

**RULES  
OF  
TENNESSEE DEPARTMENT OF CHILDREN'S SERVICES  
SOCIAL SERVICES DIVISION**

**CHAPTER 0250-7-11  
RELEASE OF NON-IDENTIFYING INFORMATION FROM RECORDS OF ADOPTIONS AND  
TRANSMITTAL OF MEDICAL INFORMATION REGARDING CERTAIN PERSONS AFFECTED BY  
ADOPTIONS**

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**0250-7-11-.01 PURPOSE OF CHAPTER.**

- (1) The purpose of this chapter is to provide, in compliance with Tennessee Code Annotated, §§ 36-1-133, 36-1-134, 36-1-135 and Public Chapter 1054 (1996), procedures for release of non-identifying information and transmission of updated medical information relating to adoptions of certain persons whose records are maintained by the Department of Children's Services as sealed records, sealed adoption records, or as post-adoption records.

**Authority:** T.C.A. §§ 37-5-105, 36-1-101 et seq., Chapter 13 of Public Chapter 1079 (1996), and Public Chapter 1054 (1996). **Administrative History:** Original rule filed September 7, 2001; effective November 21, 2001.

**0250-7-11-.02 DEFINITIONS.**

- (1) Adopted Person:
  - (a) Any person who is or has been adopted under this part or under the laws of any state, territory, or foreign country.
  - (b) For purposes of the processing and handling of, and access to, any adoption records, sealed adoption records, sealed records, post-adoption records, or adoption assistance records pursuant to this part, this term shall also include a person for whom any of those records is maintained by the court, other persons or entities or persons authorized to conduct a surrender or revocation of surrender pursuant to this part, or which records are maintained by the Department, a licensed or chartered child-placing agency, a licensed clinical social worker, or the Department of Health or other information source, whether an adoption petition was ever filed, whether an adoption order was ever entered, whether the adoption was ever dismissed, whether the adoption was ever finalized, or whether the adoption was attempted or was otherwise never completed due to the abandonment of any necessary activity related to the completion of the adoption.
  - (c) Whenever used, the term "adopted person" shall mean persons in subparagraphs (a) and (b).
- (2) Adoption - The social and legal process of establishing by court order, other than by paternity or legitimation proceedings or by voluntary acknowledgment of paternity, the legal relationship of parent and child.
- (3) Adoption Record - The records, reports, and papers, including those of termination of parental rights or adoption proceeding, maintained about an adopted person by the clerk or judge of the court where the adoption petition is filed, where a surrender or revocation of a surrender is filed, or by the state, district

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or county offices of the Department, or by a licensed or chartered child-placing agency, or by any other information source and which record contains all social, medical, legal or other information concerning a person who has been placed for adoption or for an adopted person, and which existed prior to its becoming a sealed record or a sealed adoption record; provided, however, that the adoption record shall not include any home study or preliminary home study or any information obtained by the Department, a licensed child-placing agency, a licensed clinical social worker, or an attorney in connection with a home study or adoption proceeding other than that which is expressly included in a report to the court by such persons. Information relating to the counseling of a biological mother regarding crisis pregnancy counseling shall not be included in the adoption record for purposes of release pursuant to this part without a court order pursuant to T.C.A. § 36-1-138.

