

**TN**

Department of  
**Children's Services**



# Post Adoption/Access to Sealed Records

Practice and Procedure Manual

Tennessee Department of Children's Services | August 2017

Post Adoption/Access to Sealed Records

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# Access to Adoption Records in Tennessee

Chapter 202 of the Public Acts of 1951 became effective on March 16, 1951. This act resulted in all adoption records, all records that were maintained and that may have related to an adoption or attempted adoption and that were treated by the Department of Human Services, the prior Department of Public Welfare, the courts, the Department of Health, or any other information sources as a sealed adoption record became confidential. All adoption records were made non-public and were not made readily available to adoptees. Adopted persons could only obtain access to their records via a court's discretion, which was determined by the actual need for the record. This process created many differences and confusion in the records process for those who petitioned, as courts across the state applied their own interpretations of what constituted a "compelling" need for access to adoption records. During the 1980's, there were House Bills that amended sections of the previous adoption laws. One of these bills (HB 338) allowed adoptees to request non identifying information from their sealed record. This information included information such as birth parents' features and characteristics, along with any noted medical issues. Another bill (HB 522) allowed for adoptee's to request Search and/or Contact with birth parents. Adoptees could make application for the Department to locate their birth parent(s) and ask if identifying information could be released or if actual contact could be made.

In the early 1990's, the adoption study commission heard testimony as to the many concerns regarding the questionable practices of Tennessee adoption agencies in earlier years. As a result, House Bill 406 of 1995 allowed access to records and other papers relating to these procedures, whether completed or sealed, prior to March 16, 1951. This also included files and records that were maintained anytime, before or after March 16, 1951 by the Tennessee Children's Home Society.

On May 15, 1996, the General Assembly of the State of Tennessee enacted Chapter 532 of the Tennessee Public Acts of 1996 ("the Act"). This new statute revised the process for obtaining access to the records of adopted persons. The 1996 Act would permit access to the formerly sealed records for adult adoptees, certain relatives, and legal representatives upon the verification of those persons' identities. As a protective measure, the 1996 Act enabled persons whose identities were sought to register for a contact veto. This veto can either grant contact or prohibit contact with themselves and their families without their approval. Violation of the veto can result in criminal sanctions under the Act. This new law, which was to take effect on July 1, 1996, was held in litigation until September 27, 1999 due to a lawsuit which was filed to keep all sealed adoption records nonpublic.

On September 27, 1999 the Supreme Court of Tennessee issued their opinion in the case of PROMISE DOE, ET AL., VS. DONALD SUNDQUIST, ET. AL and upheld the new adoption records law that was to take effect July 1, 1996. After the three years of litigation, the Supreme Court concluded that the release of adoption records created on or after March 16, 1951 does not violate the right to privacy under the Tennessee constitution as alleged in the suit. This ruling by the Supreme Court allowed the Department of Children's Services to begin processing requests for services to eligible persons to have access to their adoption records. The department is able to act under provisions of Tennessee Code Annotated §36-1-

126(c) to provide access to adoption records, sealed adoption records, sealed records, post adoption records, or records from any other information source that were created on or after March 16, 1951. Adoption records may be released pursuant to court order as provided in Tennessee Code §36-1-138. If any adoption was attempted or occurred before March 16, 1951, the law affecting services available to eligible persons was effective July 1, 1995.

## Post Adoption Unit

In accordance to TCA 36-1-126, the Department of Children's Services' Post Adoption Unit maintains confidential records relating to Tennessee finalized adoptions. When received, the unit seals and registers all Tennessee adoption files within the current database system. The Post Adoption Unit also handles all requests for access to records. The unit provides several services in addition to Adoption Registration:

- Administrative Requests
- Access to adoption records, Pre 1951
- Access to adoption records, Post 1951
- Non-Identifying Information
- Updated Medical
- Contact Veto Registration
- Advance Notice Registration
- Search/Contact
- Court & Docket

Adoption Records may include the following:

- Sealed adoption records
- Post adoption records
- Court records
- Adoption agency records
- An order of termination of parental rights
- Records from the Department of Health or Office of Vital Statistics

The Post Adoption Unit utilizes policy 15.9- Access and Release of Information from Sealed Adoption Records and Other Services.

## Adoption Registration

The Post Adoption Unit provides a yearly schedule for the delivery of stacked adoption records from each DCS Region. The stacked adoption record should be submitted with all court documents relating to the adoption finalization. The records are stacked in accordance with the Adoption Record Face Sheet (CS-0677). Once the stacked file is received by the Post Adoption Staff, the adoption information is entered into the current adoption portal and sealed. The sealed record receives a DPW (Department of Public

Welfare) number which identifies the record for any future purposes. The record is then submitted to warehouse for storage.

DCS regions may notify the Unit for any additional delivery dates and/or changes in the delivery schedule in advance. Stacked records are also received from private adoption agencies. The agency schedules delivery dates when necessary.

In addition to adoption records, the Post Adoption Unit receives adoption petitions and final decrees of adoption from courts/clerks across the state. These items are searched within the current database system to verify if they correspond to a sealed adoption record. If the item connects to a previously sealed adoption record, the item is also added to the system and sealed as a supplemental record, utilizing the DPW number assigned to the original record. If there is no evidence of a prior sealed adoption record, the item is assigned its own DPW number and sealed within the database. The item is then sent for the warehouse for storage.

Procedures for Adoption Registration:

1. Upon receipt of the record, the Post Adoption staff will verify through use of Fox Pro and the DCS Adoption Portal whether the records are already registered.
2. If the record is not located in either system, the record is given its own unique DPW (Department of Public Welfare) number and the record information is registered within the DCS Adoption Portal.
3. If the record is found to already be registered within either system, the newer record is made a supplement to the original record. It is assigned the same DPW number already associated with the original record.
4. The newly sealed record is then placed into an accordion folder. The Post Adoption staff ensures the assigned DPW number is written on the front side of the accordion folder.
5. Each folder is then sealed and secured with paper tape.
6. All registered records are placed into an archive/banker box for storage. The records are placed in numerical order in each box. All boxes are then given a number for storage and identification purposes. This number is derived from a listing provided by the facility management warehouse. This number is placed on the outside of the box in the right hand corner.
7. All boxes and contents of each box are listed on the Richards & Richards portal by entering the outside box number and each individual record (DPW number) it contains.
8. Once all of the records have been registered within the Adoption Portal, a request for shipment is made utilizing the facility management warehouse (Richards & Richards) website. Once the records are picked up, they are delivered to the warehouse for storage.
9. A listing of the registered DPW numbers, along with their corresponding box number, is maintained within the Unit.

# Administrative Request for Access

In addition to providing the above named services for access to records by the Post Adoption/Access to Sealed Records Unit, the Department may open sealed adoption records, post adoption records, or adoption assistance records under other certain circumstances. These requests for sealed records may be in conjunction with other state or federal authorities or pursuant to a court order. These circumstances include:

- For purposes related to any federal or state audit relative to an adoption assistance program or grant.
- For purposes related to the determination of eligibility of any child for adoption assistance.
- For purposes related to the determination of eligibility of any adopted person or any person placed for adoption for any federal or state benefit. This may include Title IV-D child support information necessary to verify the status of an adoption for purposes of determining current or past child support obligation.
- For the purposes of obtaining information regarding an adopted child that has entered custody or has been re-surrendered to the Department by their adoptive parents.
- For the purposes of providing information to the office of vital records to complete an amended birth certificate if it is determined that a new birth certificate was not previously created.
- For the purposes of performing any tasks related to the preservation of the record. This does not authorize the release of any information contained within the record.

All administrative requests for access to a sealed record and release of information from that record shall be filed in writing to the Post Adoption/Access to Sealed Records Unit on form CS-1025, Administrative Request for Access to Sealed Adoption Record/Release of Information.

Procedures for Administrative Request:

1. Upon receipt of an Administrative Request for Access, Post Adoption Staff will ensure form CS-1025 is completed accurately. The request is noted on the Sealed Record Request spread sheet that is maintained within the Post Adoption unit.
2. If the form is not accurate, contact the requestor and explain what is lacking for the request. If the form is accurate, staff will search FoxPro and/or DCS Adoption Portal for an existing record.
3. If no record can be located within any database, contact the requesting party to verify if there is any additional information regarding the possible whereabouts of the stacked file. If the requestor cannot locate the file in their area, or with a private agency, the request is held in case the record is located at a later date. Post Adoption staff will also verify that the record does not appear in the log book that is maintained of all records that may not have been registered due to lack of information, such as final decree of adoption. If the file can be located, whether by the requestor or by Post Adoption Staff, the file is registered in the DCS Adoption Portal in order to be sealed.
4. When it is determined that there is a sealed record within one of the databases, the record is ordered from the storage warehouse facility.
5. Upon receipt of the record from the warehouse, staff will make a copy of the record after verifying from the requestor what information is actually needed for their purpose.



