

HOUSE BILL 65

By McCormick

AN ACT to amend Tennessee Code Annotated, Title 36,
Chapter 1, Part 1 and Section 37-2-415, relative to
the rights of adoptive and foster families.

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

SECTION 1. Tennessee Code Annotated, Section 36-1-133, is amended by deleting subsection (d) in its entirety.

SECTION 2. Tennessee Code Annotated, Title 36, Chapter 1, Part 1, is amended by adding the following as a new, appropriately designated section:

(a) To provide full disclosure about a child to be adopted from the department's guardianship, the department shall provide to the adoptive family the following categories of information, to the extent that they are available:

- (1) Historical and current health information;
- (2) Historical and current educational information;
- (3) Historical and current mental and behavioral health information;
- (4) Nationality, ethnic background, race, and religious preference;
- (5) Other information required for the adoptive family to evaluate its ability to provide appropriate care for the child, including daily routine, social and emotional well-being, and personality;
- (6) Relevant information about the child's experience in foster care and reasons for coming into care;
- (7) Pertinent prenatal and birth information, including birth date, time of birth, weight, and other physical characteristics at birth; and

(8) A general physical description, including height, weight, hair color, eye color, and any other information related to the child's physical appearance.

(b) The department shall also provide the following categories of nonidentifying information about the child's biological or legal family, to the extent that they are available:

- (1) Historical and current health information;
- (2) Historical and current educational and occupational information;
- (3) Historical and current mental and behavioral health information;
- (4) Nationality, ethnic background, race, and religious preference; and
- (5) A general physical description, including height, weight, hair color, eye color, and any other information related to the physical appearance of the child's biological or legal family.

(c) Nothing in this section shall be construed to authorize or require the release of information that may lead to the discovery of the identity or location of the biological or legal relatives of the child to be adopted.

SECTION 3. Tennessee Code Annotated, Section 37-2-415(a)(23), is amended by deleting the subdivision and substituting instead the following:

(23) Child abuse/neglect investigations involving the foster parent or parents shall be investigated pursuant to the department's child protective services policy and procedures. A child protective services case manager from another area shall be assigned investigative responsibility. Removal of a foster child shall be conducted pursuant to Tennessee Code Annotated and departmental policy and procedures. The department, after consultation with statewide foster parent associations, shall promulgate rules pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to govern the operation of a foster parent advocacy program. At a minimum, the rules shall provide that an advocate shall be educated in the procedures relevant to departmental investigations of alleged abuse and neglect, and once trained,

the advocate shall be permitted to be present at all portions of investigations where the accused foster parent or parents are present, and that all communication received by such advocates therein shall be strictly confidential. Nothing contained in this subdivision (a)(23) shall be construed to abrogate the provisions of chapter 1 of this title, regarding procedures for investigations of child abuse and neglect and child sexual abuse by the department of children's services and law enforcement agencies;

SECTION 4. This act shall take effect July 1, 2015, the public welfare requiring it.