- (4) Adoptive Parent(s) - The person(s) who have been made the legal parent(s) of a child by the entry of an order of adoption under the provisions of the law of any state, territory or foreign county.
- (5) Agency Care - The chartered agency, the Department, or Tennessee licensed child placing agency which provided foster care services to the child and who may have placed the child for the purpose of adoption.
- (6) Alleged Parent - A person who was named or described in the sealed record or the sealed adoption record as parent of the adopted person, but who does not otherwise meet the definition of biological parent pursuant to these rules.
- (7) Biological Parent(s) - Based on a birth certificate, a court order, an unqualified surrender of parental rights, or based on an unqualified acknowledgment of parenthood, or any other document contained in the sealed record or the sealed adoption records the person(s) identified as the birth parent(s) who genetically conceived the adopted person. The information in the sealed records, adoption records, and sealed adoption records must be consistent as to the identity of the biological parent.
- (8) Biological Relative - The biological parents or child, the brothers and sisters of the whole or half blood, the blood grandparents of any degree, the blood aunts or uncles, or the blood cousins of the first degree of an adopted person or person for whom any adoption records, sealed record, sealed adoption record or post-adoption records are maintained.
- (9) Chartered Child-Placing Agency - For purposes of this Chapter, an agency which had received a charter from the State of Tennessee through legislative action or by incorporation for the operation of an entity or a program of any type which engaged in the placement of children for foster care or residential care as part of a plan or program for which those children were or could have been made available for adoptive placement and which may have, at sometime during its existence, become subject to any licensing requirements by the Department or its predecessors.
- (10) Child - Any person under eighteen (18) years of age.
- (11) Court - The chancery, circuit, or former county courts, or other courts in Tennessee which have or may have possessed adoption jurisdiction at anytime.
- (12) Court Report - The report to the adoption or surrender court in response to an order of reference which describes to the court the status of the child and the prospective adoptive parents or the persons to whom the child is surrendered. Such a report may be preliminary, supplementary, or final in nature. The court report shall not include the home study or preliminary home study, but instead shall include a summary of such study.
- (13) Department - The Tennessee Department of Children's Services or any of its divisions or units.

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- (14) Department of General Services - The state executive branch agency which maintains the State's records management center and in which the sealed records or adoption records are stored.
- (15) Department of Health - The state executive branch agency which administers the Division of Vital Statistics, which Division maintains records of births.
- (16) Eligible Person - A person who is verified by the Department as being in the class of individuals who is permitted by this Chapter to receive non-identifying information and updated medical information.
  - (a) For purposes of Tennessee Code Annotated, § 36-1-133, release of non-identifying information, eligible persons are an adopted person eighteen (18) years of age or older, the adoptive parents or guardian of an adopted person under eighteen (18) years of age, the biological or legal relatives of an adopted person, the lineal descendants of the adopted person, or the legal representatives of such persons.
  - (b) For purposes of § 36-1-135 concerning transmission of updated medical information, eligible persons are an adopted person age eighteen (18) or older, the adoptive parents of an adopted person under eighteen (18) years of age, any biological or legal relative of an adopted person, or the legal representative of any adopted person or of any biological or legal relative.
  - (c) The alleged parent/relative is not an eligible person for transmittal of updated medical information or to receive non-identifying information.
- (17) Family Unit - A group of two or more persons residing together who are related by blood, marriage, or adoption. A person whose work, study, treatment or care results in only temporary, periodic, or otherwise time-limited absence from the family unit shall be deemed to be a member of the family unit to which he or she usually returns to reside at the end of such absences. Any person who receives 50% or more of his or her support, in cash or in-kind, from persons to whom he or she is related by blood, marriage or adoption shall, for purposes of income and resource determination, also be deemed to be a member of the family unit which contributes the greatest percentage of such support.
- (18) Foster Care - The provision of full-time temporary out-of-home care for a child in a private residence by one or more persons (foster parents) who have been trained and approved by the Department or a licensed child-placing agency to care for children who, for various reasons, can no longer remain in their own home, or the full-time care provided by prospective adoptive parents who have received a child as a result of the surrender of parental rights, a parental consent, or as the result of a termination of parental rights.
- (19) Guardian or Co-Guardian - A person or persons or an entity, other than the parent of a child, appointed by a court or defined by law specifically as "guardian" or "co-guardian" or "conservator" to provide supervision, protection for and care for the person or property or both, of a child or adult. This may also include the Department, a licensed child placing agency or a child caring agency.
- (20) Health Care - For purposes of this Chapter, the provision as a person or entity of medical, surgical, hospital, psychiatric, or psychological care which is subject to the requirements of licensing by any state, territory or foreign country.
- (21) Health Care Facility - For purposes of this Chapter, a place or entity which meets the licensing requirements of any state, territory or foreign country for the provision of health care and which is providing medical, surgical, hospital, psychiatric, psychological or clinical care to a person affected by the provisions of this Chapter.