6. Sign CS-1025, indicating that the copied file is being mailed to the requestor. The copied file is then sent to that requestor via regular mail. Enclose a copy of the signed CS-1025.
7. There are times that the original record is requested, i.e. DCS legal needs original court orders. Before submitting the original record, ensure that it is noted to whom the file is given and that person sign an acknowledgement that they are receiving the original record.
8. Update the information that was noted on the Sealed Record Request spread sheet regarding the original request. Note if the record could not be located. Ensure that the date the copied file was placed in the mail is noted.
9. The original signed request (CS-1025) is maintained within the unit for approximately one year.
10. Upon completion of copying the file, or upon return of the original record from legal, etc., the record is re-sealed and returned to the storage facility warehouse.

## Eligible Persons

DCS may release information or copies of information from the sealed adoption record, adoption record, or post adoption file to eligible individuals. The requestor must put the request for information in writing, complete with an original signature. The request should include as much information in regards to the adoption that may be known, such as the adoptee's full name, parents' names, and place of adoption finalization.

Persons that are eligible to receive access to adoption records include:

- The adopted person, 21 years of age or older
- The adopted person's birth, adoptive, step or legal parent, age 21 or older
- The adopted person's birth or adoptive siblings, 21 years of age or older
- The adopted person's lineal ancestors, 21 years of age or older
- The adopted person's lineal descendants, 21 years of age or older
- The legal representatives of any of these persons

Note: With the exception of adoptions that were finalized or attempted to finalize prior to March 16, 1951, the adopted person must consent to the release of any identifying information contained within the sealed record. No identifying information can be released from any record without the written consent of the biological parent if the record indicates, with respect of the adoptee, that the birth parent was a victim of rape or incest.

Ineligible individuals who cannot access adoption records include:

- A parent, sibling, lineal descendant or lineal ancestor of a person under 21 years of age
- A parent or pre-adoptive guardian whose rights were involuntarily terminated for cause
- A sibling, lineal ancestor, spouse or legal representative of the person whose rights were involuntarily terminated for cause
- A person guilty of a crime of violence or neglect against the adopted person
- Alleged parent or relatives

Non identifying information may be released from the sealed adoption record to the adoptee at the age of 18. However, other eligible persons who are 21 years of age may receive non identifying information from the sealed record regardless of the adoptee's age. As no identifying information is released, consent from the adoptee is not needed.

# Request for Records/Services

The request for services begins with a written request. The request must include the requestor's name, date of birth, address, telephone number and an original signature. The requestor must also provide proof of their identity and age. Acceptable types of proof of identity include photo ID, such as driver's license, passport, birth certificate or marriage license. If the requestor is anyone other than the actual adoptee, proof of relationship must also be established.

Procedure for Request for Services:

1. The written request is reviewed by Post Adoption Staff to determine if all required information has been provided. The requestor is contacted for any necessary additional information.
2. The current databases, FoxPro, Adoption Portal and/or TFACTS, are searched for evidence of a sealed record that is maintained by the Department. If no record can be located within any system, a request is made to Vital Records, via their Department's request letter, to determine if a birth certificate has been amended due to an adoption.
3. When the record is located within the database, the DPW (Department of Public Welfare) number is searched in the Post Adoption file room for a Post Adoption record that may already be in existence from a previous request. Records sealed prior to 1951 may have a TCHS (Tennessee Children's Home Society) number.
4. If a Post Adoption file is located, the new request is added to the existing file. If no Post Adoption file is located, a new PA file is created for the request.
5. An acknowledgement letter is mailed to the requestor. The letter explains the next steps within the eligibility process, the requirements of proof of identity and fees for service. The letter also details the process of obtaining a fee waiver for services. The requestor may receive a fee waiver upon proof of their family currently receiving assistance for TANF, Food Stamps, Medicaid (TennCare) or Social Security Income (SSI) under Title XVI. Eligibility for Medicaid (TennCare) must be determined and based on the family's income/resources.
6. If the requestor is not eligible for a fee waiver due to one of the reasons mentioned above, they may request an Affidavit of Income and Resources for Waiver of Post-Adoption Fee (CS-1028). The form must be notarized and returned to the Department for review. Once received, the Post Adoption Staff will evaluate whether the requestor meets the requirements for a fee waiver. If the Affidavit is denied, the requestor is notified that they must pay the required fee for services.
7. The requestor is given 6 weeks to provide the fee or fee waiver information to the Department. Fees (or fee waiver documentation) are mailed/sent to Fiscal for processing.
8. The request is entered into the current database system. All known information regarding the requestor and adoptee is required. The date the acknowledgement letter is mailed must be recorded.
9. If no fee is received within the 6 week acknowledgement period, the Post Adoption file is shelved in the Post Adoption file room according to the DPW or TCHS number.
10. When notification from Fiscal is received that the fee has been processed, a copy of the fee receipt is submitted to the Post Adoption Unit. A copy of the fee receipt is placed within the Post Adoption file. The file is then placed in order by the date of paid fee or receipt of fee waiver. A file cannot be taken out of order or moved forward unless the Department determines there is a life threatening or medical issue. Documentation is required.
11. The DPW (or TCHS) number is sought and located (in chronological order) within the Ordering Book which houses box numbers from the records management warehouse. The box number is recorded, along with DPW number, requestor information and date of fee/fee waiver on the Record Order Form and attached to the front of the Post Adoption file.



12. If the request is for access to records, Post 51, the DPW number is checked against the Advance Notice Registry.
13. Records are ordered, according to the box number, through the website for the records management warehouse. Boxes that hold the sealed records are delivered by the warehouse and files are pulled from each box by the Post Adoption Staff.
14. Records are then placed for processing in order of date of received payment.

## Access to Records

### ***Eligibility Determination - Records Prior to March 16, 1951***

Tennessee adoptions, and attempted adoptions, that occurred prior to March 16, 1951 or after March 16, 1951 by the Tennessee Children's Home Society are available to eligible individuals. These records, maintained by the Department, are not commonly "sealed". Records that fall within this category do not require the written consent of the adoptee for release. The fee for eligibility determination is \$150. Due to the questionable practices of adoption agencies prior to 1951, the information within these files cannot be verified. Therefore, the Department does not offer Search/Contact services for these records.

Procedures for access determination (pre 1951):

1. Post Adoption staff will "sign out" the adoption record and indicate the assigned employee within the current database system.
2. The record is reviewed to determine eligibility status. The identity and relationship of the requesting party must be verified. The Eligibility Determination Form is completed and placed on the left side of the PA file.
3. Any information regarding the adoptive parents' application and/or home study is removed from the record.
4. During the review, if any information is found pertaining to other individuals who are not a party to the adoption or placement of an adopted person, and the review finds that the record and/or information has been misfiled, the information is reviewed by the Program Manager. This information will be removed and placed in the correct sealed record or post-adoption record.
5. If the requestor does not qualify for a fee waiver, the pages of the record are counted, as well as the pages of the Post Adoption File. These numbers are noted on the Record Order form, which is attached to the cover of the PA file. This number is multiplied by 25¢ per page, and the total amount is also noted on the form.
6. A letter of eligibility, including the fee amount (if no fee waiver) for a copy of the record (and Post Adoption File) is sent to the requestor. The type of letter and date sent are noted within the current database system. The Case Review Notice Form is also sent to the requestor for their indication of their decision to review the actual record.
7. If the requestor asks to view the original record, he/she will make an appointment with Post Adoption staff. The requestor is allowed one hour with the original record. A staff member must remain in the viewing room with the requestor during the review. Only the requestor may view the record, they may not allow other individuals within the room. After their appointment, the copy fee (if no fee waiver) is received and the requestor is given a copy of the file. They are given a receipt for the copy fee.
8. If the requestor declines to view the actual record, notification from Fiscal is received that the copy fee has been processed (if no fee waiver), a copy of the fee receipt is submitted to the Post Adoption Unit. A copy of the fee receipt is placed within the Post Adoption file.
9. The file is copied. Any photographs contained within the record will be given to the adopted person who requests access to the record. If the adopted person is deceased, the original photographs are

given to the lineal descendent who first requests the record. Copies of the photographs are made and placed within the actual adoption record. The person who receives the photo(s) and the date given is noted on the maintained copies for the file.

10. The copy of the file (and any photographs) is then sent to the requestor, which includes a Final Letter of Completion. Three letters of authorization are also sent with the file copy in order for the requestor to utilize for other services and/or agencies. The copied file is sent via Certified Mail.
11. The file is then closed. The DPW or TCHS number is matched to the box from the records management warehouse. An order is placed with the warehouse, via computer, for their retrieval of the box for storage.
12. The closure, and any other pertinent information, is documented within the current database system.

