legal representative, and such person's parent, sibling, lineal ancestor or lineal descendant any written, photographic, video or audio communication that such entity may have, and that is not contained in the records of the department, the licensed child-placing agency or the licensed clinical social worker, even if no direct contact is permitted or desired.

(2) If an adopted person or a person for whom records are maintained as described in § 36-1-127(c)(1)(A) is deceased, or is disabled as defined for purposes of appointment of a conservator under title 34, the lineal descendants of such person may petition the court pursuant § 36-1-138(c)(7), to be given access to the records of such person, and to transmit or receive the information permitted by this section. ~~A lineal descendant given access to records under this subdivision (a)(2) is subject to the requirements of the contact veto process.~~

(b) The adopted person or other persons for whom records are maintained as described in § 36-1-127(c)(1)(A), or such person's legal representative, ~~or a person eligible to file a contact veto~~ may, in writing from time-to-time to the department, a licensed child-placing agency, or the licensed clinical social worker, update such person's personal information, addresses, and telephone numbers in order to allow periodic contact by the department for subsequent search requests, or for other contact by the department or the licensed child-placing agency or the licensed clinical social worker.

(c) The licensed child-placing agency or licensed clinical social worker receiving any updated information pursuant to this section shall provide such information to the department to be included in the post-adoption record for future reference.

36-1-137. Inability of department to verify adoptive status of relationships — Waiting period to request further searches — Limitations on searches.

(a) If, after reviewing the sealed adoption records, the sealed records or the post-adoption records, and any other credible evidence, and after conducting a diligent search and making any other reasonable inquiries as to the adoptive status of a requesting party or the relationship of the biological or legal relatives to the adopted person or any person for whom records are maintained as described in § 36-1-127(c)(1)(A), or of the adopted person or any person for whom

records are maintained as described in § 36-1-127(c)(1)(A), to a biological or legal relative, as the case may be, the department is unable to verify the requesting party's adoptive status or the legal, biological, or sibling relationships of the persons seeking to establish contact to the persons sought or the status of any legal representatives, then the department shall notify the requesting party of this fact and the basis for the inability to verify the relationship, but shall not provide access to any record to the requesting party, or otherwise authorize contact with the person sought or transmit information between any parties.

(b) No additional searches shall be required to be made pursuant to this part in an effort to establish relationships, status or contact for a period of six (6) months from the date of the department's response to the requesting party unless satisfactory evidence is presented to the department in the interim to justify additional searches or unless, in the department's discretion, circumstances warrant such further attempts.

~~(c) The department shall not attempt further contact with the person sought if that person specifically requests that no further contact be made unless that person or the person's legal representative withdraws such request in writing; provided, that if the person's relationship to the requesting party is confirmed by the person sought or by other evidence satisfactory to the department, the department shall notify such person of the requirement for filing of a contact veto pursuant to §§ 36-1-128, 36-1-129, and 36-1-131(b)(2), and that failure to file the contact veto pursuant to those sections shall permit the requesting party to establish contact.~~

(d) No more than two (2) records search or contact attempts shall be required to be made by the department, unless, in the department's discretion, circumstances warrant further attempts.

36-1-138. Court orders for the release of information from adoption and sealed records.

(a) (1) Any necessary information in the files or the record of an adoption proceeding or in an adoption record, sealed adoption record, sealed record, post-adoption record or adoption assistance record may be disclosed pursuant to the requirements of subsection (c), to the party requiring it, upon a written, sworn motion before the court of original jurisdiction of the adoption proceeding, or, where the adoption proceeding is not yet filed, in the chancery or circuit court of the county where the record is located, or in the chancery or circuit court of any county that has

a population of one hundred thousand (100,000) or greater, according to the 1990 federal census or any subsequent census.

(2) Jurisdiction for motions filed pursuant to subdivision (c)(5) shall be in the chancery court for Davidson County.