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- (22) Health Care Professional - For purposes of this Chapter, an individual who is licensed by any state, territory or foreign country to administer health care to a person, and who is a treating physician, psychologist, or psychiatrist of a person about whom medical information may be needed and who is affected by the provisions of this Chapter.
- (23) Home Study - The product of a preparation process in which individuals or families are assessed by themselves and the Department or licensed child-placing agency, or a licensed clinical social worker as to their suitability for adoption and their desires with regard to the child they wish to adopt. The home study shall conform to the requirements set forth in the rules of the Department and becomes a written document which is used in the decision to approve or deny a particular home for adoptive placement. The home study shall be confidential, and at the conclusion of the adoption proceeding shall be forwarded to the department to be kept under seal pursuant to § 36-1-126, and shall be subject to disclosure only upon order entered pursuant to § 36-1-138.
- (24) Identifying Information - Any information contained in a adoption record, sealed record, sealed adoption record, or post-adoption record not permitted to be released pursuant to T.C.A. § 36-1-133(b)(1)-(7).
- (25) Legal parent:
  - (a) The biological mother of a child;
  - (b) A man who is or has been married to the biological mother of the child if the child was born during the marriage or within 300 days after the marriage was terminated for any reason, or if the child was born after a decree of separation was entered by a court;
  - (c) A man who attempted to marry the biological mother of the child before the child's birth by a marriage apparently in compliance with the law, even if the marriage is declared invalid, if the child was born during the attempted marriage or within 300 days after the termination of the attempted marriage for any reason;
  - (d) A man who has been adjudicated to be the legal father of the child by any court or administrative body of this State or any other state or territory or foreign country or who has signed, pursuant to §§ 24-7-118, 68-3-203(g), 68-3-302 and 68-3-305(b), an unrevoked surrender and sworn acknowledgment of paternity under the provisions of Tennessee law, or who has signed a sworn acknowledgment pursuant to the law of any other state, territory, or foreign country; or
  - (e) An adoptive parent of a child or adult.
- (26) Legal relative - The person who is included in the class of persons set forth in the definition of "biological relative" or "legal parent", and who, at the time a request for search services or information is made pursuant to §§ 36-1-133 and 36-1-135, is related to the adopted person by any legal relationship established by law, court order, or by marriage, but specifically includes, in addition, a step-parent.
- (27) Legal Representative:
  - (a) The conservator, guardian, legal custodian, or other person or entity with legal authority to make decisions for an individual with a disability, or an attorney-in-fact, an attorney-at-law representing a person for purposes of obtaining information pursuant to this part, or the legally appointed administrator, executor, or other legally appointed representative of a person's estate, or

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- (b) Any person acting under any durable power of attorney for health care purposes or any person appointed to represent a person and acting pursuant to a living will.
  - (c) For purposes of this definition, “disability” means that the individual is a minor pursuant to any state, territorial, or federal law, or the law of any foreign country or that the individual has been determined by any such laws to be in need of a person or entity to care for the individual due to that individual’s physical or mental incapacity or infirmity. Such a person shall exhibit to the Department’s satisfaction such authority.
  - (d) Authority to act on behalf of an individual shall be presented to the Department by way of certified copies of orders or powers, or signed statements authorizing representation by attorneys at law.
- (28) Licensed or chartered child-placing agency - Any agency operating under a license to place children for adoption issued by the Department, any other state, territory or the District of Columbia or any agency which operates under the authority of another country with the right to make placement of children for adoption and which has in the Department's sole determination, been authorized to place children for adoption in this state
- (29) Lineal ancestor - Any degree of grandparent or great-grandparent, either by birth or adoption.
- (30) Licensed Clinical Social Worker - An individual who holds a license as an independent practitioner from the board of social worker certification and licensure pursuant to T.C.A. § 63-23-101 et. seq. and in addition, is licensed by the Department to provide foster care placement services and adoption placement services.
- (31) Lineal descendant - A person who descended directly from another person who is the biological or adoptive ancestor of such person, such as the daughter of her mother or granddaughter of her grandmother.
- (32) Non-Identifying Information
- (a) Non-identifying information released from the sealed record, sealed adoption record or post-adoption record maintained by the Department shall consist only of the following:
    - 1. The date and time of the birth of the adopted person and such person’s weight and other physical characteristics at birth;
    - 2. The age of the adopted person’s biological relatives at the time of such person’s birth;
    - 3. The nationality, ethnic background, race, and religious preference of the biological or legal relatives;
    - 4. The educational level of the biological or legal relatives, general occupation, and any talents or hobbies.
    - 5. A general physical description of the biological or legal relatives, including height, weight, color of hair, color of eyes, complexion, and other similar information;
    - 6. Whether the biological or legal parent had any other children, and if so, any available non-identifying information about such children;