### ***Eligibility Determination - Records Finalized on or After March 16, 1951***

If the requestor is an eligible person other than the adoptee, no information may be released from the record without the written consent of the adoptee. The Department shall search for the adoptee in order to obtain the required consent. If the adoptee is not located or consent is not granted, access to the adoption record is denied. If denial of the record is due to the adoptee being deceased or disabled (unable to give consent), the lineal decedents of such person may petition the court to be granted access to the record, subject to all provisions of the Contact Veto Registry process.

Per TCA 36-1-127, no identifying information may be released from the sealed record or Post Adoption record without the written consent of the biological parent if the adoption record indicates by any evidence that, with respect of the adoptee, the biological parent was a victim of rape or incest. The Department will complete a search for the biological parent. If the parent is not located or consent is not granted, the request for access to the file is denied, even to the adoptee. If access to the record is denied due to the biological parent being deceased, the lineal descendant of such person may petition the court to be granted access to the record, subject to all provisions of the Contact Veto Registry process.

Procedures for access determination (post 1951):

1. Post Adoption staff will "sign out" the adoption record and indicate the assigned employee within the current database system.
2. The DPW number is compared with the Advance Notice Registry in order to determine if anyone has filed for advance notice. If no one has filed for advance notice of the release of the record, the DPW number, adoptee's name and date of clearance must be recorded in the ANR Registry book. The Advance Notice Registry Eligibility Determination Form is signed and dated.
3. If it is determined that someone has filed for Advance Notice, the registered individual is sent notice in writing that an eligible person has requested access to the record. The registered individual is notified 15 days prior to release of the record. The 15 day advance notice period begins the day the letter is mailed to the registered individual. The record cannot be released until after the 15 day advance notice period has expired.
4. The record is reviewed to determine eligibility status. The identity and relationship of the requesting party is verified.
5. If there is any indication within the record that the adoptee's birth was a result of rape and/or incest, the biological parent must be located and submit written permission to release the record. If the biological parent denies release of the record, cannot be located, or is deceased, the requestor is denied access to the record. The requestor is notified of the denial and is offered information of their right to appeal along with form CS-0403, Appeal for Fair Hearing.

6. If the sealed record indicates the parental rights of the birth parent(s) were involuntarily terminated, the record cannot be released to the parent, sibling, lineal ancestor or spouse or legal representative of the person whose rights were involuntarily terminated.
7. If the requestor is determined eligible, the Eligibility Determination Form is completed and placed on the left side of the PA file.
8. Any names and identifying information regarding the adoptee's family is noted on the Advance Notice Registry Eligibility Determination Form and maintained in the ANR file.
9. During the review, if any information is found pertaining to other individuals who are not a party to the adoption or placement of an adopted person, and the review finds that the record and/or information has been misfiled, the information is reviewed by the Program Manager. This information will be removed and placed in the correct sealed record or post-adoption record.
10. Any information regarding the adoptive parents' application and/or home study is removed from the record.
11. If the requestor does not qualify for a fee waiver, the pages of the record are counted, as well as the pages of the Post Adoption File. These numbers are noted on the Record Order form, which is attached to the cover of the PA file. This number is multiplied by 25¢per page, and the total amount is also noted on the form.
12. A letter of eligibility, including the fee amount (if no fee waiver) for a copy of the record (and Post Adoption File) is sent to the requestor. The Sworn Statement and Case Review Notice Form are also sent to the requestor for their indication of their decision to review the actual record. The original Sworn Statement must be completed, notarized and returned to the Department. The type of letter and date sent are noted within the current database system.
13. If the requestor asks to view the original record, he/she will make an appointment with Post Adoption staff. The requestor is allowed one hour with the original record. A staff member must remain in the viewing room with the requestor during the review. Only the requestor may view the record, they may not allow other individuals within the room. After their appointment, the copy fee (if no fee waiver) is received and the requestor is given a copy of the file. They are given a receipt for the copy fee.
14. If the requestor declines to view the actual record, notification from Fiscal is received that the copy fee has been processed (if no fee waiver); a copy of the fee receipt is submitted to the Post Adoption Unit. A copy of the fee receipt is placed within the Post Adoption file.
15. The file is copied. Any photographs or letters/cards addressed to a specific individual contained within the record or PA file will be given to the adopted person or person to whom the letter is addressed who request access to the record. Copies of the photographs are made and placed within the sealed record. The person who receives the photo(s) and the date given is noted on the maintained copies for the file. If the adopted person is deceased, the original photographs are given to the lineal descendent who first requests the access to the record.
16. Complete a second clearance through the Advance Notice Registry prior to the release of the record. Record the search in the ANR notebook. If an eligible individual has registered for advance notice, they are notified that the file will be released 15 days from the date of the letter. Indicate that the record has been cleared on the Advance Notice Registry Eligibility Determination Form.
17. The copy of the file (and any photographs) is then sent to the requestor, which includes a Final Letter of Completion and a copy of the Sworn Statement. Three letters of authorization are also sent with the file copy in order for the requestor to utilize for other services and/or agencies. The copied file is sent via Certified Mail.
18. The file is then closed. The DPW or TCHS number is matched to the box from the records management warehouse. An order is placed with the warehouse, via computer, for their retrieval of the box for storage.
19. The closure, and any other pertinent information, is documented within the current database system.

No access to identifying information in any adoption record sealed record, Post Adoption record or adoption assistance record shall be granted to any ineligible person.

## ***Non-Identifying Information***

Per TCA 36-1-133, the Department may release non-identifying information from the sealed adoption record, sealed record, or post-adoption record. This information released cannot be such that it could lead to the discovery of the identity or whereabouts of the birth or legal relatives of the adopted person. There is a \$45 fee for non-identifying information.

Non-identifying information that may be released from the record(s) includes:

- Adoptee's date and time of birth, weight and other physical characteristics at birth
- Age of birth relatives at the time of adoptee's birth
- Nationality, ethnic background, race and religious preference of adoptee's birth or legal relatives
- Educational level, general occupation, talents or hobbies of adoptee's birth or legal relatives
- General physical description of adoptee's birth or legal relatives, such as weight, eye and hair color, etc.
- Information regarding the birth or legal parent's other children and their non-identifying information
- Available health history of the adoptee or their birth or legal relatives

Eligible persons to receive non-identifying information:

- Adopted person, age 18 years of age or older
- Adoptive parents or guardian of an adopted person under 18 years of age.
- Adopted person's birth/legal adoptive parent or step parent.
- Adopted person's birth or adoptive siblings.
- Adopted person's lineal descendants.
- Adopted person's birth or legal grandparent of any degree.
- Adopted person's birth or legal aunts and uncles of any degree.
- Adopted person's birth or legal first cousin.
- The legal representatives of any of these persons.

The request for non-identifying information must be submitted in writing to the Post Adoption Unit. Requests are processed in order of the receipt of the fee. The Department, in its sole discretion, may process a request out of order if there is life threatening or medically terminal circumstances involving the requesting party. Documentation must be noted in the post adoption file.

Procedures for processing requests for Non-Identifying information:

1. Follow process for Access to Records.
2. Review sealed record/post adoption record to determine eligibility and relationship to the adopted person.
3. Complete non-identifying forms from information contained within the record.
4. Copy medical reports, delete identifying information, recopy report.
5. Mail completed non-identifying forms, medical reports and letter to requesting person.
6. Enter date the forms, medical reports and letter are mailed within the current database system.
7. Document post adoption record to indicate service completed/date information mailed.
8. Return sealed adoption record to the Records Management Center
9. File post adoption record.
10. Ensure the case is "completed" within the current database system.

Non-identifying information is not released to alleged birth relatives. If it is found that the adoptee who has sought non identifying information has been adopted 2 or more times, the Department will specify to the adoptee whether the information released pertains to the adoptee's birth parents or to any intervening adoptive parent.

## ***Search/Contact***

The Post Adoption/Access to Sealed Records Unit provides a search and contact service. This service permits the unit to search for named individuals that were located within the adoption record for which the requestor would like to have contact. During the eligibility determination process for access, the requestor must sign a Sworn Statement (CS-1030) that they will not attempt to contact anyone named within the released adoption record. They may also indicate on the Sworn Statement that they would like to search for individuals and have contact with those that are located. The fee for this service is \$135.

At the time of the release of an adoption record, the requestor is provided information regarding the search/contact service. The requestor is given 6 weeks to request the additional service and to provide the required fee. If the requestor qualified for a fee waiver for any other service, the search and contact is conducted at no charge. If the requestor asks for the service after the 6 week period, there is an additional \$50 fee to re-order and re-open the record.

