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SENATE BILL 1738

By Rose

AN ACT to amend Tennessee Code Annotated, Title 37, relative to the Tennessee Foster and Adoptive Parent Protection Act.

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

SECTION 1. Tennessee Code Annotated, Title 37, is amended by adding the following as a new chapter 6:

37-6-101.

This chapter is known and may be cited as the "Tennessee Foster and Adoptive Parent Protection Act."

37-6-102.

(a) The department of children's services shall not require a current or prospective adoptive or foster parent ("parent") to affirm, accept, or support any government policy regarding sexual orientation or gender identity that conflicts with the parent's sincerely held religious or moral beliefs.

(b) The department shall not deny a parent's eligibility to foster or adopt based, in whole or in part, upon the parent's sincerely held religious or moral beliefs regarding sexual orientation or gender identity.

(c) The department shall not establish or enforce a standard, rule, or policy that precludes consideration of a parent for a placement based, in whole or in part, upon the parent's sincerely held religious or moral beliefs regarding sexual orientation or gender identity. Such beliefs do not create a presumption that any particular placement is contrary to the best interest of the child.

37-6-103.

(a) This chapter does not preclude the department from considering the religious or moral beliefs of an adoptive or foster child, or their family of origin, when determining the most appropriate placement for that child.

(b) This chapter must be read in harmony with the duty of the department to make placements consistent with the best interests of the child, pursuant to chapter 2 of this title.

(c) An action taken by a parent that is protected by this section does not give rise to a claim or cause of action against the parent. If a parent's rights are violated under this chapter, then the parent may bring a civil action for injunctive relief, compensatory damages, reasonable attorney's fees, court costs, and expenses in a judicial or administrative proceeding. A parent may also raise a defense under this chapter in a judicial or administrative proceeding.

SECTION 2. If any provision of this act or the application of any provision of this act to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 3. This act takes effect July 1, 2024, the public welfare requiring it.