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7. Available health history of the adopted person, and his or her biological or legal relatives, including specifically, any psychological or psychiatric information which would be expected to have any substantial effect on the adopted person's mental or physical health.
  - (b) No information shall be released from the sealed record, sealed adoption record or post-adoption record maintained by the Department which would be calculated to lead to the discovery of the identity or whereabouts of the adopted person or the adopted person's biological or legal relatives.
  - (c) Whenever the Department releases information pursuant to the provisions of this section and it appears from the record that the adopted person who has sought information has been adopted two (2) or more times, the Department shall specify to the adopted person whether the information released pertains to the adopted person's birth parents or to any intervening adoptive parent(s).
- (33) Parent(s) - Any biological, legal, adoptive parent, or for purposes of T.C.A. §§ 36-1-133 and 135, step-parents. "Step parent" shall mean the current husband or wife of the adopted person's biological or adoptive parent.
- (34) Post-Adoption Unit - The unit in the state office of the Department responsible for maintaining post-adoption records and search requests and for reviewing and opening or approving the opening of adoption records, sealed records, sealed adoption records, post-adoption records or adoption assistance records pursuant to Title 36, Chapter 1, Part 1 of the Tennessee Code Annotated.
- (35) Post-Adoption Record:
- (a) The record maintained in any medium by the Department, separately from the sealed record or sealed adoption record and subsequent to the sealing of an adoption record or which is maintained about any sealed record or sealed adoption record. The post-adoption record contains information, including, but not limited to, adopted persons or the legal or biological relatives of adopted persons, or about persons for whom sealed records or sealed adoption records are maintained, or about persons who are seeking information about adopted persons, or persons on whom a sealed record or sealed adoption record is maintained, and the post-adoption record contains information concerning, but not limited to, the Contact Veto Registry established by this part, the written inquiries from persons requesting access to records, the search efforts of the Department pursuant to the requirements of the Contact Veto process, the response to those search efforts by those persons sought, information which has been requested to be transmitted from or on behalf of any person entitled to access to records pursuant to this part, any updated medical information gathered pursuant to this part, court orders related to the opening of any sealed adoption records or sealed records, and personal identifying information concerning any persons subject to the provisions of this part.
  - (b) The limited record maintained by the licensed or chartered child-placing agency or a licensed clinical social worker pursuant to T.C.A. § 36-1-126(b)(2), which indicates the child's date of birth, the date the agency received the child for placement, from whom the child was received and such person's last known address, with whom the child was placed and such person's or entity's last known address, and the court in which the adoption proceeding was filed and the date the adoption order was entered or the adoption petition dismissed.
  - (c) This record is confidential and shall be opened only as provided by T.C.A §§ 36-1-101 et seq. and this Chapter.

(Rule 0250-7-11-.02, continued)