### Procedures for Search/Contact:

1. The request for Search/Contact must be in writing. Staff will ensure that the request is complete and proper identification has been obtained.
2. Follow procedures for Request for Services.
3. If the request for Search/Contact is an additional service for a previous requestor that was found eligible, ensure the request is added to the existing requestor in SharePoint.
4. Note the individuals that the requestor is seeking contact. Ensure that the individuals are noted on the Sworn Statement. Once the requestor has read his/her adoption record, there may be changes that need to be made to the original Sworn Statement. If additional persons are requested, a new Sworn Statement must be completed by the requestor.
5. Identify the individuals from the actual record that may be sought. The Department does not search for alleged parents. The parent must either be on the birth certificate, been legitimated, or surrendered their parental rights to be deemed a parent. Parents that have signed waivers of interest are considered alleged.
6. The requestor is sent a letter explaining that the search has been initiated. The letter details the individuals that they requested contact.
7. The Contact Veto Registry is cleared. Ensure that all names that are identified within the record, including the adoptee's birth name, has been searched on the registry.
8. Check the No File area of the PA file room to ensure that no one has attempted to file a CVR that could not be connected to the adoptee.
9. Begin diligent search for individuals, with the birth mother being the first attempt:
  - a. Begin with CLEAR regarding the requested individuals. Information located in CLEAR may assist with additional avenues of search. Such information may include death records, aliases, SS#'s, addresses and phone numbers, marriages and/or divorces, driver's licenses and criminal records.
  - b. Attempt to locate obituaries on line. Begin with searching for the birth mother's father. If an obituary is located, survivors that are listed may include additional names for the birth mother and/or other individuals that may be of assistance with the search.

- c. Search for individuals within TFACTS to find any DCS history on the family. This information may lead to additional names as well as addresses or phone numbers.
  - d. Searching social media sites may be beneficial. If located a private message only may be sent to the individual. Do not post any information regarding the Department on the person's actual public site.
  - e. Criminal history should be located. Utilize the State of Tennessee website to locate sex offenders within the state. This allows for additional information including addresses and phone numbers.
10. Other search engines that may be utilize include the following:

<http://gravelocator.cem.va.gov/>

<http://www.findagrave.com/cgi-bin/fg.cgi?page=gs&>

<https://apps.tn.gov/foil-app/search.jsp;jsessionid=0B56770AA60845206F31D64F35DC94CB.portalprod7>

[www.google.com](http://www.google.com)

[www.facebook.com](http://www.facebook.com)

<https://www.lookupanyone.com>

<https://familysearch.org>

<https://familysearch.org/search/collection/1202535>

<https://www.tn.gov/tbi/section/tennessee-sex-offender-registry>

<https://www.truepeoplesearch.com/>

11. If the birth mother is a requested individual for search/contact, begin the search process with attempting to locate her whereabouts. If contact is made and her identity is verified (by maiden name, DOB, and that a child was given up for adoption), explain the adoption law and that the adoptee has requested contact. If necessary, explain that other individuals will be searched and ask the mother for any identifying information regarding the other persons mentioned within the record. Document all search efforts and note the information that the birth mother may have released. Explain the Contact Veto Registry process. The birth mother would need to file a CVR to verify her wishes for or against contact.
12. Explain to the birth mother that if she does not wish for actual contact, she may still send a letter, photos, cards, etc. for the adoptee.
13. Ensure that the CVR is mailed to the birth mother along with a letter explaining the process. If the fee is not received within 90 days, the requestor is notified that they are free to search on their own.
14. If the person does not verify that they are the birth mother or denies that she is the correct person, continue with diligent search of other possible individuals who may be the birth mother. If, after completing a thorough search, the requestor is informed that the birth mother cannot be located; therefore, the requestor may not attempt to search and contact the individual.



15. If the birth mother is found to be deceased, proceed with the next person listed on the Sworn Statement.
16. Once information is found regarding other requested persons, contact is attempted. If possible, utilize found phone numbers to call and speak via telephone. If only an address can be located, send a certified letter explaining that DCS would like to discuss an issue. This includes the last known address located within the adoption record.
17. After the requested person's identity is confirmed (by verifying name, DOB, etc.), the person is informed of the purpose of the search. Explain the adoption law and that the adoptee has requested contact. We explain that they have the right to determine if they would like contact, and if so, how would the transmission of contact occur. Explain the Contact Veto Registry process. The person would need to file a CVR to verify their wishes for or against contact.
18. Ensure that the CVR is mailed to the individual along with a letter explaining the process. If the fee is not received within 90 days, the requestor is notified that they are free to search on their own.
19. If the person does not verify that they are the requested individual or denies that they are the correct person, continue with diligent search of other possible individual. If, after completing a thorough search, the requestor is informed that the person cannot be located; therefore, the requestor may not attempt to search and contact the individual.
20. If the Department has satisfactory evidence that an individual is the person noted with the adoption record; however they cannot be located after a diligent search (including sending a letter to the last known address), the requestor is notified in writing. The requestor shall be under no further restrictions against contact with the person who has been sought.
21. Document all search attempts on the "clue sheets" and place on the left side of the Post Adoption file.
22. Ensure that all persons located during the search process are entered into SharePoint under the search tab of the original request.
23. Notify the requestor of all search attempts and outcomes. Keep the requestor updated during the search process.
24. The Department will transmit information between the requestor and the person being sought when the person sought has filed with the Contact Veto Registry giving permission for contact by way of receipt of the transmitted information.
25. Upon completion of the search/contact, the requestor is sent all information along with a letter of completion.
26. The adoption record is re-sealed and sent back to the storage facility warehouse.
27. Ensure that the SharePoint database has been completed and the request has been closed.

### ***Updated Medical Information***

The Department may update the post adoption record with any necessary medical, psychological or psychiatric information. The information must be in the form of written evidence from a licensed health care professional or from a licensed health care facility. The documentation should explain the health care status of an eligible person and why the transmission of such information is necessary. There is no fee for this service.

Those who are eligible for the transmission of updated medical information:

- Adopted, age 18 or older
- Adoptive parents of adoptee under 18 years of age
- Biological or legal relative of an adoptee
- Legal representative of any adoptee or of any biological or legal relative

No updated medical information will be transmitted on behalf of persons who do not meet eligibility requirements. Transmittal of updated medical information concerning a person under the age of 18 shall be made with the adoptive or legal parent or with the legal representative of the person.

Procedure for updated medical request:

1. Upon receipt of a written request for updated medical or form CS-1026, Request Access to Sealed Adoption Record/Release of Information and Other Services, Post Adoption staff will verify that the appropriate written evidence from a licensed health care professional is included.
2. Ensure that the requesting person has included proper identification and that they are an eligible individual to receive information.
3. Enter the request and requestor's information into the current database system (SharePoint).
4. Complete a search of the adoption registries, FoxPro and/or DCS Adoption Portal, to verify that such record exists. If record exists, note the DPW number.
5. Search the Post Adoption file room for a Post Adoption file with a corresponding DPW number. If a PA file is located, the request is placed on the right hand side.
6. If an adoption record is identified in one of the adoption registries, but no PA file is located, a new PA file is created utilizing the noted DPW number. The request is placed on the right hand side of the file.
7. If no record can be located in either adoption registry, a No File is created for the request and placed in the PA room. The requestor is notified that no such record can be located.
8. If the adoption record can be located in one of the adoption registries, the record is ordered from the records management warehouse. Due to the time sensitive information, the record is expedited.
9. Upon receipt of the adoption file, the file is reviewed for identifying information regarding the birth parents.
10. Complete a diligent search for the birth parents utilizing all search engines.
11. If after completing a diligent search the parents cannot be located, the requestor will be notified of the search efforts and informed that the information could not be obtained. The Post Adoption file is filed in the PA room. The adoption record is returned to the records management warehouse. The request is completed in SharePoint.
12. If the diligent search was successful, contact is made. Staff will verify the individual's identify to ensure they are part of the adoption record. Explain why the updated information is needed.
13. If the contacted parent is not willing to provide any updated information, the requestor will be notified and the request will be closed.
14. If the contacted parent is willing to provide updated information, explain that the non-identifying information must be provided in writing. A specific release for a stated purpose, which is time limited (4 months), must be provided to the individual and received prior to any transmittal of information.
15. Upon receipt of the written information, staff will ensure that there is no identifying information on the documentation.
16. The information is then sent to the requestor's licensed health care professional that had provided the original concerns for necessary information.
17. Update the current database system (SharePoint).
18. File the Post Adoption file within the PA file room.
19. The adoption record is re-sealed and returned to the records management warehouse.

Procedure for requested transmittal of birth family medical information:

1. Upon a written request from birth family to provide medical information to an eligible person that has a record maintained by DCS, staff will confirm that the information is accompanied by evidence of a medical issue from a licensed health care professional or a licensed health care facility.

