

HOUSE BILL 2645

By Leatherwood

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

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

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

(1) All orders of adoption, re-adoption, or recognition 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 by sending a certified copy of the order or a certified certificate of adoption or Report of Foreign Birth for children born in a foreign country, 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 or for a Report of Foreign Birth as provided in §§ 68-3-310 - 68-3-313. This section does not prohibit court clerks from certifying or issuing any birth certificate applications 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 or recognition of foreign adoption by the court, the court clerk shall immediately furnish to the division of vital records, or to the adoptive parent's or parents' attorney, the necessary documents listed in subdivisions

(f)(1) and (f)(2) for the issuance of a new birth certificate by adoption or report of foreign birth.

SECTION 4. 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 with the certificate of adoption, or a certified certificate of adoption.

SECTION 5. 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 adoption or recognition with the application for report of foreign birth.

SECTION 6. Tennessee Code Annotated, Section 68-3-311, is amended by deleting the section and substituting:

(a)

(1) New certificates of birth must be prepared only on adoptions, legitimations, and orders of paternity.

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

(3) The certificate of birth in the original name must be removed from the volume 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.

(b)

(1) The new certificate must be prepared on a standard form in current use in the department and must be signed by the state registrar in the space provided for the signature of the attendant at birth.

(2) The new certificate must show the date of birth, place of birth, sex, and date of filing as shown on the certificate of birth in the original name.

(3) A new certificate of birth by adoption must show the residence of the adoptive parent or parents as at the time the final order of adoption was granted.

(c)

(1) When an order of adoption has been entered as to only one (1) petitioner and upon receipt of a certified 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.

(2) The certified request must be furnished to the state registrar prior to the preparation of the new certificate.

(3) A new certificate of birth by adoption must not be prepared if requested by the court that granted the adoption, the adoptive parent or parents, or the adopted person.

(d)

(1) A certificate of birth in the original name that indicates a legitimate birth and another person as father must not be removed for the preparation of a new certificate of birth by legitimation unless an order from a court of competent jurisdiction refuting the facts as set forth by regulation is furnished to the state registrar.

(2) A new certificate of birth must not be prepared for the person in the instance where the person's father and mother were married prior to the birth of the person and the original certificate indicates another person as father or an illegitimate birth.

(3) The certificate of birth in the original name must be amended in accordance with regulations to show correct facts at the time of the birth.

(e) Upon receipt from a court of competent jurisdiction of an order of legitimation or an order of paternity, a new certificate of birth must be issued, regardless of the age of the person named in the order.

(f) When an order of paternity has been granted on an unborn infant, the original certificate of birth must be prepared and filed in accordance with the order, and a new certificate by paternity must be prepared upon receipt of the certified copy of the order.

SECTION 7. 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 report 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, a form prescribed and furnished by that state is acceptable for filing with the state registrar of this state.

(b) For each amendment of an order of adoption, the clerk of the court shall prepare a report thereon, which must include the facts as are necessary to identify the

original report of adoption and those facts amended in the adoption decree, and forward a certified copy of the report to the state registrar.

(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 report of adoption or amendment to the adoption order and the request for a new certificate of birth by 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 application for Report of Foreign Birth.

(g) For a new certificate of birth, the state registrar shall issue the new certificate to the requesting party within thirty (30) days of receipt of the required paperwork and any applicable fee.

SECTION 8. This act takes effect July 1, 2024, the public welfare requiring it.