



Tennessee Department of Children's Services
Protocol for Access and Release of Information from Sealed Adoption Records and Other Services

Supplemental to DCS Policy: [15.9, Access and Release of Information from Sealed Adoption Records and Other Services](#)

A. Access to Records Finalized Prior to March 16, 1951, and Children's Home Society Records

1. A potentially eligible person or their legal representative seeking access to the records of an adoptee shall file a written request with the Department either by letter or on the form [CS-1026, Request Access to Sealed Adoption Record/Release of Information and Other Services](#) provided by the Department.
2. Upon receipt of a written request made by an adoptee or eligible person, and prior to any release of any records or documents, the Department:
 - a) Determines eligibility to access the record.
 - b) Verifies the identity and relationship of the requesting party; and,
 - c) Secures fees or document fee waiver as outlined in Section H.
3. Persons eligible to request access to records and other papers include:
 - a) An adoptee eighteen (18) years of age or older or emancipated.
 - b) The adoptee's birth/adoptive/step or legal parent eighteen (18) years of age or older.
 - c) The adoptive parent of an adoptee under eighteen (18) years of age.
 - d) The adoptee's birth or adoptive siblings eighteen (18) years of age or older.
 - e) The adoptee's lineal descendants/lineal ancestors eighteen (18) years of age or older; or,
 - f) The legal representatives of any person listed above.

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4. Any photographs contained in the sealed records of an adoption finalized prior to March 16, 1951, or which exist in any sealed record from the Tennessee Children's Home Society shall be given to the adoptee who requests access to the record. In the event the adoptee is deceased, the original photographs are given to the lineal descendant who first requests the record following the adoptee's death.

B. Access to Adoption Records for Adoptions Finalized on and after March 16, 1951.

1. A potentially eligible person or their legal representative seeking access to the records of an adoptee shall file a written request with the Department either by letter or on the form [CS-1026, Request Access to Sealed Adoption Record/Release of Information and Other Services](#).
2. Upon receipt of the written request for access from the adoptee or eligible person and prior to release of any records or documents, the Department:
 - a) Verifies the identity and relationship of the requesting party.
 - b) Secures fee(s) related documents as outlined in Section G of this policy.
 - c) Determines eligibility for access to the record.
3. Persons eligible to request access to records and other papers include:
 - a) An adoptee eighteen (18) years of age or older or emancipated.
 - b) The adoptee's birth/adoptive/step or legal parent eighteen (18) years of age or older.
 - c) The adoptive parent of an adoptee under eighteen (18) years of age.
 - d) The adoptee's birth or adoptive siblings eighteen (18) years of age or older.
 - e) The adoptee's lineal descendants/lineal ancestors eighteen (18) years of age or older;
or,
 - f) The legal representatives of any person listed above.
4. No access to the adoptive record of an adoptee or any person whose record is otherwise maintained shall be provided by the Department to persons identified in number three (3) above without the express written consent of the adoptive person, except an adoptive parent of an adoptee under the age of eighteen (18) years. If an adoptee or a person whose

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record is otherwise maintained is disabled, the lineal descendants of such person may petition the court to be granted access to the records.

5. No access to identifying information from the adoptive record shall be released either to the adoptee or other eligible persons without the written consent of the biological parent if such record indicates by any evidence that, with respect to the adoptee, the biological parent was a victim of rape or incest. If the consenting party is deceased, the identifying information from the sealed records, sealed adoption records or post-adoption records may be released to the adopted person, parents, siblings, lineal descendants or lineal ancestors of the adopted person.
6. No access to identifying information in any adoption record, sealed record, post adoption record or adoption assistance record shall be granted:
 - a) To any biological parent, pre-adoptive guardian, sibling, lineal descendant or lineal ancestor of a person under eighteen (18) years of age; or
 - b) To any parent or pre-adoptive guardian, a sibling, lineal ancestor, spouse or legal representative of the person whose rights were involuntarily terminated for cause in a termination of parental rights proceeding; or,
 - c) To any person(s) whom the sealed adoption record or the post adoption record indicate were guilty of a crime of violence or neglect involving the person who was placed for adoption or who was the subject of the termination of parental rights by court action or by surrender or parental consent.

C. Release of Non-Identifying Information Concerning Biological or Legal Family Records of Adoptions

1. A potentially eligible person or their legal representative seeking to secure release of non-identifying information shall file a written request with the Department either by letter or on form [CS-1026, Request Access to Sealed Adoption Record/Release of Information and Other Services](#).
2. Persons eligible to request and receive non-identifying information includes:
 - a) An adoptee eighteen (18) years of age or older; or emancipated.
 - b) The adoptive parents or guardian of an adoptee under eighteen (18) years of age.
 - c) The biological or legal relatives of the adoptee.
 - d) The lineal descendants of the adoptee; or,

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- e) The legal representatives of any person listed above.