- (36) Record - Unless the context otherwise requires, any paper, report, document, or photograph, or other medium of preservation of information. For purposes of this Chapter, a record which may be available to an eligible person shall not include the remaining names of other persons on a list, log, or roll maintained by the Department or any other entity who are not, as determined by the Department, a part of the eligible person's request for service.
- (37) Resources - For purposes of these rules, resources shall include only the following assets of the requesting person or any member of his or her family unit:
- (a) Cash;
  - (b) Accounts in financial institutions, certificates of deposits, or any other evidence of financial assets;
  - (c) Stocks;
  - (d) Bonds;
  - (e) Securities;
  - (f) Cash value of life insurance policies;
  - (g) Notes receivable;
  - (h) The equity value of any real property which is not the primary home, farm, or business operation of the family unit;
  - (i) The equity value of any vehicles owned by the adopted person, his or her siblings, or lineal descendants, or members of the family unit in excess of one vehicle per member of the family unit;
  - (j) The equity value of personal property of the family unit, in addition to subparagraphs (a)-(g) which exceeds \$10,000; and
  - (k) All assets which are shown to be pledged as security for loans or mortgages shall be excluded from countable resources.
- (38) Sealed Adoption Record:
- (a) The adoption record as it exists subsequent to its transmittal to the Department, or subsequent to its sealing by the court, pursuant to the requirements of T.C.A. § 36-1-126, or
  - (b) The limited record maintained by the licensed or chartered child-placing agency or a licensed clinical social worker pursuant to T.C.A. § 36-1-126(b)(2).
  - (c) This record is confidential and shall be opened only as provided by T.C.A §§ 36-1-101 et seq. and this Chapter.
  - (d) The sealed adoption record shall not, for purposes of release of the records pursuant to T.C.A. § 36-1-127 through 36-1-141 be construed to permit access, without a court order pursuant to T.C.A. § 36-1-138, to home studies or preliminary home studies or any information obtained by the Department, a licensed or chartered child-placing agency, a licensed clinical social worker, or other family counseling service, a physician, a psychologist, or member of the clergy, an attorney

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or other person in connection with a home study or preliminary home study as part of an adoption or surrender or parental consent proceeding or as part of the evaluation of prospective adoptive parents, other than those studies which are expressly included in a report to the court by such entities or persons. Information relating to the counseling of a biological mother regarding crisis pregnancy counseling shall not be included in the adoption record for purposes of release pursuant to this part without a court order pursuant to T.C.A. § 36-1-138.

- (39) Sealed record:
- (a) Any records, reports or documents which are maintained at anytime by a court, a court clerk, a licensed or chartered child-placing agency, licensed clinical social worker, the Department, the Department of Health, or any other information source concerning the foster care or agency care placement, or placement for adoption, of a person by any branch of the Tennessee Children's Home Society authorized by Public Chapter 117(1919); or
  - (b) Any records, reports or documents maintained by a judge, a court clerk, the Department, a licensed or chartered child-placing agency, a licensed clinical social worker, the Department of Health, or any other information source which consists of adoption records or information about an adoption proceeding or a termination of parental rights proceeding about an adopted person, or which contain information about a person who was placed for adoption but for whom no adoption order was entered or for whom an adoption proceeding was dismissed or for whom an adoption was not otherwise completed, or which contain information concerning persons in the care of any person or agency, and which records have otherwise been treated and maintained by those persons or entities under prior law, practice, policy, or custom as confidential, non-public adoption records, sealed adoption records, or post-adoption records of the person, or which may be otherwise currently treated and maintained by those persons or entities as confidential, non-public adoption records, sealed adoption records or post-adoption records of the person; or
  - (c) The limited record maintained by the licensed or chartered child-placing agency or a licensed clinical social worker pursuant to § 36-1-126(b)(2).
- (40) Sibling - Anyone having a sibling relationship.
- (41) Sibling relationship - The biological or legal relationship between persons who have a common biological or legal parent.
- (42) Unit of Service - As used in this Chapter, a unit of service shall consist of the process required to open each record necessary to fulfill the request for a service. The fee for service charged pursuant to Section 0250-1-2-.04 shall be applied to each unit of service as stated in Section .04.
- (43) Verification - The process of determining the correct identity and relationship of a person who seeks non-identifying information, or to update or transmit medical information and shall include any information contained in paragraph 44, and may include any other information satisfactory to the Department necessary to determine the person's status as an eligible person.
- (44) Written request - An inquiry made in writing by a potentially eligible person or their legal representative seeking information from the records of an adopted person. Such request must be by letter with the original signature of the person making the request and shall include the following:
- (a) Name, date of birth, address and telephone number 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 (adopted person, birth/adoptive/legal parent of



(Rule 0250-7-11-.02, continued)

the adopted person, birth or adoptive siblings, lineal descendant of the adopted person, birth or legal grandparents of any degree, birth or legal aunts and uncles of any degree, birth or legal first cousin, or the legal representatives of any person listed above);

- (c) Any other information the Department requires to establish the person's identity;
- (d) If the information in the written request does not establish the person's right to have access to the information, the Department will search the sealed adoption records, sealed records and post-adoption records, including those of other alleged siblings, if available, for information which may establish the person's right to have such access as an eligible person.

