

SENATE BILL 621

By Woodson

AN ACT to amend Tennessee Code Annotated, Section 36-1-102(41); Section 36-1-113; Section 36-1-115; Section 36-1-116; Section 37-1-104; Section 37-1-130; Section 37-1-132; Section 37-1-806; Section 37-2-403; Section 37-2-409 and Section 37-2-416, relative to juvenile court, adoption, and guardianship of minors.

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

SECTION 1. Tennessee Code Annotated Section 36-1-102(41), is amended by deleting the language "for termination or for adoption" and by substituting instead the language "for adoption, or extended family members caring for a child who are seeking to adopt the child".

SECTION 2. Tennessee Code Annotated Section 36-1-113(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b) The prospective adoptive parent or parents, including extended family members caring for a related child, any licensed child-placing agency having custody of the child, the child's guardian ad litem, or the department shall have standing to file a petition pursuant to this part or pursuant to title 37 to terminate parental or guardianship rights of a person alleged to be a parent or guardian of such child. The prospective adoptive parents, including extended family members caring for a related child, shall have standing to request termination of parental or guardianship rights in the adoption petition filed by them pursuant to this part.

SECTION 3. Tennessee Code Annotated Section 36-1-113(d)(4), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(4) The petition, if filed separately from the adoption petition, may be filed:

(A) In the court of the county where the child currently resides; or

(B) In the court that has jurisdiction to adjudicate a termination of parental rights and that had awarded the custody of the child to the petitioner or petitioners under a prior court order or statutory authorization by which the petitioner or petitioners currently hold legal custody or complete or partial guardianship.

SECTION 4. Tennessee Code Annotated Section 36-1-113(m), is amended by adding the language "or to any permanent guardian pursuant to title 37, chapter 1, part 8," between the language "adopt the child," and the language "as the case may be,".

SECTION 5. Tennessee Code Annotated Section 36-1-115 (a), is amended by designating the current language as (a)(1) and by adding the following language as a new subdivision (a)(2):

(2) Any person over eighteen (18) years of age may petition the juvenile court to adopt a child under eighteen (18) years of age and may request that the adopted child's name be changed.

SECTION 6. Tennessee Code Annotated Section 36-1-116(f), is amended by adding the following language as a new subdivision (3) and by re-numbering the subsequent subdivisions appropriately:

(3) The adoption court may transfer the adoption proceeding to a juvenile court that otherwise has jurisdiction over the child if the best interest of the child so requires.

SECTION 7. Tennessee Code Annotated Section 37-1-104(c), is amended by inserting the language "and to grant the adoption of a child" between the language "guardian rights" and the language "pursuant to the".

SECTION 8. Tennessee Code Annotated Section 37-1-130(a)(2), is amended by deleting the language "to any of the following" and by substituting instead the language "or grant permanent guardianship in accordance with title 37, chapter 1, part 8, to any of the following".

SECTION 9. Tennessee Code Annotated Section 37-1-132(a), is amended by deleting the language "§ 37-1-131(a)(2), (5), or (7)" and by substituting instead the language "§ 37-1-131(a)(1), (2), (5), or (7)".

SECTION 10. Tennessee Code Annotated Section 37-1-806(a), is amended by inserting the language "by the child" between the language "permanent guardian," and the language "if the child is sixteen (16)".

SECTION 11. Tennessee Code Annotated Section 37-1-806, is amended by adding the following language as a new subsection (g):

(g) If a child is in partial or permanent guardianship of the department pursuant to title 36, that guardianship may be transferred to a permanent guardian pursuant to this section with the consent of the guardian.

SECTION 12. Tennessee Code Annotated Section 37-2-403(a)(1)(B), (C), and (D) are amended by deleting the subdivisions in their entirety and by substituting instead the following:

- (B) Permanent placement of the child with a fit and willing relative(s) of the child;
- (C) Adoption, giving appropriate consideration to § 36-1-115(g) when applicable;
- (D) Permanent guardianship; or
- (E) Planned permanent living arrangement.

SECTION 13. Tennessee Code Annotated Section 37-2-403(a)(4)(B)(ii), (iii), (iv), and (v), are amended by deleting the subdivisions in their entirety and by substituting instead the following:

- (ii) Permanently place the child with a fit and willing relative or relatives of the child;
- (iii) Pursue adoptive placement;
- (iv) Pursue permanent guardianship; or
- (v) Provide a planned permanent living arrangement for the child.

SECTION 14. Tennessee Code Annotated Section 37-2-403(b)(2) (A), (B), and (C), are amended by deleting the subdivisions in their entirety and by substituting instead the following:

- (A) Permanent placement of the child with a fit and willing relative or relatives of the child;
- (B) Adoption, giving appropriate consideration to § 36-1-115(g) when applicable;
- (C) Permanent guardianship; or
- (D) Planned permanent living arrangement.

SECTION 15. Tennessee Code Annotated Section 37-2-409(b)(1)(B), (C), (D), (E), and (F), are amended by deleting the subdivisions in their entirety and by substituting instead the following:

- (B) Permanent placement of the child with a fit and willing relative or relatives of the child;
- (C) Adoption, giving appropriate consideration to § 36-1-115(g) when applicable;
- (D) Permanent guardianship; or
- (E) Planned permanent living arrangement.

SECTION 16. Tennessee Code Annotated Section 37-2-416, is amended by designating the current language as subsection (a) and by adding the following language as a new subsection (b):

- (b) At each hearing, the court shall determine whether the department has complied with the provisions of this section.

SECTION 17. This act shall take effect on July 1, 2007, the public welfare requiring it.