

Amendment No. 1 to HB2645

Terry
Signature of Sponsor

AMEND Senate Bill No. 2632

House Bill No. 2645*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 36-1-120(f), is amended by deleting subdivision (1) and substituting:

(1) All orders of adoption, readoption, or foreign recognition, as authorized by § 36-1-106(c), must be reported by the clerk or by the petitioner's or petitioners' attorney to the division of vital records of the department of health for children born in this state or in a foreign country by sending a certified copy of the order and certificate of adoption and by reporting the information required by that division for a new certificate of birth or for a report of foreign birth for the child to the registrar of the division of vital records for preparation of a new certificate of birth by adoption as provided in §§ 68-3-310 - 68-3-313. This section does not prohibit court clerks from certifying or issuing any certificate of adoption forms as may be required by the state of the child's birth.

SECTION 2. Tennessee Code Annotated, Section 36-1-120(f)(2), is amended by adding "or the petitioner's or petitioners' attorney" after "The court clerk".

SECTION 3. Tennessee Code Annotated, Section 36-1-120(f), is amended by adding the following as a new subdivision:

(3) Upon entry of the order of adoption, readoption, or foreign recognition by the court, as authorized by § 36-1-106(c), the court clerk shall immediately furnish to the division of vital records, or to the adoptive parents or parents' attorney, the necessary documents listed in subdivisions (f)(1) and (2) for the issuance of a new birth certificate by adoption or report of a foreign order.

SECTION 4. Tennessee Code Annotated, Section 68-3-203, is amended by deleting subsection (g) and substituting:

(g) A certificate of birth must be amended for a person born in this state, when the office of vital records is provided any of the following to establish parentage; provided, that parentage is not already shown on the certificate of birth:

(1) If a form approved, as provided in § 68-3-305(b), acknowledging the paternity of a child is signed by both biological parents of the child and is submitted to the office of vital records at any time after the original certificate is filed and prior to the child's nineteenth birthday, the legal surname of the father may be entered on the certificate as that of the child, and the father's name and other personal information may be shown on the certificate of birth in the manner prescribed by rule. The state registrar may mark the record as amended, but not on the portion to be disclosed pursuant to § 68-3-205. Further, a subsequent marriage of the individuals shown on the certificate does not require a new certificate of birth and §§ 68-3-311 and 68-3-313 do not apply;

(2) For subsequent marriage of biological parents, a certified copy of the marriage certificate or certificate of marriage of parents, and affidavits of the mother and father acknowledging paternity on a form provided by the state registrar to amend the certificate of birth may be submitted to the office of vital records to add the father's name and other personal information and the child's surname changed to the father's surname. The form must furnish information for locating the certificate of birth in the original name and information concerning the parents to be entered on the amended certificate. If the father is deceased, then, in lieu of the father's affidavit, the state registrar shall accept a certified copy of a parentage order, judgment, or decree in which the court determined the deceased husband to be the father of the child or children and had

acknowledged paternity of the child or children, whether heard on an ex parte or contested proceeding; or

(3) When parentage has been established through a court order, a certified copy of the order and a Notification of Order of Parentage form providing information for locating the certificate of birth in the original name must be submitted to the office of vital records to amend the birth certificate by entering the father's name and other personal information and amend the child's name in accordance with the order. The court order shall establish the name of the biological parent and decree the name the child is to bear.

SECTION 5. Tennessee Code Annotated, Section 68-3-203, is amended by adding the following as new subsections:

(i) A certificate of birth in the original name upon which another person is listed as father must not be amended unless an order from a court of competent jurisdiction refuting such facts as set forth by regulation is furnished to the state registrar.

(j) When an order of parentage has been granted on an unborn infant, the original certificate of birth must be prepared and filed in accordance with the laws and rules of the department, and the certificate of birth must be amended upon receipt of the certified copy of parentage order from the court and the notification of order of parentage.

SECTION 6. Tennessee Code Annotated, Section 68-3-305(b)(2)(C), is amended by deleting the language "§§ 68-3-310(3), 68-3-311, and 68-3-313" and substituting "§§ 68-3-311 and 68-3-313".