(3) If the court that had original jurisdiction was a county court or is a court that no longer exists, the chancery court for the county in which such court was established shall have jurisdiction to hear the motion, in addition to the circuit or chancery courts in counties with a population of one hundred thousand (100,000) or more, as established by the 1990 federal census or any subsequent census.

(4) The department, licensed child-placing agency or licensed clinical social worker shall, upon request of the party seeking such information, disclose to the party the court in which such proceeding was filed and the docket number, if known to the department, or the licensed child-placing agency, or the licensed clinical social worker, or shall disclose the county in which the adoption record, sealed adoption record, or sealed record is located.

(b) The motion must be served upon the commissioners of children's services and health by certified mail, return receipt requested, or by personal service upon the commissioners or a duly designated agent of either commissioner. The hearing shall not be held sooner than fifteen (15) days after the return receipt is dated or the date of personal service. Failure to obtain service on both commissioners, or any hearing held prior to the expiration of the fifteen-day service period, shall result in the order entered in the proceeding being void and of no effect whatsoever. Each commissioner shall be permitted to file a response and may appear through counsel to respond in writing or orally, and may appeal any resulting order.

(c) The record of the adoption proceeding, the adoption record, sealed adoption record, sealed record, post-adoption record or adoption assistance record may be opened, under whatever conditions the court shall determine necessary, if the court finds, for good cause shown, that the best interests of the adopted person or of the public require such disclosure, and that one (1) or more of the following requirements are met:

(1) The movant must show that information is needed for purposes of treating or preventing a physical, psychological or

psychiatric condition affecting any person, which is clearly and specifically described by testimony or affidavit of a qualified treatment professional. For purposes of this section, "qualified treatment professional" means a person licensed by any state or federal authority or the duly authorized licensing body of any other government to provide treatment for physical, psychological or psychiatric conditions;

(2) The movant must show that the information is needed for purposes of establishing legal status or standing for inheritance or for property rights determinations or for the determination of legal relationships for third parties;

(3) The movant must show that the information is necessary for the movant to prosecute or defend a legal proceeding and that alternative information sources or other means of accomplishing this end are not available;

(4) The movant is any public agency that requires the disclosure of the information in such record for purposes directly related to its authorized duties and that such information cannot be obtained by any other method, or that further delay in obtaining information that may be contained in such record may result in harm to the adopted person, the adopted person's biological parent or parents or biological or legal relatives, or to the public;

(5) The movant is an individual who has sought disclosure under §§ 36-1-127—~~36-1-131~~, 36-1-133, 36-1-134 and 36-1-135, and claims to have been improperly denied access to the information so requested by the departments of children's services or health pursuant to those sections;

(6) The movant is an individual who alleges wrongful denial of access pursuant to § 36-1-127(e)(1)(B) or (C); or

(7) The movant is a lineal descendant of a deceased adopted person or 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. ~~The effect of any order permitting the lineal descendant who is permitted to have access pursuant to this subdivision (c)(7) shall be to make the lineal descendant subject to the contact veto process.~~

(d) In determining whether to order disclosure of information contained in the sealed adoption record, sealed record or the post-adoption

record, the court shall conduct an in camera inspection of the records and shall permit disclosure of only such information as shall be necessary to fulfill the requirements of subsection (c).

(e) The departments of children's services or health may consent to the release of any sealed adoption records, sealed records or post-adoption records or records of birth under this section by an agreed order that is approved by the court if any of the conditions of subdivisions (c)(1) — (4) have been met or if the departments determine that they have been in error in refusing to release requested information pursuant to §§ 36-1-127—~~36-1-131~~, 36-1-133, 36-1-134 and 36-1-135.

(f) (1) The court may, upon notice to the department of children's services pursuant to subsection (b), order the department to attempt to establish contact with any person or entity for the purpose of obtaining any updated medical information necessary to assist in the treatment of the adopted person or the adopted person's biological or legal relatives or any person who has filed a motion under this section.