2. Post Adoption staff will determine if the information is such that it needs to be transmitted to an eligible person immediately.
3. Ensure that proper identification is provided by the reporting individual.
4. Search adoption registries FoxPro and/or the DCS Adoption Portal for existence of an adoption record.
5. If no adoption record can be identified, the information is placed in a No File and placed in the Post Adoption file room.
6. If an adoption record is identified within the adoption registries, the DPW is noted and the Post Adoption file room is searched for an existing Post Adoption file with a corresponding DPW. If no PA file is already in existence, a new PA file is created.
7. If staff determines that the information provided is not immediate, not medically necessary, or if it is not accompanied by appropriate medical evidence of a licensed health care provider, the information is placed on the right side of the Post Adoption file. In this situation, no further action is needed.
8. If the medical issue is determined to be such that the information needs to be transmitted, the record is ordered from the storage management warehouse. Due to the time sensitive material, the record is expedited.
9. The request, and all information, is entered into the current database system (SharePoint).
10. Upon receipt of the record, staff will review the record to determine eligible persons that may be affected by the documented medical information.
11. If the record does not contain sufficient information to identify eligible individuals, the Department will not conduct a search to update or transmit medical information.
12. If the record contains sufficient information to identify eligible individuals that may be affected, the Department will conduct a diligent search for these individuals.
13. If the record indicates that there are eligible individuals to or from whom the medical information should be transmitted, but the record does not establish their identity, we will search for the birth mother to obtain other identifying information.
14. When located, the individual will be notified of the availability and nature of the medical information.
15. Explain that the person may request the information to be provided to them by utilizing form CS-1026, Request Access to Sealed Adoption Record/Release of Information and Other Services.
16. Upon receipt of the completed Request, the medical information will be provided. Any identifying information will be removed prior to its release to the eligible individual.
17. If any additional information is requested, staff will contact the birth family for any further updated medical. Provide any additional information to the eligible person.
18. Place all information within the PA file and place as appropriate into the file room.
19. The current database (SharePoint) is updated and completed.

Any alleged parent/relative is not an eligible person for transmittal of updated medical information. If medical information is received from an eligible person but no documented medical issue is presented from a licensed health care professional/facility, the information is placed within the post adoption file. No search or transmittal of information is completed.

### ***Court/Docket Number***

Per TCA 136-1-138(a)(4), the Post Adoption Unit handles requests for information pertaining the court and/or docket number from an adoption finalization proceeding. This service is completed at no charge to the requestor. The request for court/docket information must be in writing. The request must include information regarding the adoption, such as the name of the adoptee.

Procedures for Court/Docket requests:

1. The written request is reviewed by Post Adoption Staff to determine if all required information has been provided. The requestor is contacted for any necessary additional information.
2. The current databases, FoxPro, Adoption Portal and/or TFACTS, are searched for evidence of a sealed record that is maintained by the Department. If no record can be located within any system, a request is made to Vital Records, via their Department's request letter, to determine if a birth certificate has been amended due to an adoption.
3. When the record is located within the database, the DPW (Department of Public Welfare) number is searched in the Post Adoption file room for a Post Adoption record that may already be in existence from a previous request. Records sealed prior to 1951 may have a TCHS (Tennessee Children's Home Society) number.
4. If a Post Adoption file is located, the new court/docket request is added to the existing file. If no Post Adoption file is located, a new PA file is created for the request.
5. Ensure the request has been entered into the current database (SharePoint), along with all of the requestor information.
6. Order the record from the storage facility warehouse via the DPW/TCHS number.
7. Upon receipt of the record, Post Adoption staff will open the record to locate the correct court and docket information located on the court documents within the file.
8. The found court/docket information is dictated in a letter and sent to the requestor. A copy of the letter is placed within the Post Adoption file and maintained in the PA file room.
9. Update all information in SharePoint and ensure the request is completed.
10. The file is re-sealed and returned to the storage facility warehouse.

## **Contact Veto Registry**

The Contact Veto Registry was established to protect birth parents' rights in regards to contact with the adoptee and/or other eligible persons that may access a sealed adoption record. Prior to the current legislation, adoption files were nonpublic; therefore, birth parents may have believed their background information would not be disclosed or that contact with their birth child may not be possible. Per TCA 36-1-128, the Department is charged to establish and maintain a registry for eligible individuals who may or may not wish to have contact with anyone that may access any sealed adoption record. Adoptees are notified any time an eligible person requests their sealed record and must provide written consent before any confidential information may be released from their file. Therefore, adoptees do not register for Contact Veto.

The following persons are eligible to have their names entered into the Registry:

- Parent, sibling, spouse, lineal ancestor or lineal descendent of an adopted person
- The legal representative of any parent, sibling, spouse, lineal ancestor or lineal descendent of adopted person

The Registry shall contain the following information:

- The name of each person who has filed a contact veto or who has given consent for further contact
- The address or telephone number that may be utilized by the Department
- The date and place of birth of the person, if known
- The name, address and telephone number of the person requesting contact to be notified in the event the veto is varied or withdrawn
- The method of contact to which the person consents (may include 3<sup>rd</sup> parties)
- Any other information that eligible parties may wish to release to other eligible parties

Individuals who have filed their preference for contact may vary or withdraw their contact veto registration at any time. Persons that have been located by the Post Adoption Unit are given the opportunity to register for contact (or no contact) if desired. They are given 90 days to return this information. Any decisions regarding contact by the person being sought will be shared with the person requesting service.

Upon request to register, the Contact Veto form will be supplied by the Post Adoption Unit. The form must contain an original signature of the individual that wishes to file. There is a \$25 fee for filing a Contact Veto. If a registered individual wishes to make changes to an existing request, payment of another filing fee is required.

Once a CVR is effectively filed, the contact veto shall 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. The filing person may exclude from protection and application any such noted relatives or spouses. If a contact veto or consent for contact is filed, the unit will notify the filing person of any request for contact with the filing person.

Procedures for entering a Contact Veto:

1. Upon receipt of a request to register for CVR from an eligible individual, the Post Adoption staff will ensure that the appropriate form (CS-0728) is provided to the requestor. This also includes individuals that have been sought by the unit for contact.
2. An acknowledgement letter, explaining the process and required fee (including fee waiver and income affidavit information) is also sent to the requestor.
3. Upon receipt of the completed CS-0728 form, along with appropriate identification, staff will ensure that all information is complete in order to attempt to locate an existing adoption record.
4. Post Adoption staff will search FoxPro, the DCS Adoption Portal and/or the Contact Veto Registry in an attempt to locate an adoption associated with the Requestor. If the adoptee is located within any system, the record's assigned DPW number will be noted. Staff will attempt to locate an existing Post Adoption file which corresponds to the DPW number.
5. If no registered adoption record can be associated with the requestor, a No File is created and filed in the PA file room.
6. The requestor, the DPW number (if known) as well as any other provided information, is added to the current database (SharePoint). If no DPW is associated with the case, the type of case is NF for No File within the current database.
7. If no fee has been received within 6 weeks of the date of acknowledgement letter, the request is closed. Enter closure in the current database system.
8. Once fee is received, it is submitted to fiscal for processing. If the requestor presented the fee in person, a written receipt is given at that time. In this case, the fee, along with a copy of the written receipt that was provided to the requestor, are both submitted to fiscal for processing.
9. If the requestor presents information for a fee waiver or affidavit of income which is denied, staff will inform the requestor of the reason for denial. The requestor will be presented information regarding the appeal process for the denial.
10. Upon confirmation that the fee has been processed through fiscal (or fee waiver/affidavit of income has been received and approved), the Post Adoption staff will proceed with registration.
11. The CVR request is logged into the CVR computer registry. The following information is recorded:
  - a. DPW/DHS/DCS code number (if known)
  - b. Name of requestor
  - c. Date of request
12. If a Post Adoption file is located, the CVR is placed within the file. Upon request for a copy of the PA file, the CVR is copied, along with the rest of the file.

13. Once the registration is complete, a letter is mailed to the requestor which explains that the CVR they filed can be released to an eligible individual if the Post Adoption file is requested. The letter also verifies the information that was provided by the requestor. The requestor also receives a copy of the Contact Veto Registry form they submitted and a copy of the fee receipt.
14. The current database system (SharePoint) is updated with all information as necessary.

During the Search/Contact process, the unit may locate an individual due to requested contact by someone that has received access to an adoption record. After verification that the individual is the correct person, the Contact Veto Registry process is explained. The individual must provide in writing the type of contact they are willing to have, or if they wish to veto contact all together and complete form CS-0728 to have their information added to the registry.

## ***Advance Notice Registry***

The Advance Notice Registry allows eligible individuals to register for advance notification prior to the release of the sealed adoption record or post adoption file. This prior notice allows the registered person the opportunity to prepare for the release of the record and any impact the release of the file may have on the person or their family. TCA 36-1-304 charges the Department with establishing and maintaining the registry. If an individual is registered for advance notice, they will receive notification 15 days prior to the actual release of the record. The 15 day period begins the day the notification is placed in the mail.