Note: An alleged parent/relative is not eligible to receive non-identifying information.

3. The information released shall be limited to only the following:
 - a) The date and time of the birth and such person's weight and other physical characteristics at birth.
 - b) The age of the adoptee's biological relatives at the time of birth.
 - c) The nationality, ethnic background, race and religious preference of the biological or legal relatives.
 - d) The educational level of the biological or legal relatives, general occupation and any talents or hobbies.
 - e) A general physical description of the biological or legal relatives, including height, weight, color of hair, color of eyes, complexion and other similar information.
 - f) Whether the biological or legal parent had any other children, and if so, any available non-identifying information about such children; and
 - g) Available health history of the adoptee and the person's biological or legal relatives, including specifically, any psychological or psychiatric information that would be expected to have any substantial effect on the adoptee's mental or physical health.
4. No information from the sealed adoption record or post-adoption record is released that would lead to the discovery of the identity or whereabouts of the biological or legal relatives of the adoptee.

D. Medical Information

1. Any person may file a written request with the Department either by letter or on form [CS-1026, Request Access to Sealed Adoption Record/Release of Information and Other Services](#) to seek additional or updated information for a medically established need if documented by written evidence from a licensed health care professional or a licensed health care facility.

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2. The Department shall, at no charge, contact the persons who have access to, who have or may have knowledge of such information and request the persons contacted provide such information to the Department for transmittal to the treating professionals or health care facility of the requesting party.
3. Such information shall be provided to the Department by means of a specific release for a stated purpose and the release shall be time limited.
4. The Department shall update its post-adoption records with any medical, psychological or psychiatric information provided by an adoptive person or otherwise eligible person if the information is provided in the form of a letter or other written evidence from a licensed health care professional or from a licensed health care facility that explains the health care status of persons who may be affected and why the transmission of such information is necessary.
5. Upon receipt of the information, the Department shall, at no charge to any person listed:
 - a) Conduct a diligent search for a person or persons who may be affected.
 - b) If located, notify the applicable eligible persons of the availability and nature of this information; and,
 - c) Provide eligible persons instructions on how to formally request the information through the completion and submission of a written request or using form [CS-1026. Request Access to Sealed Adoption Record/Release of Information and Other Services](#).
 - d) Any and all new or updated information shall be maintained in the post- adoption record.
6. Any notification or request required to be made by the Department as part of a search to update medical information regarding an adoptee who is under age eighteen (18) shall be made with:
 - a) The adoptee legal parent(s);
 - b) Birth parents; or
 - c) The legal representative of any eligible party.

Note: Such parents or legal representative shall make decisions relative to release of information or provision of information pursuant to this section.

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E. Access to Adoption Records by DCS, Other State and Federal Authorities

1. All administrative requests for access to a sealed record and release of information from that record shall be filed in writing with the Access to Sealed Adoption Records Unit on the form [CS-1025, Administrative Request to Access Sealed Adoption Record and Release of Information](#). A copy of that written request is maintained in the sealed Adoption Record.
 - a) Upon its own request or in conjunction with a request from other state or federal authorities or pursuant to a court order, the Department may open an adoption record, sealed home study record, post-adoption record, adoption assistance record or limited record to:
 - ◆ Grant access to and provide a copy of the original birth certificate or any order or record of adoption of the adoptee which is in the custody of the Division of Vital Records;
 - ◆ Comply with the audit requirements of the Federal or State Adoption Assistance Program or an Adoption Assistance Grant.
 - ◆ Determine eligibility of any child for Adoption Assistance or the adjudication of a claim for assistance for any child in state custody or guardianship in association with the Department of Finance and Administration.
 - ◆ Determine eligibility of any adoptee or any person placed for adoption for any Federal, State, or other benefits or to provide to a Title IV-D Child Support office information necessary to verify the status of an adoption to determine a current or past child-support obligation or for terminating a future obligation for child support for children in state custody or guardianship in association with the Department of Finance and Administration.
 - ◆ Obtain any information concerning any person who:
 - ◆ Is placed in the custody or guardianship of the Department or any other agency or services provider of the state by any court; or
 - ◆ Is placed in the custody or guardianship of the Department or any other agency or services provider by the adoptee's parents; or
 - ◆ Who is placed with the Department or any other agency or service provider of the state due to any re-surrender of the adoptee to the Department by the adoptee's adoptive parents or the prospective adoptive parents.
 - ◆ Is the alleged victim of abuse or neglect. This information is limited to the information necessary to: assist in the determination of abuse or neglect; assist in the provision of services to address the impact of neglect or mitigate the risk of

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abuse or neglect.