(2) If the department obtains the information sought under this subsection (f), it will report this fact to the court and shall send such information directly to the qualified treatment professional who is providing care and treatment for the person who sought the information, unless the court, for good cause entered in the record, shall order otherwise.

~~(g) (1) No contact by a party receiving information pursuant to this section who is eligible to request a search under this part for any other person who is or may be protected by a contact veto of any kind, or who is an adopted person or a person for whom records are maintained as described under § 36-1-127(c)(1)(A), shall be permitted unless the provisions of §§ 36-1-130 and 36-1-131 have been completed and contact is permissible pursuant to those sections.~~

~~(2) The department's response to the court shall inform the court if any person is subject to the protection of a contact veto or if any person is an adopted person or a person for whom records are maintained as described under § 36-1-127(c)(1)(A).~~

(h) This section is supplemental to the previous provisions of this part permitting access to records by eligible persons without court orders and shall not be construed to be restrictive of those provisions.

36-1-141. Fees for searches, registration of contact vetoes, and copies — Promulgation of rules — Forms.

(a) (1) (A) The department shall, by rules promulgated pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, part 2, establish fees or charges for conducting any search or record disclosure, except for those pursuant to § 36-1-135, and for transmission of any data in connection with such searches, for:

(i) Providing any nonidentifying information;

~~(ii) Registering requests for contact vetoes;~~

~~(iii) Registering requests with the advance notice of registry; or~~

(iv) Providing copies of documents.

(B) The rules shall provide for waiver of any fees or charges based upon a person's ability to pay.

(2) Any fees or charges received by the department pursuant to this part shall be deposited with the state treasurer in accordance with § 9-4-301.

(b) The department shall, by rules promulgated pursuant to the Uniform Administrative Procedures Act, establish forms that shall be required for use by all Tennessee courts, agencies, and persons for:

(1) Surrenders and parental consents;

(2) Medical and social history information required by § 36-1-111;

(3) Revocation of surrenders and parental consents;

(4) Consents by minors or guardians ad litem required by § 36-1-117;

(5) Certifications of completion of counseling and the criteria for counseling and certifications of the completion of legal service required by § 36-1-111;

(6) Disclosure forms required pursuant to this part;

~~(7) Contact veto forms used in the surrender or parental consents pursuant to any other requirements of this part, or sworn statement forms required for access to records pursuant to any requirements of this part; and~~

(8) Releases of information.

(c) (1) The forms required by subsection (b) shall be promulgated pursuant to the Uniform Administrative Procedures Act, and shall be mandatory forms, and shall, notwithstanding any law to the contrary, be effective as emergency rules on the dates any of the sections of this part necessitating their promulgation become effective as provided by this part; provided, that the provisions of the Uniform Administrative Procedures Act, related to promulgation of such forms as permanent rules must be followed.

(2) (A) Unless otherwise specifically directed by the general assembly, no provision of Acts 1996, ch. 1054, or any other law that may necessitate the modification of any of the mandatory forms that may be required by this part or any other title of Tennessee Code Annotated at any time shall require the modification of any existing form or use of any new form until the department or its successor agency providing adoption services under this part pursuant to any executive order or pursuant to any other legislation promulgates such form as a permanent rule and such rule is effective, or unless it is determined by the department or its successor agency providing adoption services under this part pursuant to any executive order or pursuant to any other legislation that such change must be made under any requirements of § 4-5-209.

(B) No surrender, revocation, adoption or any other activity requiring the use of any form promulgated pursuant to this part shall be defective, void or invalid because it is undertaken using any form that is in effect as a promulgated and effective rule of the department or its successor agency providing adoption services under this part pursuant to any executive order or pursuant to any other legislation on the date of such action, whether or not any new or amended provision of Acts 1996, ch. 1054, or any law has been enacted prior to the date of such action, until such form has been promulgated and is effective as a permanent rule, or as otherwise required by § 4-5-209. It is the intent of the general assembly to preclude in any manner questions concerning the validity of any adoption or related proceeding or procedure due to the failure or

inability of the department or its successor agency providing adoption services under this part pursuant to any executive order or pursuant to any other legislation to make timely changes to such mandatory forms.