Eligible person to register for Advance Notice:

- The adopted person's birth, adoptive, step- or legal parent, age 21 or older
- The adopted person's birth or adoptive siblings, 21 years of age or older
- The adopted person's lineal ancestors, 21 years of age or older
- The adopted person's lineal descendants, 21 years of age or older
- The legal representatives of any of these persons

Persons ineligible to access adoption records and receive Advance Notification include:

- Parent or pre-adoptive guardian whose rights were involuntarily terminated for cause
- Sibling, lineal ancestor, spouse or legal representative of the person whose rights were involuntarily terminated for cause
- Person guilty of a crime of violence or neglect against the adopted person

An eligible person who wishes to place their name on the advance notice registry must notify the Department by utilizing the Advance Notice Registry form CS-1027. The form must be submitted to the Post Adoption Unit along with satisfactory proof of identification. The fee for filing for advance notice is \$25. The person filing with the Advance Notice Registry will only be notified of the impending release of records when such records contain identifying information about the filing person and the filing person meets all of the eligibility requirements. Notification of the impending release of records will be sent by certified mail to the address of the most recent form filed with the Registry.

Adoptees are notified any time an eligible person requests their sealed record and must provide written consent before any confidential information may be released from their file. Therefore, adoptees do not register for advance notice.



## Procedures for Advance Notice Registry:

1. Upon a request to register for ANR from an eligible individual, the Post Adoption staff will ensure that the appropriate form (CS-1027) is provided to the requestor.
2. An acknowledgement letter, explaining the process and required fee (including fee waiver and income affidavit information) is also sent to the requestor.
3. Upon receipt of the completed CS-1027 form, along with appropriate identification, staff will ensure that all information is complete in order to attempt to locate an actual adoption record.
4. Post Adoption staff will search FoxPro and/or the Adoption Registry Portal in an attempt to locate the adoptee associated with the Requestor. If the adoptee is located within either system, the record's assigned DPW number will be noted. Staff will attempt to locate an existing Post Adoption file which corresponds to the DPW number.
5. If no registered adoption record can be associated with the requestor, a No File is created and filed in the PA file room. The requestor is notified that the record could not be identified and notice will only be sent if a record reviewed in the future has identifying information about them based on information registered with the Advance Notice Registry.
6. The requestor, the DPW number (if known) as well as any other provided information, is added to the current database (SharePoint). If no DPW is associated with the case, the type of case is NF for No File within the current database.
7. If no fee has been received within 6 weeks of the date of acknowledgement letter, the request is closed. Enter closure in the current database system.
8. Once fee is received, it is submitted to fiscal for processing. If the requestor presented the fee in person, a written receipt is given at that time. In this case, the fee, along with a copy of the written receipt that was provided to the requestor, are both submitted to fiscal for processing.
9. If the requestor presents information for a fee waiver or affidavit of income which is denied, staff will inform the requestor of the reason for denial. The requestor will be presented information regarding the appeal process for the denial.
10. Upon confirmation that the fee has been processed through fiscal (or fee waiver/affidavit of income has been received and approved), the Post Adoption staff will establish an Advance Notice Registry file, which is yellow in color.
11. ANR request is logged into the ANR computer registry and in ANR book. The following information is recorded:
  - a. DPW/DHS/DCS code number
  - b. Name
  - c. Date of request
12. Staff will attempt to locate a Post Adoption file of the adoptee. If PA file is located, the ANR file is placed behind the actual post adoption file, located in the PA file room. If no PA file is located, one will be created. The ANR request does not become part of the Post Adoption file
13. Once the registration is complete, a letter is mailed to the requestor which explains the eligibility for notification when their identifying information is requested. The requestor also receives a copy of the Advance Notice Registry form they submitted and a copy of the fee receipt.
14. The current database system (SharePoint) is updated with all information as necessary.

# Copying of Records

After eligibility to access the adoption record has been determined and the requestor has returned their Sworn Statement, Record Review Notice and copy fee (unless there is a fee waiver), the file is copied. It is of utmost importance that the record is kept and copied in the same order as it is was found upon review.

All staples are removed in order to copy each page and then replaced as exact as possible. Any paperclips that are located within the record must be returned in the same position. Blank pages are not copied, and double sided pages are copied as double sided if possible. All envelopes are copied and considered as a page. Any pages located within the file that are of legal size are copied on legal sized paper. The fee for copying the record is 25¢ per page. Two sided pages are counted as two pages. If the requestor qualified for a fee waiver, the fee for copying of the record is also waived.

Procedures for copying the record(s):

1. Copy the Sworn Statement that was received from the requestor. The original is kept and filed in the Post Adoption File upon completion.
2. Ensure that a copy of the Authorization Letter is kept and filed in the Post Adoption File upon completion of the file. Three original letters are mailed to the requestor with the copied file.
3. Begin copying the Post Adoption File by copying the Eligibility Letter that was mailed to the requestor.
4. Copy all documents that were placed in the PA file before the Eligibility Letter was mailed to the requestor.
5. Any letters that are located within the Post Adoption file are also copied. If the letter is addressed to the requestor, the original (including the envelope) is given to the requestor. Copies are made and maintained within the PA file. Note on the copied letter the date and to whom the original was given. If letters are addressed to anyone other than the requestor, only copies of the letters are released and the originals remain within the Post Adoption file.
6. Ensure that all necessary notes and/or clue sheets are also copied. These may be located on the left side of the PA File.
7. Do not copy any clearance forms for the Advance Notice Registry. These are usually yellow in color.
8. After the PA file has been copied, secure the copied documents with a rubber band. Ensure that the file is placed back in the same order as found and that all staples have been replaced.
9. Begin copying the actual adoption record and/or supplemental records. Ensure that all pages are kept in the same order as the original record.
10. Ensure that the foster/adoptive home study is not copied. There are times that the study is not kept together and information is located throughout the file. Inspect the file closely to ensure that additional home study information regarding the adoptive parents is not copied. Photos of the adoptive family that are part of their home study requirement are not copied or released. Information regarding supervision visits after the baby has been placed with the family is copied.
11. Inspect the file for any pregnancy counseling notes regarding the birth mother. Any such counseling information is not copied or disclosed.

12. Ensure that all photos of the adoptee (or birth family) are copied. This includes the back of the photo if there is any written information. If the requestor is the adoptee, the original photos are released with the copied file. If the originals are removed from the record, the copy is kept in the sealed record. Please note on the copy the date the original photo was removed and to whom the original(s) was given.
  - For pre 1951 or TCHS records, any photos of the adoptee (or birth family) are released to the requestor.
  - Copies of any photos that are released are kept within the sealed file. Ensure that the back of the photos are copied if there is any written information. The copy should be dated and information as to whom the photo was released noted.
  - If the pre 1951 or TCHS record is requested again, the requestor will receive copies of the copied photos.
13. Copy the rest of the adoption record(s). Ensure that all copies are legible. This may require changing the density of the copier to ensure a good quality copy.
14. Place all originals of the record back into the folder just as they had been prior to the review.
15. Bind the copy of the adoption and any supplemental records together with a rubber band.
16. The copied record, along with the copied Post Adoption file, is sent to the requestor via certified mail. Ensure that 3 copies of the Letter of Authorization and a final letter explaining that the access service is now complete.

## Adoption Records Website Information

Information regarding how to access adoption records has been posted to the DCS Website at <http://tn.gov/dcs/topic/adoption-records>. Information regarding the following topics can be located online:

- Adoption Records FAQ
- Adoptions before 1951
- Advance Notice Registry
- Contact Veto Registry
- If Your Birth Child was Adopted
- For Alleged or Putative Fathers

Along with information, the site includes an Adoption Record Online Inquiry form. Once an individual completes and submits the inquiry form, it is received by staff of the Post Adoption Unit. Within 48 hours of receipt of an online inquiry, staff will respond to any questions via the email address provided by the individual. The individual is provided information in regards to how to begin the process of requesting an adoption record.

## Post Adoption Information Hotline

In addition to the above mentioned website information, the Post-Adoption/Access to Records Unit provides a telephone hotline for information. Individuals may contact the hotline to receive information regarding access to adoption records. Any messages that are left on the hotline are returned within 48 hours. All calls are

logged in the telephone log book and maintained within the Post Adoption unit. The Hotline phone number is (615) 532-5637.

## Fees

No search or authorization for access to records shall be processed or copies of the records provided until the required fees have been paid or fee waiver documentation has been received by the Department. The only exception occurs if the Department, in its sole discretion, determines that life threatening or medically terminal circumstances involving the requesting party warrants processing.