SECTION 7. Tennessee Code Annotated, Section 68-3-310, is amended by deleting subdivision (1) and substituting:

(1) **Adoption.** A certified copy of the order of adoption and a certificate of adoption;

SECTION 8. Tennessee Code Annotated, Section 68-3-310, is amended by deleting subdivision (5) and substituting:

(5) **Report of Foreign Birth.** For a person not born in a state, territory, or possession of the United States whose adoptive parents are residents of this state, a certified copy of the order of readoption or foreign recognition, as authorized in § 36-1-106(c), with the certificate of adoption.

SECTION 9. Tennessee Code Annotated, Section 68-3-310, is amended by deleting subdivisions (2)-(4) and redesignating the remaining subdivisions accordingly.

SECTION 10. Tennessee Code Annotated, Section 68-3-311, is amended by deleting subsection (a) and substituting:

(a)

(1) New certificates of birth must be prepared only on adoptions.

(2) All orders of adoption must be placed on file in the office of vital records.

(3) The certificate of birth in the original name must be sealed in the system of record and removed from the file and a record inserted that shows the original certificate number, date removed, and code citation.

(4) Vital records shall only prepare new certificates of birth for persons born in this state, and a certificate of birth in the original name must be on file in the department.

SECTION 11. Tennessee Code Annotated, Section 68-3-311, is amended by deleting subdivision (c)(1) and substituting:

(1) When an order of adoption has been granted as to only one (1) petitioner and upon receipt of a request of the petitioner, the word "adoption" may be entered on the new certificate of birth in the space provided for the information concerning the other parent.

SECTION 12. Tennessee Code Annotated, Section 68-3-311, is amended by deleting subsections (d), (e), and (f) in their entireties.

SECTION 13. Tennessee Code Annotated, Section 68-3-312, is amended by deleting the section and substituting:

(a)

(1) For each order of adoption entered by a court of competent jurisdiction in this state, the court shall require the preparation of a certificate of adoption on a form prescribed and furnished by the state registrar.

(2) For each order of adoption entered by a court of competent jurisdiction in another state for the adoption of a person born in this state, the following are acceptable for filing with the state registrar of this state:

(A) A court order from a court of competent jurisdiction in another state, unless the order has been vacated, stayed, or modified by a court of competent jurisdiction; and

(B) A form prescribed and furnished by that state, which must conform with the standards and legal requirements of the state registrar of this state.

(b) For each amendment of an order of adoption, the clerk of the court shall forward to the state registrar a certified copy of the amended order of adoption, which shall include the facts as are necessary to identify the original order of adoption and those facts amended in the adoption decree.

(c) The petitioners shall complete, on a form furnished by the state registrar, the request for a new certificate of birth by adoption and shall cause this form to be forwarded to the state registrar when the final order has been granted in accordance with § 36-1-120(f)(1). This form must furnish information for locating the certificate of birth in the original name and information concerning the adoptive parent or parents to be entered on the new certificate. The form must be signed by the petitioner or

petitioners to whom the order was granted and, in stepparent adoptions, the adoptive parent and the other legal parent.

(d) The clerk of the court or the attorney for the adoptive parent shall forward to the state registrar the certified order of adoption or amendment to the adoption order and a certificate of adoption in accordance with § 36-1-120(f)(1).

(e) The state registrar shall not process any reports of adoption or orders of adoption for a person born in another state.

(f) For a person not born in any state, territory, or possession of the United States whose adoptive parents are residents of this state, the state registrar shall issue a Report of Foreign Birth upon receipt of a certified copy of the order of adoption or recognition with the certified certificate of adoption.

(g) For a new certificate of birth, the state registrar shall issue the new certificate to the requesting party within forty-five (45) days of receipt of the required paperwork and any applicable fee.

SECTION 14. Tennessee Code Annotated, Section 68-3-313, is amended by deleting the section and substituting:

(a)

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

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

(3) The sealed documents must 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 or order of

parentage or upon receipt of a directive from the department of children's services consistent with §§ 36-1-126 and 36-1-127.

(4) Upon receipt of a certified copy of an order from the court of competent jurisdiction ordering the annulment of the order of adoption or order of parentage or the replacement of a certificate of birth in the original name in the system of record, the state registrar shall open the sealed documents, replace the certificate of birth in the original name where the certificate was originally filed, remove the new certificate, and place it under seal with the legal documents and the certified copy of the court order.

SECTION 15. This act takes effect July 1, 2024, the public welfare requiring it.