(3) Notwithstanding the provisions of the Uniform Administrative Procedures Act, or any other provision of Acts 1996, ch. 1054, to the contrary, any forms promulgated by the department, or its successor state agency providing adoption services under this part pursuant to any executive order or pursuant to any other legislation, which forms are related to any provisions of this part for the implementation of the ~~contact veto or consent to contact~~ ~~or~~ release of identifying information process involving the access to records pursuant to this part, shall be effective as emergency rules, following approval of such emergency rules by the attorney general and reporter, upon the date of the filing of such rules with the secretary of state; provided, that the provisions of the Uniform Administrative Procedures Act, relative to the promulgation of such rules as permanent rules must be followed.

(d) Any other rules required by the departments of children's services, health, and general services to effect implementation of this part upon the effective dates of any sections in this part, including rules establishing fees and charges for services, shall, notwithstanding any law to the contrary, be effective as emergency rules on the date of filing such rules; provided, that the provisions of the Uniform Administrative Procedures Act, related to promulgation of such rules as permanent rules must be followed.

(e) The departments of children's services, health, and general services shall be authorized to promulgate such other rules pursuant to the Uniform Administrative Procedures Act, as may be necessary for the implementation of this part.

(f) The departments of children's services, health and general services shall make master copies of all forms necessary for compliance with Acts 1995, ch. 532, available to all clerks of courts with adoption or surrender jurisdiction, to the administrative office of the courts, to the department of children's services' county offices, to all licensed child-placing agencies and to any persons requesting them. Such master copies may then be duplicated and such exact duplicates shall be valid for any use required by this part. Master copies may, in addition, be provided to the clerks, the administrative office of the courts, the department of children's services' county offices, to all licensed child-placing agencies and to any persons requesting them by any

suitable electronic medium as is deemed suitable to each of the departments for its purposes. Electronic facsimile copies of the forms prescribed under this section shall be valid for use as may be required.

The following provisions are repealed:

Part 3 Adoption Contact Veto Registry

36-1-301. Advance notice system.

36-1-302. "Advance notice period" defined.

36-1-303. Persons entitled to file a request for advance notice.

36-1-304. Advance notice registry.

36-1-305. Promulgation of necessary rules and regulations.

68-3-313. New certificate of birth — Sealing of documents.

(a) (1) All legal documents pertaining to the adoption, legitimation or order of paternity, together with the certificate of birth in the original name, shall be placed in an envelope and sealed following the preparation of the new certificate.

(2) These sealed documents shall be preserved in a fireproof vault in the department and shall not be removed from that office, except by order of a court of competent jurisdiction.

(3) The sealed documents shall be opened by the state registrar for the purpose of issuing a copy of the certificate in the name at birth, upon receipt of a certified copy of an order of the court that granted the adoption, legitimation, or order of paternity or in legitimations by subsequent marriage of the parents or upon receipt of a directive from the department of human services consistent with § 36-1-126, ~~§ 36-1-127 or § 36-1-130~~ or § 36-1-127.

(4) Upon receipt of a certified copy of an order from the court of competent jurisdiction ordering the annulment of an order of adoption, legitimation, or order of paternity or the replacement of a certificate of birth in the original name on file, the state registrar shall open the sealed documents, replace the certificate of birth in the original name in the volume of births in which originally filed, remove the new certificate, and place it under seal

with the legal documents and the certified copy of the court order.

(b) When a new certificate of birth has been filed by the state registrar, all copies of the record of birth in the original name in the custody of any other party shall be forwarded to the state registrar upon receipt of the state registrar's request.