Payments for services that are received via mail may be made by personal check, cashier's check or money order payable to the Department of Children's Services. The payment should be mailed to:

Tennessee Department Children's Services  
Access to Sealed Records  
UBS Building, 9<sup>th</sup> Floor  
315 Deaderick Street  
Nashville, TN 37243

Cash payments are only accepted when hand delivered to the Unit upon appointment. All fees are processed through Fiscal. Receipts are provided for all received fees. Current fees are as follows:

### Access to Records:

- \$150.00 Initial request for access
- \$50.00 for each additional record requested
- \$50.00 for access to Post Adoption file (if requested after initial access)
- \$50.00 Letter of Authorization (if requested after initial access)
- 25¢ per page for copying costs

### Search/Contact:

- \$135.00 for each search and/or contact request
- \$50.00 Letter of Authorization

### Contact Veto Registry:

- \$25.00 Initial Contact Veto Registry filing
- \$25.00 to vary or withdraw original filed request

### Advance Notice Registry:

- \$25.00 Initial Advance Notice Registry request
- \$25.00 to vary original filed request

### Non-Identifying Information:

- \$45.00 Initial request for information

Updated Medical Information:

- No fee

Additional

- Fee sufficient to cover costs of shipping or mailing any records from other information resources
- Fees are charged for each services requested

## Fee Waiver

Upon receipt of a written request for services, information is shared with the requestor regarding the fee for services, as well as the fee waiver process. Fee waiver determination is only made upon request of the individual.

Waivers are granted and no fees are charged to any person who can provide evidence that they or someone in their household unit currently receives:

- Temporary Assistance for Needy Families (TANF) or any means-tested case assistance program
- Food Stamps (SNAP) or any other means-tested food assistance program
- Medicaid, TennCare or any other means-tested medical assistance program
- Supplemental Security Income (SSI) under Title XVI of the Social Security Act

Persons that cannot show evidence of any of the above situations may request an Affidavit of Income and Resources for Waiver of Sealed Records Fees (CS-1028). This document must be completed and the sworn information must be signed before a notary.

Procedures for fee waiver:

1. Upon receipt of a completed request for services and verification that a record exists, the Post Adoption staff will send an acknowledgement letter to the requestor. This letter includes information regarding possible fee waiver.
2. The requestor has 6 weeks to provide sufficient information regarding a fee waiver.
3. Once the requestor has provided evidence of current enrollment to one of the above mentioned government programs, the Post Adoption staff will ensure the information is accurate and make a determination of fee waiver. The information must show evidence of the requestor's current involvement or that of a household family unit member. The family unit member must be of relation by blood, marriage or adoption.
4. If the requestor cannot provide verification of current eligibility of one the approved programs, an Affidavit of Income and Resources for Waiver of Sealed Record Fees (CS-1028) will be provided.
5. Upon receipt of the sworn declaration of sources of income, staff will determine if a waiver is appropriate or denied. For waiver approval, the family unit's income, based upon its size, cannot exceed the current threshold in the Federal Register and the family unit's non-exempt resources cannot exceed \$1,000.
6. The requestor is sent a letter of fee waiver approval or denial.
7. If the fee waiver is approved, the request for service is processed accordingly.

8. If the fee waiver is denied, the request for services is complete. The request is retained in the Post Adoption file.
9. Update the current database system (SharePoint) as appropriate.

Once a waiver of fees is approved, there will be no fees associated with any services requested and/or provided for the particular request only. Any additional requests for services by additional requestors are subject to the fee process.

## Policy

The Post Adoption Unit maintains and follows policy 15.9 – Access and Release of Information from Sealed Adoption Records and Other Services. The policy is located under chapter 15 of the DCS Intranet at <https://files.dcs.tn.gov/policies/chap15/15.9.pdf>.

## Forms

The following is a list of forms utilized by the Post Adoption Unit:

[\*\*\*CS-1025 Administrative Request to Access Sealed Adoption Record and Release of Information\*\*\*](#)

[\*\*\*CS-1026 Request Access to Sealed Adoption Record/Release of Information and Other Services\*\*\*](#)

[\*\*\*CS-1027 Advance Notice Registry Application\*\*\*](#)

[\*\*\*CS-1028 Affidavit of Income and Resources for Waiver of Sealed Records Fees\*\*\*](#)

[\*\*\*CS-1030 Sworn Statement for Access to Records\*\*\*](#)

[\*\*\*CS-0403 Appeal for Fair Hearing\*\*\*](#)

[\*\*\*CS-0728 Contact Veto Registry Application\*\*\*](#)

Case Record Review Notice

Record Order Form

Advance Notice Registry Eligibility Form

Determination of Eligibility (pre 1951, post 1951)

Non-Identifying Information

Vital Records Request

Release of Information for Updated Medical



RECORD ORDER FORM

TCHS# \_\_\_\_\_

DPW# \_\_\_\_\_

FM BOX# \_\_\_\_\_ R&R# \_\_\_\_\_

SUPPLEMENT# \_\_\_\_\_ R&R# \_\_\_\_\_

CHILD'S NAME:                      BIRTH                      ADOPTIVE

---

REQUESTOR: \_\_\_\_\_

FEE WAIVER:                      Y                      N

DATE PAYMENT/WAIVER RECEIVED: \_\_\_\_\_

ASSIGNED CASE MANAGER: \_\_\_\_\_

PAGES: #File\_\_\_\_ #PA\_\_\_\_ Total\_\_\_\_ x.25=Total Cost\_\_\_\_

DATES:

SWORN STATEMENT SENT: \_\_\_\_\_ DUE \_\_\_\_\_

COPY FEE LETTER SENT: \_\_\_\_\_ DUE \_\_\_\_\_

SEARCH FEE DUE: \_\_\_\_\_ RECORD MAILED \_\_\_\_\_

FILE CLOSED DATE \_\_\_\_\_

NOTES: \_\_\_\_\_

Advance Notice Registry

Eligibility Determination Form

ADVANCE NOTICE REGISTRY STAFF:

I. DPW/DHS/DCS# \_\_\_\_\_ Adoptive Name \_\_\_\_\_  
Person registered: YES \_\_\_\_\_ NO \_\_\_\_\_

Name of person registered: \_\_\_\_\_

Relationship to adoptee: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

POST ADOPTION STAFF:

II. Sealed record checked to determine that requestor is eligible to access record.

Eligible: \_\_\_\_\_ Not Eligible \_\_\_\_\_

If not eligible no further action is required.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

POST ADOPTION STAFF:

III. List full names, including maiden name of person(s) identified in sealed record and post adoption file eligible to have notification (including individuals identified in the Adoptive Home Study).

Note: Persons ineligible to access adoption records and receive Advance Notification include:

- Parent or pre-adoptive guardian whose rights were involuntarily terminated for cause
- Sibling, lineal ancestor, spouse or legal representative of the person whose rights were involuntarily terminated for cause
- Person guilty of a crime of violence or neglect against the adopted person

Requesting Person: \_\_\_\_\_

Adopted Person: \_\_\_\_\_

Birth Name: \_\_\_\_\_

Adoptive Father: \_\_\_\_\_

Adoptive Mother: \_\_\_\_\_

Adoptive Paternal Grandfather: \_\_\_\_\_

Adoptive Paternal Grandmother: \_\_\_\_\_

Adoptive Maternal Grandfather: \_\_\_\_\_

Adoptive Maternal Grandmother: \_\_\_\_\_

Adoptive Siblings: \_\_\_\_\_ DOB: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Birth Mother: \_\_\_\_\_ DOB: \_\_\_\_\_

Birth Father: \_\_\_\_\_ DOB: \_\_\_\_\_

Birth Maternal Grandmother: \_\_\_\_\_ DOB: \_\_\_\_\_

Birth Maternal Grandfather: \_\_\_\_\_ DOB: \_\_\_\_\_

Birth Paternal Grandmother: \_\_\_\_\_ DOB: \_\_\_\_\_

Birth Paternal Grandfather: \_\_\_\_\_ DOB: \_\_\_\_\_

Birth Siblings: \_\_\_\_\_ DOB: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Legal Representative of any of the above: \_\_\_\_\_

Legal Father: \_\_\_\_\_ Stepfather: \_\_\_\_\_

Other Persons not specified: \_\_\_\_\_

ADVANCE NOTICE REGISTRY STAFF:

IV. Names of people from eligibility list that are registered:

\_\_\_\_\_  
\_\_\_\_\_

ADVANCE NOTICE REGISTRY STAFF:

V. Date notification letter was sent: \_\_\_\_\_ 15 day expiration: \_\_\_\_\_

ADVANCE NOTICE REGISTRY STAFF:

VI. Final check of ANR by DPW/DHS/DCS code number and full name:

New names found due for notification? Yes \_\_\_\_\_ No \_\_\_\_\_

\_\_\_\_\_

If Yes, repeat part V

Date of final ANR Clearance: \_\_\_\_\_ Signature: \_\_\_\_\_

\*Place completed Advance Notice Registry Clearance Form in Post Adoption File

DETERMINATION OF ELIGIBILITY FOR TCA 36-1-127 (3)(A)-(F)