*Authority:* T.C.A. §§ 37-5-105, 36-1-101 et seq., Section 13 of Public Chapter 1079 (1996), and Public Chapter 1054 (1996). *Administrative History:* Original rule filed September 7, 2001; effective November 21, 2001.

**0250-7-11-.03 PROCEDURES FOR RELEASE OF NON-IDENTIFYING INFORMATION AND/OR TRANSMITTAL OF UPDATED MEDICAL INFORMATION.**

- (1) A person seeking information pursuant to this Chapter shall file a written request with the Department's Post-Adoptions unit in care of:

Tennessee Department of Children's Services  
Post-Adoption Services  
436 Sixth Avenue North  
Nashville, TN 37243-1290

- (2) Requests for non-identifying information or transmittal of updated medical information will be processed on a first come, first serve basis in the order of receipt and after all other pending requests, 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, which reason shall be noted in the post-adoption record.
- (3) Establishment of Eligibility:
  - (a) Records may be opened by the Department to determine relationship of the adopted person and other eligible persons requesting access to the records.
  - (b) Proof of relationship may be shown by any satisfactory evidence to the Department.
  - (c) The Post-Adoption unit staff will review all records to verify the individual's identity and relationship to the adopted person and to determine eligibility of the person requesting to have non-identifying information from the record, or to update or transmit medical information.
  - (d) If relationship, verification of identity, or other facts necessary to permit release of non-identifying information or transmittal of medical information cannot be determined from any information made available to the Department, or if other circumstances pursuant to these rules, including denial of a fee waiver, require, then the person requesting service shall be notified by the Department that the request for service has been denied, the person shall be notified of the basis of denial in writing and the person may request a fair hearing pursuant to the Department's rules.
- (4) Non-identifying Information:

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- (a) When non-identifying information is noted in the record about an alleged birth parent/relative, the information will be released. Such information will be noted that the record only establishes an alleged relationship of parent or relative and the record does not, otherwise, establish any other relationship.
  - (b) Non-identifying information from sealed records, sealed adoption records or post-adoption records shall be granted by the Department to an eligible person as provided pursuant to this Chapter when such person's identity has been verified and such records exist. Non-identifying information from the home study will not be released.
  - (c) No request for non-identifying information shall be processed or provided until the fees required by 0250-1-2-.04 have been paid or a fee waiver determination required by 0250-1-2-.04 has been completed unless the Department shall determine, in its sole discretion, that access should be provided prior to payment of the fee or the fee waiver determination because of a life threatening medical emergency affecting the health, safety, or welfare of any person(s) or because of a medically terminal circumstance involving the requesting party.
  - (d) Non-identifying information is available for an adopted person under 18 years of age by request of the adoptive parent or legal representative of the adopted person.
  - (e) The alleged parent/relative is not an eligible person to receive non-identifying information.
- (5) Transmittal of Updated Medical Information:
- (a) Pursuant to T.C.A. § 36-1-135, transmittal of updated medical information for eligible persons shall be provided by the Department at no charge.
  - (b) Updated medical information shall be transmitted by the Department to affected eligible persons when such person's identity has been verified and such records exist, provided that such information is in the form of written evidence from a licensed health care professional or from a licensed health care facility which explains the health care status of an eligible person and why the transmission of such information is necessary.
  - (c) No updated medical information will be transmitted on behalf of persons who do not meet eligibility requirements.
  - (d) When the records do not contain sufficient information to identify eligible individuals the Department will not conduct a search to update or transmit medical information.
  - (e) If the records indicate there are eligible individuals to or from whom the medical information should be transmitted, but the record does not establish their identity, the birth mother will be the source of information used to identify and locate these persons.
  - (f) The alleged parent/relative is not an eligible person for transmittal of updated medical information.
  - (g) Transmittal of updated medical information concerning a person under age eighteen (18) shall be made with the adoptive or legal parent or with the legal representative of the person.
  - (h) Transmittal of information shall be provided to the Department by means of a specific release for a stated purpose and the release shall be for a time period of four (4) months from the date the release is signed.(See Appendix).