- ◆ A legal case involving an adopted child is filed against the Department
- ◆ A district attorney general requests information necessary to investigate or prosecute child abuse or neglect.
- ◆ Provide any information necessary to the office of vital records to complete the birth certificate when the birth certificate in the adopted name was not issued; and
- ◆ Perform any necessary tasks related to preservation of the records.

2. After use of the records, they shall be re-sealed and returned to storage.

F. Processing Procedures

1. All written requests or completed forms requesting access or other services, accompanying documents, or payment of related fees are mailed to:

Tennessee Department of Children's Services
Post Adoption Records Unit
UBS Tower
315 Deaderick Street, 9th Floor
Nashville, Tennessee 37243

2. The written request or form must include the following information:

- a) Name, date of birth, residential address and email address, telephone number and original signature of the person requesting service;
- b) Information, including legal documents or affidavits, which establishes the person's legal relationship to a person involved in the adoption or which otherwise establishes the person's right to request access;
- c) Any other information the Department requires to establish the person's identify;
- d) If the information in the written request does not establish the person's right to have access to the records, the Department searches available sealed adoption records, and post-adoption records including those of other alleged siblings, for information which may establish the person's right to access.

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3. Requests are processed in the order of receipt unless the Department, in its sole discretion, determines that life threatening or medically terminal circumstances involving the requesting party warrant taking a particular request out of order.
4. No authorization for access to records shall be processed or copies of records provided until the required fees have been paid or fee related documents have been received unless the Department, in its sole discretion, determines that life threatening or medically terminal circumstances involving the requesting party warrant processing.
7. When a request is made and no sealed record or sealed adoption record has been registered with the Department, the Department notifies the requestor of this information. If additional information is obtained that may lead to the location of a record, the Department assists in searching for the record and notifies the requestor of the outcome of the search.
8. Home studies pertaining to foster and/or adoptive parent and/or information relating to counseling of a biological mother regarding crisis pregnancy counseling are removed prior to review and/or copying of the record for the eligible person.
9. When the Department denies access to the records requested, the requesting party will be notified, provided the instructions for the process of appeal, and includes [CS-0403, Appeal for Fair Hearing](#).

G. Fees

1. Fees for Services
 - a) Access
 - ◆ \$150.00 Initial Request for Access
 - ◆ \$50.00 For Each Re-Order of a Record After the Initial Request
 - ◆ \$50.00 for providing access to a Post-Adoption Record
 - ◆ \$.25 per page for costs of copying any records requested
 - ◆ \$50.00 Letter of Authorization After the Initial Request
 - b) Non-Identifying Information
 - ◆ \$45.00 Initial Written Request for records

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- c) Updated Medical Information
 - ◆ No charge
2. Payments for services shall be directed to the address in Section G above. Payments by mail may be made by personal check, cashier's check or money order payable to the Department of Children's Services. Cash is accepted only when hand-delivered to the Records Access Services Unit upon appointment. Currently, the Department is unable to process fees by any other payment form.
3. Fee Waiver
 - a) Fees can be waived for services provided under circumstances as outlined in this section.
 - b) A fee waiver is considered upon request of the individual applying for services.
 - c) Individuals are eligible for fee waivers if the person currently receives:
 - ◆ Families First or Temporary Assistance for Needy Families (TANF) or any other means-tested case assistance program;
 - ◆ Food stamps 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; or
 - ◆ Any other means-tested program where the person would fall below Federal Poverty Guidelines as published in the Federal Register.
4. The person requesting the fee waiver is required to provide written verification of current eligibility for any of the above designated programs from the administering agency.
5. Young adults ages 18-23 receiving Bright Futures Services will have all fees waived.
6. If the person does not receive any means-tested programs or cannot show verification of eligibility of a means-tested program they do receive, the person can submit an Affidavit of Income and Resources for Waiver of Sealed Record Fees, which is a sworn declaration of the source and amount of income and resources, for consideration. If the sworn affidavit reflects

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the person's family unit income as below the current threshold in the Federal Register and the family unit's non-exempt resources does not exceed \$1,000, the fee for specific services requested is waived.

7. All fee related documents shall be mailed to the address listed in Section G above.

Forms:

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

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

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

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