(Pre 1951)

Requesting Person: \_\_\_\_\_

Relationship: \_\_\_\_\_ Relationship Established: Yes  No

Individual's record to be accessed: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Individual's Parents: \_\_\_\_\_

Eligibility Established: Yes  No

\_\_\_\_\_

Case Manager

Date

Record reviewed by: \_\_\_\_\_

Eligible Person

Date

Copies of record(s) given/sent to eligible person \_\_\_\_ Date: \_\_\_\_\_

\_\_\_ **Original** pictures given/sent to **adopted** person (or lineal descendant if adopted person is deceased)

\_\_\_ **Copy** of pictures given/sent to other eligible person

\_\_\_ Pages altered to remove portions of the adoptive home study or crisis pregnancy counseling



DETERMINATION OF ELIGIBILITY FOR TCA 36-1-127(c)-(h)(3)

Adopted Person

Relative of Adopted Person

Requesting Person: \_\_\_\_\_

Relationship: \_\_\_\_\_ Relationship Established: Yes  No

Individual's record to be accessed: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Individual's Parents: \_\_\_\_\_

Information in record consistent with information given by requestor? YES  NO  (note difference)

\_\_\_\_\_  
\_\_\_\_\_

Rape/Incest \_\_\_\_\_ If yes, was birth mother's consent obtained? \_\_\_\_\_

Termination of Parental Rights for Cause \_\_\_\_\_ Abuse or Neglect \_\_\_\_\_

Adopted person's consent obtained \_\_\_\_\_

Sworn Statement sent \_\_\_\_\_ Returned \_\_\_\_\_ Eligibility Established \_\_\_\_\_

\_\_\_\_\_

Case Manager

Date

Record reviewed by: \_\_\_\_\_

Eligible Person

Date

Copies of record(s) given sent to eligible person Date\_\_\_\_\_

\_\_\_ **Original** pictures given/sent to **adopted** person

\_\_\_ **Copy** of pictures given/sent to eligible person

\_\_\_ **Original** letters/cards addressed to adopted person given/sent to **adopted person**

\_\_\_ Pages altered to remove portions of the adoptive home study or crisis pregnancy counseling

RELEASE OF INFORMATION FOR UPDATED MEDICAL INFORMATION

TENNESSEE CODE ANNOTATED, § 36-1-135(c)

This Release of Information should be used when a request for medical information has been made by an adopted person or by a biological or legal relative or the legal representative of the adopted person and they have provided written evidence from a licensed health care professional or a licensed health care facility of a medically established need for additional or updated medical information about an adopted person, or their biological or legal relatives and the Department of Children’s Services, is contacting the persons who have access to or have or may have knowledge of such information. See, T.C.A. 36-1-135.

I, \_\_\_\_\_, (Name of Person Executing the Release) have been told by the Tennessee Department of Children’s Services that a person eligible to request updated medical, psychological, or psychiatric information has requested additional or updated medical, psychological, or psychiatric information to which I may have access or of which I may have knowledge.

I understand that if I have authority to release such information, that such release is entirely voluntary on my part.

1. I hereby release the following specific information to the Tennessee Department of Children’s Services and its authorized agents to provide such information about me to the treating professionals or health care facilities for the purpose of assisting with the medical, psychological, or psychiatric care of the requesting party (Attach Additional Sheets if Necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Names and addresses of Treating Professionals or Health Care Facilities from Whom the Information May Be Released Pursuant to My Approval (Attach Additional Names if Necessary):

a. \_\_\_\_\_

RELEASE OF NON-IDENTIFYING INFORMATION FROM RECORDS CHAPTER 0250-7-11  
OF ADOPTIONS AND TRANSMITTAL OF MEDICAL INFORMATION  
REGARDING CERTAIN PERSONS AFFECTED BY ADOPTIONS  
(Rule 0250-7-11-.05, continued) November, 2001 (Revised) 13

b. \_\_\_\_\_

- c. \_\_\_\_\_
- d. \_\_\_\_\_
- e. \_\_\_\_\_
- f. \_\_\_\_\_

3. Other than the specific information given above, I wish to share other medical information about me and/or other relatives: (If information is given about other relatives, please specify their relationship to you.)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. This Release Shall Expire in four (4) months from date of my signature unless otherwise stated here \_\_\_\_\_. Thereafter a new release must be executed for further release of additional or updated medical information.

This the \_\_\_ day of \_\_\_\_\_, 20\_\_.

Please Print: \_\_\_\_\_

Name of Person Signing Release

Signature: \_\_\_\_\_



# Non-Identifying Information for Other Children

## Non-Identifying Information for

Other Children of Biological Parents     Other Children of Legal (Adoptive) Parents

WEIGHT AT BIRTH:	_____	WEIGHT AT BIRTH:	_____
LENGTH AT BIRTH:	_____	LENGTH AT BIRTH:	_____
SEX:	_____	SEX:	_____

<b>Relationship:</b>		
<b>AGE AT TIME OF ADOPTED PERSON'S BIRTH</b>		
<b>NATIONALITY/ETHNIC BACKGROUND</b>		
<b>RACE</b>		
<b>RELIGIOUS PREFERENCE</b>		
<b>EDUCATIONAL LEVEL</b>		
<b>GENERAL OCCUPATION</b>		
<b>TALENTS</b>		
<b>HOBBIES</b>		
<b>HEIGHT</b>		
<b>WEIGHT</b>		
<b>COLOR OF HAIR</b>		
<b>COLOR OF EYES</b>		
<b>COMPLEXION</b>		
<b>OTHER SIMILAR INFORMATION</b>		
<b>HEALTH HISTORY</b>		



# Non-Identifying Information

## Non-Identifying Information for

Biological Parents     Biological Relatives     Legal (Adoptive) Relatives

<b>Relationship:</b>		
<b>AGE AT TIME OF ADOPTED PERSON'S BIRTH</b>		
<b>NATIONALITY/ETHNIC BACKGROUND</b>		
<b>RACE</b>		
<b>RELIGIOUS PREFERENCE</b>		
<b>EDUCATIONAL LEVEL</b>		
<b>GENERAL OCCUPATION</b>		
<b>TALENTS</b>		
<b>HOBBIES</b>		
<b>HEIGHT</b>		
<b>WEIGHT</b>		
<b>COLOR OF HAIR</b>		
<b>COLOR OF EYES</b>		
<b>COMPLEXION</b>		
<b>OTHER SIMILAR INFORMATION</b>		
<b>CHILDREN:</b> (All ages given are at adopted person's birth)		
<b>HEALTH HISTORY</b>		



Tennessee Department of Children's Services  
**Non-Identifying Information**

**REQUESTED BY:** \_\_\_\_\_

(Name)

**FOR:** \_\_\_\_\_

(Adopted Person's Relationship to Requesting

Person)

**NON-IDENTIFYING INFORMATION FOR ADOPTED PERSON:**

**DATE OF BIRTH:** \_\_\_\_\_  
**TIME OF BIRTH:** \_\_\_\_\_  
**WEIGHT AT BIRTH:** \_\_\_\_\_  
**LENGTH AT BIRTH:** \_\_\_\_\_

**OTHER PHYSICAL CHARACTERISTICS AT BIRTH:**

**COPIES OF MEDICAL REPORTS ATTACHED:**

Yes  No

**NOTIFICATION OF MEDICAL PROBLEMS WHERE NO MEDICAL REPORT ATTACHED:**

**There is not any medical documentation noted in the adoption record.**

**NOTE: AGE NOTED ON ALL FORMS IS INDIVIDUALS' AGE AT THE TIME OF THE ADOPTED PERSON'S BIRTH;  
 OTHER INFORMATION NOTED IS THE MOST RECENT INFORMATION AVAILABLE FROM THE RECORD.**



STATE OF TENNESSEE  
DEPARTMENT OF HEALTH  
OFFICE OF VITAL RECORDS  
421 5th Avenue North, 1<sup>st</sup> Floor Central Services  
Building Nashville, TN 37243

To: Special Services, Vital Records  
From: DCS, Allotment code- 359.40  
Date:  
Subject: Sealed file

We are requesting information regarding the possible adoption of the person listed below:

Adopted name:

Date of birth:

Place of birth (county, city, state):

Adoptive mother:

Adoptive father:

Birth name:

Birthmother: Birth father:

Does Vital Records show this person has been adopted?      Yes      No

If yes, send a copy of the documents contained in the sealed file along with a copy of the new certificate of birth.

We understand that the Department of Children's Services will be billed for the search of the records or for the opening of the sealed file.

Sincerely,

Post Adoption/Access to Sealed Records