(Rule 0250-7-11-.03, continued)

- (i) If any eligible person seeks additional or updated information for a medically established need as determined by written evidence from a licensed health care professional or a licensed health care facility pursuant to the requirements the Department shall contact the persons who have access to or who have or may have knowledge of such information and shall request the persons so contacted to provide such information to the Department for transmittal to the treating professionals or health care facility of the requesting party.
- (j) Critical medical information (with identifying information deleted) provided by a licensed health care professional or a licensed health care facility will be shared when this information would assist in responding to a request.
- (k) When transmittal of updated medical information is sought, the identities of any individual will not be released.

*Authority:* T.C.A. §§ 37-5-105, 36-1-101 et seq., Section 13 of Public Chapter 1079 (1996), and Public Chapter 1054 (1996). *Administrative History:* Original rule filed September 7, 2001; effective November 21, 2001.

**0250-7-11-.04 FEES AND CHARGES FOR NON-IDENTIFYING INFORMATION.**

- (1) The fee for processing an initial written request for records pursuant to this Chapter shall be \$45.00.
- (2) Fee Waiver
  - (a) Fee waiver determinations will be made only upon request of the individual after notice by the Department of the fee requirement following receipt of the person's written request.
  - (b) No fee will be charged to any person who receives, or whose family unit currently receives, Temporary Assistance for Needy Families (TANF) or any other means-tested cash assistance program which may replace TANF, or Food Stamps or any other means-tested food assistance program which may replace the Food Stamp program, or if the person currently receives Medicaid or TennCare which is based upon a means test which places the person below Federal Poverty Guidelines as published in the Federal Register, or if the person receives any other means-tested medical assistance program which is based upon a means test which places the person below Federal Poverty Guidelines as published in the Federal Register, or if the person currently receives Supplemental Security Income (SSI) under Title XVI of the Social Security Act.
  - (c) The person requesting the fee waiver will be required to provide written verification of current eligibility for any of the above designated programs from the administering agency.
  - (d) If the person cannot show such verification of eligibility under the above programs, the person requesting the fee waiver will be required to complete a sworn declaration of the source and amount of income and resources on a form provided by the Department. If the person's family unit's income, based upon its size, does not exceed the current threshold level of income in the Federal Poverty Guidelines as published periodically in the Federal Register and if the family unit's non-exempt resources do not exceed \$1,000, the fee for search will be waived.
- (3) Payments for release of non-identifying information shall be made to the Fiscal Services Section of the Department of Children's Services, at the address given by the Department. Payments by mail may be made by personal check, cashier's check, or money order payable to the Department of Children's Services at this address. Cash will be accepted only when hand-delivered to the Fiscal Services Section at the address given by the Department.

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- (4) All fees or other charges shall be deposited with the State Treasurer in accordance with the provisions of T.C.A. § 9-4-301.
- (5) Fees for service will be charged for each service requested on behalf of, or by each individual who requests service.

**Authority:** T.C.A. §§ 37-5-105, 36-1-101 et seq., Section 13 Public Chapter 1079 (1996), and Public Chapter 1054 (1996). **Administrative History:** Original rule filed September 7, 2001; effective November 21, 2001.

**0250-7-11.05 APPENDIX-FORMS**

- (1) The following form is used when a request for medical information is 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 pursuant to T.C.A. § 36-1-135, and the Department of Children’s Services, is contacting the persons who have access or who may have access to those records.
- (2) This information shall be confidential and shall only be disclosed as provided by T.C.A. § 36-1-101 et seq.
- (3) Form:

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  
OF ADOPTIONS AND TRANSMITTAL OF MEDICAL INFORMATION  
REGARDING CERTAIN PERSONS AFFECTED BY ADOPTIONS

CHAPTER 0250-7-11

(Rule 0250-7-11-.05, continued)

- 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: \_\_\_\_\_

**Authority:** T.C.A. §§ 37-5-105, 36-1-101 et seq., Section 13 of Public Chapter 1079 (1996), and Public Chapter 1054 (1996). **Administrative History:** Original rule filed September 7, 2001; effective November 21, 2001.